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BANGLA DESH AND PAKISTAN'S AGGRESSION ON INDIA

[We give below relevant excerpts from the statements made by the Prime Minister, Shrimati Indira Gandhi in the Lok Sabha on Pakistan's aggression, recognition of Bangla Desh, surrender of Pakistan's armed forces and India's cease-fire announcement. —Editor.]

Prime Minister's Statement on December 4, 1971 regarding Attack by Pakistan

This morning, according to the news, the Government of West Pakistan have declared war upon us. Last evening the West Pakistan Air Force violated our air space wantonly and attacked a large number of our air fields. Simultaneously, their ground forces shelled our positions along the Western border. Their propaganda media have made a totally baseless allegation that India had launched an attack and assault.

For over nine months, the military regime of West Pakistan has barbarously trampled upon freedom and basic human rights in Bangla Desh. The Army of occupation has committed heinous crimes unmatched for their vindictive ferocity. Many millions have been uprooted, and ten millions have been pushed into our country.

We repeatedly drew the attention of the world to this annihilation of a whole people and to this menace to our security. Everywhere the people showed sympathy and understanding for the economic and other burdens and the danger to India. But Governments seemed morally and politically paralysed. Related efforts to persuade the Islamabad regime to take some steps which could lead to a lasting solution fell on deaf ears.

The wrath of the West Pakistan Army has been aroused because the people of Bangla Desh have stood and struggled for values which the Army is unable to comprehend and which it has suppressed in every province of Pakistan. As the *Mukti Bahini's* effectiveness increased, the West Pakistan Army became more desperate. Our tradition is to stand not with tyrants, but with the oppressed and so the anger has been turned upon us.

West Pakistan has escalated and enlarged the aggression against Bangla Desh into full war against India. War needs as much patience

and self-restraint as does peace. The military regime of West Pakistan will go all out to sow suspicion and rumours in the hope of fomenting communal tension and internal trouble. Let us not be taken in by their designs. We must maintain unity and a sense of high purpose.

We should be prepared for a long struggle. High production, agricultural and industrial, is the foundation upon which defence rests. The courage and the fighting capability of the Jawan had to be backed by the dedication of the farmer, the worker, the technician and the trader.

The business community has a special responsibility to resist the temptation to hoard or to charge higher profit. Artists, writers, teachers and students—the nation looks to them to defend our ideals and to keep high our morale. To the women of our country I make a special appeal to save every possible grain and rupee and to avoid waste. The sacrifice of each of us will build the nation's strength and enduring power.

We have stood for peace, but peace itself has to be defended. Today, we are fighting to safeguard our territorial integrity and national honour. Above all, we are fighting for the ideals we cherish and the cause of peace.

**Prime Minister's Statement on December 6, 1971 regarding
Recognition of Bangla Desh**

The valiant struggle of the people of Bangla Desh in the face of tremendous odds has opened a new chapter of heroism in the history of freedom movements.

Earlier, they had recorded a great democratic victory in their elections and even the President of Pakistan had conceded the right of Sheikh Mujibur Rahman to become Prime Minister of Pakistan. We shall never know what intervened to transform this benevolent mood and realistic approach, if it really was that, to deception and the posture of open hatred.

... Sheikh Mujibur Rahman and his party, the Awami League, had planned a non-violent movement of resistance to the Government of West Pakistan. But they were caught unawares and overtaken by a brutal military assault. They had no alternative but to declare for independence. The East Pakistan Rifles and East Bengal Regiment became the *Mukti Fauj* and later the *Mukti Bahini*, which was joined by thousands of young East Bengalis determined to sacrifice their lives for

freedom and the right to fashion their future. The unity, determination and courage with which the entire population of Bangla Desh is fighting have been recorded by the world Press.

These events on our door step and the resulting flood of refugees into our territory could not but have far-reaching repercussions on our country. It was natural that our sympathy should be with the people of Bangla Desh in their just struggle. But we did not act precipitately in the matter of recognition. Our decisions were not guided merely by emotion but by an assessment of prevailing and future realities.

With the unanimous revolt of the entire people of Bangla Desh and the success of their struggle it has become increasingly apparent that the so-called mother State of Pakistan is totally incapable of bringing the people of Bangla Desh back under its control. As for the legitimacy of the Government of Bangla Desh, the world is now aware that it reflects the will of the overwhelming majority of the people, which not many governments can claim to represent. In Jefferson's famous words to Governor Morris, the Government of Bangla Desh is supported by the "life of the nation, substantially expressed". Applying this criterion, the Military regime in Pakistan, whom some States are so anxious to buttress, is hardly representative of its people even in West Pakistan.

Now that Pakistan is waging war against India, the normal hesitation on our part not to do anything which could come in the way of a peaceful solution, or which might be construed as intervention, has lost significance. The people of Bangla Desh battling for their very existence and the people of India fighting to defeat aggression now find themselves partisans in the same cause. . . .

In the light of the existing situation and in response to the repeated requests of the Government of Bangla Desh, the Government of India have after the most careful consideration, decided to grant recognition to the *Gana Praja Tantri Bangla Desh*.

It is our hope that with the passage of time more nations will grant recognition and that the *Gana Praja Tantri Bangla Desh* will soon form part of the family of nations.

. . . The Government of Bangla Desh have proclaimed their basic principles of State Policy to be democracy, socialism, secularism and establishment of an egalitarian society in which there would be no discrimination on the basis of race, religion, sex or creed. In regard to

foreign relations the Bangla Desh Government have expressed their determination to follow a policy of non-alignment, peaceful co-existence and opposition to colonialism, racialism and imperialism in all its manifestations. These are the ideals to which India also is dedicated.

The Bangla Desh Government have reiterated their anxiety to organise the expeditious return of their citizens who have found temporary refuge in our country, and to restore their lands and belongings to them. We shall naturally help in every way in these arrangements.

I am confident that in future the Governments and the People of India and Bangla Desh, who share common ideals and sacrifices, will forge a relationship based on the principles of mutual respect for each other's sovereignty and territorial integrity, non-interference in internal affairs, equality and mutual benefit. Thus working together for freedom and democracy, we shall set an example of good neighbourliness which alone can ensure peace, stability and progress in this region.

**Prime Minister's Announcement on December 16, 1971 on
Surrender of West Pakistan Forces**

The West Pakistan forces have unconditionally surrendered in Bangla Desh. The instrument of surrender was signed in Dacca at 16.31 hours I.S.T. today by Lt. Gen. A. A. K. Niazi on behalf of the Pakistan Eastern Command. Lt. Gen. Jagjit Singh Aurora, GOC-in-C of the Indian and Bangla Desh forces in the Eastern Theatre accepted the surrender. Dacca is now the free capital of a free country.

This House and the entire nation rejoice in this historic event. We hail the people of Bangla Desh in their hour of triumph. We hail the brave young men and boys of the *Mukti Bahini* for their valour and dedication. We are proud of our own Army, Navy, Air Force and the Border Security Force, who have so magnificently demonstrated their quality and capacity. Their discipline and devotion to duty are well known. India will remember with gratitude the sacrifices of those who have laid down their lives, and our thoughts are with their families.

Our Armed Forces are under strict orders to treat Pakistani prisoners of war in accordance with the Geneva Convention and to deal with all sections of the population of Bangla Desh in a humane manner. The Commanders of the *Mukti Bahini* have issued similar orders to their forces. Although the Government of Bangla Desh have not yet been given an opportunity to sign the Geneva Convention, they also have

declared that they will fully abide by it. It will be the responsibility of the Government of Bangla Desh, the *Mukti Bahini* and the Indian Armed Forces to prevent any reprisals.

Our objectives were limited—to assist the gallant people of Bangla Desh and their *Mukti Bahini* to liberate their country from a reign of terror and to resist aggression on our own land. Indian Armed Forces will not remain in Bangla Desh any longer than is necessary.

The millions who were driven out of their homes across our borders have already begun trekking back. The rehabilitation of this war-torn land calls for dedicated team work by its Government and people.

We hope and trust that the Father of this new nation, Sheikh Mujibur Rahman, will take his rightful place among his own people and lead Bangla Desh to peace, progress and prosperity. The time has come when they can together look forward to a meaningful future in their *Shonar Bangla*. They have our good wishes.

The triumph is not theirs alone. All nations who value the human spirit, will recognise it as a significant milestone in man's quest for liberty.

**Prime Minister's Statement on December 17, 1971 after Surrender of
Pakistan Armed Forces in Bangla Desh and India's decision to Cease
Operations Unilaterally**

On March 31, 1971, six days after the great upheaval in Bangla Desh, I had the honour to move a Resolution* in this House.

*"This House expresses its deep anguish and grave concern at the recent developments in East Bengal. A massive attack by armed forces, despatched from West Pakistan has been unleashed against the entire people of East Bengal with a view to suppressing their urges and aspirations.

2. Instead of respecting the will of the people so unmistakably expressed through the election in Pakistan in December 1970, the Government of Pakistan has chosen to flout the mandate of the people.

3. The Government of Pakistan has not only refused to transfer power to legally elected representatives but has arbitrarily prevented the National Assembly from assuming its rightful and sovereign role. The people of East Bengal are being sought to be suppressed by the naked use of force by bayonets, machine guns, tanks, artillery and aircraft.

4. The Government and people of India have always desired and worked for peaceful, normal and fraternal relations with Pakistan. However, situated as India is and bound as the peoples of the sub-continent are by centuries old ties of history, culture and tradition, this House cannot remain

[Contd. on next page]

I said then that India's permanent interest in peace, and our commitment to uphold and defend human rights demanded the immediate cessation of the use of force and of the massacre of defenceless people of Bangla Desh. I had called upon all peoples and Government to take urgent and constructive steps to prevail upon the Government of Pakistan to immediately end the systematic decimation of a people.

I had concluded my statement by expressing the profound conviction of this House that the historic upsurge of the 75 million people of East Bengal would triumph. We also gave an assurance that their struggle and sacrifice would receive the whole-hearted sympathy and support of the people of India. Today, the pledge we then made together in this House and in the country stands redeemed.

It is natural that the people of India should be elated. We can also understand the great rejoicing of the people of Bangla Desh. I share the elation and the joy. But, as the Gita says—*neither joy nor sorrow should tilt the balance of our equanimity or blur our vision of the future.*

All those who have borne arms, all those who have been involved in the planning and direction of the operations, all the people of India who have responded so generously,—these are to be thanked and congratulated.

[contd. from pre page.]

indifferent to the macabre tragedy being enacted so close to our border. Throughout the length and breadth of our land, our people have condemned, in unmistakable terms, the atrocities now being perpetrated on an unprecedented scale upon an unarmed and innocent people.

5. This House expresses its profound sympathy for and solidarity with the people of East Bengal in their struggle for a democratic way of life.

6. Bearing in mind the permanent interest which India has in peace, and committed as we are to uphold and defend human rights, this House demands immediate cessation of the use of force and of massacre of defenceless people

This House calls upon all peoples and Governments of the world to take urgent and constructive steps to prevail upon the Government of Pakistan to put an end immediately to the systematic decimation of people which amounts to genocide.

7. This House records its profound conviction that the historic upsurge of the 75 million people of East Bengal will triumph. The House wishes to assure them that their struggle and sacrifice will receive the wholehearted sympathy and support of the people of India."

It is a victory, but a victory not only of arms, but of ideas. The *Mukti Bahini* could not have fought so daringly but for its passionate urge for freedom and the establishment of a special identity of Bangla Desh. Our own forces should not have been so fearless and relentless had they not been convinced of their cause.

India has always stood for breadth of vision, tolerance of the points of view of others, of being in the battle, yet above it.

We stand for Democracy, for Secularism and for Socialism. Only this combination opens the way of full freedom, gives protection to the weaker sections and provides opportunity for the growth of different personalities.

We believe that no nation can be built on concepts which are negative or which do not have meaning for all its people. Unfortunately, Pakistan has based its policies on hatred for and confrontation with India.

While we dedicate ourselves to our ideas. I hope, the people of Pakistan will seek a path which is more in keeping with their circumstances and needs. These 24 years we have heard many aggressive speeches and much abusive and false propaganda against us. We cannot believe that this is the true voice of the Pakistani people. They have been kept in darkness by their successive regimes. We want to assure them that we have no enmity towards them. There are more things in common between us than those which divide us.

We should like to fashion our relations with the people of Pakistan on the basis of friendship and understanding. Let them live as masters in their own house and devote their energies to the removal of poverty and inequalities in their country.

It is this sincere desire which prompted us last evening to instruct our Army, Navy and Air Force to cease operations from 20.00 hours today on all fronts in the West.

I am grateful for the support which all political parties of the country have given during this difficult period and specially to this initiative on behalf of peace.

This offer was communicated to the world by our Minister of External Affairs, Sardar Swaran Singh in New York. We also had it formally conveyed to the Government of Pakistan through the Swiss Embassy. We hope that the people and the rulers of Pakistan will appreciate and reciprocate this offer.

The consequences which would flow from a failure to do so will rest squarely upon the military rulers of Pakistan. However, regardless of what happens on the western front, let us not be complacent. The coming months specially will bring new and complex problems. We must be ever vigilant to safeguard our integrity and our interests and above all, the fundamental beliefs of our national existence.

PRESIDING OFFICERS' CONFERENCE

Address by Dr. G. S. Dhillon, Chairman*

I am glad to be in your midst once again and it is with great pleasure that I join hands with our hosts in extending a warm welcome to all of you assembled here for our annual conference. Every time we meet in this Conference, I get a feeling of a family gathering, of a happy reunion. Personally, I have come to cherish this annual get-together of ours deeply as much for the occasion it provides for renewing old bonds and forging new ones as for the opportunity it affords for sharing our experiences and exchanging thoughts on important trends and developments which have a bearing on the working of our democratic institutions.

Mid-term Elections

Since we met at Srinagar over 15 months ago there have been significant developments affecting the political scene in the country. First, there were, as you know, the Mid-term elections to the Lok Sabha and the Legislative Assemblies of Orissa, Tamil Nadu and West Bengal.

The Fourth Lok Sabha was dissolved by the President on December 27, 1970. The dissolved House had a life of about four years against the normal term of five years. The main consideration for the dissolution of the Lok Sabha was the Government's desire to seek a fresh mandate from the people to enable it to implement effectively its socialist and secular programmes and policies. Though this was the first time the Lok Sabha was dissolved before the expiry of the full term, snap elections are an accepted feature of the parliamentary system and even in the mature democracies of our day they are neither, in fact, such exceptional events, nor regarded as 'exceptionable.'

Following the dissolution of the old Lok Sabha, fresh elections for the 518 elective seats were held throughout the country between March 1 and 10 this year. A total electorate of about 273 million, as against 250 million at the time of the Fourth General Elections held in 1967, was involved in these elections. By March 15, almost all the

*Edited version of the Address delivered at the Conference held at Bhopal on October 27, 1971.

results had been announced and on the same day the Election Commission issued a notification duly constituting the Fifth Lok Sabha. In the final tally, the ruling Congress Party won 352 seats against its strength of only 221 at the time of dissolution.

Thus, after a lapse of about four years the ruling party at the Centre had again secured more than two-thirds majority in the Lok Sabha. On March 17, Shrimati Indira Gandhi was unanimously re-elected leader of the Congress Parliamentary Party and on the following day a new Council of Ministers, headed by her, was sworn in by the President Shri V. V. Giri, at Rashtrapati Bhavan.

Burden of Refugees from Bangla Desh

It is a matter of great satisfaction to all of us that in a region in which experiments in democracy have been abandoned all too readily for a variety of reasons, India has remained true to the democratic ideal. It is not only that democracy has survived, but the country has shown both resilience and ingenuity in tackling the manifold challenges of building up a new society and a great nation. The 1971 elections signified a fresh affirmation of faith in the democratic process as such, as also its capacity to take the country further towards the achievement of our cherished social and economic goals. With a stable Government at the Centre we could legitimately look forward to a period of sustained social and economic progress and internal peace and unity. Unfortunately, even as the nation stood poised for an all out effort to step up the pace of development appreciably and thereby satisfy the people's urge for a better life, a tremendous burden has been imposed on it by the influx of millions of refugees from Bangla Desh. Since the end of March this year, as a result of action by the Pakistani army in Bangla Desh, thousands and thousands of destitute people have been crossing over into India every day. Their number already approximates ten million and the exodus still continues. This staggering influx of refugees into our country is unprecedented in human history. It has caused serious economic, administrative and social strains and a setback to our socio-economic programmes.

The expenditure on these refugees is mounting day by day and it is clear that unless appropriate measures are taken in time, this colossal expenditure may lead to serious inflationary pressure with all its grave consequences. The situation needs to be watched closely by our legislators and Governments, both at the Centre and in the States. India's position on the issue is quite clear. India maintains that the refugees must be enabled to return to their homes in conditions of

safety and honour and that the only way to make this possible is through a political solution acceptable to the already elected representatives of the people in Bangla Desh.

Recently, I had occasion to meet legislative leaders of many countries at the Inter-Parliamentary Conference at Paris, the Commonwealth Parliamentary Conference at Kuala Lumpur and in a number of other foreign capitals. I am glad to say that there is now better appreciation abroad of India's stand on the Bangla Desh issue and world Governments are by and large veering round to our view that the crisis can be solved only by a political settlement acceptable to the elected leaders of Bangla Desh.

Ministerial Instability in States

To revert to the political situation in the country, as I said earlier, it is a matter of satisfaction that we have a stable Government at the Centre with a clear majority. However, it is distressing to find that ministerial instability has become a rather normal feature in quite a few of our States. Right at the moment, four of our States—Gujarat, Mysore, Punjab and West Bengal are under President's rule. In most of these States, the Government of the day fell as a direct result of change of political allegiance by the legislators; and as, in the prevailing fluid situation, the formation of a stable alternative Government was not considered feasible, imposition of President's rule became inevitable.

I may recall that a similar situation had existed in a number of States shortly after the 1967 General Elections. Within 16 months of the Elections as many as 16 State Governments had fallen. The States worst affected were Bihar, Haryana, the Punjab, Uttar Pradesh and West Bengal. In each of these States, the inability of any single party or coalition of parties to provide a stable Ministry had necessitated a spell of President's rule, followed by fresh Assembly elections. However, even after the mid-term elections of February 1969, the Governments formed in Bihar; the Punjab, U. P. and West Bengal again proved unstable and could not last long.

Now, the provision for Central take-over of a State administration under Article 356 of the Constitution was rightly conceived of as an 'emergency' measure to be resorted to only in exceptional circumstances, namely, when there was—to use the expressive phrase of the Constitution—a 'failure of the Constitutional machinery' in a State. If the Constitutional machinery—normal democratic government in

the States—breaks down too often, as has been the case since the 1967 General Elections, it is certainly a matter for deep concern, reflection and, I may add, heart-searching for us.

From past experience it would appear that even Central intervention—thought of as a measure of last resort—and the expensive exercise of mid-term polls have not provided the necessary corrective for restoring political stability. The malady, it has to be admitted, lies deeper in the shifting loyalties and alignments of legislators. We have to admit that in a highly fluid situation, where a stable Government has to be ruled out due to frequent changes in the political affiliations of the legislators, there is no alternative to Central takeover of the State administration. A time has, therefore, come to have a close look at the existing arrangements for the administration of a State under President's rule, and to enquire whether any institutional or other changes are necessary to make sure that the administration is imbued with a sense of dedication to the service of the common man and discharges its onerous responsibilities efficiently and impartially without any fear or favour.

In my address to the last Conference, held at Srinagar, I had dealt, at some length, with the twin problems of political defections and ministerial instability in our States. As I said then, constant floor-crossing by a large number of legislators not only spells ministerial instability, with all its adverse effects on the administration and vital task of economic and social development; it is also bound to erode people's faith in parliamentary institutions.

Remedy to curb Defections

It was nearly four years ago—on December 8, 1967, to be precise—that the Lok Sabha adopted a resolution unanimously asking for the appointment of a high-level committee to consider the problem of legislators changing their allegiance from one party to another and their frequent crossing of the floor. The outcome was the Committee on Defections, headed by the then Home Minister, Shri Y. B. Chavan, whose report was presented to Parliament in February, 1969. The predominant view in the Committee was that regardless of legislative and constitutional measures against political defections, a lasting solution to the problem could only come from the adherence by political parties to a code of conduct or set of conventions that took into account the fundamental proprieties and decencies that ought to govern the functioning of democratic institutions. Nevertheless, the Committee recognised that adoption of such a code would serve little purpose without appropriate sanctions to ensure its observance. Among the

specific measures suggested by the Committee, the more important were: (i) A defecting legislator be barred for a period of one year or till such time as he resigned and got himself re-elected, from appointment as a Minister or to any post paid for from the Consolidated Fund; (ii) There should be a ceiling on the size of Ministries and it should be related to the size of the legislature; (iii) No person who is not a member of the Lower House should be appointed Prime Minister or Chief Minister.

In December last, some two weeks before the Lok Sabha was dissolved, representatives of various political parties met in a conference called by the Prime Minister to find out ways to discourage defections. The discussion centered round a draft Bill prepared by the Government, which incorporated the major recommendations of the Committee on Defections. The Conference failed to produce an agreed consensus as many participants felt that the Government's proposals did not go far enough to check this evil. The main demand was that more deterrent punishment should be provided than the "one year" disqualification for appointment as Minister or to certain other offices suggested in the draft Bill.

It is understood that the Union Government is thinking of holding another round of discussions with Opposition leaders on the enactment of a law on this matter. Let us hope we will have appropriate legislation on the statute book before long and that with such legislation, supported by a firm commitment on the part of all political parties to preserve the dignity and purity of our parliamentary institutions, it would be possible to bring unprincipled floor-crossing to an end.

Scrutiny of Public Undertakings

I would also like to invite special attention to the growing and in fact dominating role that the public sector is bound to occupy in our economy. The number of public undertakings under the Centre has increased from 5 in 1951 to 99 in 1971. Investment has also correspondingly increased from Rs. 29 crores in 1951 to over Rs. 4,500 crores in 1970-71.

Public Sector, as its very name connotes, has come into existence to subserve public interest. It has a crucial role to play in the development and industrial growth of our country and in particular achieving self-reliance in basic and strategic industries.

Public Undertakings now permeate all sections of our economy

from lathes to heavy machines, from pig iron to stainless steel, from radio valves to radars, and from simple measuring instruments to electronic devices.

It is but appropriate that Parliament should not overlook the functioning of these public undertakings in which large resources of public money have been invested. Parliament can best discharge this responsibility through a vigilant Committee on Public Undertakings which could evaluate their functioning without in any way interfering in their day to day work. The task of the Committee has been greatly facilitated since 1969 by the setting up of the Audit Board which comprises four senior officers of the rank of Accountant General working under a Chairman of the rank of Additional Deputy Comptroller and Auditor General and two other senior officers who are experts in the undertaking selected for review and report by the Audit Board. The factually verified data available in the Reports of the Audit Board, are of great help to the Committee in probing deeper into the working of the undertakings and making constructive suggestions for their improvement.

The experience of the working of the Committee on Public Undertakings at the Centre may be of some relevance to the States. I would suggest that such of the States as have a fairly large number of public undertakings may think of setting up a similar committee so as to ensure that this vital sector is scrutinised by people's elected representatives in an effective manner and no efforts are spared to improve its working in the larger public interest.

DEVELOPMENTS IN PROCEDURE AND PRACTICE

As has been the practice before, I shall now proceed to deal with some of the important procedural and other developments at the Centre since we met last.

Parliament and the Press

To begin with, I may refer to certain developments in the Lok Sabha involving in a way the role of Parliament and parliamentarians *vis-a-vis*, the Press. As is well-known, the Chamber is reserved for the exclusive use of members and no strangers are permitted therein. In 1921, the old Central Legislative Assembly adopted a Standing Order regulating the admission of strangers to the Galleries of the Assembly. The admission was regulated in accordance with the orders made by the Speaker with the approval of the Governor-General.

With Independence, the control of the Governor-General in this regard was dispensed with. Admission of strangers to the various Galleries of the Lok Sabha is now regulated in accordance with the rules made in this behalf under the directions of the Speaker and any matter not provided for in these Rules is regulated by the Speaker at his discretion. It is on this basis that Press correspondents are allowed in the Press Gallery of the House.

On the 16th December, 1970, during the discussion on sugar position and cane price in the Lok Sabha, a Member pointed out to the Chair that no Press Correspondent was present in the Press Gallery, including the A.I.R. Reporter. The Chairman ordered expunction of the remarks about the Press and observed that Members spoke in the House for the record of the House and not for the Press. The Member, however, continued to interrupt the proceedings to press his point and this led to disorder in the House. When the Chairman saw that Members did not pay any heed to his request for restoring order, he adjourned the House till the next day. On the next day when a request for continuing the interrupted discussion was made and reference was made to the adjournment of the House on the previous day, I expressed my agreement with the views which had been expressed by the Chairman, and observed that the House had to transact its business irrespective of the fact whether the press gallery was full or not.

We all recognise the important role of the Press in a parliamentary democracy. The Press keeps the people informed of what is happening in Parliament. It is also through the Press that Parliament gathers information, which helps it to oversee the Executive effectively. Nevertheless, our Houses have their own vital business to be completed on time, and it can hardly be gainsaid that they have to go ahead with their work irrespective of the presence of others in the Galleries.

Verification of Proceedings from Tape Record

In June this year, when the motion that the Maintenance of Internal Security Bill be passed was being put to vote, certain Members of the Opposition were staging a walk-out as a protest against the provisions of that Bill. After taking the voice vote, the Deputy Speaker announced that the motion had been adopted and Bill passed. On the following day, a Member wrote to me that the Deputy Speaker had declared the Bill to have been passed without following the normal procedure of putting the question and taking vote, thereby

denying him the right to record his vote against the Bill. Simultaneously, the Member issued a press statement, making public the contents of his letter written to me, and that appeared in the Press the next day. When the House met on the next day, the Member raised the matter again and demanded that he might be allowed to listen to the tape of the proceedings to satisfy himself that the normal procedure had been adopted. I made it clear that I had made sure from the Deputy Speaker that every procedure had been followed by him, and declined the Member's request for listening to the tape-record as that would have set a very unhappy precedent. I also expressed my displeasure at the Member's making a press statement before his letter reached me. In this connection, I might also refer to another case where a section of the Press had reported certain discussions held by me with some Members in my chamber. I deprecated the publicity and observed in the House that what Members discussed with the Speaker in his chamber, did not make news and should not be leaked to the Press. Such discussions are of an informal nature and if publicity is given to them, the discussions cannot obviously be free and frank.

Personal Explanations by Members

During the last session of the Lok Sabha, when a Member was making a personal explanation to contradict a report in the Press that he was one of the signatories to a letter addressed to the Prime Minister urging her to persuade the Government of Jammu and Kashmir to withdraw the externment order against Sheikh Abdullah and two of his colleagues, another Member pointed out that the matter was in no way connected with the proceedings of the House. I agreed with the Member that the forum of the House should not be used to make such personal explanations.

Expunction of Unparliamentary Expressions

Quite often, we experience that Members use unparliamentary expressions and when objection is raised they withdraw these expressions. But, all the same, the expressions, though withdrawn by the Members concerned, continued to be part of the record. During the last session of Lok Sabha two Members in their speeches used unparliamentary expressions for one another and later withdrew them when objections were raised by other Members. A Member then pointed out to the Deputy Speaker, who was in the Chair, that mere withdrawal of the expressions would not serve any purpose as those expressions would continue to stay on record and they might be published in the Press. Agreeing with the Member, the Deputy Speaker expunged those expressions from the proceedings.

Papers Laid on the Table by Ministers

It has been a long established practice in Lok Sabha that papers are laid on the Table by Ministers personally and that is one of the reasons why the maximum number of Ministers are present at the end of the Question Hour. Of late, I had been observing that a tendency was growing in the House that in many cases the Ministers in whose names items were entered in the List of Business were not present but some other Ministers laid the papers on their behalf without any prior intimation even to me. During the last session, I made it clear that where a paper was to be laid on the Table by some other Ministers, a written intimation should be sent to the Speaker in advance.

Privilege Issue by one Legislator against another

I may also refer to an important matter of privilege that I had to deal with during the last session of Lok Sabha. Some Members sought to raise a question of privilege against the Tamil Nadu Legislative Assembly and its Speaker on the ground that in the Tamil Nadu Legislative Assembly, the Chief Minister had referred to certain remarks made by a Member in Lok Sabha and that the Speaker of the Assembly had thereupon ruled that the impugned remarks, which were made in Lok Sabha, *prima facie* constituted a breach of privilege of the State Assembly. The Speaker, Tamil Nadu Legislative Assembly, had also observed that he would refer the matter to the Speaker, Lok Sabha, for appropriate action in accordance with the established procedure and practice in regard to a complaint of breach of privilege by a Member of one Legislature against a Member of another Legislature.

I urged the Members to wait till the reference from the Speaker, Tamil Nadu Legislative Assembly, was received by me. Subsequently, on receiving the said reference I sent him a reply clarifying that the impugned remarks made by the concerned Member in Lok Sabha were in respect of the Tamil Nadu Government and not in respect of the Tamil Nadu Legislative Assembly and, moreover, that a question of privilege would not arise in respect of anything said by a Member on the floor of the House. I further intimated to him that, on my side, I was treating the matter as closed.

I also informed the Lok Sabha about the reply I had sent to the Speaker, Tamil Nadu Legislative Assembly, and withheld my consent

to the question of privilege sought to be raised against the Tamil Nadu Legislative Assembly and its Speaker.

Joint Committee on Election Law Reform

Lastly, I may inform you of the setting up of a Joint Committee of Parliament to consider amendments to the Election Law. I may mention that the original motion for the constitution of this Committee, moved in the Lok Sabha on the 22nd June, 1971, provided that if the Speaker agreed to be a member of the Committee, he would be its Chairman. However, I declined to associate myself with the Committee, as controversial matters were likely to arise in the Committee, and later in the House, and it might thus prove embarrassing for me to be its Chairman. I am glad to say that I was able to carry the point home and the motion was adopted in an amended form.

Golden Jubilee of Public Accounts Committee

May I also take this opportunity to mention that the Public Accounts Committee at the Centre would be completing 50 years of its existence and service to the Parliament and people this year. We will be celebrating its Golden Jubilee in New Delhi in the first week of December. The celebrations will include an address by the President, Exhibition to highlight the achievements of the Committee, a Souvenir, and a Conference of Chairmen of the Central and State Public Accounts Committees. The P.A.C. is the doyen among the financial committees at the Centre. It has built up a wholesome reputation for its fair but fearless and constructive appraisal of the functioning of various Government departments, and its objective and non-partisan approach. The Committee not only makes searching enquiries into the various lapses brought to notice by the Comptroller and Auditor-General in the Audit Reports, but also looks for the weaknesses in the procedure and set up of the organisations so that remedial measures may be taken to obviate recurrence of such lapses. Since 1967, we have started a tradition of drawing the Chairman of the P.A.C. from the Opposition. I am happy to say that the trust and confidence with which this experiment was initiated have been fully vindicated by the manner in which the Committee have been functioning.



Shri G. S. Pathak, Vice-President of India delivering the address at the 50th Anniversary of the Public Accounts Committee of Parliament on December 3, 1971.

Seated from left to right are: Shri V. V. Giri, President of India; Dr. G. S. Dhillon, Speaker, Lok Sabha; and Shri Era Sezhiyan, Chairman, Public Accounts Committee.

**50TH ANNIVERSARY OF THE
PUBLIC ACCOUNTS COMMITTEE OF PARLIAMENT**

INAUGURAL FUNCTION

[The Public Accounts Committees at the Centre and in the States were set up in the wake of the Montague-Chelmsford Reforms. The Committee at the Centre was set up in 1921 and the Accounts for the year 1921-22 were examined by that Committee. The Committee celebrated its Golden Jubilee in December, 1971 on the successful completion of 50 years of service to the nation. On December 3, 1971, the Golden Jubilee Celebrations of the Public Accounts Committee of Parliament were inaugurated by Shri V. V. Giri, the President of India.]

We reproduce below the edited version of the addresses and speeches delivered on the occasion—Editor]

Welcome Address by Shri Era Sezhiyan, M.P.,

Chairman of the Public Accounts Committee of Parliament

It is my most pleasant duty and privilege as Chairman, Public Accounts Committee to welcome you all to this inaugural function of the celebrations marking the completion of fifty years by our Committee—the oldest among the Financial Committees of our Parliament.

The setting up of the first Public Accounts Committee at the Centre in 1921 may rightly be called a landmark in the annals of parliamentary system in our country, marking as it did the first positive step towards establishing financial control by the Legislature over the Executive. I am glad to say that despite the limitations in the matter of its composition and the restrictions on its authority, the Committee from its very inception became a major factor in asserting legislative control over expenditure and exercised considerable influence upon Government.

Scrutiny of Government Accounts

As you are all aware, the function of the Public Accounts Committee is to ascertain whether the expenditure by the Government

falls 'within the scope of the Demand' and is in conformity with the intentions of Parliament. In tune with the spirit of this provision, the Committee has extended the scope of its scrutiny beyond the 'mere formality and legality' of expenditure to its 'wisdom, faithfulness and economy.' The Committee thus goes into cases involving losses, augatory expenditure and financial irregularities. It also examines how far the Executive is adequately discharging its financial responsibilities in regard to various schemes and ascertains whether the schemes are being executed efficiently and economically, and whether they are achieving the results expected of them.

Growth of Revenue and Expenditure

During the fifty years of its existence, the Committee has broken new ground in many fields, extended the scope of its examination, and has grown from strength to strength thus fulfilling the expectations the people and Parliament had of it. Its work-load and responsibilities have greatly increased, as will be seen from the growth of revenue receipts from Rs. 210 crores in 1921-22 to Rs. 4893 crores in 1970-71 and of revenue expenditure from Rs. 237 crores to Rs. 4382 crores over the same period.

Functioning on Non-Party Lines

The Public Accounts Committee is a microcosm of Parliament, as the Parties and groups find representation on it largely in proportion to their strength in the House. The Committee however, works on non-party lines. Members of the Committee inspired by a spirit of dedication and service to the country, judge each issue on its merits, rising completely above all party considerations. This has enabled the Committee to function as a united team and adhere to the healthy convention of submitting unanimous Reports which truly reflect the non-partisan spirit of the Committee. The Committee is grateful to all the Members of Parliament for the keen interest they have been invariably taking in the working and Reports of the Committee.

Speaker's Guidance

We have been fortunate in receiving in ample measure guidance and support from the illustrious Speakers of the Lok Sabha during all these years. Speaking for myself, I can say that as Chairman of the Committee I have received uniform courtesy and consideration from the present Speaker, Dr. G. S. Dhillon. We are specially grateful to the Speaker for responding enthusiastically to the idea of celebrating the Golden Jubilee of the Committee and lending us his whole hearted support.

Members' Dedicated Work

May I acknowledge the dedicated and hard work which is put in by all the Hon'ble Members and Conveners of the Committee. It is the Members who identify all issues of public importance during the course of examination of official witnesses and give the Reports the depth and horizon which have come to be widely acclaimed.

Expert Assistance by Comptroller and Auditor-General

The Committee has an important advantage in that it has the expert assistance of the Comptroller and Auditor-General and his talented team of officers in its examination of the various Ministries and Departments. I would here like to acknowledge the valuable help the Committee has received from the present Comptroller and Auditor-General, Shri Ranganathan, who is a seasoned administrator with intimate knowledge of the working of the Government machinery.

Cooperation of Ministries

It must also be acknowledged that the work of the Committee has been greatly facilitated by the helpful attitude and willing co-operation of all the Ministries and Departments and their officers. The Secretaries and other official representatives of the Ministries have always been frank and co-operative and willing to place the facts unhesitatingly before the Committee so as to help it in judging issues in proper perspective.

Assistance by Lok Sabha Secretariat

I would also like to express my appreciation of the quiet and dedicated work put in behind the scenes by the officers of the Lok Sabha Secretariat who provide invaluable secretarial assistance to the Committee in sifting facts and presenting timely Reports.

Future Role

At the time of its Golden Jubilee, the Committee can, I believe, take legitimate pride in the contributions it has made in bringing home to the Executive its accountability to the elected representatives of the people, in the interest of more prudent handling of public money and greater service to the common man. We may be sure that in the years to come the Committee would continue to perform its increasingly important role with its characteristic vigilance, vigour and objectivity, its fearless but constructive approach and its spirit of dedication to the interests of the country.

Inaugural Address by Shri V. V. Giri, President of India

I am happy to be present here to inaugurate the Golden Jubilee Celebrations of the Public Accounts Committee. Until we framed our own Constitution and brought it into force in January, 1950, elections to our legislatures had been based on a restricted franchise. Our legislatures were not representative bodies in the true sense till then. Though a form of responsible government was introduced in the Provinces under the Government of India Act of 1935, at the Centre even that responsibility was not present. The Governor-General enjoyed enormous powers and the government was ultimately controlled by the Secretary of State for India in England. Thus, the legislature at the Centre did not have any real control over the executive as it now has under our Constitution. In this background, the Public Accounts Committee became an effective instrument of parliamentary control only under the present Constitution.

Public Scrutiny of Executive Functions

In a parliamentary system, the government functions in the broad day-light of public scrutiny of all its actions. The test of responsible government is harmony between the legislature and the executive; and in order to ensure that this harmony is real, Parliament has in its power several devices and methods sanctioned by procedure and practice. One such important device is the Committee system. Of the various parliamentary committees, the Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings between them make a formidable combination in exercising Parliament's control over the executive. These three committees together form practically a kind of permanent vigilance cell over a wide area of governmental activities. They bring out faulty or negligent departmental management, and have therefore become effective instruments for the exposure of waste and inefficiency. I would, however, like to sound a note of caution in this context. These Committees should not concern themselves with details or trivialities. They should not function in a manner which tends to draw away initiative and dynamism in officials. Scrutiny and control are best exercised when they are based on principles and positive objectives.

Powers and Functions of the PAC

Our Constitution specifically lays down that no money shall be withdrawn except under appropriation made by law, and no money is to be appropriated from the Consolidated Fund except according to law. The Comptroller and Auditor-General exercises control over governmental spending. The accounts of the Union and the States are required to be kept in the form prescribed by him. His Reports are laid on the Tables

of both Houses of Legislature. These provisions form the very basis of the powers and functions of the Public Accounts Committee. The most important duty of this Committee is to ascertain whether money is spent for the purpose for which it was voted by Parliament. In the growing complexities of administration, the task of examination and scrutiny of expenditure is by no means simple or easy. To a lay member of Parliament—and all members of Parliament are not experts—it takes a considerable time to acquaint himself with the complicated machinery of government and its methods and procedures of functioning. In this regard the close association of the Comptroller and Auditor-General with the working of the Public Accounts Committee is significant. In him, the Committee has not merely an expert whose advice it can freely draw upon, but an officer whose independence and impartiality are ensured in the Constitution itself. He also provides the necessary continuity in the observance of practices and conventions so essential for the purposeful and effective working of the Committee. Our successive Comptrollers and Auditors-General have been men of great ability. I would like to pay a special tribute to the present holder of this office who is due to lay down office shortly. An officer of considerable experience in a variety of spheres, he has filled this office with great distinction and dignity.

Strength of Parliamentary Institutions

In a world of distortions and apparent contradictions, we may legitimately take credit that the Parliament and parliamentary institutions in our country have steadily grown in strength and vitality under our Constitution during the past twenty-one years. We have successfully overcome one crisis after another—we are in the midst of one currently—and on each occasion the most important consideration which has influenced national opinion is the unity and integrity of the country. It is through Parliament that the collective wisdom of the nation as a whole finds true expression. Where national interest is involved, the entire governmental system in the Centre and the States, irrespective of political or party affiliations, has to be viewed as one and indivisible.

Military Dictatorship no substitute for Democratic Government

I had occasion last week to refer, in my address to the Conference of Governors, to the dangers of external aggression we are facing today from a neighbour whose rulers give the impression that their main strength lies in continued and persistent hostility towards us. Military dictatorship can never be a substitute for democratic government. A handful of people coming into power by whatever means cannot seek to regulate or control the destinies of millions of people who value individual liberty and the right freely to choose their own government

based on a mandate for doing the largest good to the community as a whole. We disapprove of war and we detest violence in any form. But let the military junta in West Pakistan take note that if they leave us with no other choice, we shall not desist from any action needed to preserve our own national frontiers and national integrity.

We function essentially on the mandate which the people of this country have given us. Our commitment to build India into a strong nation economically and politically has yet a long way to traverse for fulfilment. We have to persist with ways and means of evolving methods to meet this challenge.

Success of Parliamentary Democracy

Members of Parliament, I would ask you—and equally ask members of State Legislatures—to keep in constant touch with your constituents; for, in the proper discharge of your duties there can be no better means of self-education. A continuous and close association with those who have chosen you to represent them will alone enable you to keep in the fore-front the real problems of the common people. Democracy flourishes in free debate and discussion. But if this freedom is converted into a licence and becomes devoid of decorum and dignity, people would lose respect for the parliamentary system. Parliament and parliamentary institutions are not places of demonstration. Let us all remember that we have a duty to perform and a pledge to fulfil. There is no time to waste.

Address by Shri G. S. Pathak Vice-President of India and Chairman of Rajya Sabha

I join my voice in felicitating the Public Accounts Committee on completing fifty years of very useful life in the service of the nation. It is universally acknowledged that this is a most important Committee of Parliament charged with heavy responsibilities of an onerous character. The Public Accounts Committee furnishes the best method yet devised to control administrative expenditure and represents the most honest and incorruptible system of scrutinising public accounts. The idea was borrowed from the British Parliament where the Public Accounts Committee system was introduced in the year 1861 and this concept has taken root in our Parliamentary system. The convention of the British Parliament that the Chairman should be a member of the Opposition, who would not show any special tenderness towards the Administration, has also been implanted here. The services rendered by the Public Accounts Committee have uniformly received praise in glowing terms. Its reports have invariably commanded respect and admiration. In the discharge of their duties, its Chairman and members have dis-

played remarkable independence and sound judgement and they have built high traditions. May I congratulate them, on this happy occasion, on the reputation which they have so richly deserved and so well earned?

Scrutiny by Commonsense and Expert Assistance

A Welfare State is engaged in manifold activities of a varied character and the officials control a substantial part of the economic life of the nation. Minute and detailed examination of Public accounts coupled with a strict scrutiny of sometime quite complicated transactions could alone afford an adequate safeguard to the people. It has been well said that success in administration depends on a due mixture of special and nonspecial minds. The strong commonsense and extensive knowledge of the Chairman and members of the Committee assisted by the Comptroller and Auditor-General and the officials possessing high financial skill and expertise satisfy this very wholesome test.

Effectiveness of the Committee

The effectiveness of the Committee has produced results of incalculable value. Inducing a vigilant state of mind on the part of the officials of the Administration, inspiring in their hearts constant 'dread' or awe of the Committee, insistence by the Committee on observance of due economy and exercise of alertness by it to discover misuse of departmental powers are some of the beneficial consequences of this system. Sometimes the findings of the Committee have led to great debates in Parliament with important results. The work of the Committee however is not merely to criticise; it gives praise where it is justly due. In the words of an eminent Jurist, the Committee's work must be approached with an original and critical mind and the Members of the Committee must animate and galvanize. The Public Accounts Committee has fully satisfied this test also. All that is needed is that the Committees must, to use the language of Prof. Wheare, "be wisely led and wisely fed". The task of feeding them rests primarily and predominantly with the Comptroller and Auditor-General, their own officials and the officials of the Finance Ministry. The task of leading the Committees rests primarily and predominantly upon the Chairman. I am glad to say that this Committee has always been both wisely led and wisely fed.

Reports of the Committee

The Reports of the Committee possess great educative value. It has been well observed that the Reports of the Committees, memoranda of the Comptroller and Auditor-General and the Treasury minutes form a body of 'case law' of great importance and for that reason the British

practice is that the more permanent recommendations are published from time to time in what is called the Epitome of the Reports of the Committees of Public Accounts, the standard text-book of financial administration. A publication of this kind would indeed be extremely useful to the Administration. I am informed that the Comptroller and Auditor-General also prepares a publication of this type.

I again congratulate the Chairman and members of the Public Accounts Committee and give them best wishes.

Address by Dr. G. S. Dhillon, Speaker, Lok Sabha.

When Shri Era Sezhiyan, distinguished Chairman of the Public Accounts Committee first mooted the idea, some months ago, of celebrating the Golden Jubilee of the Public Accounts Committee, I welcomed it for I felt it would afford us an opportunity to recognise the signal service that has been rendered over the last fifty years to Parliament by this doyen among the Financial Committees.

Pre-Independence Period

It may be pertinent to recall what Mr. W. M. Hailey, the then Finance Member of the Government of India had said in 1921 regarding the role of the Public Accounts Committee. He observed: "The Committee will call the attention of the Assembly to any case in which there is proved to be either an offence against financial rules or a waste of public money, and it will be for the Assembly either by Resolution or by other Constitutional means within their power to put pressure on Government to take proper action in the matter."

It was in pursuance of this Resolution that the Departments of the Government were brought face to face with the necessity of justifying any expenditure, which transgressed the rules or canons of financial propriety or smacked of extravagance to a representative body of the Legislature.

Post-Independence Period

With the coming into force of the Constitution in 1950, the Public Accounts Committee became a full-fledged Parliamentary Committee with a Chairman appointed by the Speaker. The Rules further barred a Minister to be a Member of the Committee. The secretarial functions were taken over from the Government Department of Finance by the Lok Sabha Secretariat.

With a responsible and elected Government at the Centre, functioning in a truly democratic fashion, Mr. Speaker Mavalankar reminded the Committee appropriately at its first meeting held on the

10th April, 1950 thus: "The Members of the Committee, the Ministers at the head of the Administration and officials concerned can all be compared to a group of a happy family, members of which are going to put their heads together for solution of problems and betterment of the citizen's life in the country".

I am glad that the Committee has been largely following this advice and that is why it has been able to carve out for itself a place of distinction, for making fair, non-partisan and constructive recommendations. The Committee not only makes searching enquiries into the various lapses and irregularities brought to notice by the Comptroller and Auditor-General in the Audit Reports, but also looks for the weaknesses and inadequacies in the procedure and set-up of the organisations so that the requisite corrective measures may be taken. By its unremitting vigil over Governmental spending, the Committee has, if I may say so, helped in no small measure to consolidate and strengthen Parliament's position in calling the Executive to account for their lapses and irregularities.

I would like to mention here one or two important aspects about the functioning of the Public Accounts Committee.

Chairman from Opposition

Since 1967, we have started the practice of appointing the Chairman of the Public Accounts Committee from the Opposition. I am glad to say that the confidence and trust with which this experiment was initiated have been amply justified by the commendable manner in which the Committee has been functioning. We had distinguished members of the Opposition as Chairmen—Shri Minoo Masani and Shri Atal Bihari Vajpayee and have now Shri Era Sezhiyan.

Achievement Audit

The other important point to which I would like to refer is the "achievement audit". In this connection, I would like to quote what our beloved Prime Minister Jawaharlal Nehru said in 1959 in his address at the Conference of Chairmen of the Central and State Public Accounts Committees. He observed: "Although audit etc. is essential to see that money is spent according to rules, yet it does not see to what extent the money spent has produced results. What

is essential and necessary for the planning process is audit of achievement or whatever you may call it; that is much more important than pursuing a small sum of money here and there although of course sums of money should be pursued also."

I fully share these views. The Public Accounts Committee has in recent years addressed itself to these important aspects as would be evident from its Report on the performance of the Railways in the Third Five Year Plan, Defence Plan, the appraisal of Posts and Telegraphs Department including Telephones, Annuity Deposit Scheme etc.

It should, I feel, be the constant endeavour of the Public Accounts Committee to lay more and more stress on the "audit of achievement", as enormous amounts are being spent on developmental activities and plan projects. Considering the scarce resources available and compulsions of rapid development, it is but appropriate that the Committee should keep unremitting vigil to see that all loopholes leading to waste are plugged and that the money invested brings about the promised results

Action-Taken Reports

I am glad that the Committee has been fully alive to the necessity of closely scrutinising the action taken by Government on its recommendations and has been paying special attention to this aspect in recent years by presenting detailed and timely Action-Taken Reports.

Dedicated work by Chairman and Members, PAC

I am glad that the Chairman and Members of the Public Accounts Committee have shown great zeal and dedication to the work of the Committee which is carried out quietly, away from the glare of all publicity, in the Committee Rooms. They have built up a great tradition of judging each issue on merits and giving Reports which reflect their deep understanding and concern for improving the working of Departments and Organisations in the interest of service to the common man.

I need hardly say that the smooth and efficient functioning of the Committee is largely dependent on the manner in which the Chairman and Members conduct themselves and cooperate. The Public Accounts Committee has been singularly fortunate in having as Chairman, men of the highest distinction and calibre. May I pay

my tribute to these great men for the fairness of their approach, for their farsighted vision and above all for a judicious and objective assessment of all issues brought before the Committee.

Assistance by Comptroller and Auditor-General

The Committee is greatly helped in its deliberations by the Comptroller and Auditor-General. I would like to express my deep appreciation of the invaluable contributions made by the present incumbent, Shri Ranganathan and his distinguished predecessors to the work of the Committee, by placing before it most representative and significant cases which provide insight into the achievements and failures of Government Departments and Organisations. He and his predecessors have been truly friends, philosophers and guides of the Committee.

Assistance by Lok Sabha Secretariat

It is a matter of some satisfaction to me that the officers and staff of the Lok Sabha Secretariat have through their dedicated labours and quiet efficiency, facilitated the work of the Committee.

FOURTH CONFERENCE OF CHAIRMAN OF PUBLIC ACCOUNTS COMMITTEES IN INDIA

.. [The Fourth Conference of Chairmen of Public Accounts Committees was held at New Delhi on the 4th and 5th December, 1971. Shri Era Sezhiyan, Chairman of the Public Accounts Committee of Parliament presided over the Conference. The Conference was inaugurated by Dr. G. S. Dhillon, Speaker of Lok Sabha. We reproduce below the important extracts from the Inaugural Address by the Speaker and the Chairman's address on the opening day of the Conference—Editor]

ADDRESS BY SHRI ERA SEZHIYAN, M. P., CHAIRMAN OF THE PUBLIC ACCOUNTS COMMITTEE OF PARLIAMENT

The last Conference of the Chairmen of Public Accounts Committees was held in April 1966. The present Conference is a particularly happy event as it coincides with the Fiftieth Anniversary of the birth of our Committee at the Centre. As you are aware, under the Constitutional Reforms, embodied in the Government of India Act, 1919, Public Accounts Committees were set up in some of the Provinces of British India about the same time as the first Public Accounts Committee came into being at the Centre. The setting up of these Committees in our Central and Provincial Legislatures in the early twenties was a truly significant event as it was the first positive step towards asserting the Legislature's control over finance. So, through the Golden Jubilee Celebrations, which were inaugurated by the President yesterday, we have sought to commemorate not only the creation of the first Public Accounts Committee at the Centre, but rather the advent of legislative control over finance in our country, at both the Central and State levels. I am glad to say that with the cooperation of all of you we have been able to give the celebrations a truly all-India complexion. The active help given by the Secretariats of the State Public Accounts Committees has made it possible for us to bring out a "Souvenir" which, as you must have seen, sets out in a handy form much useful information about the working and the achievements of the Central as well as the State Public Accounts Committees.

Bonds of Common Interest

There are many bonds of common interest between the Central Public Accounts Committee and the State Public Accounts Committees. We have identical aims and our problems also are similar. I am glad that this conference affords us the opportunity to take stock of our achievements, to exchange views and experiences and to deliberate on common problems and ways and means to make our Committees more effective and useful in the light of the changing requirements of the times.

Performance Review by the Central P.A.C.

I would now like to acquaint you with some significant achievements of the Central Public Accounts Committee during the last few years. The most noteworthy achievement of the Committee is, to my mind, the initiative it has taken by undertaking overall performance review in respect of certain key sectors of the economy as well as various Government schemes and organisations. I would like to emphasize here that during the last two decades, planning has added a new dimension to expenditure and this has to be fully taken note of in asserting the accountability of the Executive to the Legislature. It would be recalled that the system of financial control as introduced in our country during the pre-Independence period was primarily designed to enable the Legislature to set limits to Government expenditure; to ensure that these limits were observed and the moneys were spent only for the purposes intended; and to establish general order and regularity in regard to Government accounts and prevent abuses and malpractices by Government servants. While these objectives still remain valid, in the context of planning with large resources being committed to specific developmental tasks, it is far more important to see whether the various schemes or projects undertaken by Government are producing the results expected of them. On a wider plane, the central problem of financial control today is how to regulate the use of real resources; and how to turn the country's financial system into a more effective mechanism for implementing the accepted economic and social objectives as set out in the Five Year Plans. This would mean that in scrutinizing the work of the Administration our financial committees should correlate "outputs" or actual achievements with the "inputs" rather than merely highlight stray irregularities.

Examination of some key Sectors of Economy

In tune with the needs of the times, the Public Accounts Committee at the Centre has, in recent years, examined some of the key

sectors of economy in a broad overall context. It was in 1967-68 that the Committee for the first time undertook an exercise of this nature by critically appraising the performance of the Railways *vis-a-vis* the Plan targets. The Audit Reports for 1967 had carried valuable chapters on the Third Five Year Plan performance. The Committee took up for detailed examination the Third Plan performance of the Railways and gave a comprehensive Report on the subject. The Report showed how unrealistic and faulty the planning machinery and methodology employed by Government had been, and also brought out how over-investment in this sector had the effect of depriving other sectors of the economy of the much needed funds. The Committee urged the Government to ensure that in the Fourth Plan, planning for rail capacity was done on a more realistic basis and the persistent tendency to overestimate traffic requirements was curbed. This had the desired effect. A review was undertaken and, as a result, the Railway's Fourth Plan outlay was scaled down from Rs. 1525 crores to Rs. 1275 crores.

In the same strain, in 1968-69, the Committee attempted a systematic appraisal of the Defence Plan, involving an outlay of Rs. 5,000 crores. In doing so, the Committee thought it proper to go a little beyond the ambit of cases specifically reported in the Audit Report and to examine the question of the effectiveness of this large outlay. The Committee had naturally to proceed in the matter with circumspection as the very nature of the subject precluded an examination of issues beyond certain limits. All the same, the exercise proved rewarding. The Committee's report on the subject, covering as it did a wide range of issues like equipment policy, programming and the introduction of cost effectiveness techniques, focussed attention on the bigger issues involved and facilitated appraisal of the Defence outlay in proper perspective.

The 1968-69 Committee also attempted an evaluation of the development of Postal and Telecommunication Services. The Committee drew attention to the inadequacy of planning for the Telecommunication Services and the factors inhibiting the growth of these Services. Only this year, the Committee, while reviewing the utilisation of capacity of all the telephone exchanges, in the country has drawn pointed attention to the under-utilisation of the capacity resulting in loss of potential revenue of the order of Rs. 45.18 crores during the three years ended 1969-70. The Committee has, accordingly, suggested that the accent during the Fourth Plan should



Shri Era Sezhiyan, Chairman, Public Accounts Committee addressing the Conference of Chairmen of Public Accounts Committees on December 4, 1971. Seated from left to right at the table are Shri S. Ranganathan, Comptroller and Auditor General of India, Dr. G. S. Dhillon, Speaker, Lok Sabha and Shri S. L. Shakkher, Secretary, Lok Sabha.

be on utilising fully the existing capacity in telephone exchanges and integrated planning for future.

Toning up of Fiscal Administration

In the context of the massive efforts at resource-mobilisation, necessitated by the developmental commitments, the vital needs of defence and finally the enormous cost of looking after, even if temporarily, the ten million unfortunate refugees from Bangla Desh, it is today of paramount importance to ensure that the taxes voted by Parliament are duly and efficiently collected and there are no short-falls in collection, I am glad to say that in recent years the Central P.A.C. has done much useful work in the field of fiscal administration. While scrutinizing the Audit Reports on Revenue Receipts, the Public Accounts Committee has, from time to time, considered in depth various aspects of the tax administration and made valuable suggestions for toning up the system and checking leakage of revenue. For example, in 1969-70, the Committee's investigations in the field of Commodity taxation—Central Excise—brought to light the rather disquieting situation that the discretion and powers given to the Executive under the law, solely with a view to facilitate smooth fiscal administration, had been used to grant 100 per cent exemption in some cases from the duty levied by Parliament and introduce new sub-categories under the statutory tariff. The Committee, in its Report drew attention to all these unsatisfactory features of Excise Administration and made a number of suggestions to reinforce Parliament's control in this important field.

Special Reports on Autonomous Bodies

There are a number of autonomous bodies on which the Comptroller and Auditor-General submits special Audit Reports to Parliament. Due to constraints on their time, the Committee had for some time not been able to devote adequate attention to these reports. In 1969-70, the Committee decided to correct this situation. Accordingly, it examined a number of such organisations in respect of which the Audit Reports had contained significant findings. These organisations were: the Council of Scientific and Industrial Research, the National Cooperative Development Corporation, three major Port Trusts, the University Grants Commission and the Tea Board. Similarly, in the current year, the Committee has brought out Reports critically examining the working of the Super Bazar (New Delhi) and the Delhi Milk Scheme.

Regularisation of Excesses

I would also like to refer to the significant contribution made by the Committee in regard to regularisation of excesses over grants. Concern had often been expressed in Parliament about the delay on the part of the Executive in obtaining requisite Parliamentary approval for excesses over voted grants and charged appropriations. The matter was brought into sharp focus during certain discussions that took place in the Lok Sabha on 20th and 26th August, 1968. The Committee promptly reacted to this situation and decided that a new approach to the whole problem was necessary if Parliament's wishes were to be fulfilled. The procedure obtaining till then was to obtain explanations for these excesses individually from each Ministry or Department before recommending the regularisation of the excesses to Parliament. The Committee found that this procedure had become time consuming and decided that, in the interests of despatch, the responsibility for the submission of the explanations should devolve on one agency in Government. Accordingly, the Committee suggested that the work should be centralised in the Budget Division of the Ministry of Finance who should co-ordinate the submission of explanations to the Committee in such a way that they would become available shortly after the presentation of Appropriation Accounts to Parliament. I may also mention that till then the Committee used to present one Report on excesses relating to all the civil Ministries and Departments and defer its recommendations relating to excesses in respect of Railways, Defence and Posts and Telegraphs till the presentation of the main Reports of the Committee dealing with these Ministries/Departments. This necessarily meant that regularisation of excesses in regard to these three Ministries/Departments had to await the presentation of the main Reports of the Committee on these Ministries|Departments. The Committee decided to change this procedure and bring out a consolidated Report on excesses relating to all Ministries|Departments in advance of the other Reports. These changes, I am glad to say, have facilitated speedy regularisation by Parliament of excesses.

Closer scrutiny over lapses and shortcomings

I may now briefly refer to certain recent innovations made by the Committee in regard to its scrutiny procedures and followup work on its recommendations. Since 1967-68, the Committee has been trying to develop a more selective approach in its scrutiny work. In the beginning of each term the paragraphs in the Audit Reports are categorised in order of their importance and significance. This makes it possible

for the Committee to give close and concentrated attention to representative cases of lapses and identify shortcomings and loopholes in the procedures, which need to be plugged to obviate recurrence of lapses and irregularities. I may also mention that the categorisation of the Audit paras is done by the Working Groups of the Committee after informal consultations with Audit. These Working Groups, numbering five at present, are constituted at the beginning of each term on the basis of options obtained from Members of the Committee. Further, within the Working Groups, each Member is allotted a separate subject to study the relevant materials and put questions to the official witnesses at the time of evidence. This division of responsibilities enables Members to specialise in subjects of their choice, and also makes for incisive and purposeful questioning during evidence which in the main provides the basis for the Report.

Efficacy of Action Taken Reports

It is no secret that the effectiveness of the Reports of a Parliamentary Committee is to be judged by the extent to which its recommendations are implemented. It is a matter of satisfaction to our Committee that generally over 90 per cent of its recommendations are accepted by Government. However, vigorous and effective steps that need to be taken to remove the causes contributing to the mistakes and lapses, have not always been forthcoming. Until some years ago, the Action Taken Notes furnished to the Committee by the Government did not sometimes receive as much attention as they deserved, owing to the preoccupation of the Committee with original reports. During the last four years or so, however, a number of steps have been taken to rectify the position in this regard. In 1967-68, a standing Sub-Committee consisting of the Convenors of the five Working Groups was constituted. The Sub-Committee examines in detail the Action Taken Notes received from the Ministries|Departments and draws up separate Action Taken Reports which greatly facilitate the work of the main Committee.

About two years ago, the Committee introduced another useful innovation to speed up its 'Action Taken' work. The Convenor of the Action Taken Sub-Committee calls representatives of the Ministries|Departments for informal discussions, utilising the opportunity not only to obtain clarifications on points arising out of the replies furnished by Government but also to speed up the replies where they had not been received. This procedure has helped the Committee to get full and complete replies to its recommendations and bring out the

Action Taken Reports according to schedule. This is no doubt a matter for some satisfaction. It has, however, to be admitted that delays do still occur—though by no means frequently—in the implementation of the recommendations of the P.A.C. in letter and spirit.

I have been thinking of a critical review being conducted of the various recommendations made by the Committee on important subjects, and to see whether Government did take in depth the action they had proposed; as also to pursue such important recommendations to which only interim replies were received or where the Committee did not see its way to accepting Government's replies and reiterated its recommendations. I have a feeling that unless Government Departments and agencies get a firm impression that the Committee is earnest and persistent in its endeavours the requisite improvements in the Executive functioning in the interest of better and more efficient service at less cost to the common man would not come about.

Assistance of the Comptroller and Auditor-General

The Committee on Public Accounts has one great advantage over the other Financial Committees in that it has the assistance of the Comptroller and Auditor-General who is an independent statutory authority. The Comptroller and Auditor-General and his officers furnish full background information about the Audit paras. They attend the sittings of the Committee and help it in its examination of the official witnesses and records. I must here acknowledge that the deliberations of the Committee have been greatly facilitated by the able assistance provided by the present C. & A.-G., Shri Ranganathan, and the competent briefing done by his officers. The wise counsel and expert advice of Shri Ranganathan have helped the Committee to see complex problems in the correct perspective and raise its sights to larger issues of national interest.

Widening of the Scope of Audit

In this connection, I would also like to invite your attention to the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Bill, 1971, which was passed by the Lok Sabha only last month, on the 15th November to be precise. It may be recalled that in one of its earlier Reports, the Public Accounts Committee had emphasized the importance of Audit and suggested to Government the need for legislation to define the powers of the C. & A.-G. Later, on behalf of the Chairman and Members of the Public Accounts Committee, a memorandum was forwarded to the Joint Select Committee,

to which the Bill on the subject was remitted. The memorandum stressed the need for an effective role being given to Audit in certain fields. I am happy to say that the Bill recently adopted by the Lok Sabha widens the scope of Audit thereby correspondingly extending the jurisdiction of the Public Accounts Committee also. Thus, the Bill provides for audit by the Comptroller and Auditor-General, of the accounts of bodies or authorities substantially financed by grants or loans from the Consolidated Fund of India or a State or of a Union Territory having a Legislative Assembly. For this purpose, a grant or loan will be treated as substantial if it is not less than Rs. 5 lakhs and constitutes not less than 75 per cent of the total expenditure of the body or authority in a financial year. The provision clearly extends the jurisdiction of the C. & A.-G. to an area beyond his purview at present. Again, the Bill empowers the C. & A.-G. to audit all receipts which are payable into the respective Consolidated Funds and to satisfy himself that the rules and procedures are designed to secure an effective check on assessment, collections, etc. This is also an improvement over the existing arrangements under which audit of receipts can be taken up by the C. & A.-G. only with the approval of or if required by the President or the Governor.

Growing Workload of the PAC

With the ever-growing range of government activities and resultant increases in the expenditure and revenues of the Central Government, the responsibilities and the work-load of the Public Accounts Committee to-day are far heavier than they used to be in the earlier years of the Committee. The work of the Committee can be gauged from the fact that during the course of the last two decades, it has presented 278 Reports on a wide range of subjects falling within the sphere of different Ministries and Departments. Again, over a period of just three years, 1967—70, the Committee drew up and presented to the House as many as 122 Reports and, in the current year alone, the Committee has within a brief span of seven months adopted a total of 27 Reports.

Spirit of Dedication in Members

I am glad to be able to claim that the Committee's record of work bears testimony to the zest of its Members and their spirit of dedication and service to the country. The work of the Committee has been inspired throughout by an excellent team spirit and an unwavering commitment to do the right thing after a thorough and objective examination of the subject. This has made it possible for the Committee

to bring out unanimous Reports which faithfully reflect the collective thinking of its Members and their constructive and scrupulously non-partisan approach. As the Chairman of the Committee, I am happy to be able to say that I have been receiving the unstinted support of all the Members of my Committee belonging to various parties. I cannot also but express my admiration for the spirit of self-abnegation and the transparent earnestness with which they address themselves to their difficult tasks—going painstakingly into the intricacies of administrative and financial procedures and the voluminous material received from the Ministries and, in the process, denying themselves the pleasure of participating in the deliberations of the House which are widely publicised.

Speaker's Guidance and Encouragement

The Public Accounts Committee has always enjoyed the confidence of the House and received support and encouragement from the illustrious Speakers of the Lok Sabha. Speaking for myself, I am happy to acknowledge gratefully the uniform courtesy and consideration extended to me by the present Speaker, Dr. G. S. Dhillon. With his vast experience as a parliamentarian, Dr. Dhillon's unfailing guidance is a great asset to the Committee.

Publicity to Committees' Reports

In order that a Parliamentary Committee may be really effective, it is necessary that the findings and reports of the Committee should achieve wider publicity and greater influence by being linked to the debates on the floor of the House. It is gratifying to note that Members of our Parliament attach great importance to the Reports and recommendations of the Public Accounts Committee and follow them with keen interest. It is a measure of the Members' regard and active concern for the Committee and its findings that during the term of the Fourth Lok Sabha there was on one occasion a specific discussion in the House on areas of disagreement between the Government and the Committee after the presentation of the Action Taken Report. The Committee on its part has adopted, for the convenience of Members, the practice of presenting Report separately on major Ministries| Departments in respect of which important paragraphs have appeared in the Audit Reports. The effort is to present the Report before the Demands for Grants for the Ministry|Department concerned come up for discussion in the House.

Helpful Attitude of Government

I would, on this occasion, also like to acknowledge that the helpful attitude of the Government in furnishing, readily and promptly, the factual information required by the Committee and the willing cooperation of the officers of the Ministries have greatly facilitated the work of the Committee. The representatives of the Ministries who appear for evidence before the Committee are always willing to place the facts before the Committee, to admit faults where facts so warrant and to suggest concrete measures to plug any loopholes.

Laudable contribution by Secretary, Lok Sabha

I should also pay a tribute to Shri M. N. Kaul, who was the Secretary of the Lok Sabha since its inception till 1965, and has been succeeded by a worthy person, Shri S. L. Shaktiher, both of whom have put this Committee and its functioning on a proper and sound basis.

The National Emergency

As you know, we are now faced with a National Emergency. And indeed at a time of National Emergency like the present one, our first and foremost duty is to close our ranks. Parliament, Government and the people have to stand united and resolutely determined to repel any aggression against our territory, our country, our people and the democratic way of life that we have chosen for ourselves.

We, in the Public Accounts Committee, will play our humble role in contributing towards the effective functioning of the Government, because my feeling is that the Public Accounts' Committee wants to help the Government in improving its machinery to greater effectiveness and usefulness. At a time like this emergency, effectiveness and efficiency are all the more needed and all the members of the Public Accounts Committees at the Centre and in the States will play a significant role in strengthening the Government and take whatever measures that are needed to protect our country and to preserve our democracy.

Here, I would also pay a tribute to all those who co-operated with us in making this function, the Fiftieth Anniversary successful.

We are also grateful to the Press who have always evinced keen interest in the Reports of the Committee and taken them to the people.

Inaugural Address by Dr. G. S. Dhillon, Speaker, Lok Sabha

I deem it a great pleasure and privilege to inaugurate formally the Fourth Conference of Chairmen of Public Accounts Committees of Parliament and State Legislatures coinciding, as it does, with the Golden Jubilee Celebrations of the Committee.

These celebrations of the Golden Jubilee of the Public Accounts Committee which were to be held under normal circumstances are being held under emergency—a sudden attack on India by Pakistan which has marred everything which till last evening was going on so smoothly. All our hopes that the “military Junta” of Pakistan will see reason have been belied. In the present emergency let us all stand united with determination and give a befitting reply to the aggressor, I am sure. Parliament, Government and the people of our country will face this extraordinary situation with courage and fortitude.

This Conference is in the nature of a ‘get together’ for discussion of questions of mutual interest impinging on the scope of examination by the Committee, reviewing the practice and procedure evolved to meet the changing circumstances and above all to exchange experiences.

The Chairman, Public Accounts Committee, in his lucid review has brought out the significant developments in the working and practice and procedures of the Public Accounts Committee at the Centre since 1966 when the Conference met last.

Friends, at one time I also belonged to your fraternity. As some of you here know, I had the privilege of being the Chairman of the Public Accounts Committee in Punjab though for a short time, as I became the Speaker of the Vidhan Sabha soon after in 1954. I have, therefore listened to the learned address of my friend, Shri Era Sezhiyan with a view to commend to you certain aspects of its working at the Centre which may be of special interest to you.

Value of “Achievement Audit”

The first and foremost idea that I would commend to you is of “achievement audit” or critical evaluation of plan and developmental

schemes and projects. Government expenditure on plans and developmental schemes accounts for bulk of the expenditure and it is, therefore, but appropriate that the Financial Committees should evaluate the achievement with reference not so much to the yearly allocation but in relation to the objectives underlying these schemes or projects and the extent to which these have been fulfilled. In short, there should be a critical evaluation of achievement as compared to the financial outlay and target. This can best be done with the co-operation of Audit, for they can provide not only figures showing estimates and actuals but what is more important the facts and objectives underlying the schemes|projects as originally envisaged by Government and as spelt out in Plan or Budget documents submitted to Legislature and the actual achievements. At the Centre, the Committee on Public Accounts has given very valuable Reports on the performance of the Railways during the Third Plan, which brought out clearly how there was over-investment by over Rs. 300 crores, while the additional traffic carried was hardly 50 per cent of what was envisaged, thus denying the much-needed resources to other sectors of the economy. Similarly the Committee's critique of the Defence Plan showed scope for economy by rationalisation of inventories; the latest Report of the Committee on Telephones showed how with concerted efforts the existing installed capacity can be purposefully utilised to earn about Rs. 15 crores per year as additional revenue. I have recalled these facts at some length to indicate the scope for fruitful work

Review of Developmental Activities

May I suggest that you could similarly in the States take up for critical review such developmental activities as rural electrification power for industrialisation, family planning and health centres, irrigation facilities and inputs for agriculture, school education etc.

I would suggest that the Chairman of the Public Accounts Committee may discuss the question of selection of one such significant developmental sector|project for a critical review every year with the Accountant General, who is to assist the Committee with his Report and factual data, so that really significant subjects are taken up for this special treatment.

Co-ordination between P.A.C. and Estimates Committee

I would also suggest that there should be mutual consultation between the Chairman of the Public Accounts Committee and the Estimates Committee so as to obviate duplication or overlap in the

selection of subjects taken up by the two Committees. This coordination is effected at the Centre by informal consultation and by the Joint Secretary of the Lok Sabha Secretariat who serves both the Committees. To give you a concrete instance, the Public Accounts Committee decided not to pursue individual Audit paragraphs relating to Family Planning this year as the Committee on Estimates is comprehensively examining the subject and giving a Report. Similarly, when the Public Accounts Committee went into the Third Plan performance of Railways, the Estimates Committee did not take up that subject.

Classification of Audit Paragraphs

Another aspect which I would like to bring to your notice relates to the classification of the Audit paragraphs appearing in the Audit Report as 'A', 'B' and 'C' in order of importance, so that the Committee concentrates its efforts, particularly during oral evidence of official witnesses on the more significant paragraphs and examines them thoroughly.

The Committee at the Centre has also been very discerning in picking out a few paragraphs from the Audit Reports for giving special Reports. I would commend to you the Reports that the Public Accounts Committee at the Centre has given on the Road Roller Case (1st Report, 1967), and the Hides and Skins Case (56th Report, 1969). It would be seen therefrom that although the irregularities appearing in the Audit paragraph did not mention a large amount, the Committee felt that the nature of irregularities called for a thorough probe in order to know its extent and expose to public gaze the machinations indulged in by certain unscrupulous elements to defraud the country. This thorough investigation revealed that in the Road Roller Case Government had been defrauded of as much as Rs. 1.85 crores without getting delivery of Road Rollers, while in the Hides and Skins Case it came out that it was not a simple case of non-recovery of customs duty on imported but abandoned hides and skins at a port but of a country-wide racket to over-invoice imports under an export incentive scheme and thus defraud the country of precious foreign exchange,

May be you may also like to pick out similarly significant paragraphs from your Audit Reports for a thorough probe and presentation of special Reports.

Impact of Committee's Recommendations

The Committee at the Centre has been paying special attention to the scrutiny of action taken by Government in pursuance of their

recommendations. It is tribute to their vigilance and perseverance that Government was impelled to take stringent and timely action to bring to book the parties who had defrauded them in the road roller and import of hides and skins cases.

Discussion of Committee's Reports in the House

Sometimes, there is a demand that the Reports of the Financial Committees should be discussed on the floor of the House. I have been averse to this being adopted as a general practice, for our convention has been that the recommendations contained in the Reports of the Financial Committees, on which are represented all parties and groups, should be implemented by Government as if they were the recommendations of the House itself. If we allow, therefore, a discussion in the House soon after the Original Report is presented by a Financial Committee, it may lead to avoidable controversy and even split the Members on party lines, a contingency which we should avoid, for these Committees have built up a fine tradition of judging all issues objectively and on intrinsic merit, without bringing in any consideration of party affiliations. If on a rare occasion a discussion is to be allowed in the House, then it should be on a subject of wide public importance and that too after the Committee has examined the action taken notes received from Government and given its final Action Taken Report highlighting areas of divergence between its recommendations and Government's stand.

Dedicated Work by Ex-Chairmen

May I turn now to our distinguished ex-Chairmen of the Public Accounts Committee, Prof. Ranga, Shri Pattabhi Raman, Shri Morarka, Shri Atal Bihari Vajpayee, who have very kindly responded to our invitation and graced the Golden Jubilee Celebrations with their presence. We are sorry Mr. Minoo Masani could not join due to some unavoidable engagements but his message is there with us. Some of the significant developments I have been mentioning happened during their tenure of office and they deserve our unstinted praise for their dedicated work and farsighted vision.

High Traditions of Objectivity and Fairplay

I must also acknowledge here the high traditions of objectivity, impartiality and fairplay which Shri M. R. Masani laid down as the first Chairman drawn from the opposition parties and groups and which have been ably carried and enhanced by Shri Atal Bihari Vajpayee and the present Chairman, Shri Era Sezhiyan.

Landable Service by Secretary, Lok Sabha

I would also like to acknowledge here the great service rendered by Shri M. N. Kaul, Ex-Secretary, Lok Sabha and Shri S. L. Shakh-dher, present Secretary, Lok Sabha, in the formative years of the Committee in building up a fine tradition of the Secretariat acting in close liaison with the Audit and yet independent thereof and in shifting the important points from the unimportant details and in drawing the Committee's attention to really significant clues at the time of oral examination of witnesses. They have also helped to lay down a tradition of fine draftsmanship in choosing the right work to reflect the consensus of Committee's thinking.

Association of the Comptroller and Auditor General

I would also like to welcome the Ex-Comptroller and Auditors General, Shri A. K. Chanda and Shri A. K. Roy, who were closely associated with the working of the Committee during their tenure and contributed greatly towards making it an instrument of effective parliamentary control.

I am happy to associate myself with the well-deserved tribute which has been paid by the Chairmen, Public Accounts Committee to my friend, the Comptroller and Auditor General, Shri S. Ranganathan. I have had the privilege of my association with him when I was Chairman of the Committee on Public Undertaking myself, and I can confidently say from experience what a great assets he has been to the Committee in bringing to notice really important and significant cases in Audit Reports and then placing at the disposal of the Committee a critical analysis of the facts in their true perspective.

Enthusiasm of Committee's Members

I would like in conclusion to draw your attention to the successful manner in which the Committee at the Centre has been able to sustain the interest of its members by allotting each a subject of his or her choice to head off with questions at the time of oral examination; the broad division of the Committee into Working Groups, each under a Convener, for intensive study and informal discussion amongst themselves and with officers of C. and A. G. and Lok Sabha Secretariat of the issues underlying different Audit Reports and the clubbing of names of Members|Conveners with the Chairman for presentation of Reports to the House. I say all this, for I feel that the first and foremost duty of a Chairman of a Parliamentary Committee is to encourage the Members of his Committee to take enthusiastic interest in the

allotted work and have a sense of participation. It is the extent to which we are able to enthuse the members and make them active partners in the process of examination and deliberations that the Reports gain in public interest and reflect truly the consensus of all parties and groups represented in the House and serves best the cause of the common man, which is dear to all of us.

I see you have a heavy Agenda covering as many as ten subjects, such as scope of Audit, examination of Accounts and Audit Report, verification of facts stated during evidence and action against officers responsible for irregularities. I am sure you will all have a useful and meaningful exchange of experiences and views and go back to your States richer in information and inspired by the Common objective of strengthening parliamentary institutions in the interest of greater service to the cause of the common man.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

[On August 12, 1971, the first meeting of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of the Fifth Lok Sabha was inaugurated by Dr. G. S. Dhillon, Speaker, Lok Sabha. We reproduce below the edited version of the welcome speech of Sardar Buta Singh, the Chairman of the Committee and the Inaugural Address by the Speaker—Editor].

Welcome speech by Sardar Buta Singh, Chairman

Mr. Speaker, Sir, on behalf of the Members of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and on my own behalf, I welcome you to this first meeting of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of the Fifth Lok Sabha. We are grateful to you for having spared your valuable time to be in our midst today to inaugurate the Committee. As you are aware, Sir, the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes was set up for the first time in December, 1968, and it functioned for two years under the able Chairmanship of our colleague Shri D. Basumatari. The Committee in its two-year term submitted as many as 19 Reports to Parliament and Government have already initiated action on the recommendations contained therein. This Committee has been constituted with a view to watch *inter alia* the interests of the Scheduled Castes and Scheduled Tribes and to see to what extent the Constitutional provisions made for them in the services are being implemented. The Committee will consider the Reports of the Commissioner for Scheduled Castes and Scheduled Tribes and make suggestions for ameliorating their condition. It will be the endeavour of the Committee to ensure the all round improvement in their living condition.

Inaugural Address by Dr. G. S. Dhillon, Speaker, Lok Sabha

The influence that Parliament exercises over the Executive stems from one basic principle. Parliament embodies the will of the people

and it must, therefore, be able to oversee the manner in which public policy is carried out. It is more than ever necessary for Parliament to ensure that the Executive functions in consonance with the aspirations of the people. But Parliament, as a body can hardly scrutinise the actions of the Executive effectively. In fact, it has neither the time nor the expertise for a thorough scrutiny of the varied and complex details of the various schemes undertaken by Government for the welfare of Scheduled Castes and Scheduled Tribes. Hence, the solution lies in the setting up of a Parliamentary Committee with adequate powers to scrutinise the working of the various schemes and plans undertaken by Government for the welfare of Scheduled Castes and Scheduled Tribes on a continuing basis. Over the years, though there has been an enormous increase in the State activity, so far as Scheduled Castes and Scheduled Tribes are concerned, much still remains to be done.

Some of you have long experience of Parliamentary work and have also spent many years in various Parliamentary Committees. However, I would like to mention briefly the working of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

Origin of the Committee

As you may be aware, the Committee was first constituted by a motion adopted by the Fourth Lok Sabha on the 30th August, 1968 and concurred in by Rajya Sabha on the 25th November, 1968. The term of office of the First Committee was for a period of two years from the 18th December, 1968. During its term of two years, that Committee presented to Parliament as many as 19 Reports on the various aspects of the problems confronting the Scheduled castes and Scheduled Tribes. The Committee was again reconstituted by a motion adopted by Lok Sabha on the 19th December, 1970 and concurred in by Rajya Sabha on the 14th December, 1970. However, before the Committee could start functioning, it became *functus officio* on the dissolution of the Fourth Lok Sabha on the 27th December, 1970. Now the Committee has again been constituted for a two-year term.

Functions

The functions of the Committee, as you are all aware, are very wide. It has to consider the Reports submitted by the Commissioner

for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters falling within the purview of the Union Government, including the Administrations of the Union Territories. The Committee has to report to both the Houses on the working of the welfare programmes for the Scheduled Castes and Scheduled Tribes. The Committee has also to report to both the Houses of Parliament on the action taken by the Union Government and Administrations of Union Territories on the measures proposed by the Committee.

Interdependence between the Committee and Commissioner

There is inter-dependence between your work and that of the Commissioner for Scheduled Castes and Scheduled Tribes. I am sure that your Committee will go deep into the major recommendations made by the Commissioner in his various Reports and find out from the various Ministries of the Government of India and the Union Territory Administrations, how far those recommendations have been implemented. I think it would be useful if the Commissioner for Scheduled Castes and Scheduled Tribes is associated with the work of the Committee from the very beginning. The Committee may obtain the views of the Commissioner for Scheduled Castes and Scheduled Tribes before the official witnesses are examined so that the enquiries may be fruitful and purposeful.

Rapport with State Bodies

I feel there is need for establishing a rapport between the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and similar Committee which have been set up in some of the State Legislatures. In my opinion, the Parliamentary Committee should concern itself with matters of all-India importance, the Central Schemes and the Centrally sponsored projects which are at present being executed by the States, leaving the purely local issues to be dealt with by the State Committees.

Impact of the Committee

I have noticed that Government have shown great regard and respect to the Reports of the Committee, for they are unanimous, based

on verified facts and contain the objective appraisal of the work executed by the Departments/Ministries. The Committee has set up a very high tradition of functioning as a single team where members forget all their party affiliations. I am sure that all the members will preserve and enhance the high traditions maintained by the Committee, and will continue to judge all issues objectively and on merits, rising above party affiliations and political alignments.

With these words, I welcome you to the challenging task of studying the diverse and varied problems of Scheduled Castes and Scheduled Tribes and suggest remedial measures to improve the conditions of these weaker sections of our society.

The Committee has the good fortune in having Sardar Buta Singh as the Chairman. His long association with public life and his vast experience as a parliamentarian and a member of the previous Committee will prove to be an asset to the Committee. I would also like to make a mention of the good work done by the erstwhile Chairman, Shri D. Basumatari.

May I, in conclusion, wish you all dedicated work and service and success in your labour.

DIVISION-PROCEDURE FOLLOWED IN U.P. LEGISLATIVE ASSEMBLY

D. N. Mithal

Secretary, U.P. Legislative Assembly

In a parliamentary democracy every matter that comes up for consideration and debate before a democratic institution has to be decided by a vote of majority of the members of such an institution. Under the democratic set-up, the majority opinion becomes binding on all citizens.

Different Voting Procedures

The various democratic institutions in the world follow different methods of voting. Apart from a few exceptions, as in the case of appointments of its own officers, or elections to various bodies in which it is represented, the decisions taken by a Parliament or Legislature are open and public. 'Public voting' denotes the type of vote in which the name of the Member and the way he has voted can be ascertained since it is published in the official report of debates. Amongst the various methods of voting, the first method is oral voting where the Members signify their vote by calling out 'Aye' or 'No'. The opinion expressed most loudly is taken to be the majority opinion. This method gives a measure of anonymity as it cannot be ascertained how *a particular Member has voted*. This is the usual method of division followed in Great Britain, Australia, New Zealand, Ghana, Liberia, Nigeria, the Philippines, Sierra Leone, Sweden and the United States (House of Representatives). The second method is voting by show of hands which allows a rough count of Members voting for and against a question. This method is normally followed in Israel, Monaco, U.S.S.R., Argentina, the Central African Republic, Chile, Ethiopia, the Federal Republic of Germany, France, Iceland, Italy, Laos, Lebanon, Luxembourg, Somalia, Turkey and the United Arab Republic, and also in Ghana and Liberia when an oral vote fails to provide a result. The third method of voting is by sitting and standing. It is often used to check a vote by show of hands or oral voting. This is the classic method of voting in the Parliaments of Austria, Belgium, Cey-

lon, Denmark, Finland, Greece, Iran, the Netherlands, Norway, Spain, Sweden and Switzerland (National Council). The accuracy of vote by this method can be improved by the Chair asking the Members to gather together according to opinion on one side of the Chamber or the other in order to facilitate counting of votes. This practice is followed in the Italian Chamber of Deputies and in the United States House of Representatives where a teller for each side is appointed by the Speaker on request by one-fifth of the quorum.

When the above method of voting fails to give a result, the method of open ballot is followed, which makes it possible for the names of voters and the way they have voted to be recorded in the official proceedings. There are three methods of division to achieve this object. The first method, which is also used in the British House of Commons, is by directing the Members to the respective lobbies on either side of the Chamber where they are counted by the tellers. This method, with a few variations, is also followed in Australia, Ghana, Nigeria, New Zealand and the United States (House of Representatives).

The second method is the vote by roll call. As the name of a Member is called out from the Chair, he replies 'Aye' or 'No' or 'I abstain'. The replies are ticked off on the list and the numbers in favour or against are counted. This method is followed in most Western European Countries, in Argentina, Canada, Ceylon, Chile, Ethiopia, Lebanon, Libya, the Philippines, Somalia, Turkey, the United Arab Republic and the United States.

The third method is by using voting papers. The Members are provided with voting papers marked with their names and differing in colour according to the way they wish to vote. They place these papers in urns that are passed round the benches. This is the basic method of voting followed in Cameroon, the Central African Republic and Laos.

The fourth is the mechanical voting system, which is worked by an electronic device. Votes are cast by means of a series of buttons located on the desk of each Member. The results are shown immediately on a lighted board on the wall of the Chamber. This method is used in Argentina, Belgium, Finland, the French National Assembly and Sweden, and in the Parliament of India.

It will be seen from the above that in all the Parliaments the world over the method of anonymous voting is ordinarily used, and if the result is in doubt, the method of open voting is followed. In the Bri-

tish Parliament the oral voting is used as the anonymous method and voting by division as the public method. In the European continent and in many other countries voting by show of hands or by sitting and standing is the method of anonymous voting and voting by Roll call is the method of public voting.

So far as the question of voting in the Indian Parliament and State Legislatures is concerned, specific provision has been made in the Constitution of India in Article 100¹ in respect of the Houses of Parliament, and in Article 189², in respect of the State Legislatures to ensure that all questions at any sitting of either House of Parliament or of a House of the Legislature of a State shall be determined by a majority of votes of the Members present and voting.

All the State Legislatures, including the Uttar Pradesh Legislative Assembly, have framed Rules of Procedure and Conduct of Busi-

¹100. *Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.*—(1) Save as otherwise provided in this Constitution, all questions at any sitting of either House or Joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker.

The Chairman or Speaker, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House.

(4) If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

²189. *Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.*—(1) Save as otherwise provided in this Constitution, all questions at any sitting of a House of the Legislature of a State shall be determined by a majority of votes of the members present and voting, other than the Speaker or Chairman, or person acting as such.

The Speaker or Chairman, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

ness in pursuance of the provisions of Article 208(1) of the Constitution of India.

In Rule 3 of the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Assembly the word 'Division' has been defined as follows:—

“ ‘Division’ means the recording of votes by sending the Members to lobbies or by adopting any other method”.

Rules 295³, 296⁴, 297⁵ and 298⁶ of these Rules provided for the procedure for obtaining decision of the House.

It will be noted that these rules provide for three methods for obtaining a decision of the House, viz., (1) by voice vote; (2) by show of hand; and (3) by division. These rules are, however, silent on the point that in case a division is claimed by a Member, what procedure should actually be followed for recording the votes of Members in a division. This has left the actual procedure of division flexible to suit the circumstances of each occasion when a division is claimed; but the definition in Rule 3 reproduced above empowers the Speaker to adopt any method besides sending the Members to lobbies for according the votes.

Method of Division in House of Commons

The present method of holding divisions in the House of Commons was established in 1836. The Speaker first ascertains the voice vote

³295. *Procedure for obtaining decision of the House.*—A matter requiring the decision of the House shall be decided by means of a question put by the Speaker.

⁴296. *Proposal and putting of question.*—When a motion has been made, the Speaker shall propose the question for consideration, and put it for the decision of the House. If a motion embodies two or more separate propositions, these propositions may be proposed by the Speaker as separate question.

⁵297. *No Speech after voices collected.*—A member shall not speak on a question after the Speaker has collected the voices, both the 'ayes' and of the 'noes', on that question.

⁶298. *Decision.*—(1) Votes may be taken by voices or by division and shall be taken by division, if any member so desires;

Provided that the Speaker may, if he is satisfied that division is unnecessarily claimed, avoid a division and take votes by show of hands.

(2) The result of a division shall at once be announced by the Speaker and shall not be challenged.

for and against the question. If the opinion of the Speaker about the voice vote is challenged, the Speaker orders the lobbies to be cleared, and the exit doors of the Division Lobbies are locked. Upto 1906, the doors of the Chamber were locked two minutes after the calling of the division. Under the present practice, however, the doors of the Chamber are left unlocked. After two minutes, the Speaker again puts the question, and if his opinion about the voice vote is again challenged, the Members are then directed to the lobbies, where the Division clerks mark the names of Members on the Division lists as they pass by the Division clerk's table. At the expiration of six minutes from the time the lobby was ordered to be cleared, the doors leading from the House into the Division Lobby are locked until the announcement of the result. The votes for the 'Ayes' and 'Noes' are counted by the tellers appointed by the Speaker for each Division, and the tellers bring the result of the Division to the House, and the Speaker announces the result of the division. Several suggestions have been made during the past years to reform the above method of division. Apart from suggestions for making improvements in the present system of voting, a suggestion for introducing a mechanical press-button system of voting was also made. The Select Committee on Procedure of 1966-67 recommended no radical change in the present method of taking divisions, and the proposal for introduction of an electro-mechanical system of division has been rejected, at least for the time being.

Method of Division in Indian Parliament

In the Lok Sabha as well as Rajya Sabha, the automatic vote recorder system has been installed for recording votes in a division. When a division is ordered by the Speaker, division bells ring for two minutes. Immediately after the bells stop ringing, all the outer doors of the Inner Lobby of the Chamber are closed until the result of the division is announced by the Speaker. Each Member casts his vote from the seat allotted to him by pressing the requisite button provided for the purpose. The result of voting appears on the indicator board, and the result of division is announced by the Speaker. The names of all Members who have voted in a division are shown in the photograph showing the result of that division.

Another method for recording votes used is that printed 'Aye' and 'No' slips are distributed to Members in the House and they record their votes by writing their division numbers on these slips and signing them. These slips are collected from the Members, and the result

of the division is worked out by the Officers of the Table. The result is then announced by the Speaker.

In the event of the failure of the automatic vote recording equipment the method of division in the lobbies is also followed if the Speaker so decides. He directs the members for 'Ayes' to go to the right lobby and those for 'Noes' to the left lobby. In each lobby four booths are provided and each Member states his division number and the division clerk, while marking off his number on the division list, calls out the name of the Member. After the recording of votes is completed in the lobbies, the division lists are brought to the Table where the votes are counted by the Officers at the Table. The result of the division is then announced by the Speaker.

Method of Division followed in Uttar Pradesh Legislative Assembly

Upto 1967 the procedure that was followed in the U.P. Legislative Assembly for recording of votes in a division was uniform. Whenever a question requiring the vote of the House was put by the Speaker, voice votes were first taken. If any Member challenged the opinion of the Speaker about the voice vote, and claimed a division, the Speaker ordered the division bells to be rung for three minutes. After the expiration of this period, the doors leading into the Chamber of the House were ordered to be closed. The question was again put by the Speaker, and voice votes were again taken first. If any Member challenged the opinion of the Speaker about the voice vote and claimed a division, the Speaker directed the Members in favour of the question to proceed to the lobby to his right, and those Members against the question to proceed to the lobby to his left. In each of the two lobbies the division lists were kept at four stands, two lists on one stand on each of its side. The officials of the Assembly Secretariat were posted on duty at each stand to assist the Members in recording their votes. The Members signed in the division list against their names. When all the Members had exercised their votes, the votes for and against the question were counted by the officials of the Assembly Secretariat and communicated to the Secretary who passed them on to the Chair. The result of the division was thereupon announced by the Chair.

The same process of Division was followed on July 25, 1967, but the division had to be cancelled by the Speaker as grave disorder was

¹It may be mentioned that the lobbies of the House have their entry and exit through the Chamber only.

created during the process of division. The facts, briefly stated, are that on July 25, 1967, when a budget grant for the financial year 1967-68 was, after discussion, put to vote, voice vote was first obtained. A Member, however, challenged the opinion of the Speaker about the voice vote and demanded division. Thereupon, the Speaker ordered the division bells to be rung, and ordered the lobbies to be cleared of all strangers. After three minutes, the doors leading to the Chamber of the House were closed. The Speaker put the grant to the vote of the House and wanted to ascertain the votes of the Members by show of hands. The Members, however, insisted on division in the lobbies. The Speaker, accepting the demand for division, directed the Members in favour of the motion to proceed to the 'Ayes' lobby to his right and those opposed to the motion to proceed to the 'Noes' lobby to his left. After few minutes, however, several Members collected at one place in the Chamber. In spite of persistent order from the Chair directing the Members to proceed to the lobbies and not to make a crowd in the House, the situation went on deteriorating. There was lot of noise and disorder in the House. The Speaker ultimately cancelled the division in progress, and adjourned the House for half an hour. After the House re-assembled, the Members pondering over the incident, expressed their regrets, and the grant was ultimately passed by a voice vote.

. . .

On the next day, viz., July 26, 1967 the Speaker informed the House that taking into account the tension created in the House over the previous day's division, he had decided that if a division became imminent again that day, he would get a box placed below the Speaker's dais on the floor of the House. He had got small cards printed with the words 'Ayes'/'Noes' and bearing the signature of the Secretary of the Legislative Assembly. The Members, exercising their votes, would sign the cards, and delete the word 'Ayes' or 'Noes' as the case may be, and drop the card in the box. The Speaker also announced that this procedure of division had been devised as a special case taking into account the situation created on the previous day, and would only apply to the division that may be held that day or next day, but that procedure would not form a normal procedure for future divisions. It was also admitted by the Speaker that a division should be a written division as also an open division, so that the constituents are able to know as to how the Members representing their constituencies have exercised their vote.

On July 27, 1967, when a motion of no-confidence in the Council of Ministers was to be put to vote, the Speaker announced that he had decided upon a special procedure for divisions to be valid for that

day only. He ruled that two boxes (instead of one box, as decided by him for the division on July 26, 1967), shall be placed in front of the dais, one box for the 'Noes' and the other box for the 'Ayes' boldly written on them. The Speaker would call the Members in alphabetical order. Each Member would be given a slip by an official on duty, and his name would be ticked on the list. The Member would sign the slip and drop it in the 'Ayes' box or 'Noes' box, as he wished to vote. Consequently, this procedure was followed in the division held that day.

Again on March 4, 1970 when the Motion of Thanks on the Governor's Address and amendments thereto were to be put to vote, the Speaker informed the House that since the leaders of the various parties who had met the Speaker in his Chamber, had not given a clear assurance that there would be no disorder during division in the lobbies, he had decided that the division would be held in the House itself by placing two boxes, one for 'Ayes' and the other for 'Noes' in the same manner as was done on the last occasion on July 27, 1967. An amendment to the Motion of Thanks was ultimately put to vote and a division was claimed. After the division bell had stopped ringing, the procedure of division as announced by the Speaker was started. But the opposition Members opposed this procedure and demanded division in the lobbies. The opposition Members took away and broke up the box for the 'Ayes'. Many opposition Members surrounded the Speaker's dais and created grave disorder in the House, and some Members forced their way out of the Chamber through the Speaker's door. After the names of all the Members had been called out for exercising their votes by signing the slips, the Speaker announced, amidst noise, that the amendment was lost on the basis of the voice vote taken earlier before the process of division started. The original Motion of Thanks was not put to vote that day.

On the next day, March 5, 1970, the Speaker informed the House that it had been decided that in future the division would be held in the lobbies. The lobbies for 'Ayes' and 'Noes' would be marked for each division so that the Members could go to the lobbies on their own side and not to the lobby on the opposite side.

Subsequent to the above decision, the division was held according to that procedure, when the motion of no-confidence in the Council of Ministers was put to vote on March 21, 1970.

The above procedure of division in the lobbies was followed on April 29, 1970 also.

On June 30, 1970 when a Member was named by the Speaker for his persistent defiance of the Chair, a motion was made by the leader of the House to suspend the Member from the service of the House for three days. The motion was put to vote and a division was demanded. The procedure of division in the lobbies, as decided earlier, was followed. After the declaration of result of the division, several Members complained of irregularities in the process of division to the effect that the signatures of certain Members had been forged, and certain Members forced their way into the Chamber through the galleries and lobbies after the doors of the Chamber had been closed. The House, thereafter, adjourned *sine die* on July 1, 1970. The Speaker after going into the complaints of irregularities regarding the division held on June 30, 1970 declared the impugned division as null and void, and also cancelled the proceedings concerning that division.

In another division held on March 30, 1971, the same procedure of taking division by sending the Members to lobbies was followed, though with some modifications. On this occasion, when the motion of Thanks on the Governor's Address and the amendments moved thereto were to be voted the Speaker, keeping in view the irregularities committed in the last division held on June 30, 1970 and as a matter of abundant precaution to eliminate the chances of any disorder, irregularity or malpractice in the process of division, informed the House that he would hold the division by sending the Members to the lobbies. He would call the names of six Members alphabetically at a time, who would proceed to the respective lobbies for recording their votes. After these Members had returned to the Chamber from the lobbies, the names of the next six Members would be called. All the rest of the Members were required to remain in their seats in the Chamber. This process of division was gone through in a peaceful and orderly way, and no complaint of any sort of irregularity or disorder was made. This process of division, however, did take a longer time of 75 minutes as against an average time of 20 minutes taken in usual lobby division.

It will be noted from the foregoing instances that since 1967, there have been variations in the pattern of division. These variations have largely been due to the changing strength of different political parties in the House. During the period from the commencement of the constitution till 1967 the Congress Party retained an absolute and over-

whelming majority in the House. The majority of the ruling party was never in doubt and as such till 1967, there occurred no disorders or irregularities during divisions. After the 1967 General Elections the strength of the different political parties registered sharp variations. Coupled with this, a new era of defections set in and the Members started changing frequently their allegiance from one party to another, with the result that the strength of the party in power as well as other opposition parties in the House remained ductuating every now and then. It became imperative for the ruling party to ensure that the Members in their fold stuck to their places so that the party be not let down in a division. At the same time the parties in opposition strove all their nerves to reduce the strength of the ruling party so as to grab any opportunity of voting them out of power. The end of a single party rule and the emergence of coalition governments also led to the growing tendency of the Members defecting from one political party to the other very frequently. Because of these factors, the strength of a political party could hardly remain stable, and every time a division was held there arose a tussle between the parties in power and the parties in opposition to muster the majority of votes in their favour. This evidently involved the dragging of the Member's votes to the respective lobbies by coercion, influence, allurements, intimidation or even threats. In that atmosphere, it was natural that the process of division was marred by disorder, irregularities and malpractices, which are derogatory to the dignity and serenity of any democratic institution. It need not be emphasized that the right of free exercise of vote in the division lobby is an important element in the right of freedom of speech and it is a contempt of the House to force a Member into a particular lobby.

The recent experiments in the process of division in the Uttar Pradesh Legislative Assembly have proved successful and they have amply suited to the circumstances of each division. The Rules of Procedure of the Uttar Pradesh Legislative Assembly have wide scope and they empower the Speaker to record the votes in a division by adopting any method. The method of taking a division by sending the Members to the lobbies has crystallized to be the most practicable and dependable method of recording votes. It has to be kept in mind that the exercise of vote in a division is distinct from the exercise of vote in an election, and while the vote in an election can be given by secret ballot, the vote in a division must be an open vote, so that the process of voting or division should be visible and everybody should know then and there how each Member has exercised his vote. However, in all future divisions too, it is hoped, the process of division evolved so far would be applied as successfully as hitherto, with such modifications and improvements as the need of the hour demands.

IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION*

(A series of articles highlighting the impact of recommendations of the Financial Committees of Parliament on the Administration was started with the April, 1970 issue of the Journal Continuing the series, we publish in this issue two articles—one on "Review of Defence Budget—Consolidation of Revenue Demands" based on the reports of the Estimates Committee and the Public Accounts Committee, and the other on "Farakka Barrage Project" based on the reports of the Estimates Committee.—Editor).

Reports of the Public Accounts/Estimates Committees

I. REVIEW OF DEFENCE BUDGET—CONSOLIDATION OF REVENUE DEMANDS

In February, 1968 the Ministry of Finance (Defence Budget) intimated to the Public Accounts Committee and the Estimates Committee that beginning with the Budget for the year 1968-69 separate Demands for the revenue expenditure of three Defence Services would be replaced by one composite Demand.

Till the Budget year 1967-68 the Defence Services Estimates used to be presented to Parliament in the form of five Demands for Grants—one each for the Army, Navy, Air Force, Non-effective charges (*i.e.* Pensions) and Defence Capital Outlay. The Demand for Army also included the requirements on account of organisations like the Ordnance Factories, Military Engineering Services, Inspection, Research and Development, etc., which served all the three Services. Defence Capital Outlay, however, had been a composite head for the capital requirements of all the Services and connected Inter-Services Organisations. According to a note submitted by the Ministry of Finance to the Public Accounts and the Estimates Committees, the existence of three separate heads for Revenue Expenditure had resulted in an inflation in the Demands as voted by Parliament for the three Services, as certain items detailed below "were included in the voted grants twice—once under the Army Demand and again under Navy or Air Force, as the case may be":—

- (i) The entire expenditure on Ordnance Factories was provided for under the Army Demand, and costs of stores manufactured and

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

issued to the Navy and Air Force were again provided for in the Demands for Navy and Air Force. The issues were shown as recoveries in the Army Budget but the vote was for the gross amount. Issues to the Army were not, however, charged separately as the Factories' budget was part of the Army's Grant.

- (ii) Similarly, all the expenditure on the personnel of the Military Engineering Services Organisation was met out of the Army Grant, and Departmental Charges, constituting 16-1/2 per cent of the cost of the works including maintenance services executed for the Navy and the Air Force, were shown as expenditure in the Navy and the Air Force Demands.

The Ministry of Finance further stated in their note furnished to the two Financial Committees that the extent of adjustments under the above categories which were included under Army Grant and again under the Navy|Air Force during 1967-68 was of the order of Rs. 13 crores. As these amounts were shown as recoveries, the Ministry stated, the net expenditure was not affected but the demands as voted by Parliament were larger than the real expenditure.

The Ministry stated that with a view to eliminating the inflation in the gross Demand as voted by Parliament, it had been decided to present with effect from the Budget for the year 1968-69, only three Demands as against the then existing five. The revised Demands were:

- (i) A composite Demands for Revenue Expenditure on Defence Services—Effective, the three existing Demands for Army, Navy and Air Force would be combined into one Demand and this would include as Sub-Major Head, expenditure on Army, Navy, Air Force and Defence Production;
- (ii) One Demand for Non-effective (Pensionary charges); and
- (iii) One Demand for Defence Capital Outlay.

The Ministry of Finance intimated to the Public Accounts Committee as also the Estimates Committee that the composite Demand would be so arranged that full information on the three Services would be available to Parliament as in the past and, in addition, expenditure on organisations under the control of the Department of Defence Production, like Ordnance Factories, Inspection, Research and Development, would also be shown separately under a Sub-Major Head. The Ministry stated that under Defence Capital Outlay also a slight re-arrangement was proposed and a new unit of appropriation would be opened for showing separately the capital expenditure on works, and plant and machinery for departmentally-run units under Defence

Production. According to the Ministry, the main advantages of the revised system were:—

- (i) elimination of inflation in the total gross Demand thus showing the total expenditure in the proper perspective;
- (ii) opening of separate units of appropriation for Defence Production; and
- (iii) more flexibility in regard to re-appropriation so that savings under one Service might be re-appropriated for additional requirements under other Services, thus reducing the need to approach Parliament for Supplementary Demands.¹

The Public Accounts Committee (1967-68) were, however, not impressed with the arguments adduced before them for this change and felt that they could not agree to any departure from established procedure "which would have the effect of making a serious dent in accountability to Parliament."²

The Estimates Committee (1967-68) in their Forty-fifth Report noted that one of their functions as laid down in Rule 310(d) of the Rules of Procedure and Conduct of Business in Lok Sabha, was "to suggest the form in which the estimate shall be presented to Parliament". The Estimates Committee also recalled that in the year 1962 when the Ministry of Finance had proposed revision of the form and contents of the Demands for Grants, they had sought their prior approval. The Estimates Committee (1962-63) had presented their Eleventh Report on this subject. The Estimates Committee (1967-68), therefore, decided to examine the Ministry of Finance regarding compliance with this Rule.³

The Finance Secretary, however, stated in a written communication addressed to the two Financial Committees of Parliament that "the decision to combine the Demands into one without the prior approval of the Estimates Committee was taken under a misunderstanding, because on four occasions in the past combination of Demands had taken place without the Estimates Committee's prior approval." The Finance Secretary further stated that "in view of the reactions which the proposal has evoked, Government do not wish to pursue the proposal."

¹P.A.C. 20th Report (1967-68), pp. 5-7.

²Ibid., para 1.6.

³E.C. 45th Report (1967-68), para 1.4.

The Finance Secretary added in his letter as follows:—

“Unfortunately, the Defence Services Estimates for 1968-69 have been prepared and printed on the basis of one Demand for Army, Navy and Air Force. I have looked into the possibility of separating the three Demands even at this stage, but the position is that if we are to do so, the Defence Services Estimates may not be ready by the 29th February, when these will have to be placed before the Parliament along with the Budget. However, even though the Demand is shown as one, the Finance Ministry undertake that in the operation on the Demand, the same procedure as was followed when the Demands were separate will be followed before effecting re-appropriation among the Army, Navy and Air Force estimates. For the Budget 1969-70, as I have stated earlier, we will go back to the arrangement of three separate Demands for the three Services. I wish to assure the two Committees, particularly the Estimates Committee, that there was not the remotest intention of by-passing the Estimates Committee's jurisdiction in the matter. The correct position has been noted and will be followed in future.”⁴

In the light of the difficulties mentioned in the letter and the assurance contained therein the Public Accounts Committee considered that “with this restoration of the *status quo ante*, the matter may now be regarded as satisfactorily settled.”

The Committee observed that although in the printed Budget papers for 1968-69 there would be only one composite revenue Demand for all the three Services, it was desirable that “when the Demands are put to the vote of Lok Sabha, the Demand in respect of each of the three services, viz., Army, Air Force and Navy, should be put to the vote of the House separately, as in the previous years.”⁵

Likewise, the Estimates Committee, while not pursuing the matter further in view of the assurance given by the Finance Ministry that in the operation of the Demand the same procedure as was followed when the Demands were separate would be followed, suggested that a suitable indication might be given to that effect while presenting the Budget.⁶

The recommendations of the Public Accounts Committee for putting the Demand in respect of each of the three services to the vote of the House separately was examined by the Ministry of Finance in consultation with the Law Ministry. The Vote on Account was sought⁷ in

⁴*Ibid.*, para 1.4. and P.A.C. 20th Report (1967-68), para 1.7.

⁵P.A.C., 20th Report (1967-68), paras 1.8 and 1.9.

⁶E.C., 45th Report (1967-68), para 1.6.

⁷L.S. Deb., dated 14-3-1968, cc. 817-18.

the following form:—

“That a sum not exceeding Rs.....be granted to the President, on account, for or towards defraying the charges during the year ending on the 31st day of March, 1969, in respect of ‘Defence Services’—Effective, of which Rs..... shall be for Army including Defence Production, Rs.....for Navy and Rs.....for Air Force.”

An annexure was added to the Appropriation (Vote on Account) Bill, 1968 to indicate the amount for the three services.

The final vote was also similarly worded⁸ and a suitable annexure was added to the Appropriation (No. 2) Bill, 1968 to indicate the amount for the three Services separately. This also ensured that no reappropriation was made within the composite Demand between the three Services.⁹

In the Budget Estimates for the subsequent year, *i.e.* 1969-70, the earlier practice of showing separate Demands for each of the three Services was restored.

REPORTS OF THE ESTIMATES COMMITTEE

II. FARAKKA BARRAGE PROJECT

The Projects: Its Location and Origin

The Farakka Barrage Project is located at Farakka in the Murshidabad district of West Bengal, about 250 miles north of Calcutta. The barrage, when completed, will divert the headwaters of the Ganga through a 24-mile feeder canal into the Bhagirathi to sustain the Hooghly with a discharge of 40,000 cusecs throughout the year.

The need for such project was envisaged as far back as the middle of the last century. Sir Arthur Cotton, the British Engineering expert, who was primarily responsible for some of the largest irrigation projects in the country during the last century, proposed in 1858 that a barrage should be constructed across the Ganga. This opinion was repeated again and again by other experts of international repute. For instance, the Stevenson Moore Committee considered it necessary in 1919 that immediate steps should be taken for the conservation of the head water

⁸L.S. Deb., April 1, 1968, c. 1293.

⁹P.A.C., 26th Report (1967-68), pp. 119-120.

supplies of the Hooghly. Likewise, several other experts testified to the urgency of augmenting the headwater supplies in order to save the Calcutta Port"¹.

Main Components

The main components of the project are:

- (i) a 2245 metre (7,366 ft.) long barrage with 109 bays across the river Ganga at Farakka with a rail-cum-road bridge;
- (ii) a 40.23 km (25 miles) long feeder canal taking off from the Head Regulator on the right bank of the Ganga river just upstream of the Farakka Barrage and having its outfall into the Bhagirathi river below Jangipur Barrage;
- (iii) a cross regulator or a barrage across the Bhagirathi river just upstream of the outfall of the feeder canal near Jangipur town.²

Chief Benefits

The Farakka Barrage is designed mainly to save the Calcutta Port from extinction. This it seeks to do by letting in adequate quantities of fresh water into the Bhagirathi-Hooghly system. The Fresh water thus brought would move silt and sand out into the sea and keep the Bhagirathi-Hooghly healthy and safe for navigation so that ships with drafts upto 26 feet could safely come to Calcutta.

Ancillary Benefits

Some more ancillary benefits expected from this project are:

- (1) provision of a perennial inland navigational route between the Calcutta port and other States like Bihar, U.P., Assam, etc.,
- (2) the direct road-cum-rail link between places on the two banks of the Ganga—a communication link which is considered vital from the strategic point of view;
- (3) improvement in potable water supply in the Calcutta industrial belt; and
- (4) improvement in the drainage, sanitation and public health of the entire area.³

Delay in Starting the work

Although the necessity of the Farakka Barrage Project was felt more than 100 years ago for saving the Calcutta Port, investigations about the details of the Project were started by the West Bengal Government only in 1948. These were taken over by the Central Water and Power Commission in 1950 and the administrative sanction for the project was

¹E.C., 124th Report (1969-70), paras 1.1 to 1.6.

²*Ibid.*, paras 3.1, 3.20 and 3.37.

³*Ibid.*, paras 1.2 and 1.7 to 1.16.

given in 1962. The actual work was, however, commenced from the working season of 1963. The Estimates Committee (1969-70) observed in their Hundred and Twenty Fourth Report that even after its commencement in 1963, the work did not progress in right earnest for the next two to three years. The Committee expressed their unhappiness at this delay, which, the Committee observed, apart from resulting in loss of hundreds of crores of rupees and increase in cost had deprived the country of the anticipated benefits from the project.⁴

The Government on their part thought that there was not too much avoidable delay. "For a work of this magnitude", the Government spokesman stated before the Estimates Committee, "a considerable amount of examination was necessary". The Committee were later informed by the Government that substantial progress on the Farakka Barrage could not be achieved in the initial years due to various reasons such as the slushy nature of soil, unsatisfactory performance of the Batching and Crushing Plant, shortage of well-point equipment and pile driving hammers, etc. The progress was stated to have improved after these bottlenecks had been overcome.⁵

Revision of Estimates

The original estimate of the Farakka Barrage Project amounting to Rs. 56.40 crores drawn up in 1959 was administratively approved by the Ministry of Transport in April, 1960. Expenditure sanction to the project was, however, issued in the year 1962 for Rs. 68.59 crores, the increase in the cost having been made on an *ad-hoc* basis considering the upward trend in prices. The cost estimate was subsequently revised to Rs. 156.293 crores, which was approved by the Control Board of the Farakka Barrage Project in April, 1968 and sanctioned by the Ministry of Irrigation and power in February, 1969. The Estimates Committee were informed by the Government that the factors responsible for increase in the estimate could be broadly classified into three categories, namely, (i) increase in rate structure, (ii) increase in scope of work, and (iii) insufficient provision for certain items. The Committee were, however, not satisfied by this explanation furnished by the Government. They considered it strange that "within a short period of six years" the original estimate should have increased by as much as about 180 per cent. The Committee's view was that the sharp increase in the project estimates not only vitiated the economies of the project, but also disrupted the allocation of precious resources of the

⁴*Ibid.*, para 1.17 and 1.79.

⁵*Ibid.*, para 1.17 and E.C. 6th Report (1971-72), page 4.

country for different projects. The Committee felt that had the project estimate been initially prepared after full investigations instead of being prepared on limited data and preliminary designs as had been done in the case, this 'enormous' increase in the revised estimate of the project could have been obviated.⁶

While noting the Committee's observations, the Government explained that with the know-how available at the time of preparation of the original estimates, it was not possible to do anything better.⁷

Delays in Acquisition of Land hampered the Progress of Work

The Estimates Committee were informed that the total area of land for acquisition provided in the project estimate was 11,785.77 acres. Out of this, the Government had got possession of 10,258 acres and for the balance they were getting possession in piecemeal. It was noticed by the Committee that due to delay in the acquisition of land, the progress of work on the various components of the Farakka Barrage project had been hampered. While admitting that progress had been hampered, the Government informed the Estimates Committee that where the ownership of lands had not been finalised on account of court cases objections filed by the parties, transfer of such vested lands was delayed. The Government, however, felt that although the progress of the project had suffered to some extent, the commissioning date of the project might not be affected on this account. The Estimates Committee, on the other hand, seemed convinced that the scheduled targets for the completion of the various works of the project could not be achieved in the absence of the availability of land for the work. "Unless the commissioning of the essential components of the project was synchronised with the scheduled targets", the Committee observed, "the benefits of the project will not be derived in time." The Committee, therefore, suggested that the Central Government should take up the matter "at a higher level" with the Government of West Bengal and make all-out efforts to remove the bottlenecks regarding the acquisition of land.⁸ The Committee were later informed by the Government that as desired by them the matter had been taken up with the Government of West Bengal. The Committee, however, asked the Government to apprise them of the results achieved regarding acquisition of land in due course.⁹

⁶E.C., 124th Report (1969-70), paras 2.27 and 2.28.

⁷E.C., 6th Report (1971-72), page 6.

⁸E.C., 124th Report (1969-70) paras 4.43, 4.52 and 4.56.

⁹E.C., 6th Report (1971-72), page 12.

Delay in completion of work

The Farakka Barrage was originally scheduled to be completed by 1968, but, under the revised programme, the target for completion of the barrage had been refixed as the 1970-71 working season.

While the Estimates Committees were informed that the work on the right bank of the Farakka Barrage was allotted to M/s National Projects Construction Corporation (NPCC) in October, 1963, the first pier on it could only be raised after four years, *i.e.*, in the working season of 1967-68. The Committee observed that the inordinate delay in completion of work by the NPCC had contributed to increase in the cost of the Farakka Barrage. In view of the "poor performance" of the NPCC, the Committee urged the Government to go into the matter of allotment of work on the first twelve bays of the barrage to the NPCC on the cost plus basis.¹⁰

Admitting that there was "some unavoidable delay" in the completion of the work on the twelve bays allotted to the NPCC due to various factors like slushy nature of the soil, power breakdowns, labour troubles, unsatisfactory performance of the Batching and Crushing Plant, etc., the Government maintained that this delay did not affect the overall construction of the barrage. The Government, however, added that the raising of piers in a barrage construction was comparatively easier and involved much less volume of work than the preceding works involved in the foundation for which, among other things, huge excavation was needed¹¹.

Referring to the allotment of work to the NPCC, the Government pointed out that although the work had to be started in 1963-64 in view of important national considerations, the detailed specifications and schedules were not then ready. Also, there was uncertainty of transport and other arrangements. "We also did not have experience in the method of construction and type of equipment required for this complex barrage construction", the Government stated. In the circumstances, it was considered expedient to entrust the construction work on the right bank upto the 'divide wall' (which formed one unit) to NPCC by negotiations on cost plus basis.

¹⁰E.C., 124th Report (1969-70), paras 3.11 and 3.12.

¹¹E.C., 6th Report (1971-72), page 7.

The Committee were not convinced with the reply of the Government. They felt that since the project was to be completed at an early date, the Government should have taken all care to see that the specifications, know-how, transport, etc. were arranged at an early date. The NPCC having taken over the responsibility of constructing the project within the target date, the Committee were of the view that there was no justification for extension of target date from June, 1965 to June, 1969. The Committee felt that the delay in the completion of this project had resulted in tremendous losses to the national exchequer.¹²

Work on the Feeder Canal Suffered due to Contractor's Failure

The Feeder Canal involved excavation of 155.43 crore cu. ft. of earth. Originally, the work was to be completed by 1968, but according to the revised programme it was scheduled to be completed by June, 1971. The Estimates Committee pointed out that the targets fixed for excavation of the feeder canals could not be achieved by the contractor except during the years 1963-64 and 1966-67. According to the Committee, the objective of the whole project would remain unfulfilled unless the work on the Feeder Canal was completed before the completion of the work on the barrage. The Committee stressed that every effort should be made by the Government to synchronise the completion of the canal with the commissioning of the Farakka Barrage by June 1971. The Committee desired that appropriate action should be taken against the contractor for failure to complete the work in time. This was necessary, the Committee felt, to ensure that the Government was not put to any loss.¹³

The Estimates Committee were informed by the Government that the contract in question had since been terminated. However, no penalty had been imposed. Any imposition of penalty, the Government argued, would have led to litigation, thereby impeding the progress of work.¹⁴

The Committee, however, considered the reply of the Government, as extremely unsatisfactory. The termination of the contract without imposing any penalty on the ground that it would rather create further delay was not acceptable to them. The Committee were of the view

¹²E.C., 6th Report (1971-72), pp. 1,20 and 21.

¹³E.C., 124th Report (1969-70), paras 3.24 and 3.25.

¹⁴E.C., 6th Report (1971-72), page 22.

that if the contractors in the public works were to be let off on the ground that it would lead to litigation, this would set an extremely bad example.

The Committee noted with regret that this action of not imposing any penalty on the contractor had found concurrence with the Ministry of Finance and the Ministry of Law. They wanted to know "whether any action can even now be taken against the Contractor for non-fulfilment of his responsibility."¹⁵

As regards the progress of work on the Feeder Canal, the Government informed the Estimates Committee that despite efforts to complete the work on the canal as early as possible, the work which was earlier scheduled to be completed by June 1971, was now likely to take about two more years.

Reacting rather sharply to the Government's reply, the Committee considered it "most regrettable" that the target date had once again been postponed by two more years. They desired that Government should furnish "details of the manner and progress of completion of the Feeder Canal as per the revised target."¹⁶

Import of Sheet Piles for Construction of Cellular Cofferdam have been Avoided.

As a part requirement for the construction of the Cellular Cofferdam, 7515.029 tonnes of Yawata Flat Web Sheet Piles were imported from Japan involving foreign exchange amounting to Rs. 93,37,293. Out of this, 6,292 tonnes of sheet piles worth about Rs. 80 lakhs were not utilised and were declared surplus. The Committee noted that while the sheet piles were imported in 1964 on urgent basis to enable the construction of the coffer dam in river bed in November 1964, the experimental cells for the purpose were only sunk after two years in the 1966-67 working season. The reason for this was stated to be that the Cellular Cofferdam was found ultimately not necessary due to favourable river conditions in one year which nullified the calculations based on the technical data of the previous many years.

The Estimates Committee, which did not seem to be convinced with this explanation, observed that the idea of a Cellular Cofferdam was conceived without thorough investigations. The Committee's feeling was that with better planning the necessity of importing sheet piles could have been avoided. The Committee considered it "regrettable"

¹⁵E.C., 6th Report (1971-72), pages 2 and 22.

¹⁶E.C., 6th Report (1971-72), pages 2, 3 and 8.

that it was decided to have a different type of coffer dam on investigation after the sheet piles had been ordered. In their opinion, the investigations should have preceded the ordering of the sheet piles.¹⁷

The Government explained that the magnitude of the project had necessitated the construction of a sheet pile backed coffer dam. The total quantity of sheet piles required for putting up cellular coffer dam for enclosing working areas in different years of construction was estimated at 30,000 tonnes. Against this, a quantity of 7,500 tonnes, which was approximately the requirement for one season only, was procured from Japan on deferred payment basis. The Government stated that the quantity actually procured was just the minimum required to be kept in readiness, in case the river conditions could not be controlled without the use of cellular sheet piles coffer dams. However, due to favourable river conditions, it became possible to execute the work with earthen bunds with sheet piles protection.

The Committee did not accept the reply of the Government and observed that they were not convinced with the arguments advanced by the Government. The Committee failed to understand why sheet piles were imported in 1964 on an urgent basis involving a foreign exchange of Rs. 93 lakhs when they were sunk on experimental basis only after two years in the 1966-67 working season.¹⁸

The Estimates Committee were informed that the Government had not been able to dispose of the imported sheet piles which were rendered surplus. The Committee urged the Government to take necessary steps for their disposal at an early date.¹⁹ Noting the Committee's observations, the Government informed them that the Director-General, Naval Project and the Government of West Bengal had agreed to take 2500 tonnes of sheet piles. Various projects/departments had been requested to intimate their requirements for the sheet piles.²⁰

Procurement and Utilisation of Machinery and Spares

There is a Central Purchase Committee to finalise the acceptance of tenders. With or without negotiations, for the purchase of such plants and machinery for the Farakka Barrage Project as are beyond

¹⁷E.C. 124th Report (1969-70), paras 4.1, 4.22 and 4.23.

¹⁸E.C. 6th Report (1971-72), pages, 25 to 27.

¹⁹E.C. 124th Report (1969-70), para 4.25.

²⁰E.C., 6th Report (1971-72), page 9.

the purchasing powers of the Chief Engineer and the Local Committee. The procurement of spares and materials is done by the Central Purchase Organisation/Direct Demanding Officers on the basis of indents from the provisions Officers. To avoid overstocking of spares and materials, a Screening Committee was set up in 1965 to screen the indents, so that the Demanding Officers did not unnecessarily stock or purchase more materials/spares than were required. Certain guidelines were prescribed which provided for the scale of utilisation of spares for capital equipment. The minimum levels of stocking of spares was to be maintained at 15 per cent of the cost of capital equipment. However, the actual utilisation of spares in stock was only 8.8 per cent in 1965, 14.2 per cent in 1966, 12.1 per cent in 1967 and 13.9 per cent in 1968. The Estimates Committee were constrained to observe that the procurement of spares was made in excess of the requirements, which led to over-capitalisation of the project and blocking up of much-needed public money. The Committee emphasised the need for realistic provisioning of machinery and spares, keeping in view the experience gained in this and other similar projects, and suggested that the Government should take positive measures to streamline the procedure of provisioning, by examining it in all its aspects, including the feasibility of reducing the percentage of spares to be kept in stock. The Committee were of the view that in the context of the existing difficulties in the resources position there was greater need for effecting economy in such projects.²¹

The Government followed up the Committee's recommendations by advising the various projects and State authorities in the irrigation and power sector to organise inventory control cells "so that a meticulous check can be exercised in ordering the minimum possible quantities and items of spare parts from time to time." The Estimates Committee were informed by the Government in this context that the matter had also received the attention of the Committee of Ministers, which was lately constituted by the Government to recommend measures for eliminating delays in the procurement of equipment and spare parts required for irrigation and power projects.²²

The Estimates Committee found that construction equipment worth more than Rs. 30 lakhs had not been utilised in the project. They asked the Government to examine how far the non-utilisation

²¹E.C., 124th Report (1969-70), paras 4.26 to 4.39.

²²E.C., 6th Report (1971-72), page 10.

was due to over-estimation of requirements by the project authorities and how far it was due to defects in the equipment supplied. The Committee urged the Government also to consider how far the equipment and machinery not utilised could be gainfully used elsewhere in its project or even in other projects. The Estimates Committee desired the Government to take adequate steps to ensure that the surplus spares and machinery were disposed of expeditiously. The Committee recommended that some realistic criteria be evolved for the purchase of machinery and equipment, so that indigenous resources were fully utilised.²³

Noting the Committee's observations, the Government informed them that the question of gainfully utilising the unused equipment etc. was presently being examined by the Central Water and Power Commission. As regards the disposal of surplus equipment, a Committee had been constituted to review the lists of equipment, stock, materials, etc. with a view to deciding as to what items should be declared surplus to the requirements of the project. The Government further informed the Committee that a drill had been drawn up for disposal of surplus material by transfer to Central Departments, various projects in the irrigation and power sector in different States, other State Government Departments, public sector undertakings, etc.²⁴

²³E.C., 124th Report (1969-70), paras 4.20 and 4.42.

²⁴E.C., 6th Report (1971-72), pages 11 and 12.

I. PARLIAMENTARY EVENTS AND ACTIVITIES

A. CONFERENCES

Fifty-ninth Inter-Parliamentary Conference (Paris) September, 1971

The Fifty-ninth Inter-Parliamentary Conference was held in Paris in September, 1971. The delegation to the Conference from India was composed of—

1. Dr. G. S. Dhillon, Speaker, Lok Sabha—Leader
2. Shri Jyotirmoy Bosu, M.P.
3. Shri C. C. Desai, M.P.
4. Shrimati Sheila Kaul, M.P.
5. Shri B. T. Kulkarni, M.P.
6. Shri M. K. Mohta, M.P.
7. Shri Pranab Kumar Mukherjee, M.P.
8. Shri P. M. Sayeed, M.P.
9. Dr. Shankar Dayal Sharma, M.P.
10. Shri K. P. Unnikrishnan, M.P.
11. Shri S. L. Shakhder, Secretary, Lok Sabha
12. Shri P. K. Patnaik, Joint Secretary, Lok Sabha—Secretary to the Delegation.

The following subjects were discussed at the Conference:—

- (1) Rapprochement between Nations, particularly in Europe, as a Guarantee of Peace.
- (2) Progress of Steps towards achieving Disarmament, particularly Nuclear Disarmament and the Creation of Atom-Free Zones.
- (3) Problems pertaining to the Second Development Decade.
- (4) Political and Cultural Implications of Television Broadcasting by Satellite Systems and the Effects of Modern Mass Media on Understanding among peoples.

- (5) Grave Consequences to Peace and Security in Certain Parts of Africa caused by the Refusal over Many Years to grant Independence to Peoples under Colonial Rule, as well as by the Policy of Racial Discrimination, Segregation and Apartheid.
- (6) The Importance of Standing Committees for the Development of the Activity of Parliaments.
- (7) Need for a World Disaster Inventory of Food, Medical and Other Supplies for the Emergency Relief of Disaster Victims Anywhere in the World.
- (8) International Cooperation in favour of the populations and refugees of East Pakistan.

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 Paris during this period.

**Seventeenth Commonwealth Parliamentary Conference,
Kuala Lumpur (Malaysia) September, 1971**

The Seventeenth Commonwealth Parliamentary Conference was held in Kuala Lumpur (Malaysia) in September, 1971. The Indian Delegation to the Conference was led by Dr. G. S. Dhillon, Speaker, Lok Sabha. The other members of the Delegation were Shri Mohd. Tahir, M.P., Shri S. Radhakrishnan, M.P., Shri M. S. Gurupadaswamy, M.P., Shri G. Vishwanathan, M.P., Shri Triloki Singh, M.P. and Shri B. N. Banerjee, Secretary, Rajya Sabha who acted as Secretary to the Delegation. Shri Apurbalal Majumdar, Speaker, West Bengal Legislative Assembly, Shri S. S. K. S. Bhonsle, M.L.A. (Maharashtra), Thiru K. A. Mathialagan, Speaker, Tamil Nadu Legislative Assembly, Sardar Darbara Singh, Speaker, Punjab Vidhan Sabha, Shri S. D. Kothavale, Speaker, Mysore Legislative Assembly, Shri Satish Chandra Agarwal, M.L.A. (Rajasthan), Shri R. T. Leuva, Speaker, Gujarat Legislative Assembly, Shri N. Rama Chandra Reddy, Leader of Opposition, Andhra Pradesh Legislative Assembly, Shri Rothindra Nath Sen, Deputy Speaker, Assam Legislative Assembly, attended as delegates of their respective State Branches of the CPA. Shri A. Shanker Reddy,

Secretary, Andhra Pradesh Legislature attended as Secretary from the State Branches.

The following subjects were discussed:—

- (1) **The Commonwealth and Problems of World Security.**
- (2) **Challenges to Parliamentary Democracy.**
- (3) **Economic Development.**
- (4) **Problems of the Environment.**

Pre-Conference tours of 5 days had been arranged by the Malaysia Branch of the Commonwealth Parliamentary Association.

Conference of Secretaries of Legislative Bodies in India (Bhopal) October, 1971

The Seventeenth Conference of Secretaries of Legislative Bodies in India, was held on October 26, 1971 in Bhopal. Besides the Secretary of Lok Sabha, 19 Secretaries of State Legislatures attended the Conference.

After the welcome speech by Shri Madan Gopal, Secretary, Madhya Pradesh Vidhan Sabha, Shri S. L. Shakhder, Secretary, Lok Sabha (Chairman of the Conference) addressed the Conference.

The Conference thereafter discussed certain points of Parliamentary practice and procedure and related matters such as incorrect statements made by Ministers; censure motion against individual Minister; staff discipline etc.

Conference of Presiding Officers of Legislative Bodies in India (Bhopal) October, 1971

The Thirty-Seventh Conference of Presiding Officers of Legislative Bodies in India was held in Bhopal on October 27 and 28, 1971. Dr. G. S. Dhillon, Speaker of Lok Sabha and Chairman of the Conference of Presiding Officers, presided. Almost all the Presiding Officers of Legislative Bodies in India as also the Deputy Chairman of Rajya Sabha attended the Conference.

At the outset, Shri Kashi Prasad Pande, Speaker of Madhya Pradesh Vidhan Sabha delivered his welcome address. Thereafter, the Chairman of the Conference, Dr. G. S. Dhillon, delivered his address.

The Conference discussed the following points on Agenda:—

- (i) *Presiding Officers*:—Who should look after the needs of the Speaker's Constituency?
- (ii) *Presiding Officers*:—What is the position of the Deputy Chairman of Legislative Council when the office of the Chairman is vacant in a State which is under President's rule?
- (iii) *Privilege*:—Where a Judicial Magistrate fails to give intimation to the Presiding Officer about the conviction of a Member, should the Legislature Secretariat ask the Judicial Magistrate directly for the reasons for not giving the intimation or should the High Court be approached to get the explanation of the concerned Judicial Magistrate?
- (iv) *Leader of the Opposition*:—What should be the status of, and what facilities afforded to, the Leader of the Opposition, who has been formally so recognised, in either House of Parliament or State Legislature?
- (v) *Opposition Parties—Recognition*:—What should be the criteria for recognition of Opposition Parties in the context of new developing political situation in the country?
- (vi) *Deputy Speaker*:—How the dual role of the Deputy Speaker—his rights and duties as a Member and responsibilities and limitations as a Presiding Officer—is to be reconciled?
- (vii) *Proceedings of the House*:—Whether the Presiding Officer has power to order the Official Reporters not to record the proceedings of the House at any particular point of time?
- (viii) *Legislation*:—Is it desirable or proper for the Speaker to order pre-publication of all Bills on the request of the Government, thereby permitting the doing away with the stage of leave to introduce the Bills in the Assembly?
- (ix) *Walk Out*:—How should walk out by a member or group of members of any party as a protest against (i) any action of the Government or (ii) a ruling given by the Chair, be dealt with?
- (x) *Questions*:—In case a Minister insists on reading a lengthy answer which may take the whole of the Question Hour,

can the Speaker compel him to lay the answer on the Table of the House?

Inauguration of the 50th Anniversary of the Public Accounts Committee of Parliament

The 50th Anniversary of the Public Accounts Committee of Parliament was inaugurated by Shri V. V. Giri, President of India in the Central Hall, Parliament House, on Friday, the 3rd December, 1971.

Besides Members of Parliament, Chairmen of Public Accounts Committees of States, ex-Chairman of P.A.C. of Parliament attended the inaugural ceremony.

After the inaugural ceremony, the Speaker of Lok Sabha hosted an 'At-Home' party at Parliament House.

Conference of Chairmen of Public Accounts Committees

The fourth Conference of Chairmen of the Public Accounts Committees of Parliament and the State Legislatures in India was held in New Delhi on the 4th and 5th December, 1971. Shri Era Sezhiyan, Chairman of Public Accounts Committee of Parliament and the Chairman of the Conference, presided. Almost all the Chairmen of Public Accounts Committees of State Legislatures in India attended the Conference.

At the opening Session, Shri Era Sezhiyan, Chairman of the Conference delivered his Welcome Address. Thereafter, Dr. G. S. Dhillon, Speaker of Lok Sabha delivered his Address to the Conference.

The Conference discussed the following points on Agenda:—

- (i) Building up expertise in the Committee to facilitate examination of accounts and Audit Reports.
- (ii) Desirability of making Audit performance-oriented.
- (iii) (a) Competence of Public Accounts Committee to examine any matters not specifically mentioned in the Audit Report.
- (b) procedure to be followed in cases where the Public Accounts Committee seeks the assistance of the Accountant General to examine the expenditure of a Department which does not find a mention in the Audit Report.

- (iv) Examination of matters relating to projects and schemes with which Central Government and a State Government or two (or more) State Governments are concerned.
- (v) Desirability of the Report of the Examiner of Local Funds on the accounts of local bodies|institutions receiving grants from the State Governments to be laid before the Legislature and considered by the Public Accounts Committee.
- (vi) Examination of Revenue Receipts by the Public Accounts Committee.
- (vii) Examination of Accounts of Cooperative Societies by the Public Accounts Committee.
- (viii) Procedure to be followed if a Minister objects to making available a document required by the Public Accounts Committee.
- (ix) Desirability of the Public Accounts Committee verifying independently the facts reported by Departmental officers during evidence through an on-the-spot visit of the Projects.
- (x) (a) Examining the adequacy or otherwise of the action taken by the Government against the officers responsible for irregularities pointed out in the Public Accounts Committee Reports.
 - (b) Measures to obviate delay in taking action against the officers responsible for acts of omission and commission disclosed in the reports of the Public Accounts Committee.

B. FOREIGN VISIT OF PARLIAMENTARY DELEGATIONS

Visit of the Speaker, Lok Sabha to Bulgaria and Canada

(i) In pursuance of an invitation received from the President of the Bureau of the National Assembly of the People's Republic of Bulgaria, Dr. G. S. Dhillon, Speaker, Lok Sabha visited Bulgaria in August, 1971.

(ii) In pursuance of an invitation received from the Speaker, House of Commons, Canada, Dr. G. S. Dhillon, Speaker, Lok Sabha visited Canada in September, 1971.

Visit of Indian Parliamentary Delegation to Poland

In pursuance of an invitation received from the Marshal of the Sejm of the Polish People's Republic, an Indian Parliamentary Delegation led by Shri B. D. Khobragade, Deputy Chairman, Rajya Sabha, visited Poland in September, 1971. The composition of the delegation was as under:—

1. Shri B. D. Khobragade, Deputy Chairman, Rajya Sabha—Leader
2. Shri B. Shankaranand, M.P., Deputy Minister
3. Shri R. D. Bhandare, M.P.
4. Shri Narsingh Narain Pandey, M.P.
5. Shri B. P. Tiwary, M.P.
6. Shri Atal Bihari Vajpayee, M.P.
7. Shri P. K. Patnaik, Joint Secretary, Lok Sabha—Secretary to the Delegation.

Visit of Indian Parliamentary Delegation to the German Democratic Republic

In pursuance of an invitation received from the President of the People's Chamber of the German Democratic Republic on behalf of the Presidium of the People's Chamber, an Indian Parliamentary Delegation led by Shri G. G. Swell, Deputy Speaker, Lok Sabha, visited the German Democratic Republic from the 3rd to the 9th October, 1971. The composition of the delegation was as under:—

1. Shri G. G. Swell, Deputy Speaker, Lok Sabha—Leader.
2. Shri Syed Ahmed Aga, M.P.
3. Shri Bhagwat Jha Azad, M.P.
4. Shri Bhupendra Narayan Mandal, M.P.
5. Shri Yamuna Prasad Mandal, M.P.
6. Shri Kartik Oraon, M.P.
7. Dr. Salig Ram, M.P.
8. Shri S. S. Bhalerao, Joint Secretary, Rajya Sabha—Secretary to the Delegation.

II. PRIVILEGE ISSUES

LOK SABHA

- (i) **Reference of a question of privilege by the Speaker, Tamil Nadu Legislative Assembly, to the Speaker, Lok Sabha, in respect of certain remarks made by a Member in Lok Sabha.**

On July 13, 1971, during the discussion on the Calling Attention Notice regarding the Cauvery Waters Dispute, Shri N. Shivappa, a Member, made, *inter alia*, the following remarks in the House:—

“.....Why should the Tamil Nadu Government come forward and create all this *hulla-gulla*, I do not understand. The agreement is subsisting till 1974. So, why should they make all this *Kalata* and *Hulla-gulla*, till then.....?”

On the next day, *i.e.* July 14, 1971, in the Tamil Nadu Legislative Assembly, the Chief Minister of Tamil Nadu referred to these remarks of Shri Shivappa in Lok Sabha and stated that the words and expressions “*hulla-gulla*” and “*Kalata*”, allegedly used by Shri Shivappa, were derogatory to the dignity of the Tamil Nadu Legislative Assembly to take appropriate action in the matter.

Thereupon, the Speaker, Tamil Nadu Legislative Assembly, ruled that the impugned remarks made by Shri Shivappa in Lok Sabha, affected the dignity of the House and *prima-facie* constituted a breach of privilege of the Tamil Nadu Legislative Assembly. He also observed that he would refer the matter to the Speaker, Lok Sabha, for appropriate action, in accordance with the established procedure and practice in regard to a complaint of breach of privilege by a Member of one Legislature against a Member of another Legislature.

On July 16, 1971, Shri S. M. Krishna and other members of Lok Sabha sought to raise¹ a question of privilege in the House against the Tamil Nadu Legislative Assembly and its Speaker for interfering with the proceedings of Lok Sabha on the Calling Attention Notice on Cauvery Waters Dispute on July 13, 1971.

¹L.S. Deb., 13-7-1971, c. 148.

²L.S. Deb., 16-7-1971, cc. 171—75.

After some discussion, the Speaker, Lok Sabha, *inter alia*, observed as follows:—

“.....I think we should observe restraint in this matter and let us wait for the communication from the Speaker of the Tamil Nadu Assembly.....When I receive the communication, I shall place it before the House.”³

On August 12, 1971, the Speaker informed⁴ the Lok Sabha that in reply to a reference received by him from the Speaker, Tamil Nadu Legislative Assembly, he had written a letter on July 29, 1971, informing him as follows:—

“From the Lok Sabha Debates, dated the 13th July, 1971 (copy of relevant extracts enclosed) it may be seen that Shri Shivappa had used the words ‘kalata’ and ‘hulla-gulla’ in respect of the Tamil Nadu Government and not the Tamil Nadu Legislative Assembly.

Moreover, a question of privilege would not arise in respect of anything said by a Member on the floor of the House.

In the circumstances, I am treating the matter as closed.”

The Speaker also observed⁵ that he was not giving his consent to the question of privilege which was sought to be raised by Shri S. M. Krishna and others against the Tamil Nadu Legislative Assembly and its Speaker.

The matter was, thereafter, closed.

(ii) Allegations by a Member in Rajya Sabha of bribery of Members for voting against a Bill in Lok Sabha

On September 2, 1970, Shri Bhupesh Gupta, a member of Rajya Sabha, made the following remarks during the course of a debate in the House:—

“I have definite information and personal information and I can produce the evidence through witnesses. Last night several M.Ps. were taken to the houses of some Princes and Maharajas and I know in one case where a Member of a certain party was taken to the residence of one Maharaja; the Rajmata offered him bribe. I am ready to present him to you. I can ask him to come and tell you.....”

³*Ibid.*

⁴*Ibid.* 12-8-1971, cc. 190-91.

⁵*Ibid.*

"What guarantee we have and what is the Central Government doing? The whole night it went on and poor Adivasi Members were picked up and then they were told: 'You can take as much money as you like'."

On September 3, 1970, Shri Ram Charan, a member of Lok Sabha, sought to raise^a a question of privilege in Lok Sabha against Shri Bhupesh Gupta, on the ground that in his above remarks as reported in the "*Nav Bharat Times*," in its issue dated the 3rd September, 1970, Shri Bhupesh Gupta had alleged that four adivasi and other M.Ps. had voted in Lok Sabha against the Constitution (Twenty-fourth Amendment) Bill, 1970, because they had been bribed.

After some discussion, the Speaker observed that he would take up the matter with the Chairman, Rajya Sabha. Accordingly, the Speaker addressed a letter to the Chairman, Rajya Sabha, inviting his attention to and eliciting his views in the matter.

In his reply, addressed to the Speaker, the Chairman, Rajya Sabha, observed, *inter-alia*, as follows:—

"The allegations by Shri Bhupesh Gupta to which Shri Ram Charan, M.P., apparently refers, did not relate to any particular Member of either the Lok Sabha or the Rajya Sabha You would thus see that Shri Bhupesh Gupta did not refer personally to any Member of either House.

"I have always held the view that Members of one House should not make allegations or cast reflections on the floor of the House, or outside, on the Members of the other House. In the Rajya Sabha, the Chair has invariably deprecated such conduct on the part of any Member. In the present instance also, the Deputy Chairman, Shri Khobragade, who was in the Chair at the time Shri Gupta said this, made the following observations:—

'Members of Parliament of both Houses are very responsible persons and at the time of voting they will surely use their judgment and vote according to their conscience. I do not think they will be swayed by any other consideration.'

The matter was thereafter treated as closed.

^aL.S. Deb., 3-8-1970, cc. 6-9.

(iii) Alleged threat by a Minister at the Congress Parliamentary Party Meeting

On September 1, 1970, Shri R. K. Amin, a member sought to raise⁷ a question of privilege in respect of the following news item published in the *Indian Express* and some other newspapers of Delhi, in their issue dated the 1st September, 1970:—

“There were reports today that the Parliamentary Affairs Minister, Shri Raghuramaiah had indicated at the meeting of the Executive of the New Congress Parliamentary Party this morning that the Government might go in for a mid-term poll if the Bill [Constitution (24th Amendment) Bill, 1970] was rejected, but the Minister, when contacted later, denied having said any such thing.”

Shri R. K. Amin and some other members contended that the threat of the mid-term poll, allegedly given by the Minister of Parliamentary Affairs at a meeting of the Congress Parliamentary Party Executive constituted a breach of privilege.

After some discussion, the Speaker observed:

“We should have some proportion of things. Something happened inside their executive committee meeting; it was a party meeting. Do hon. Members want to develop a convention that I should take notice of whatever is reported about what happened inside any party's meeting?.....I am not going to take notice of what is said inside a party.”⁸

The matter was, thereafter, closed.

(iv) Alleged reflections on the conduct of a Member of Lok Sabha by a member of Rajya Sabha

On March 30, 1970, Shri Niren Ghosh, a Member of Rajya Sabha, made the following remarks during the course of a debate in Rajya Sabha:—

“There are rumours that Mr. B. M. Birla and some Swatantra M.Ps are trying to purchase M.Ps. and I would like the Home Ministry to make an enquiry into it.....I will name him. He is Mr. Patodia (a Member of Lok Sabha).....They are making a

⁷L.S. Deb., 1-9-1970, cc. 234-37.

⁸Ibid., cc. 236-37.

list of M.Ps. and they are trying to purchase them. I hope the Vigilance Department will enquire into it. That is my point."

On April 1, Shri D. N. Patodia made a personal explanation in the Lok Sabha repudiating the above allegations Shri Patodia stated, *inter-alia*, as follows:—

"I emphatically repudiate these allegations which are false, derogatory and irresponsible. I now leave it to Shri Ghosh that if he is honourable enough, he would correct himself and apologise for the wrong done to me."

After some discussion, the Speaker observed that he would take up the matter with the Chairman of Rajya Sabha. Accordingly, in a letter addressed to the Chairman, Rajya Sabha, inviting his attention to the matter, the Speaker observed:—

"You will agree that it is not desirable for members of one House to make allegations or cast reflections on the floor of the House on the members of the other House."

In his reply, to the Speaker, the Chairman, Rajya Sabha stated:

"I am in entire agreement with you that members of one House should not make allegations or cast reflections on the floor of the House on the Members of the other House. In the Rajya Sabha such conduct on the part of any member has invariably been deprecated, and, in fact, in the instance to which you refer the Deputy Chairman expressed his disapproval of what Shri Niren Ghosh had said. I also had occasion to mention the matter in the House today (4-4-1971)".

The matter was, therefore, treated as closed.

RAJYA SABHA

Alleged harassment of a member by his Parliamentary party for asking a question in the House

On August 3, 1971, Shri A. P. Chatterjee, a member, sought to raise a question of privilege regarding alleged harassment of Shri Chandra Shekhar, another Member, by the Congress party for asking a question in the House on a matter concerning the Ministry of Steel. Shri Chatterjee alleged that disparaging terms were used for Shri Chandra Shekhar in a Congress Parliamentary Party meeting for his question in the House. He contended that Shri Chandra Shekhar was thus restrained in discharging his duties as a Member.

Shri Chandra Shekhar, refuting the allegation, stated, *inter alia*, as follows:

"...the Congress Party has never put any limitations for any Member to expose corruption, inefficiency and anti-national activity of any body whosoever it may be. I assure my friend on that side that no such curb can be made on any member of our party; it is not part and parcel of the party constitution, rules and regulations. I have no information. I do not go by press report. But I assure them that my privileges and my independence are as intact as they were before."

In view of the explanation of Shri Chandra Shekhar, the Deputy Chairman, Rajya Sabha, disallowed the question of Privilege.

KERALA

Shouting slogans and throwing pamphlets from the Visitors' Gallery of the House

On April 26, 1971, at 11.35 hours, three persons, calling themselves as K. O. Rasheed, K. P. Jose and P. L. Thomas shouted slogans and threw some pamphlets from the Visitors' Gallery on the floor of the Legislative Assembly. They were immediately taken into custody and removed from the Visitors' Gallery. Later, the Chief Minister, Shri C. Achutha Menon moved the following motion which was adopted by the House:—

"This House resolves that the persons calling themselves Shri K. O. Rasheed, Shri K. P. Jose and Shri P. L. Thomas, who shouted slogans and threw some pamphlets from the Visitors' Gallery on the floor of the House at 11.35 a.m. today, the 26th April, 1971 and who were taken into custody immediately thereafter, have committed a grave offence and are guilty of gross contempt of this House.

This House further resolves that they be sentenced to simple imprisonment till 5 p.m. on April 30, 1971 and be sent to the Central Prison, Trivandrum."

In pursuance of the above motion, Warrants of Commitment were addressed to the Superintendent, Central Prison, Trivandrum by the Speaker asking him to take into custody the above three persons and keep them in Central Prison until April 30, 1971.⁹

⁹Kerala L.A. Deb., 26-4-1971.

MYSORE LEGISLATIVE ASSEMBLY

Tearing by a member of a letter sent to him by the Speaker

On March 6, 1965, Shri S. Gopala Gowda, a member, dragged an official reporter into the House when the House was sitting.¹⁰ Later, Shrimati Nagarathnamma Hiremath, another member, wrote¹¹ a letter about that incident to the Speaker enquiring whether it was in order for a member to drag a reporter into the House. The Speaker, Shri B. V. Baliga, sent that letter to Shri Gopala Gowda with the endorsement "Shri Gopala Gowda may peruse and return". The letter was delivered to Shri Gowda in the Lobby by an official of the Assembly Secretariat. Shri Gowda read the letter, tore it and threw it away. The official concerned reported the matter to the Speaker. The Speaker then called Shri Gowda, who accepted¹² that he had torn the said letter and stated that he was prepared to face the consequences of his action.

On March 8, 1965, Shrimati Nagarathnamma Hiremath raised¹³ a question of privilege against Shri Gowda for tearing the letter sent to him by the Speaker.

After some discussion, the House referred¹⁴ the matter to the Committee of privileges.

The Committee of privileges after calling for the written explanation from Shri S. Gopala Gowda, in their report presented to the House on March 26, 1965, reported, *inter alia*, as follows:—

"The Committee decided to ascertain from the Hon'ble Member Shri Gopala Gowda as to what he had to say in the matter. A letter was accordingly addressed to the Hon'ble Member. The Hon'ble Member Shri Gopala Gowda sent a reply stating that he had realised that it was improper on his part to tear the letter sent by the Hon'ble Speaker and that he regretted for that act of his and he also tendered apologies to the House, the Hon'ble Speaker and the Hon'ble Member Shrimati Nagarathnamma Hiremath.

¹⁰For summary of this case, See *Privileges Digest*, Vol. XIII, No. 2 (October, 1968); pp. 74—76.

¹¹Mysore Assembly Deb., 6-3-1965, (Original in Kannada) p. 1071.

¹²*Ibid.*, pp. 1572-73.

¹³*Ibid.*, 8-3-1965, p. 1607.

¹⁴*Ibid.*, p. 1612.

.....The letter of Hon'ble Member Smt. Nagarathnamma Hiremath is a document of the House as it was addressed to the Hon'ble Speaker and the Hon'ble Speaker had made an endorsement on the document. Hon'ble Member Shri Gopala Gowda tore such a document. This amounts to committing contempt of the House. The Committee are, therefore, of the opinion that the Hon'ble Member Shri Gopala Gowda is guilty of contempt of the House.

.....Hon'ble Member Shri Gopala Gowda has offered an apology to the House, Hon'ble Speaker and Hon'ble Member Smt. Nagarathnamma Hiremath. He has also been suspended from the service of the House for committing another contempt of the House in the view of the House. The Committee are of the opinion that the dignity of the House would be vindicated and safeguarded by the House expressing its extreme displeasure at the incident which has taken place and recording such displeasure."

On April 8, 1965, the House after considering the report of the Committee adopted the following motion moved by Shri Y. Manjappa Shehty, Chairman, Committee of Privileges:—

"That this House agrees with the recommendations of the Privileges Committee contained in the report presented to the House on the 26th March, 1965 that Shri S. Gopala Gowda is *guilty* of contempt of the House and accordingly this House places on record its extreme displeasure with his conduct."¹⁵

UTTAR PRADESH VIDHAN SABHA

(i) **Alleged use of derogatory language against a member by an officer**

On March 1, 1970, the Speaker, Shri A. G. Kher, informed¹⁶ the House that he had received a notice of question of privilege from Shri Sukh Pal Pandey, a Member, against Shri D. P. Varun, District Magistrate, Basti (then under suspension) for making certain derogatory remarks against him in the presence of two other Members of the House in the room of the Minister for Cooperation, in the Vidhan Bhavan. Shri Sukh Pal Pandey had alleged that Shri D. P. Varun had repeatedly used derogatory language against him, though he was requested by other Members not to use such language. Shri Pandey stated that Shri Varun had by his action obstructed him in the discharge of his duties as a Member in connection with a question regarding *Magh Mela*, which was asked by him in the

¹⁵*Ibid.*, 8-4-1965.

¹⁶U. P. Vidhan Sabha Deb., 3-3-1970 (Original in Hindi).

House on February 27, 1970. The Speaker, while referring the matter to the Committee of Privileges observed as follows:—

“As Shri Asrar Ahmad and Shrimati Shanti Devi, members, have written that the incident took place in their presence, and if such words have been used for a Member, *prima-facie*, it constitutes a breach of privilege. I, therefore, refer it to the Committee of Privileges for examination and Report.”

The Committee of Privileges after taking the oral evidence of Sarvashri Sukh Pal Pandey and D. P. Varun, in their second report¹⁷ presented to the House on April 30, 1970, reported, *inter alia*, as under:—

“Use of derogatory language for a Member by the District Magistrate is improper. The Committee has, however, noted that Shri D. P. Varun has also tendered his unqualified apology. In view of all these facts, the Committee feels that it is not necessary to proceed with the matter further. The Committee, therefore, recommends to the House that the unqualified apology tendered by Shri D. P. Varun, District Magistrate, Basti (under suspension) may be accepted and the matter be closed.”

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

(ii) Alleged threat to a Member by another Member for distributing a leaflet in the Assembly Hall

On March 3, 1970, the Speaker, Shri A. G. Kher, informed¹⁸ the House that he had received notice of a question of privilege from Shri Moti Lal Dehlavi, a Member, regarding alleged threats and misbehaviour meted out to him by Shri Asha Ram Indu, another Member. Shri Moti Lal Dehlavi had alleged in his notice that on February 27, 1970, at about 5 P.M., when he was going to the canteen located in the Assembly Hall, two persons approached him, one of whom enquired from him whether he had distributed a leaflet entitled “*Chamar Raj Nahi Chalega*”. On his replying in the affirmative, that person asked him whether he had any proof regarding the contents of the leaflet. When Shri Moti Lal Dehlavi replied that he intended to raise that matter in the House and that he would give the proof there if necessary, that person became angry and said that he would have the proof outside the House. He also pointed his fist towards him, threatened to break his bones, shoot him dead and to throw

¹⁷Original in Hindi.

¹⁸U. P. Vidhan Sabha Deb., 3-3-1970. (Original in Hindi).

him down. Shri Dehlavi had also stated that later on, the person concerned had confessed in the presence of some other Members that he had threatened Shri Moti Lal Dehlavi and had disclosed his name as Asha Ram Indu, M.L.A.

The Speaker observed that he would enquire into the facts of the case from Shri Asha Ram Indu and give his ruling thereafter.

On the March 9, 1970, while referring the matter to the Committee of Privileges, the Speaker observed as follows:—

“When I enquired from Shri Indu, he denied that he had given the alleged threats. When there are contradictory statements, I think it proper that the matter should be referred to the Committee of Privileges so that it may be examined there.”¹⁹

The Committee of Privileges, after taking oral evidence of Sarvasbri Moti Lal Dehlavi and Asha Ram Indu, M.L.As. in their Third Report presented to the House on April 30, 1970, reported *inter alia*, as follows:—

“After a careful consideration of the matter under consideration, the Committee has reached the conclusion that sometimes strong words are used in moments of heat, but if these are subsequently admitted, such confession is an expression of regret, which maintains the dignity of all concerned and helps in the creation of a healthy atmosphere. As this is what has happened in the present case and the concerned Members have agreed to maintain respect for each other in future, the Committee recommends to the House that the matter may be closed.”²⁰

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

HOUSE OF COMMONS (U.K.)

(i) Alleged assault on a servant of the House

On January 28, 1971, Mr. Charles Loughlin, a Member, on a point of order sought²¹ the ruling of the Chair about an incident involving an alleged assault on a doorkeeper of the House at 2.10 a.m. while the doors leading to the ‘Ayes’ Lobby were being locked on an order from the Chair during a Division. He requested that an investigation might be made into that incident.

¹⁹*Ibid.*, 9-3-1970.

²⁰Original in Hindi.

²¹H.C. Deb., 28-1-1971, cc 1031-32.

The Chairman." Sir Robert Grant Ferris, thereupon, observed *inter alia*, as follows:—

"There have been times in the past when servants of the House have been not actually injured, but hurt or maltreated by Hon. Members pushing their way into the Lobbies. On every occasion, action has not been taken by the Chair unless the person concerned has complained to the Chair. The servants of the House are instructed that if there is anything of that nature to complain about, it is their duty to complain. In this case, no complaint whatsoever has been made to me by the allegedly offended servant of the House. That being so, I think that the hon. Gentlemen would wish to let the matter rest."²³

When Mr. Loughlin persisted in having an investigation into the matter, the Chairman observed as follows:—

"I will ask for a report from the Serjeant-at-Arms and consider the matter when I have it."²⁴

Later, the Deputy Speaker Sir Robert Grant Ferris, made the following announcement:—

"I have a report to make to the House. I have to report that the Assistant Serjeant-at-Arms has inquired into the events which took place earlier this morning and has reported as follows:—

'Report of an alleged assault on a door-keeper during a division about 2.10 a.m. when the doors leading to the 'Aye' Lobby were locked on order of the Chair.

Several Members were moving rapidly towards the doors and an accidental collision occurred...No complaint of any improper conduct has been made."²⁵

D. Swanston,
Assistant Serjeant-at-Arms."²⁶

Mr. Arthur Lewis, a Member, thereupon, sought to raise a question of privilege regarding the incident. The Deputy Speaker then ruled as follows:—

"...My ruling is that the hon. Member for West Ham, North if he so wishes may raise this question at eleven o'clock

²²Deputy Speaker acting as the Chairman of the Committee on ways and means.

²³H.C. Deb., 28-1-1971, c. 1040.

²⁴*Ibid.*, c. 1054.

²⁵*Ibid.*, c. 1097.

today, and should do it at eleven o'clock today, because that is the first available opportunity when it should be done and not actually now. The hon. Gentleman must say that that is not in accordance with procedure, but someone has to lay down what is to happen now. I may be wrong.....I do not think I am.....but I lay it down now that that is the procedure that should be adopted."²⁶

On January 29, 1971, Mr. Arthur Lewis raised his question of privilege and stated, *inter alia*, as follows:—

"If any person, whether he be a Member of Parliament, an Officer of the House or the most important police inspector in the country, knowingly or unknowingly, consciously or unconsciously, deliberately or by accident, flouts the will of Mr. Speaker and his appointed agents while they are carrying out their duties, he is flouting the will of Parliament and committing a serious breach of privilege. No hon. Member has a right to take the law into his own hands or to take the rules of the House of Commons into his hands, and no Member of Parliament be he a Privy Councillor or an ordinary backbencher, from the Prime Minister downwards has the right to question your order or physically to assault one of your officials when carrying out the duty which you, Sir, through the House, impose upon him.

"No hon. Member has the right to try forcibly to prevent the carrying out of instructions given by Mr. Speaker."²⁷

The Speaker, Sir Selwyn Lloyd, ruled:

"It is not part of the duty of the Chair to deal with the substance. I simply have to decide whether this is a matter which should be given precedence over other business.

"I am satisfied that the matter he has raised is of a kind which can be given precedence over the business. It is, therefore, open to an hon. Member to move a Motion."²⁸

The Parliamentary Secretary to the Treasury' Mr. Francis Pym, thereupon, moved the following motion which was adopted by the House:—

"That the matter of the complaint be referred to the Committee of Privileges."

The Committee of Privileges after taking the oral evidence of the concerned Door-Keeper, Mr. R. S. King, and the Assistant Serjeant-

²⁶*Ibid.*, c. 1099.

²⁷*Ibid.*, 29-1-1971, cc. 1113—1117.

²⁸*Ibid.*, c. 1117.

at-Arms, in their second Report²⁹ presented to the House on February 16, 1971, reported *inter-alia* as follows:—

“Your Committee were told by Mr. King, who was on duty in the ‘Aye’ division lobby, that, when the order to lock the doors was given, a number of members rushed into the lobby and, in the process, he was pushed a short distance into the lobby and hampered in his attempt to lock the doors. He was not injured.

Your committee have considered the matter against the background of the words in *Erskine May*, cited in the memorandum³⁰ of the Clerk of the House; that ‘to prevent, delay, obstruct or interfere with the execution of the orders of either House or of Committees of either House is a contempt,’ and are fully conscious of their importance to the efficient working and good repute of the House. They are satisfied that there was in this case no deliberate assault on Mr. King and no intention to prevent him from carrying out his duties; but nevertheless actions of the kind that occurred could well constitute contempt. In the particular circumstances of this case, however, and having regard to the absence of deliberate intent, they recommend that no further action be taken by the House.”

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

(ii) **Alleged disclosure of Government’s Recruitment policy regarding proposed new defence force for Northern Ireland prior to its discussion by the House**

On November 15, 1969, Miss Devlin, a member sought the leave of the House to move a motion for the adjournment of the House to discuss the following matter of urgent public importance:—

“The conduct of the Minister of Defence for Administration in agreeing with the Government of Northern Ireland in television and newspaper advertisements, issued by the Government of Northern Ireland, describing in terms of established fact the strength, organisation and recruitment policy of the proposed new military defence force for Northern Ireland although the first discussion of these proposals will not take place in this House until Wednesday, 19th November.”³¹

While raising the above matter, Miss Devlin stated, *inter alia*, as follows:—

“I should like to ask that the Minister be instructed to arrange that such advertisement be discontinued until such time as

²⁹H.C. 279 (1970-71).

³⁰See *Privileges Digest*, Vol. XVI No. 2.

³¹H.S. Deb., 1969-70, Vol. 791, cc. 864—870.

this Parliament has had an opportunity to discuss and decide this matter. I have just returned from my constituency. A succession of advertisements is now appearing on Northern Ireland television and in newspapers circulating in the area purporting to describe the strength organisation and recruitment policy of the new military defence force. These advertisements are issued and paid for by the Government of Northern Ireland. Purported factual descriptions of this defence force contained in the advertisements are not qualified by mention of the fact that a Bill containing proposals for the establishment of this force is to be debated in this House later this week.

The presentation and content of the advertisements seriously impinge upon the activities of this House. By anticipating our parliamentary decisions, the Government of Northern Ireland are endeavouring to bind in advance this House to the proposals set out in the Bill. Further, it is quite clear that the advertisements are not conceived primarily as sources of information to the public, but rather from the basis of a campaign to obtain recruits for the new force."

The Speaker, Dr. Horace King, refused his permission to put the motion to the House.

Mr. Arthur Lewis, another member, thereupon, sought to raise³² a question of privilege on the above matter. While raising the question of privilege Mr. Lewis stated *inter alia* as follows:—

"As announcements have been made and actions have been taken by persons purporting to act with the authority of the Minister and of this House before the House has had an opportunity of debating this issue, is this not *prima facie* a case of breach of privilege? People are trying to take away the rights and authority of this House.

No person, whether a Minister of the Crown, an hon. Member of this House or a lieutenant-colonel, is allowed to take action which purports to have the authority of the House when the House has never given that authority."

The Speaker asked Mr. Lewis to give a formal notice in writing for raising the question of privilege.

On November, 18, 1969, the Speaker informed the House that he had received a notice of question of privilege from Mr. Arthur

³²*Ibid.*, c. 868.

Lewis, arising out of the announcements regarding the Ulster Defence Regiment. While disallowing the question of privilege, the Speaker ruled, *inter alia*, as follows:—

“I understand that the hon. Gentleman was founding his complaint on a number of documents, and I therefore desired him to submit them to the Table to enable me to study them without taking the usual course of having them read to the House. There is a precedent for my action in the Journal for 23rd February, 1880.

Subsequently, the hon. Member for West Ham, North (Mr. Arthur Lewis) submitted a copy of a letter from the Minister of Defence for Administration to the hon. Member for Mid-Ulster (Miss Devlin), a copy of a script of a television interview, which was referred to in yesterday's application for an S.O. 9., and an advertisement referring to the Royal Irish Constabulary and defence forces in Northern Ireland issued by the Government of Northern Ireland and referring to the White Paper 'Formation of the Ulster Defence Regiment', Cmnd. Paper No. 4188, which was presented to Parliament by the Secretary of State for Defence earlier this month.

I will cause all these papers to be placed in the Library. Having studied them myself, it falls to me to rule whether, on the precedents, the hon. Member for West Ham, North, in his complaint yesterday, supported by the documents to which I have referred has established a *prima facie* case of breach of privilege which would entitle the matter to be given priority over the orders of the Day. I do not have to comment on the merits of the matter, my duty being restricted to this one point.

Having carefully considered the precedents, I have to rule that no *prima facie* case of breach of privilege has been made out. In saying that, I do not in any way prejudge the issue, which may be brought before the House by other means if the hon. Member decides to take such opportunities as may be open to him.”³³

On a point of order raised by a Member regarding the procedure for raising a question of Privilege in the House, the Speaker observed:—

“The normal procedure is that, if any hon. Member wished to raise with Mr. Speaker a *prima facie* question of privilege, he usually lets Mr. Speaker know before raising it in the House and sometimes takes advice from Mr. Speaker, or declines to take advice, as is the privilege of all hon. Members.”

³³*Ibid.*, cc. 1116-17.

Sessional Review

LOK SABHA

Fifth Lok Sabha—Third Session

The Third Session of the Fifth Lok Sabha was held from November 15, to December 23, 1971. In all, 31 sittings amounting to 156 hours and 21 minutes were held during the session. A brief resume* of the important debates and discussions which took place during this period is given below:**

Threat to India's Security from Pakistan's Military activities on Borders

A Calling Attention Notice on the "reported concentration of Pakistani forces on Indian borders, loss of Indian life and property owing to Pakistani shelling and repeated violations of Indian air-space by Pakistani aircraft" was tabled by Sarvashri S. M. Banerjee, D. Deb, Atal Bihari Vajpayee, Shashi Bhushan and Smt. Mukul Banerjee, the matter was raised in the House on November 15, 1971 by Shri S. M. Banerjee (C.P.I.).

Replying, the Minister of Defence, Shri Jagjivan Ram said that genesis of the tense situation on the borders with Pakistan lay in the confrontation between the rulers of Pakistan and the people of Bangla Desh. Instead of accepting the results of the election, they started a reign of terror in Bangla Desh and in a bid to divert the attention of the world they were foisting the blame on India.

On July 30, 1971, President Yahya Khan threatened India with total war. On October 12, 1971, in his address to the nation, the threat was renewed. In between, the armed might of Pakistan had been significantly reinforced and strengthened. To back up his threat of total war against India, President Yahya Khan ordered large-scale movement of troops all along the Western Indo-Pak border. Opposite

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

** For statements made by the Prime Minister on Pakistan's aggression, recognition of Bangla Desh, surrender of Pakistan's armed forces and India's ceasefire announcement, see the feature on 'Bangla Desh and Pakistani Aggression on India., p. 1 *Supra*.

Rajasthan, Gujarat and East Punjab, Pakistan had moved its troops close to India's borders in operational readiness.

Since then, Pakistani forces had indulged in a series of provocative acts. There had been a large number of border violations, on land and also in the air. There had been extensive shelling of Indian territory by Pakistanis on the eastern borders, resulting in considerable damage to property and also in loss of life and injury to a number of citizens as well as refugees seeking shelter on India's soil. Fire had been exchanged along the cease-fire line. Many acts of sabotage had been committed along the eastern frontiers, in an attempt to disrupt the lines of communications.

The situation on the borders was very serious. Pakistan's armoured divisions, which had been put into a full state of readiness, were poised to act in full concert. The reports received by India indicated pre-emptive strikes on the airfields as part of their plans.

The Minister disclosed that in such a situation, India was left with no alternative but to move her forces along the eastern and western borders in a full state of readiness to meet all eventualities. He hoped that India's vigilance and preparedness would deter the rulers of Pakistan from carrying out their threats to make war upon India for a third time. He reaffirmed that India would neither relax vigilance nor withdraw her troops from the borders, until a satisfactory solution was found to the situation in Bangla Desh which would induce and enable the refugees to return to their homeland.

It was also hoped that the Pakistani rulers would persuade themselves to abandon the course on which they had embarked and find a political solution to Bangla Desh which would be acceptable to the already elected representatives of the people under the leadership of Sheikh Mujibur Rehman.

Prime Minister's visit abroad

Making a statement on November 15, on her recent tour of European Countries and the U.S.A. the Prime Minister, Smt. Indira Gandhi at the outset explained that she had undertaken the tour in spite of the situation in Bangla Desh and along the Indo-Pakistan borders in an earnest desire to "leave nothing unexplored which might lead to an easing of the burden imposed upon us and to discourage those who are bent upon finding excuses to threaten our security."

The visit had enabled her to exchange ideas with Heads of Governments and leaders of Public opinion at a point of time when important changes were taking place in the world, and to put across to them India's point of view on matters of world interest, bilateral relations and more especially on the situation in East Bengal and the "threat it is posing to our social, political and economic structure and peace in this region."

Listing the gains of her tour, the Prime Minister said:—

"Our discussions helped to remove certain misgivings and to focus attention on the root cause of the problem, that is the refusal of the Pakistani military regime to respect the verdict of their own people, the reign of terror let loose by them in Bangla Desh and the consequent influx of refugees into India. I think that these countries as well as others realise that it will not help to deal with peripheral problems without finding a political solution in Bangla Desh through negotiations with already elected leaders of the people of East Bengal and in accordance with their legitimate wishes. Most countries also realize that the release of Sheikh Mujibur Rehman is essential and intend to impress this upon the military regime of Pakistan."

"...Pakistan's efforts to side-track and cloud the basic issue by seeking to involve the United Nations and to transform the struggle of the people of Bangla Desh into an Indo-Pakistan confrontation and conflict have been exposed."

".....There was general sympathy for the manner in which we are bearing the heavy burden of looking after over nine million refugees. There have been indications of additions to the funds for giving relief to the refugees. All these countries agree that conditions must be created inside East Bengal to stop the further influx of refugees and to facilitate the return to their homeland in safety and human dignity of those in India."

Referring to the immediate reaction of the United States, she said:—

"....During my visit to the United States, I was informed that a decision had been taken to stop further shipments of arms to Pakistan. A formal announcement has since been made. I was given to understand that no arms are being supplied from the U.K., France and the F.R.G. (Federal Republic of Germany)."

Expressing the hope of an early settlement of the problem, she observed:—

“.....It is my earnest hope that joint or several efforts of the statesmen whom I met will make the military regime in Pakistan realise that no good can come of sabrerattling or by forcing a military conflict on India. I hope it is not too late for sane counsel to prevail, for one cannot go on ignoring hard facts. The just and legitimate aspirations of the people of Bangla Desh, indeed of West Pakistan also, cannot be ignored and trampled upon.”

Referring to India's relations with U.K. she remarked that her visit had helped to restore India's relations with Britain which had suffered a set-back in 1965.

Regarding economic collaboration, she observed that her tour had led to new possibilities of collaboration in the industrial, technological and scientific fields. Belgium, France, West Germany and other members of the European Economic Community had shown an understanding that there should be a broad outlook in assessing relations between India and the EEC.

Resolution regarding Proclamation of Emergency

The Prime Minister, Shrimati Indira Gandhi moved the following Resolution in the House on December 4, 1971:—

“That the House approves the Proclamation of Emergency issued under Article 352 of the Constitution by the President on the 3rd December, 1971.”

The Resolution was adopted unanimously after a short discussion in which 18 members participated.*

Defence of India Bill

Moving that the Bill be taken into consideration, the Prime Minister, Shrimati Indira Gandhi on December 4, 1971 said:

*Sarvashri A. K. Gopalan, Indrajit Gupta, Era Sezhiyan, Atal Bihari Vajpayee, Shyamanadan Mishra, Frank Anthony, P. K. Deo, Samar Guha, Ebrahim Sulaiman Sait, S. A. Shamim, Tridib Kumar Chaudhury, Karni Singh, V. K. Krishna Menon, M. Suryanarayan Rao, Birender Singh Rao, G. S. Melkote, Surendra Mohanty and S. M. Banerjee.

"The Bill seeks only to provide the necessary legal sanction as a consequence of the Proclamation of Emergency made by the President. We have tried to interfere as little as possible with the normal avocation of our citizens. But the country as a whole will have to make great efforts and undergo all sacrifices necessary for our defence.

The provisions of the Bill are somewhat similar to the legislation undertaken on the last occasion. However, some changes in the light of our earlier experience and judicial decisions have been made. Advantage has been taken of the laws enacted in the recent years by Parliament. Thus, the Bill does not make any separate provisions for detention. The Maintenance of Internal Security Act has been utilized with some modifications. In order that prompt action may be taken against activities prejudicial to the defence effort, district magistrates and other specified officers are proposed to be given the power to detain such persons. The maximum period for which a person could be detained in the interest of defence of India or security of India without consulting the Advisory Board has been extended to two years. This provision, however, will be in force only so long as the Proclamation made by the President under Article 352 is in force.

As regards modifications in other laws, our objective has only been to provide more deterrent punishment for offences which would be regarded serious in the context of our defence efforts."

Replying to the general discussion, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant stated that the Bill was a logical conclusion of the declaration of emergency and had been brought before the House because of the wanton attack and aggression by Pakistan which had created a situation making the measure necessary*.

One of the point raised during the discussion was that the measure should not extend beyond the period of emergency. The Minister added that in a democratic country that sentiment was natural and the Government would not extend it beyond the requirements of the emergency.

Some fear was expressed about the possible misuse of the measure. No assurance against misuse could be given because such a large number of persons were handling it. The possibility of some misuse had to be balanced against the stake that was the survival of the country.

*The Members who participated in the discussion were:—

Sarvashri A. K. Gopalan, Indrajit Gupta, Atal Bihari Vajpayee, Shyamanandan Mishra, Karni Singh, Ebrahim Sulaiman Sait, P. K. Deo, C. T. Dhoundapuri, Madhu Dandavate and Surendra Mohanty.

There was no question of distrust of the minorities in the country. The Government were well aware that the minorities were behind the Government and the country. One must admit, however, that there were a few people who acted as spies, saboteurs, agents etc. A man who acted for a hostile country in a situation like the one faced by the country certainly deserved to be handled with severity so that the interests of the country could be protected.

In the conditions prevailing in the country, if anybody indulged in hoarding, black-marketing or pushing up the prices it would be considered as an anti-national act and no quarter could be given to such persons or elements.

A suggestion had been made that there should be some kind of a supervisory committee. The general question of how the leaders of various parties were to be associated with the Government for close consultation in the prevailing crisis was a general matter which was under consideration.

There was a question why the maintenance of public order had been included. It had been done because public order could not be allowed to be disrupted when there was a tense situation on the border.

The House then adopted the motion for consideration of the Bill and later passed the Bill after a short discussion.

Mobilisation of Resources for Defence Effort

Making a statement on December 13, 1971 regarding "Mobilisation of Resources for Defence Effort," the Minister of Finance, Shri Y. B. Chavan said that the regular Budget for the year 1971-72, as it was finally passed, had envisaged a substantial increase in the outlay on the Plan and on social welfare as also a modest provision of Rs. 60 crores for providing relief to refugees from Bangla Desh. The last provision had to be increased by Rs. 200 crores in August and another demand for Rs. 100 crores was before the Parliament.

In addition to the staggering burden of refugee relief, which had been mitigated only in part by assistance from the international community, the Government had to reckon with natural calamities in a number of States, including the devastating cyclone on the coast of Orissa. They had necessitated much larger assistance from the Centre to the States concerned. Defence expenditure was also likely to

exceed the provision envisaged in the Budget. Against that background, it had been the endeavour of the Government for the past few months to keep the fiscal position under constant review. The first endeavour had been to ensure the utmost economy in non-Plan expenditure. Guidelines had been issued to the Central Ministries to curtail their non-contractual non-plan expenditure to the extent of at least 5 per cent and it was expected that it would result in a saving of Rs. 50 to 60 crores. The Centre had also urged the State Governments and the public sector enterprises to attempt similar economies.

The desperate attack launched by Pakistan had added a further dimension to the country's economic and fiscal tasks. Whatever extra outlay would be necessary to back up the heroic deeds of the country's armed forces, would be provided for. In addition, the suspension of economic aid on the part of some foreign countries might call for a fresh look on the overall resource position and whatever had to be done on that score too would be done. In addition to the greatly increased capability of the industrial and agricultural sectors, the Government had improved its foreign exchange reserves considerably over the preceding years. As long as the country remained united and determined in carrying out the purpose, there was no need for any apprehension whatsoever by any threats or pressures, economic or otherwise.

On two occasions during the past decade, when the country was attacked during the years 1962 and 1965, the Government had a most encouraging response from the public to the National Defence Fund. It was believed that the response of the country in the present emergency would be no less. In contributing to the national effort, people should not also overlook the needs of other agencies such as the Red Cross or the Prime Minister's Relief Fund, on which also much greater responsibility would devolve at the present juncture.

There were in addition several other special schemes in operation for the mobilisation of savings, including the large array of national savings certificates. The people should contribute generously to those schemes too. The Government also was proposing to float a new series of National Defence Loans, to which banks and other institutions should be in a position to contribute substantially. It was hoped that the response to those National Defence Loans would not be less than Rs. 100 crores.

Under section 4 of the Finance Act, 1971 the Government could impose a levy by way of a regulatory duty on customs to exercise restraint on imports. It was, therefore, proposed to impose a general levy

of 2.5 per cent of the value of all imports with the exception of food-grains, books and a few other special categories. In addition, the same regulatory provision was also proposed to be invoked to impose duty on a few specified items at a higher rate of 10 per cent.

Section 7 of the Finance Act, 1971 gave the Central Government power to impose regulatory duties of excise on domestically produced goods. It was proposed to invoke that provision in relation to a few commodities, such as iron and steel products, copper, zinc, aluminium and unmanufactured tobacco. The additional duty on iron and steel and other metals would apply only to domestic production without any corresponding countervailing duty on imports and would thus narrow the difference between domestic and import prices. The duties on the three non-ferrous metals were so graded as to promote general economy in their use as well as to encourage greater use of aluminium. The duty on unmanufactured tobacco, which was not touched in the previous Budget would yield a significant revenue of about Rs. 9 crores in a full year.

There was one further proposal in relation to the jute industry where profitability had increased greatly as a result of buoyancy in the market for jute products both at home and abroad. It was proposed to take advantage of that situation and increase the export duty on carpet, packing and hessian by Rs. 400 per tonne. It was also proposed to increase the excise duty on sacking by Rs. 175 per metric tonne.

It was also proposed to levy a surcharge of 2.5 per cent on income-tax payable by all companies, including foreign companies. Credit in respect of the surcharge thus collected would be allowed against the income-tax liability for the assessment year 1972-73. The yield from that measure in a full year would be of the order of Rs. 10 crores out of which Rs. 7.5 crores was expected to be realised during the current financial year. A separate bill was being brought forward to give effect to those proposals.

The combined revenue effect of all the measures proposed would be Rs. 135 crores in a full year of which Rs. 60 crores would be under Customs and Rs. 65 crores under Central Excise. In the remainder of the current fiscal year, the yield would be roughly Rs. 40 crores.

It was hoped that the measures proposed would strengthen the economy in meeting the present challenge. The heroism and valour of the men in the Army, Navy and the Air Force and in other para-military

forces demanded a similar dedication on the part of citizens to contribute their utmost to the defence effort.

Facilities for Disabled Servicemen and War widows

Making a statement on December 18, 1971 regarding facilities for disabled servicemen and war widows, the Prime Minister, Shrimati Indira Gandhi said:—

“During the last few difficult days, the thoughts of the nation have been with the gallant officers and men of our Army, Navy, Air Force and the Border Security Force. Soon the lights will go up in our cities but in many hearts darkness will remain. However, proud a nation or a family is of sacrificing its best for the country, this sentiment cannot help the widows in grappling with the problems of daily life, or the children who are bereft of a father's guiding hand. For brave young men, straight and strong in body, to be suddenly without a limb, is not only a matter of physical pain but of mental shock and agony. None of these want pity or charity. What they need is compassionate understanding, and assistance to re-adjust themselves to the sudden and unforeseen change in their lives. We must assure them that life still has much to offer them and they in turn have much to offer to society.”

“.....The lives of martyrs cannot be valued in terms of money. Their sacrifice is beyond recompense. But a grateful nation remembers its debt, and its obligation to them to mitigate the sufferings of their wives and children. Government have now decided to rectify, in so far as possible, the deficiencies in our programmes for the war disabled and the families of those who have died fighting.

Since our aim has been to give special help to the weakest in our society, at this moment we should not forget the other physically handicapped, and disabled.....For all these handicapped, the problem is one of providing the appropriate training and opportunity. Hence, we propose to bring a Bill before Parliament to make it obligatory for all employers who employ more than 25 people in all the public as well as the private sector to reserve a certain proportion of their vacancies for the physically handicapped. Many industrialists and employers have already assured me that they have begun to do this and will pursue the matter further. I hope that even those employers who are not covered by this enactment will come forward voluntarily to follow this law. The public sector undertakings are required to reserve vacancies for ex-servicemen including the disabled. However, it is true that the position regarding actual employment is not satisfactory. Government have, therefore, decided to issue a directive to all undertakings, where necessary by amending their Articles of Association, to fill vacancies on the same basis as government departments. Such a directive would enlarge the reservations for disabled servicemen.

Coming to employment under Government, there are already orders for the rehabilitation of disabled officers of the defence forces in civil posts—Classes I and II—by relaxation of age limits, medical standards etc. Effective implementation of these facilities will be ensured. As regards disabled ex-servicemen preference will be given to them in the 10 per cent and 20 per cent vacancies reserved for ex-servicemen generally in Classes III and IV posts respectively. In addition, in certain circumstances, vacancies upto another 7½ per cent will be made available only to disabled ex-servicemen.

In the unreserved quota of vacancies in both these classes disabled servicemen already get some preference. It has now been decided to give them first priority along with retrenched government employees. It has also been decided that upto 2 members of the family of a serviceman killed in action will be given priority for employment immediately after the retrenched government employees and disabled servicemen. They will be exempted from going through the employment exchange.

We realize that merely expanding the employment opportunities will not be enough. It will be equally necessary to assist the disabled ex-servicemen to take full advantage of these opportunities. Government propose to arrange a variety of training courses.

The widows of our fighting men need special consideration. We intend to start schemes to train them in skills particularly suited to their requirements. The details are being worked out by a small group.

Government have also decided to meet the full cost of education up to the end of the first degree course of the dependants of all personnel of the defence and para-military forces killed or permanently disabled during the current hostilities. Government will also meet the full cost of such dependents who are at present undergoing post-graduate courses.

“We can enact laws, but it is the outlook of the public which makes all the difference. Public behaviour towards the handicapped should not be affected by old prejudices. On the contrary, we must all help to make them self-reliant again. No longer need such a handicap prevent, a person leading full life.

I am glad that actuated by the same considerations as the Union Government, several State Governments have taken up schemes to assist servicemen and their families through land allocation, cash grants, educational stipends etc. I hope that this governmental effort will be reinforced by the widest measure of support”.

Patriotism of Members lauded by Speaker

On December 23, 1971 the Speaker thanked all the Members of Parliament for the great sense of patriotism and unity shown by them during the Emergency. The Speaker, Dr. G. S. Dhillon, observed:

"I wish to avail of this opportunity to thank all the members of the House for the great sense of patriotism and unity shown in this hour of emergency. I can safely say that during all these years that I remember, Parliament did not show as much oneness and unity as was displayed this time. Congratulations go to the leaders of the Opposition who showed great far-sightedness and a very great patriotic approach to the problems that arose and a great spirit of accommodation.

Also, the greatest credit goes to the Prime Minister and her colleagues. During all this time, she was all the time responding to the wishes of the Opposition. She rose above everything else and she showed, in an hour of crisis, great patriotism.

I can also express our sense of gratitude to our armed forces, the jawans. As a matter of fact, the armed forces, the jawans, the Mukti Bahini, the Members of Parliament the public—they all showed oneness and unity at this hour of crisis, and our thanks, gratitude and congratulation go to them."

Price Rise

A Calling Attention Notice on 'the price rise especially of the essential commodities, that affects the fixed and lower income groups' was tabled by Sarvashri Atal Bihari Vajpayee, Indrajit Gupta, Laxminarayan Pandeya, Jagannathrao Joshi and S. M. Banerjee. The matter was raised in the House on November 16, 1971 by Shri Atal Bihari Vajpayee (J.S.).

Replying, the Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that the Government shared the anxiety of the House regarding increase in the prices of essential commodities in the preceding few months and the hardships caused to the people belonging particularly to the lower income and fixed income groups. He attributed this price increase to several factors like large influx of refugees from Bangla Desh, widespread floods and droughts in various States and also to some extent the levies imposed in the previous budget. As a result, between the end of May and the end of October, 1971, the wholesale price index rose by 4.5 per cent, while the Consumer Price Index moved up from 224 in May, 1971 to 228 in September 1971. As compared to the position a year ago, the general

index of wholesale prices had shown a rise of 4.9 per cent. However, the wholesale price index showed a decline in the month of October.

Detailing the various steps taken by the Government to check the rising trends in prices, the Minister stated that besides asking the textile mills to steps up production of controlled cloth, the Government had also resorted to import of cotton in considerable quantity to keep its price in check. Similarly, edible oils and certain varieties of steel, which are in short supply are also being imported in sufficient quantities. Major foodgrains were being sold at fixed prices through a network of fair price shops in the country and the States had been advised to further strengthen the public distribution system. In view of the rising trend in sugar prices, the Minister added that the availability of bank credit to sugar mills and trade had been further curtailed in August, 1971. Long-term measures to increase the productivity and yield of commercial crops were being pursued vigorously. Research activities for developing new strains and hybrid seeds were also being intensified. The Minister hoped that these measures would have a 'perceptible impact on the price level in the coming months.'

Answering questions, the Minister of Finance, Shri Yeshwantrao Chavan said that the inflationary trend was the basic cause of the price rise. So far as the question of over-drafts of States was concerned, the Finance Minister stated that the matter was discussed with the States concerned to evolve some method of avoiding overdrafts, but nothing concrete had emerged from such discussions with them.

In regard to the question of imposition of agricultural tax, the Finance Minister stated that the State Governments had refused to yield their powers to the Centre for levying the tax on agricultural income. States have, however, expressed their willingness to tax that sector, themselves.

Shortage of Kerosene Oil

Making a statement regarding "Shortage of Kerosene Oil" on December, 1971, the Minister of Petroleum and Chemicals, Shri P. C. Sethi stated that with the substantial improvement in the availability position of kerosene oil, State Governments were intimated in May, 1970 that State-wise allocations had been given up and the oil companies had been instructed to meet the requirements of that product in full in accordance with the actual materialisation of demand which was subject to sharp seasonal fluctuations. It had been possible

to maintain the position all along except for local shortages, arising from factors beyond Government's control such as breaches of rail tracks owing to floods etc.

Soon after Pakistan launched the all-out offensive against India, the State Governments were reassured that the Centre was holding substantial inventories of kerosene oil and the public need have no fear on that account. The possibilities of local shortages arising now and then could not, however, be ruled out owing to the need for first meeting the other higher priority requirements. The Government had stressed the need for utmost local vigilance, leaving the decision to the State Governments of either continuing intensive supervision and control over its distribution according to stock position in different areas from time to time or alternatively of introducing rationing, as might be feasible.

Since then several complaints had been received of local shortages of kerosene oil. To avoid any hardship to genuine consumers, the Government had recommended to the State Governments the immediate introduction of rationing of kerosene oil to cover the maximum possible area. Back-up quantities for this purpose were locally available and would be regularly maintained. The Delhi Administration had already introduced rationing. Additionally the Indian Oil Corporation had specifically earmarked 5 tank lorries for the retail sale of that product directly to the consumers in the various localities. For the rural area, Government had urged the adoption of measures such as distribution through fair price shops etc. The Government had also issued instructions for the sternest possible action being taken under the Defence of India Rules, including resort to detention under the Maintenance of Internal Security Act and prosecution where feasible, of those indulging in anti-social activities such as hoarding, overcharging or misusing kerosene oil.

Sugar Policy

Making a statement on "Sugar Policy" on December 13, 1971, the Minister of Agriculture, Shri F. A. Ahmed, said that the sharp rise in sugar prices in recent weeks had caused widespread concern. The Government felt that there was hardly any justification for that rise. On October 1, 1971, there was an opening stock of 14.0 lakh tonnes, which together with an estimated production of 33 to 34 lakhs tonnes during the current season, would make a total of 47 to 48 lakhs tonnes of sugar available to meet the requirements of about 40.0 lakhs tonnes for internal consumption. Discussions were, therefore, held with the representatives of the industry, both in the joint-stock

and the cooperative sectors. It was emphasised that in the current situation, there was an imperative need to hold the sugar price line, and at the same time to ensure payment of higher sugarcane price to the grower than the minimum fixed by the Government, so that the sugar production which had declined since 1969-70 might pick up again in 1971-73.

The sugar industry had been quick to appreciate the seriousness of the situation and the need to pay higher sugarcane price to the growers than the minimum fixed by the Government. It had also agreed to make 60 per cent of the monthly release available to the Government for meeting emergent requirements and for distribution through fair prices shops at the rate of Rs. 150/- per quintal exclusive of excise duty. The Government had agreed to that price taking into account the overall interests of the cane-grower, the industry and the consumer. Under that arrangement, it would be possible for the domestic consumers in most places to get a reasonable part of their requirements at about Rs. 2 per kg. In Delhi, it would be slightly higher on account of the higher octroi duty. That arrangement was likely to be put into operation very soon. If the measure did not bring about the desired result, the Government would not hesitate to take such stringent steps as the situation might call for.

A discussion under Rule 193 on a matter of urgent public importance on "Sugar Policy" was raised in the House on December 23, 1971 by Shri Narsingh Narain Pandey (Cong.).

Initiating the discussion, Shri Narsingh Narain Pandey said that Government had not been able to formulate a definite policy on sugar during the preceding three or four years. If the current sugar policy of the Government continued, the condition of the sugar industry would become worse.

Replying to the discussion, the Minister of Agriculture, Shri F. A. Ahmed said that taking into consideration the general economic picture, the observations made by the growers, the industry, and the Agricultural Prices Commission, the Government had fixed the minimum price of sugar-cane at Rs. 7.37 for recovery of 9.4 per cent and that price was a national price. Below that price the sugar-cane growers were not expected to sell the sugar-cane but there was nothing to prevent them from getting a higher price than the minimum price fixed by the Government.

As the Government did not increase the minimum price for other foodgrains, it was considered necessary that the minimum price fixed

last year for sugar-cane should also not be increased having regard to the economic conditions and the effect it would have on other foodgrains.

In spite of availability of sufficient quantity of sugar, its price had been on the increase from time to time. Therefore, decontrol was allowed in order that the forces of demand and supply might have free play in establishing a reasonable price for sugar. But, when it was found that the price of sugar was increasing and the sugar-cane growers were also not getting the higher price than what was fixed by the Government, then all the industrialists and the cooperative owners were called and a discussion was held with them. It was agreed that the minimum price for sugar-cane given by them, except in a few States would be Rs. 8.50 and in some places like the Western U.P., it would be Rs. 9. In Maharashtra, it would be about Rs. 11. In Punjab, it would be Rs. 9 per quintal. So far as Andhra Pradesh, Tamil Nadu, Mysore and one or two other areas like Orissa were concerned, no agreement had been arrived at till then.

With regard to the sugar policy, the Government had certain objectives. First, there must be sufficient production in the country which should satisfy the consumers' demand. It should not only fulfil the consumers' demand, but also cater to the requirements of export commitment to outside countries. Secondly, the consumer should get sugar at reasonable prices. The third objective was that the cane-growers should get reasonable price for sugar-cane cultivation.

In nearly 83 per cent of the areas, the industrialists and cooperatives had agreed to give a higher price than what was statutorily fixed by Government. The minimum price which they had proposed to give in those areas was Rs. 8.50. But in many places, the sugar-cane growers would be getting even higher than that. If there was any complaint from any quarters the Government was prepared to look into the matter and see that the minimum price agreed to by them was actually given to the sugar-cane growers.

The Government did not wish to change the policy. But if circumstances demanded and if the industrialists did not behave properly, then Government would have to consider the question of changing the policy in order to see that the consumer got sugar at a reasonable price.

Law and Order Situation in West Bengal

On November 17, 1971, the House discussed the following motion, notice of which was given jointly by Sarvashri Jyotirmoy Bosu and Samar Mukerjee:—

“That this House expresses its serious concern at the deteriorating law and order situation in West Bengal and the role therein of a section of the police, C.R.P., official machinery and anti-social elements.”

Moving the motion, Shri Jyotirmoy Bosu (CPI-M) charged that the ruling party through the Government machinery was intensifying a reign of terror in the State. They were also making desperate attempts to crush the people's democratic movement there. He demanded that elections should be held in the State in February, 1972.*

Intervening in the discussion, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant conceded that the situation in the State had been a difficult one for some years. Of late, the difficulties had been multiplied by certain extraordinary factors—the situation on the border, the influx of evacuees, the extraordinary floods that took place in West Bengal. Against all those odds, the State Administration there had done a commendable job.

Making a reference to the law and order situation in the State, the Minister stated that far from deteriorating, it had started responding to the efforts made by the State Government. There had been a sharp decline in the number of inter-party clashes, political murders, violence of extremists, attacks on police, strikes, *gheraos* etc. in the industrial undertakings during the preceding few months. This, the Minister added, had been achieved with active co-operation from the public, who had formed a large number of “resistance groups”. Those vigilance groups made it difficult for the Naxalites and other elements indulging in violence to find shelter in urban and even rural areas and keep their movement secret.

Stressing the need for regeneration of economy in the State, the Minister suggested that it was possible by the opening of closed industrial units, stepping up of investment and the completion of projects like Haldia. The Government was doing their best to ensure that work on various projects in the State was expedited.

*The other Members who participated in the discussion were: Sarvashri P. R. Das Munsî, Indrajit Gupta, B. K. Daschowdhury, Jagannath Rao Joshi, Chaudhuri and S. M. Banerjee.

Shyamanandan Mishra, Siddhartha Shankar Ray, Madhu Dandavate, Tridib-

Admitting the police excesses in some cases, he assured the House that Government would take suitable action when such instances were brought to their notice.

Concluding, the Minister appealed to all sections in Bengal and the political parties to strengthen the hands of Government to enable it to tackle the difficult situation in which the State was plunged.

After Shri Jyotirmoy Bosu replied to the debate, the motion was put to the vote of the House and was negatived.

Constitution (Twenty-Fifth Amendment) Bill*

Moving that the Bill be taken into consideration, the Minister of Law and Justice, Shri H. R. Gokhale on November 30, 1971, said that the proposed amendment sought to amend Article 31 and to add a new Article *viz.* Article 31-C to the Constitution. The proposed amendment substituted the word "amount" for "compensation." This amount might be fixed by law or might be determined in accordance with such principles and given in such a manner as might be specified in law. The proposed amendment also provided that no such law would be called in question in any court on the ground that the amount so fixed or determined was not adequate and that the whole or any part of the amount was given otherwise than in cash.

The proposed amendment was necessitated by the judgment of the Supreme Court in the *Bank Nationalisation case*. The Supreme Court had held that even if all the requirements of Article 31 were satisfied, it must also be tested on the anvil of Article 19 to find out whether a particular legislation imposed a reasonable restriction or not. The judgment had set at nought the intent and purpose for which the Parliament had passed the Fourth Amendment in 1955, and that was the reason why the proposed amendment had been put forward before the House to restore the *status quo ante* and to make it clear beyond doubt that it was for Parliament to determine as to what was the reasonable amount which should be payable in the case of acquisition of property.

There was a far-reaching programme aimed at restructuring the entire socio-economic fabric of the country. It would involve greater and greater State intervention, including nationalisation of major areas of industry and commerce. If the Government was compelled

*The Bill was introduced in the Lok Sabha on July 28, 1971.

to pay market value as compensation for everything it acquired, the programme would become impossible of implementation or be beset with threats of litigation and stay-orders all the way.

Judges, howsoever eminent, could not be permitted to enter the political arena, so as to infuse their own political or economic thinking in place of the philosophy which Parliament in its wisdom might accept in the interest of the people of the country. The amendment was not to take away something from the powers of the Court but it was really to protect the Court from itself and the judges from themselves.

Critics of the present measure sought to invest property rights with an aura of sacrosanctity by regarding it as a primordial institution of the law of nature. It was this approach which led the Supreme Court in the *Bank Nationalisation case* to seek help from the now archaic and long-past dead theories of Blackstone who regarded property as a natural right. Such a view was not only out of tune with the juristic approach to the institution of private property in modern jurisprudence, but it was also not in tune even with the native genius of ancient and traditional juristic thought in India.

The newly introduced Article 31-C would give to the Directive Principles of State Policy in the Constitution a place of primacy and predominance. Though the Directive Principles were not enforceable by any court, the proposed amendment made the enforcement of the Directive Principles possible.

The Law Commission, in its recent report, had fully endorsed the basis of the proposed amendment.

Intervening in the discussion on December 1, 1971, the Prime Minister Shrimati Indira Gandhi maintained that the amendment did not represent a departure from the basic framework of the Constitution. It was an effort to safeguard the intent of the Constitution. The Constitution framers did not envisage any unregulated right to private property nor did they want the property rights to come in the way of socio-economic progress.

Replying to the charge that the Government had done nothing in the last 24 years to give effect to the Directive Principles, she remarked:

“The Directive Principles are particularly there to avoid concentration of wealth and means of production and also to ensure the right of work and adequate means of livelihood. But did

anyone, even those who drew up the Directive Principles, think that this could be done in such a short time?.....It is not a bottle that you can pick up and throw away or a label that you can snatch off."

Commenting on the concept of market value in computing compensation, she said:

".....What is a market value and how does it appreciate? The price of property goes up because of the investments made by society....It is unacceptable to us that the few should skin the cream of social investments, defrauding society as a whole.

I have, I must say, not much respect for market value or the value of the market-place for that matter. The whole idea of private profit at the cost of the common man is repugnant to me, to my party, and I think, to the nation."

Allaying the apprehensions expressed by various Members regarding minorities, she said:

"I have no hesitation in saying with all the emphasis at my command that there is absolutely no threat to the minorities. Our Constitution has specific provisions giving the fullest protection to the minorities and to their educational and religious institutions. None of this is being touched or changed."

Making a reference to the concern expressed by Members regarding undermining people's confidence in the Judiciary, she said:

"I would like to emphasise that we do not want to weaken the judiciary. What we are saying is only this: let the judiciary not try to take over the powers of Parliament. I entirely agree that an impartial judiciary is indispensable to the rule of law.

.....Parliament is a repository of the hopes and wishes of the people. It is the fountain head of change and of justice. If Parliament is rendered unable to bring about change or to ensure social justice, then change will bypass Parliament."

The discussion continued for more than 13 hours in which as many as 25 Members participated*.

*Sarvashri Samar Mukherjee, N. K. P. Salve, Indrajit Gupta, H. K. L. Bhagat, Frank Anthony, Vikram Mahajan, Pilloo Mody, Shankerrao Savant, Nuggehalli Shivappa, Biswanarayan Shastri, T. Balakrishniah, Janaki Ballav Patnaik, S. Mohan Kumaramanglam, Shyamnandan Mishra, Atal Bihari Vajpayee, Era Sezhiyan, Dharnidhar Das, Siddhartha Shankar Ray, V. K. Krishna Menon, Samar Guha, A. K. M. Ishaque, Shyam Sunder Mohapatra, Birender Singh Rao, Shibban Lal Saksena, Nageshwararao Meduri and Smt. Indira Gandhi.

Replying to the debate on December 1, 1971, Minister of Law and Justice, Shri H. R. Gokhale ruled out that the proposed amendment was trying to undermine the basic structure of the Constitution.

Directive Principles had been the basic foundation of the Constitution since the time it was discussed in the Constituent Assembly and even before. Even in one of the Articles of the Constitution itself it had been provided. It was not as if the word "fundamental" was used only in respect of Fundamental Rights, but in fact it had been mentioned that the Directive principles were fundamental in the governance of the country and that the State was bound to make laws so as to conform to those fundamental principles.

There was an amendment that the Bill be referred to the Supreme Court for opinion. It was not desirable to take the advice of the Court on political and economic matters. In fact, the Government regarded the Supreme Court as the highest tribunal in this country. An independent Supreme Court was in fact the bastion of democracy.

Much had been said about the right of property. In order that property should be an instrument for social justice, it should be an instrument of uprooting poverty in the country. No democracy could allow the society to subsist in poverty for any length of time. Therefore, the control on property for social ends was an accepted basis of all progress and that was the basis on which the Bill had been brought before the House.

The motion for consideration of the Bill was adopted and the Bill, as amended, was later passed by the required majority.

Constitution (Twenty-Sixth Amendment) Bill*—Abolition of Privy Purses

Moving the Bill seeking to delete the Constitutional provisions relating to the Privy purses etc. on December 2, 1971, the Prime Minister Shrimati Indira Gandhi recalled that the principle underlying the Bill had already been accepted by the House with an overwhelming majority. It had failed to secure the requisite special majority by a fraction of a vote in the Rajya Sabha. But that was a mere technical failure. The will of the people was not in doubt.

*The Bill was introduced in the Lok Sabha on August 9, 1971.

Commending the Bill to the House, the Prime Minister observed:—

"This is the third batch of Bills to amend the Constitution. The purpose of all these Bills, as the House knows, is to narrow the disparities in our Society.

".....There is a great deal of feeling in the country against inherited special status, against privileges unrelated to functions or responsibility, against exemptions and facilities enjoyed without adequate reason.

"....We have adopted a series of measures to remove such vested interests. Absentee landlord has been eliminated. The economic power of the merchant princes is being checked. It is but fair that the feudal princes also be asked to shed their special privileges. I hope that the princes will view this in a historical perspective.....A great community of equals is being created in our country, and I would invite the princes and princesses to join this community unencumbered by a sense of past authority."

".....Some changes have been made in the Bill as presented to the House this time, keeping in view the observations of the Supreme Court."

Replying to the discussion*, the Minister of Law and Justice, Shri H. R. Gokhale said that the Bill was not directed against any individual prince and there was no malice. It was against the princely order which was regarded as incongruous. That institution was a complete misfit in an egalitarian society.

There was a reference to small princes and to some payment to them in some form. As the Bill showed, there was no question of payment of compensation provided for in it. The matter was under consideration. Various aspects would have to be taken into account, specially the consideration as to the smaller rulers.

The Motion for consideration of the Bill was adopted and thereafter the Bill was passed by the required majority.**.

*The Members who participated in the discussion were: Sarvashri Manoranjan Hazra, Bhagwat Jha Azad, Frank Anthony, Jagannathrao Joshi, Sarjoo Pandey, P. Venkatasubbaiah, C. T. Dhandapani, Ramsahai Pandey, Shyamnandan Mishra, Nawal Kishore Sharma, Satpal Kapur, Pilloo Mody, Banamali Patnaik, Karan Singh, Fatehsingharao Gaekwad, K. Ramakrishna Reddy, Madhu Dandavate.

**Earlier the House rejected a motion for reference of the Bill to Supreme Court for its opinion, moved by Shri P. K. Deo (Swat.).

Constitution (Twenty-Seventh Amendment) Bill, 1971

Moving the Bill for consideration on December 21, 1971, the Minister of State for Home Affairs, Shri K. C. Pant stated that broad details of the composite scheme of the reorganisation proposed for the north-eastern areas had been given during the consideration of the North-Eastern Area Reorganisation Bill. The Constitution (Twenty-Seventh Amendment) Bill, 1971 sought to give effect to certain aspects of the scheme. The Government had also simultaneously studied the recommendations made by the Administrative Reforms Commission on the administration of Union Territories with legislatures, and proposed to avail of the opportunity to give effect to those recommendations also.

Clause 2 of the Bill sought to amend Article 239A of the Constitution so as to include Mizoram in that Article in order to enable the House to pass a law providing for the creation of a Legislative assembly and a council of ministers in that Union Territory. That was a part of the scheme of reorganisation.

When the Manipur Hill Areas District Council Bill of 1971 came up before the House, it had been indicated that the Government would make a provision for continuing the Hill Areas Committee of the legislature. That was a part of the safeguard intended for the tribals in Manipur. Clause 5 of the Bill sought to give effect to that intention.

Following the recommendation made by the Administrative Reforms Commission, a provision had been made in Clause 3 for inserting a new Article 239B in the Constitution. That Article would confer ordinance making powers on the Administrators more or less on the lines of Article 213. There was, however, a slight departure, in that the Administrators would have to obtain the instructions of the President before promulgating ordinances.

Article 240 conferred on the President regulation-making powers in respect of certain Union Territories. Experience had underlined the need for such powers in the case of Union Territories and legislatures also when the legislature was dissolved or its functioning was suspended. It was also considered necessary to include in that Article the two new Union Territories namely, Mizoram and Arunachal Pradesh. Clause 4 of the Bill sought to achieve that object.

Replying to the discussion on the same day, the Minister of Home Affairs, Shri K. C. Pant pointed out that by making a provision for the

Legislative Assembly and Council of Ministers for Mizoram, another step towards the fulfilment of the aspirations of an important section of the people of the northeast region of the country had been taken.*

In respect of Arunachal Pradesh, there was no desire on the part of Government to deny Legislative Assembly, but at that stage, it was agreed to take a step which was in consonance with the state of developments there. It did not preclude the Government from taking other steps when the time was ripe.

Clarifying the Administrator's power to issue ordinances, the Minister said that just as in the case of Assemblies and the Council of Ministers in the State, the Governor did not act on his own but on the advice of his Council of Ministers, the Administrator would also act on the advice of the Council of Ministers.

The Government had made provisions for the safeguard of tribals which were somewhat different from the provisions of the Fifth Schedule. It was never the attitude of the Central Government to separate the hill area people and the valley people from each other or to create divisions in their ranks. Those provisions were expected to give the tribals a sense of reassurance that their interests would be safeguarded by the Central Government. It would strengthen the bonds between the tribals and the valley people and would enable the arrangement to work better. The very fact that there was such a provision gave a certain sense of reassurance to the tribals. That sense of assurance would act as the cementing force, and not the other way.

The Bill was, thereafter, passed by the required majority.

Exchange Rate of Indian Rupee

Making a statement regarding "Exchange rate of Indian Rupee", on December 21, 1971, the Minister of Finance, Shri Yeshwantrao Chavan stated that after the suspension of convertibility for the US dollar by the US Government on August 15, a number of major currencies were allowed to fluctuate freely in relation to the US dollar whose formal parity with gold remained unchanged. The Government of India had decided at that time to maintain the exchange

*The Members who participated in the discussion were Sarvashri D. Deb, K. M. "Madhukar", N. Tambi Singh, G. Viswanathan, Dharnidhar Basumatari and Rana Bahadur Singh.

rate for the rupee in terms of gold and therefore in relation to the dollar as well. Consequently, over the past few months, while the Rupee-dollar rate had remained unchanged around Rs. 7.50 per dollar, the exchange rate for the rupee in terms of other currencies, such as sterling, mark etc. had fluctuated in response to the mark-dollar rate.

The rupee-sterling rate had accordingly moved up few months before and in terms of the decision taken by Government in August, 1971, the latest buying and selling rates announced by the Reserve Bank, prior to the realignment of parities of major currencies over the previous week-end, gave a median rate of Rs. 18.9677 per pound. It represented an appreciation of sterling in relation to the rupee by some 5.4 per cent as compared to the situation prevailing before August, 1971.

It was proposed by the U.S.A. Government to increase the price of gold in terms of US dollar from \$35 to \$38 to an ounce *i.e.* by 8.57 per cent. The United Kingdom and France had decided to maintain their official parity unchanged so that their currencies would appreciate by 8.57 per cent in relation to the dollar. In the case of Germany and Japan, their currencies were to appreciate by roughly 13.57 and 16.88 per cent respectively in relation to the dollar. Simultaneously, the 10 per cent import surcharge levied by the United States was proposed to be lifted.

In giving their approval to those changes, the executive directors of the International Monetary Fund had also decided that, if necessary, other countries might declare the exchange rate for their currencies provisionally in terms of the currency of another member. The Fund had also decided to permit variations within a wider margin of 2.25 per cent of any rate adopted by a member country.

The Government of India had reviewed the situation arising from the proposed changes. In order to avoid, to the maximum extent possible, any disturbance to Indian exporters and importers, it had been decided to maintain, the existing rupee-sterling rate *i.e.* rate of Rs. 18.9677 per pound. The Government would of course take advantage of the wider margin of 2.25 per cent permitted by the International Monetary Fund if it was considered necessary and desirable. Decisions on those lines had been announced in order to avoid any uncertainty in the markets.

While continuity was being maintained in terms of the rupee-sterling rate, it would imply a rupee-dollar rate of approximately Rs. 7.279

per dollar as against Rs. 7.50 per dollar which had been the case before. The maintaining of the rate *vis-a-vis* sterling, therefore, implied an appreciation of roughly 3 per cent for the rupee *vis-a-vis* the dollar. Since other countries, like India, might take advantage of wider margins, the rates could vary from time to time.

It was best for the country to adopt a course which maintained continuity to the maximum possible extent with the immediate past so that basic interests of export promotion and import substitution were not affected.

Crash of Indian Airlines Avro Aircraft near Madurai

Making a statement on the crash of the Indian Airlines Avro Aircraft near Madurai on December 10, 1971, the Minister of Tourism and Civil Aviation, Dr. Karan Singh said that the Indian Airlines Avro Aircraft VT-DXG while on a scheduled flight from Trivandrum to Madurai on December 9, 1971 crashed near the village Cumbam which was situated on the road from Kottayam to Periyakulam in Uttamapalayam Taluka about 90 Kilometres from Madurai at approximately 12.30 hours. This point was roughly 20 miles off the approved track. The Aircraft had taken off from Trivandrum at 11.54 hours with 27 passengers and a crew of four. There were eleven survivors who were receiving medical treatment at Madurai.

When the aircraft failed to land at the expected time, 'overdue' action was initiated immediately and all nearby airfields were alerted. Simultaneously search was undertaken with a Tiruchirapalli-based helicopter, a Pushpak aircraft from Trivandrum and a naval Dakota.

The Avro aircraft had had a singularly accident-free record in the service of Indian Airlines ever since they were introduced in 1967. A court of enquiry was being set up to investigate the cause of the accident.

Cyclone in Orissa

The House on November 23, 1971 discussed a motion moved by Shri Baijnath Kureel, Deputy Minister in the Ministry of Irrigation and Power regarding "situation arising out of recent Cyclone in Orissa".*

*The Members who participated in the discussion were Sarvashri Manoranjan Hazra, Shyam Sundar Mohapatra, D. K. Panda, Janaki Ballav Patnaik, Surendra Mohanty, Chintamani Panigrahi, P. K. Deo, Jagannath Rao, Jyotirmoy Bosu, Arjun Sethi, J. M. Gowder, Kumar Majhi, B. S. Chowhan, Anandi Charan Das and Samar Guha.

Intervening in the discussion, the Deputy Minister in the Ministry of Finance, Smt. Sushila Rohtagi said that the Centre would continue to provide funds for cyclone relief in Orissa "subject to their proper and effective utilization".

Answering the charge that the Central assistance was inadequate, she said that no complaint had been received from the State Government to that effect.

She assured the House that constraint of funds would not be allowed to stand in the way of relief work.

Replying to the discussion, the Minister of Irrigation and Power, Dr. K. L. Rao denied any difference of opinion between the Central and State Governments over the relief measures. On the other hand, both the Central and State Governments were working in close cooperation to tackle the problem created by the cyclone in Orissa.

Detailing the steps being taken to ensure advance information about cyclones, he stated that the Meteorological Department was setting up a series of radars all along the coast, more on the East Coast of India and some on the West Coast. The Department was also trying to get a strong four-engined plane for serial observation. These two measures, would, however, not be enough. They would have to be backed by proper microwave or cable communication system and good roads to facilitate evacuation of people at short notice.

Concluding, he assured the House that in matters like this, the Central Government would definitely give all the necessary money.

The House then adopted the following substitute motion moved by Shri Chintamani Panigrahi:—

"This House, having considered the situation arising out of the recent cyclone in Orissa, expresses its deep sympathy for all those who have lost their lives in the cyclone and to the entire people of Orissa in their present hour of sufferings".

Obituary Reference on the Death of Shri G. M. Sadiq, Chief Minister, Jammu & Kashmir

Paying tributes to Shri G. M. Sadiq, Chief Minister of Jammu and Kashmir, who died on December 12, 1971, the Prime Minister, Shri-mati Indira Gandhi said in Lok Sabha on December 13, 1971 that in his passing away, India had lost one of its great sons and it was a grievous loss to Kashmir and to the whole country.

Referring to his qualities and the role he played, she observed:

"He was one of the foremost of those who organised the people of Kashmir and began the struggle for Independence in that State. He played an active role in the States Peoples' Conference, and after independence, he continued to be very closely involved in the development of Kashmir and in keeping alive in Kashmir those values which all of us here hold so dear. He was one who energised the adherents of our policy of secularism and socialism. He knew that Kashmir's future, the stability and peace of that beautiful State, could remain safe only if the different religions could live together in peace and work in co-operation. It was this that gave him the energy and the inspiration to work there.

He was not an ordinary type of politician, rather he was an intellectual with wide-ranging interests, but with a deep concern for justice, equality and the rights of the common man. Up to the last—even though he was ill, hon. Members may have noticed that he sent a message on the recognition of Bangla Desh—his mind was active and throughout he was asking questions and wanting to be kept fully informed of what was happening...."

Earlier, while referring to the sad demise of Shri G. M. Sadiq, the Speaker, Dr. G. S. Dhillon said:

"Shri Sadiq was one of the valiant fighters of our freedom struggle. He always stood and championed the ideals of secularism, democracy, freedom and socialism. His passing away at this critical juncture is a great loss not only to Jammu and Kashmir but to the entire nation.... Although Shri Sadiq had never been a Member of this House, I have made a reference about him in this House as an exceptional case...."

Paying tributes to Shri G. M. Sadiq, Dr. Karan Singh, Minister of Tourism and Civil Aviation, said:

"In the passing away of Sadiq Sahib, we have lost not only one of the greatest stalwarts of the freedom movement but also a man of the highest personal integrity, a man who though the embodiment of courtesy and consideration, was nevertheless firm as a rock and inflexible when it came to basic principles of secularism, socialism and democracy to which he was deeply committed...."

In Chandigarh his last message, this honourable House will recall, was a stirring call to the people of Jammu and Kashmir to beat back the aggressor and to fight for the ideals of secularism and socialism which he held so dear. It is a moving thing that his very last words, before he finally lost consciousness, were: Has Dacca been liberated?

So, you can see, here was a man, who till literally his dying breath, was deeply committed to national unity and to these ideals, and when we pay a tribute to him today, we pay a tribute not only to a great political leader but to, what is rarer still, a great, good and noble human being."

Thereafter the Members stood in silence for a short while.*



*An obituary reference was also made to the sad demise of Shri Bhagwandin Misra, a Member of Lok Sabha who passed away on December 9, 1971.

RAJYA SABHA
SEVENTY-EIGHTH SESSION

The Seventy-Eighth Session of the Rajya Sabha which commenced on November 15, 1971 adjourned *sine die* on December 24, 1971. During the Session, the House held 31 sittings aggregating to 158 hours and 39 minutes. Some of the important discussions held and other business transacted by the House during the Session are briefly mentioned below:—

Build-up of Troops on the Indo-Pak Borders by the Military Rulers of West Pakistan

On November 15, 1971, Shri J. P. Yadav called the attention of the Minister of Defence to the tense situation created by the massive build-up of troops on the Indo-Pakistan borders by the military rulers of West Pakistan and other provocative war-like acts by them.

The Minister of State for Defence Production in the Ministry of Defence, Shri Vidya Charan Shukla, said that the genesis of the tense situation on the borders with Pakistan lay in the confrontation between the military rulers and the people of Bangla Desh.

The military rulers had, for the past many months, been trying to divert the attention of the world from their misdemeanours and mistakes by foisting the blame on India. President Yahya Khan had ordered large-scale movement of troops all along the Western Indo-Pak border. Special attention had been paid to the cease-fire line in violation of the terms of the Karachi Agreement. All along the western border and the cease-fire line, enormous quantities of defence stores and ammunition had been piled up, close to the troops locations. There had been extensive shelling of Indian territory by Pakistanis on India's eastern borders resulting in considerable damage to property and also in loss of life and injury to a number of Indian citizens as well as refugees seeking shelter in India. In such a situation, India had no alternative but to move her forces to the western border. India's defence forces had therefore been deployed along her eastern and western borders in a full state of readiness to meet all eventualities. It was hoped that this vigilance and preparedness on the part of India would deter the military rulers of Pakistan from carrying out their threats to make war upon India for a third time. India had also been safeguarding her air space with great success.

The Government had not made any promise that all the refugees would be returned to Bangla Desh within six months, but had only

stated that they wanted the refugees to return safely to their homes with dignity.

Provocative acts by Pakistani troops on Eastern Borders

On November 18, 1971, Shri A. D. Mani called the attention of the Minister of Defence to the serious situation arising out of the continued hostile and provocative acts by Pakistani troops in Tripura, Meghalaya, Assam and West Bengal and their reported shelling of Agartala town on the night of November 15, 1971.

The Minister of State for Defence Production in the Ministry of Defence, Shri Vidya Charan Shukla, said that Pakistani artillery fired 10 rounds into Agartala town around midnight of November 15-16. As a result of the shelling, one civilian was killed and three others were injured. In reply, Indian artillery fired on the Pakistani positions and their guns were silenced. Pakistan had also indulged in unprovoked shelling across India's borders in the States of Tripura, Meghalaya, Assam and West Bengal and there had been loss of life and property caused to civilian population and the refugees from Bangla Desh. Pakistan had also instigated acts of sabotage in these States by infiltrating saboteurs to disrupt India's lines of communications. Indian armed forces had been fully deployed along these borders and they were prepared to meet any situation that might arise.

Whenever necessary, India had also mounted counter-offensive actions and silenced or driven out the intruders. These operations had been successful and satisfactory arrangements had also been made in collaboration with the concerned State Governments.

Pro-Pakistani Stand on Bangla Desh issue by the Chinese Representative in the U.N.

On November 23, 1971, Shri Loknath Misra called the attention of the Minister of External Affairs to the reported pro-Pakistani stand taken on the Bangla Desh issue by the Chinese Representative in the Third Committee of the United Nations and the reaction of the Government of India thereto.

The Minister of External Affairs, Sardar Swaran Singh, said that the statement made by the Chinese delegation on the question of Bangla Desh refugees in the Third Committee of the United Nations was not unexpected. India's efforts to normalise relations with China

should be taken on merits and one should not be deflected from the pursuit of that policy on the ground that on the Bangla Desh issue the Chinese attitude was against India.

Prime Minister's statement about her recent tour of certain foreign countries

On November 30, 1971, Shri Bhupesh Gupta, initiating a discussion, said that although he had no illusions about the impressions the Indian Prime Minister would create in Government quarters in the countries she visited, he was happy that her visit created certain positive impressions among the public, including the people of the United States.

The Prime Minister, Shrimati Indira Gandhi, replying to the discussion, said that no head of State or head of Government she had met had thought that India would change her policy on account of the Indo-Soviet Treaty. She had not asked for any financial aid from any country, but had merely stated that the help from the international community for the relief of refugees from Bangla Desh had been negligible. She had also stressed the need for a political solution in respect of Bangla Desh, as it was only the people of Bangla Desh who had the authority to say what they wanted. Sheikh Mujibur Rahman was the undisputed leader of Bangla Desh and he was the person who was most authorised to speak on their behalf. On the other hand, it had been Pakistan's consistent effort to try to internationalise the issue and turn it into an Indo-Pakistan dispute.

Aggression launched by Pakistan Against India

On December 4, 1971, the Minister of Defence, Shri Jagjivan Ram announced that the Government of West Pakistan had declared war upon India. He said that the previous evening the West Pakistan Air Force had violated India's air space wantonly and attacked a large number of Indian airfields. Simultaneously, their ground forces had shelled India's positions along the Western border. Their propaganda media had further made totally baseless allegations that India had launched an assault.

Immediately on her return from Calcutta, the Prime Minister had taken counsel with her colleagues and with the leaders of Opposition parties. All were of one mind, united in the resolve that the nation's freedom should be defended and that the aggressor should be beaten

back. A state of emergency had been proclaimed and the Government was approaching the House to adopt the Defence of India Bill. The Government's feeling was of regret and sorrow that at a time when the greatest need of the subcontinent was that of development, the people of India and Pakistan had been pushed into war. The two countries could have lived as good neighbours, but the people of West Pakistan had never had a say in their destiny. A war had been forced on India, although she had done her utmost to prevent it. West Pakistan had struck with reckless perfidy. India had repeatedly drawn the attention of the world to the annihilation of a whole people and to the threat to India's security.

Associating himself with the sentiments expressed in the House, Mr. Chairman said that in that hour of trial, the whole House, and indeed the whole nation, was solidly united. Every individual and group would strive their utmost and make their contribution to the achievement of victory. India's cause was just and she was fighting for certain ideals and principles. The military forces of India were assured that the whole nation was behind them and there could be no doubt that ultimately India would succeed in preserving her ideals and principles.

Proclamation of Emergency

On December 4, 1971 the Minister of Defence, Shri Jagjivan Ram, moved the following Resolution:

"This House approves the Proclamation of Emergency issued by the President on the 3rd December, 1971 under Article 352 of the Constitution."

The Minister said that the House was aware of the circumstances in which emergency had been declared. The House, the various political parties and their leaders and the nation as a whole had indicated their solidarity in respect of national security. The entire nation was behind the Armed Forces which gave them a new confidence, competence and effectiveness. The Government of India had no intention of annexing any territory of Pakistan. What the Government wanted was that Pakistan should live as a friendly neighbour and cherish the values which in modern times were regarded as good human values, which were enshrined in the Charter of the United Nations and which India had enshrined in her Constitution—the values of democracy and of secularism.

The Resolution was adopted by the House.

The Defence of India Bill, 1971*

On December 4, 1971, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, moving the motion for consideration of the Bill, said that for the fourth time in succession, Pakistan had, on December 3, 1971, committed aggression against India by launching air attacks on Srinagar, Amritsar, Avantipur, Uttarlai and Pathankot. At this juncture, the nation had a duty to do all that was possible to support and strengthen the security forces. In order to mobilise all efforts to defeat the naked aggression committed by Pakistan, the President had made a Proclamation of Emergency under Article 352. The Defence of India Bill now before the House sought only to provide the necessary legal sanctions as a consequence to this Proclamation. The Minister said that the Government had tried to interfere as little as possible with the normal avocations of the citizens. But the country as a whole would have to make great efforts and undergo all sacrifices necessary for the country's defence. The provisions of the Bill were somewhat similar to the legislation undertaken on the last occasion. However, some changes in the light of earlier experience and judicial decisions had been made. Full advantage had been taken of the permanent laws enacted in the recent years by Parliament. Thus, the Bill did not make any separate provisions for detention. The Minister said that the present time was a time of trial for the country and was not an occasion for any kind of panic or ventilation of differences arising out of caste, religion, language and the like. He was sure that the House and the nation would spare no efforts in giving a fitting reply to Pakistan. The Government would take every care to see that there was no misuse of the powers and, in this context, he made it clear that the Government was not introducing the measure relating to the maintenance of internal security through this Bill. It was a question of national emergency, and there could be no question of doubting the loyalty of any section of the House or any political party in the country.

The motion was adopted and the Bill was passed on the same day.

*The Bill was passed also by the Lok Sabha on December 4, 1971 and transmitted to Rajya Sabha on the same day.

The Constitution (Twenty-Fifth Amendment) Bill, 1971*

On December 7, 1971, the Minister of Law and Justice, Shri H. R. Gokhale, moving the motion for consideration of the Bill, referred to the passing of the Constitution (Twenty-Fourth Amendment) Bill by Parliament during the previous session. That Bill had received the assent of the President and had become part of the Constitution. Thus the difficulties raised by the judgment in the *Golak Nath case* were out of the field and the way had become clear for taking up the consideration and passing of the present Bill which sought to amend Article 31 (which relates to compulsory acquisition of property) and also to add a new Article 31C to the Constitution. The proposed amendment substituted the word "amount" for the word "compensation" clarifying that the "amount" might be fixed by law or determined in accordance with such principles, and given in such manner, as might be specified by law. The proposed amendment also provided that no such law would be called in question in any court on the ground that the whole or any part of the amount was given otherwise than in cash.

Replying to the various points raised in the debate, Shri H. R. Gokhale said that the proposed change did not really introduce anything new in the Constitution but only sought to restore the *status quo ante* and which prior to the *Bank Nationalization case* had not been disputed. Till a contrary view was taken in this case, the substance of the judicial opinion was that when Parliament had decided a certain payment as being appropriate for the acquisition of property, that was a matter beyond the purview of judicial review and this was particularly so after the Fourth Amendment became part of the Constitution.

The motion was adopted on December 8, 1971 and the Bill was also passed on the same day.

The Constitution (Twenty-Sixth Amendment, Bill) 1971*

On December 9, 1971, the Prime Minister, Shrimati Indira Gandhi, moving the motion for consideration of the Bill, which provided for abolition of the privy purses and other privileges of the former rulers, said that this was one of the items which the Congress(R) had put before the electorate and on which the response of the people

*Having been passed by the Lok Sabha, the Bill was transmitted to Rajya Sabha and laid on the Table on December 4, 1971.

had been very clear. The attempt at bringing about social change and the abolition of the privileges being enjoyed by the princes should not be regarded by them or by anybody else as an indictment on the princes as individuals or as a group. The princes had acted with practical good sense when the country was politically integrated and some of them had done so even in this matter which concerned them vitally. They had recognised that the time had changed and they had seen the wisdom of trying to meet this change. To allow an anachronism to continue would be as much an obstruction to them as to the society as a whole.

Replying to the debate, the Minister of Law and Justice, Shri H. R. Gokhale, said that in a way the Bill was a sequel to the Constitution (Twenty-Fifth Amendment) Bill. It was a very happy coincidence that within 24 hours of the passing of that Bill, the House was called upon to consider and pass a Bill which, undoubtedly, gave effect to the Directive Principles contained in Article 39(b) and 39(c) of the Constitution. Everyone knew that there had been long and protracted negotiations at one stage with the princes. It was as a result of their failure to understand the problem that the present situation had arisen. Now the position had changed. In the last elections there was no other issue which was more prominently placed before the people, than the issue of abolition of the privy purses or other privileges of the rulers. The mandate of the people was unequivocal and what the Government was doing was to fulfil and carry out its duty in obeying this mandate.

The motion was adopted and the Bill passed on the same day.

The Constitution (Twenty-Seventh Amendment) Bill, 1971*

On December 23, 1971, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, moving the motion for consideration of the Bill, said that to give effect to the scheme of reorganisation proposed for the north-eastern region, the House had already passed the Manipur (Hill Areas) District Councils Bill, 1971 and the North-Eastern Areas (Reorganisation) Bill, 1971. It was a part of the reorganisation scheme that on becoming a Union Territory, Mizoram should have a Legislative Assembly and a Council of Ministers. Under article 239A of the Constitution. Parliament was empowered to make a law providing for the creation of such bodies in the Union Territories

*The Bill was transmitted to the Rajya Sabha and laid on the Table on December 21, 1971.

specifically mentioned in that Article. In order that such a law might be passed in respect of Mizoram, it was necessary to include this Union Territory also under Article 239A. This Amendment was provided for in clause 2 of the Bill.

The motion was adopted and the Bill passed on the same day.

During the session, some of the other more important laws passed by the House were as follows:—

The Contempt of Courts Bill, 1968

On November 18, 1971, the Minister of Law and Justice, Shri H. R. Gokhale, said that the existing law with regard to contempt of court was uncertain, undefined and unsatisfactory. The whole position in this regard was therefore examined by a committee in 1961 with the then Additional Solicitor-General, Mr. Sanyal as the Chairman. The Committee's recommendations took due note of the right to freedom of speech and personal liberty, the various provisions in the Constitution and the need for safeguarding the status and dignity of the court and the interests of administration of justice. The recommendations were generally accepted by the Government and a Bill known as the Contempt of Courts Bill, 1968 to give effect to the accepted recommendations was accordingly introduced in the Rajya Sabha on February 27, 1968. After discussion, considering the importance of the matter, the House decided to refer the Bill to a Joint Committee of Parliament, which in turn examined it in detail and also called witnesses. The Joint Committee submitted their Report to the Houses of Parliament on February 23, 1970. Almost all the amendments proposed by the Joint Committee were acceptable to the Government excepting a few which touched upon the constitutionality of the respective provisions which were sought to be amended. One such amendment proposed by the Joint Committee was to include an express provision that the presiding officer might also be liable to be charged with contempt of another court or of his own court in the same manner and in accordance with the same procedure as any other individual.

The motion was adopted on November 22, 1971 and the Bill was passed on the same day.

The Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Bill, 1971*

The Minister of Finance, Shri Y. B. Chavan, moving the motion for consideration of the Bill on November 24, 1971, said that the Comptroller and Auditor-General was a high dignitary to whom an important role and position had been assigned in the Constitution. So far as the financial matters were concerned, apart from compiling the accounts, he also audited the accounts to see whether the expenditure was in conformity with the appropriations obtained from Parliament. The Minister said that this important role of the Comptroller and Auditor-General had been kept in view while drafting the legislation to prescribe his duties and powers and to determine the conditions of his service. He recalled that a Bill on the subject was introduced in the Fourth Lok Sabha and was referred to a Joint Committee of Parliament. The Joint Committee which considered the Bill in sufficient detail, while being in general agreement with its provisions, recommended some important changes. These recommendations had been taken into account while re-drafting the present Bill.

As regards salary and other conditions of service of the Comptroller and Auditor-General, the recommendations of the Joint Committee had been accepted and incorporated in the Bill. The Bill thus provided for the payment to the Comptroller and Auditor-General of a salary equal to that of a Judge of the Supreme Court, but in case of persons in receipt of pension separately, appropriate reduction in salary should be made.

The Comptroller and Auditor-General could, under the existing provisions, hold office for a term of six years without any age limit of 65 years. The Joint Committee recommended that in addition to the tenure of 6 years a maximum age of 65 years should be specified. The Bill incorporated this recommendation of the Joint Committee as well.

Replying to the debate, Shri Chavan said that he agreed that the Comptroller and Auditor-General should be independent of the Government but it did not necessarily mean that his control over his own budget also should be completely independent of the Government. So far as the question of fixing service conditions of the staff of the Comptroller and Auditor-General was concerned, the Minister was not

*Having been passed by the Lok Sabha, the Bill was transmitted to the Rajya Sabha and laid on the Table on November 17, 1971.

against passing the law, but even after passing the law, the rules which were to be made under the law would have to be made in consultation with the Comptroller and Auditor-General. The question of pay scales was not merely a matter concerning the service; it had also something to do with the general economic condition of the country. It must have some relation to the pay-scales of other services. To say that since the Comptroller and Auditor-General is equated with the Supreme Court Judge, the Accountant General should also be equated with the High Court Judge was completely illogical. The High Court was not an agent of the Supreme Court, whereas the Accountant-General was an agent of the Comptroller and Auditor-General.

The motion was adopted and the Bill passed on the same day.

The North-Eastern Areas (Reorganisation) Bill, 1971*

On December 21, 1971, the Deputy Minister in the Ministry of Home Affairs, Shri F. H. Mohsin, said that on September 3, 1970, the House was appraised of the Government's decision to accept, in principle, the grant of Statehood to Manipur and Tripura. A similar statement was made on November 11, 1970, regarding Meghalaya. It was then stated that details would be worked out keeping in view the need for a co-ordinated approach to the development and security of the region. The scheme for reorganising the North-Eastern areas, evolved after a series of discussions, covered three facts, namely, the co-ordinated approach to the development and security of the region, territorial reorganisation and special problems of the Units emerging as a result of territorial reorganisation. The present Bill related to the territorial reorganisation.

Replying to the debate, Shri K. C. Pant, the Minister of State in the Ministry of Home Affairs, assured the House that the Government had taken an integrated view of the whole region in formulating their proposals. The Government had detailed discussions with the representatives of the various Units, with the Governor and the Lieutenant-Governor. He thanked the leaders of the various regions in North-Eastern India for their sense of co-operation, understanding and their desire to look at the problems of reorganisation, which were complex, not merely in the context of their own States and Territories

*After being passed by the Lok Sabha the Bill was transmitted to and laid on the Table of Rajya Sabha on December 16, 1971.

but in the larger context of the North-Eastern region as a whole, and even the still larger framework of the country. As regards the question of the capital of Assam, the Minister agreed that it would have to be set up now somewhere in the valley and he gave the assurance that the Government was considering the question of providing financial assistance for the capital project.

The Jayanti Shipping Company (Acquisition of Shares) Bill, 1971*

The Minister of Shipping and Transport, Shri Raj Bahadur said that the Members were already aware of the circumstances which led the Government to acquire all the shares in the Jayanti Shipping Company by promulgation of the Jayanti Shipping Company (Acquisition of Shares) Ordinance, 1971, on October 17, 1971. The acquisition of these shares had become necessary in order to serve better the shipping needs of the nation and to facilitate, in the interests of general public, the promotion and development of national shipping. The management of Jayanti Shipping Company had already been taken over by the Central Government under the Jayanti Shipping Company (Taking over of Management) Act, 1966, following complaints against the previous management. During the course of Government management, several irregularities committed by the previous management had been detected and a number of civil suits had to be instituted by the Jayanti Shipping Company in respect of these irregularities. The provisions made in the Bill, which had the effect of continuing the Shipping Corporation of India and the Jayanti Shipping Company under one management for all practical purposes, would be of substantial benefit to India's maritime growth. The Minister commended the Bill to the House.

The motion for consideration of the Bill was adopted and the Bill passed on December 13, 1971.

Devastation caused by Cyclone in Orissa

On November 16, 1971, Shri Dwijendralal Sen Gupta called the attention of the Minister of Irrigation and Power to the serious situation arising out of the devastation caused by the recent cyclone in Orissa and the quantum of aid given and proposed to be given by the Central Government. The Minister of Irrigation and Power, Dr. K. L. Rao, said that a low pressure area from the East moved into

*The Bill was transmitted to the Rajya Sabha and laid on the Table on December 4, 1971.

South Andamans Sea across Malaya Peninsula on October 25 and became a cyclonic storm on the evening of October 27. It struck the coastal areas of Orissa on the night of October 29 and lasted upto mid-day on October 30. The maximum wind speed of the cyclone was estimated at 175 km. per hour and the accompanying tidal wave was about 2.8 to 3.8 metres high. The cyclone struck the land near Paradeep and there was some damage to the structures at the port. The coastal area beyond Mahanadi river up to Gamai in Balasore district was subjected to severe damage. The tidal bone went inland for a distance of 15 km. to 25 km. causing complete destruction to the standing crops due to saline water. Assessment of damage was being made by the State Government, who had reported that about 59 lakhs of persons had been affected in 8540 village. Nearly four lakh houses had been damaged and 9658 human lives and 50,000 cattle had been lost. Heavy damage had been caused to the telecommunication and electric lines, irrigation works and embankments. Railways and road communications had been disrupted. It was unfortunate that there was no radar at Paradeep, otherwise it should have been possible to know about the cyclone at least 15 hours before. Radars were now proposed to be set up at Calcutta, Paradeep and Madras.

Obituary References

On November 15, 1971 the Chairman, referred to the passing away of six ex-Members—Shri M. D. Tumpalliwar, Shri K. Madhava Menon, Shri Tara Shankar Banerjee, Prof. A. R. Wadia, Dr. Syed Mahmud and Maj. Gen. Sahib Singh Sokhey—and two sitting Members—Shri Suraj Mall Saha and Dr. B. N. Antani.

On December 13, 1971, the Chairman referred to the passing away of Shri G. M. Sadiq, Chief Minister of Jammu and Kashmir. One minute's silence was observed as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

Andhra Pradesh

ANDHRA PRADESH LEGISLATIVE COUNCIL

The Andhra Pradesh Legislative Council held its Nineteenth Session lasting for 24 days. Eight Government Bills were introduced in the House and passed. Out of 97 notices of questions received, 77 were admitted as Starred. Out of 70 notices of Short Notice Questions, 32 were admitted.

Indo-Soviet Treaty

On August 10, 1971, the following motion was discussed and adopted by the House:

"This House places on record its appreciation and extends its whole-hearted support to the Indo-Soviet Treaty of peace, friendship and co-operation signed yesterday by the Government of U.S.S.R. and the Government of India."

On August 16, 1971 the Council discussed and passed a resolution empowering Parliament to regulate by law the matter relating to Prevention of Water Pollution from Domestic and Industrial Wastes.

Constitution (Twenty-fourth Amendment) Bill and Constitution (Twenty-fifth Amendment) Bill

On September 11, 1971, the Council discussed and passed the following resolutions:

1. "This House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Article 368 thereof, proposed to be made by the Constitution (Twenty-fourth Amendment) Bill 1971, as passed by the two Houses of Parliament."

2. "(1) This House commends the Constitution (Twenty-fifth Amendment) Bill, 1971 which seeks to abridge the fundamental rights conferred by Articles 19 and 31 of the Constitution of India for the purpose of surmounting the difficulties placed in the way of giving effect to the Directive Principles of State Policy by the interpretation placed on Article 31 by the Supreme Court of India in the *Bank Nationalisation case*.

(2) This House recommends that Parliament may make a law providing that all the property of the Union shall be subject to all the taxes imposed by the local authorities in the States.

(3) This House recommends that Parliament may omit clause (2) of Article 276 of the Constitution of India or in the alternative amend that clause so as to raise the maximum limit of total amount of tax leviable by a local authority on professions, trades, callings and employment to Rs. 2,500 per annum from Rs. 250 per annum.

(4) This House recommends that Parliament may amend Clause (2) of Article 311 so as to provide for the dismissal or removal or reduction in rank of a civil servant after an inquiry in which he has been informed of the charges against him and given an opportunity of being heard in respect of these charges.

(5) This House recommends that Parliament may amend Article 366 of the Constitution of India so as to add a definition of socially and educationally backward classes of citizens laying down objective criteria for declaring any group of citizens as a backward class of citizens for the purposes of clause (4) of Article 15, Clause (4) of Article 16 and Article 340 of the Constitution of India or that Parliament may insert additional article on the lines of Article 341:—

(i) empowering the President after consultation with the Governor of the State, by public notification, to specify the socially and educationally backward classes;

(ii) empowering Parliament by law to include in or exclude from the list of socially and educationally backward classes specified in the notification issued by the President; and

(iii) excluding the jurisdiction of courts in regard to the validity of any such list and protecting it from any attack on the ground of violation of Articles 14, 15 and 16."

The above Resolution was discussed and passed on September 11, 1971.

Committees

The Privileges Committee, the Committee on Working of the Social Welfare Hostels in Andhra Pradesh, and the Committee on Assurances held 2, 2 and 1 sittings respectively. The Report of the *Ad Hoc* Committee on Rules to amend the Rules of Procedure and Conduct of Business was also presented to the Council.

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The Andhra Pradesh Legislative Assembly held its session from August 2, to September 10, 1971, consisting of 33 days. 4 Government and 3 Private Members' Bills were introduced during the session while 3 Government Bills were passed by the House. Notices of 138 Starred and 291 Short Notice Questions were received and only 35 Starred and 61 Short Notice Questions were admitted. 13 notices of Starred Questions were admitted as Unstarred Questions.

The Assembly discussed the resolution regarding the Constitution (Twenty-fourth Amendment) Bill, 1971 and adopted it on September 8, 1971. The House also passed a resolution on September 10, 1971 on the Constitution (Twenty-fifth Amendment) Bill, 1971.

Goa, Daman and Diu

The Goa, Daman and Diu Legislative Assembly held a session during the period under review and held seven sittings.

During the session, 5 Government Bills were introduced and passed. Out of 541 Notices received for Questions, 94 were admitted as Starred and 9 were admitted as Unstarred. Out of 5 Notices received for Short Notice Questions, 2 were admitted.

Dr. Jack de Sequeira, Dr. L. P. Barbosa, Sarvashri Leo Velho, R. S. Fernandes, Y. S. Desai, T. F. Pereira and A. N. Naik moved the following motion:—

"This House expresses want of confidence in the Council of Ministers."

The motion was discussed on September 28, 1971 and was lost.

Private Members' Resolution

The following resolution moved by Shri Orlando S. Lobo, MLA was discussed and adopted on September 24, 1971:

"This House recommends to Government that Secondary Education in this Territory be made free."

Committees

The Estimates Committee and Public Accounts Committee each held two sittings. The Committee on Government Assurances held

four sittings. The Rules Committee, the Delegated Legislation Committee and the Petitions Committee each held one sitting. The Rules Committee presented one Report.

Haryana

The autumn session of the Haryana Vidhan Sabha was held in three spells—from August 2 to 5, 1971; October 25 to 27, 1971 and on November 22, 1971. The House was adjourned *sine die* on August 5 and October 27 and met again on October, 25 and November 22, 1971 respectively. In all, eight sittings of the House were held.

Legislative Business

30 Government Bills were introduced in the House during the session and an equal number of Bills were passed. The House received notices of 34 Starred, 1 Unstarred and 3 Short Notice Questions while the number of notices admitted was 21, 1 and 1 respectively.

Committees

The sittings of the various Committees of the Vidhan Sabha during the period from August 1 to November 22, 1971 were as follows:

(1) Public Accounts Committee	7
(2) Implementation Sub-Committee of PAC	8
(3) Committee on Estimates	14
(4) Committee on Government Assurances	20
(5) Committee on Subordinate Legislation	18
(6) Business Advisory Committee	7
(7) Library Committee	6
(8) Privileges Committee	2

None of the above Committees presented any report to the House with the exception of the Committee on Estimates which presented one report on Supplementary Estimates (First Instalment for the year 1971-72).

Resolutions

During this session, the Vidhan Sabha passed the following resolutions:

(i) **Official Resolution** (On August 5, 1971):

"It appears desirable to this House that the Parliament should make law with respect to prescribing ceiling on urban immovable property in order to achieve the objective of socialistic society.

It is hereby resolved that the Parliament may enact Law prescribing and regulating ceiling on urban immovable property in the State."

(ii) *Official Resolution* (On October, 1971):

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Article 368 thereof, proposed to be made by the Constitution (Twenty-fourth Amendment) Bill, 1971 as passed by the two Houses of Parliament."

(iii) *Official Resolution* (On November 22, 1971):

"Whereas, the Haryana and Punjab Agricultural Universities Act, 1970 (hereinafter referred to as the said Act), was passed by the Parliament under clause (1) of Article 252 of the Constitution of India.

And whereas, it is intended to amend sub-section (8) of section 13 of the said Act so as to empower the State Government to fill a vacancy in the office of the Board by re-appointing a retired member of the Board also;

And whereas clause (2) of article 252 of the Constitution of India provides that an Act passed by Parliament under clause (1) of Article 252 thereof, may be amended or repealed by an Act of Parliament in the like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State;

And whereas, it appears to this Assembly to be desirable that such legislation should be undertaken by Parliament;

Now, therefore, in pursuance of clause (2) of article 252 of the Constitution of India, this Assembly hereby resolves that Parliament shall by law make provision for empowering the State Government to re-appoint to the Board a retired member of the Board also."

The following motion moved on October 26, 1971 was not carried by the House:

"This House expresses want of confidence in the Ministry of Shri Bansi Lal as a whole."

Resolution on Bangla Desh

The following Private Resolution on Bangla Desh was discussed and passed by the Vidhan Sabha on August 5, 1971:—

"This House expresses its profound sense of shock and anguish at the developments in East Bengal and expresses its heartfelt

sympathy for the unfortunate people of East Bengal in their heroic struggle for a democratic way of life and extends to the millions who have had to leave their homes and hearths the assurance that the Indian people will give them the maximum possible help in their hour of need.

This House records its deep conviction that the struggle of the people of East Bengal will not have been in vain."

Himachal Pradesh

The Himachal Pradesh Legislative Assembly held one session from September 6 to September 17, 1971.

During the period, 12 Government Bills were introduced and passed. Out of 794 Notices of Questions received, 348 were admitted as Starred Questions and 179 were admitted as Unstarred Questions. Out of 15 Notices received for Short Notice Questions, 5 were admitted.

The Assembly discussed and passed the following resolution on September 6 and 7, 1971:—

"That this House ratifies the amendment to the Constitution of India falling within the purview of the proviso to Article 368 thereof, proposed to be made by the Constitution (Twenty-fourth Amendment) Bill, 1971, as passed by the two Houses of Parliament."

Committees

The Committee on Government Assurances, the Committee on Estimates, the Public Accounts Committee, the House Committee, the Library Committee, the Delegated Legislation Committee, the Committee on Privileges and the Business Advisory Committee held 4, 7, 10, 1, 2, 9, 2 and 12 sittings respectively. The Committee on Estimates presented 2 Action Taken Reports to the House.

Jammu and Kashmir

The Jammu and Kashmir Legislative Council held its session from September 13, 1971 to October 1, 1971. In all 10 sittings were held.

During the session, 9 Government and one Private Member's Bills were introduced in the House. The Council passed 10 Government Bills—five of them having been introduced in the Council and five in the Assembly. Notices of 477 Starred, 81 Unstarred and 3 Short Notice Questions were received while the number of questions admitted was 394, 53 and 3 respectively.

Kerala

The third session of the Kerala Legislative Assembly commenced on July 12, 1971 and terminated on August 27, 1971. Eight Government Bills were passed by the House during this session. Out of 5265 Notices received for Questions, 736 were admitted as Starred Questions and 1116 were admitted as Unstarred.

On August 26, 1971, Shri T. K. Divakaran, Minister for Works and Tourism (on behalf of the Chief Minister) moved the following statutory resolution under Article 368 of the Constitution:

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Article 368 thereof, proposed to be made by the Constitution (Twenty-fourth Amendment) Bill, 1971, as passed by the two Houses of Parliament."

After discussion and reply by the Minister for Works and Tourism, the resolution was unanimously adopted.

Committees

During the session, the Committee on Petitions the Business Advisory Committee, the Committee on Subordinate Legislation, the Committee on Estimates, the Committee on Public Undertakings, the Committee on Public Accounts, the Committee on Government Assurances, and the Committee on Private Members' Bills and Resolutions held 6, 4, 5, 3, 3, 3, 2 and 4 sittings respectively. The Committee on Private Members' Bills and Resolutions, the Business Advisory Committee, and the Committee on Subordinate Legislation presented 4, 4 and 1 reports respectively.

Madhya Pradesh

The September-October, 1971 session of the Madhya Pradesh Vidhan Sabha commenced on September 20, 1971 and concluded on October 5, 1971. Seven sittings aggregating to 30.58 hours were held during the period under review. Some of the major events that took place and the actual work transacted during the session were as follows:

Legislative Business

Six Government Bills were introduced in the House out of which two sought replacement of the ordinances promulgated during the

inter-session period. Seven Bills were passed by the House. Out of 1161 Notices received for Questions, 388 were admitted as Starred Questions and 217 were admitted as Unstarred Questions. Out of 24 Notices for Short Notice Questions, one question was replied.

Financial Business

The Chief Minister, Shri Shyamacharan Shukla presented the Third Supplementary Estimates for 1971-72 on September 21, 1971. These were voted by the Vidhan Sabha on September 23, 1971.

The Chief Minister, Shri Shyamacharan Shukla, also presented the Excess Demands for the year 1967-68 on September 21, 1971, which were voted on October 4, 1971.

Motion of No-Confidence in the Council of Ministers

The Jan Sangh and SSP jointly sponsored a no-confidence motion against the Congress Ministry headed by Shri Shyamacharan Shukla. The motion was debated and eventually defeated by 167 to 56 votes in the Assembly on September 22, 1971.

Ratification of the Constitution Amendment Bill

On September 21, 1971 the Law Minister, Shri Krishna Pal Singh, moved a resolution in the State Assembly for the ratification of the Constitution (Twenty-fourth Amendment) Bill, 1971 as passed by both the Houses of Parliament. The resolution was unanimously adopted on September 24, 1971.

Government Resolution on Bangla Desh

On October 4, 1971 the Chief Minister Shri Shyamacharan Shukla, moved a resolution extending support to the Bangla Desh Movement. The resolution was adopted by the House.

Committees

The Report of the Business Advisory Committee and the Eighteenth Report of the Committee on Private Members Bills and Resolutions, were adopted by the House on September 21 and 23, respectively.

Nagaland

The Nagaland Legislative Assembly held a session during the period under review and met for six days.

During the period, one Government Bill was introduced and passed. Out of 227 Notices for Questions received, 111 were admitted as Starred Questions and 94 were admitted as Unstarred Questions.

On September 20, 1971, Shri Hokishe Sema, Chief Minister, moved a Resolution on the ratification of the Constitution (Twenty-fourth Amendment) Bill, 1971 and the same was unanimously adopted by voice vote.

On September 23, 1971, a Private Member's Resolution relating to the settlement of the Nagaland Political Problem moved by Shri T. A. Ngullie and 14 others was discussed. After the debate, the Resolution was put to vote and adopted.

Committees

During the session, the Estimates Committee, the Public Accounts Committee, the Business Advisory Committee and the Select Committee on Jhumland Bill, 1970 held one sitting each.

Uttar Pradesh

VIDHAN SABHA

The Uttar Pradesh Vidhan Sabha held a session from July 12, 1971 to October 4, 1971 and held 37 sittings.

During the session, 11 Government Bills were passed. Out of 540 Notices for Questions received, 263 were admitted as Starred Questions and 21 as Unstarred Questions. Out of 1685 Notices for Short Notice Questions, 290 were admitted as Short Notice Questions, 712 as Starred Questions and 91 as Unstarred Questions.

The Vidhan Sabha discussed and passed the following resolution on August 11, 1971:—

“Having aroused the public conscience to serve for democratic values and secularism, fearlessly and with devotion in the wake of the brute dictatorship and malicious and heinous acts of communalism being perpetrated in Pakistan for years, the unprecedented success achieved by Sheikh Mujibur Rehman in the last Elections will remain a glorious chapter in the human history for ever. After achieving victory in the Elections, he firmly opposed the cruel and dictatorial authority and mentality of Mr. Yahya Khan and set up a new record of humane valour to safeguard human values which will always remain immortal in the history. This House of Uttar Pradesh Legislative Assembly appreciates his action and congratulates him. This House condemns the inhuman behaviour of

and genocide perpetrated by Mr. Yahya Khan to deprive the people of Bangla Dash of their just claims and rights. This House expresses deep concern over the threat to the brave soul of Sheikh Mujibur Rahman at the hands of Mr. Yahya Khan who has ordered Court Marshal against him under the garb of establishing an interim civil administration and conveys its feelings that if Mr. Yahya Khan tried to play with the life of Shri Mujibur Rahman, it will have serious repercussions and the justice loving world community will never forgive him.”*

Public Undertakings Committee

On September 17, 1971, the Vidhan Sabha discussed a resolution seeking to authorise the Speaker to nominate 31 members to the Committee on Public Undertakings. The resolution was adopted with an amendment which raised the number of members of the Committee from 31 to 35.

Constitution (Twenty-fourth Amendment) Bill, 1971

On September 16 and 17, 1971, the Vidhan Sabha discussed and passed a resolution seeking to ratify the Constitution (Twenty-fourth Amendment) Bill, 1971 as passed by both Houses of Parliament.

Committees

During the session, the Business Advisory Committee, the Privileges Committee, the Estimates Committee, the Committee on Delegated Legislation, the Committee on Government Assurances, and the Joint Committee on Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Bill, 1970, held 3, 1, 2, 13, 6 and 3 sittings respectively. The Business Advisory Committee, the Rules Committee, the Estimates Committee, the Committee on Delegated Legislation, and the Committee on Government Assurances presented 1, 1, 1, 5 and 3 reports respectively.

VIDHAN PARISHAD

The Uttar Pradesh Vidhan Parishad held a session during the period under review and held 22 sittings. During this session, 11 Government Bills were passed. Out of 32 Notices for Questions, 24 were admitted as Starred Questions. Out of 34 Notices for Short Notice Questions, 13 were admitted.

*Original in Hindi.

Constitution (Twenty-fourth Amendment) Bill, 1971

The Vidhan Parishad discussed and passed a resolution seeking to ratify the Constitution (Twenty-fourth Amendment) Bill, 1971 as passed by both Houses of Parliament.

Committees

During the session, the Committee on Assurances, the Petitions Committee, the House Committee, the Business Advisory Committee, the Committee on Sports and Cultural Activities, and the Committee on Public Undertakings held 6, 2, 1, 1, 2 and 2 sittings respectively. The Committee on Assurances presented 2 Reports to the House.

POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN STATES¹

(September 16—November 30, 1971)

General

Six State Governments Agree to Central Legislation on Ceiling on Urban Property

A draft Bill relating to Ceiling on Urban Property had been circulated by the Union Government to State Governments and Union territories for their comments and concurrence. It provides for the imposition of a ceiling on Urban property, restrictions on the transfer of property in excess of the ceiling and the compulsory acquisition for public purposes of property in excess of ceiling.²

In a written reply to a question in the Rajya Sabha on November 17, Shri Inder Gujral, Union Minister for Housing and Works named six State Governments and the Administrations of two Union territories which agreed to Central legislation on ceiling on urban property. These are Haryana, Himachal Pradesh, Maharashtra, Orissa, Rajasthan and Uttar Pradesh and the Union Territories of Goa, Daman and Diu and Tripura. The Legislatures of Haryana and Maharashtra have already empowered Parliament to enact such legislation.³

Shri Gujral said the remaining State Governments had been requested to expedite their views.

He said in any event the Government had decided that there should be a ceiling.⁴

Meanwhile, the Kashmir Assembly passed the Jammu and Kashmir property Ceiling Bill, 1971. An ordinance proposed for issue by the Bihar Government was under consideration of the Government of India⁵

¹The review is based on Press reports only and the Lok Sabha Secretariat does not accept any responsibility for their accuracy.

²*Times of India*, New Delhi, November 18, 1971.

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

New Taxes for Bangla Desh Refugees

The Government of India is facing the enormous problem of providing relief to Bangla Desh refugees. In order to be able to finance the expenditure on relief work, the Government of India has appealed to all State Governments to impose additional taxation and to make a grant to that Government of the proceeds arising from such additional taxation.^{5A}

The State Governments of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Mysore and Punjab have imposed certain new taxes recently in order to raise additional resources for the relief of the Bangla Desh refugees.^{6B}

Assam*Assembly Ratifies Constitution (24th Amendment) Bill.⁶*

The Assam Legislative Assembly ratified, on October 27, the Constitution (24th Amendment) Bill, 1971, as passed by Parliament in August.⁷

No Trust Moves Fail

The Assam Assembly, on November 9, rejected two no-confidence motions against the Choudhury Ministry by 63 to 23 votes. Both the motions were dismissed by the House simultaneously. Later, the Assembly was prorogued by the Speaker, Shri M. K. Das.⁸

^{5A}*Hindustan Times*, October 12, November 11 and December 1, 1971; *Indian Express*, November 11, 1971; *Statesman*, October 12, 1971; *Times of India*, November 9, 13, 14 and 23, 1971.

^{5B}*Ibid.*

⁶The President, Shri V. V. Giri, gave his assent on November 5 to the Constitution (24th Amendment) Bill which restores to Parliament the power to amend any part of the Constitution, including the Chapter on Fundamental Rights. The Bill, which was passed by the two Houses of Parliament in August, was ratified by more than half of the State Legislatures as required under the Constitution. (*Times of India*, New Delhi, November 6, 1971).

⁷*Times of India*, New Delhi, October 28, 1971.

⁸*Statesman*, Calcutta, November 10, 1971.

Andhra Pradesh

Preventive Detention Act struck down

Andhra Pradesh High Court on September 20, struck down Section 6(A) of the State Preventive Detention Act, 1970, as violative of Article 22(5) of the Constitution. The High Court directed the release of the three revolutionary poets who had challenged their detention through a writ petition.⁹

Section 6(A) of the Preventive Detention Act provides that an order of detention should not be invalidated on the ground that it contains some irrelevant and vague grounds. Article 22(5) of the Constitution, on the other hand, guarantees that a detainee should be furnished with grounds of detention and an earliest opportunity for representation against the detention should be given.¹⁰

Holding Section 6(A) of the Preventive Detention Act as unconstitutional, the High Court observed that by this section, the court was precluded from adjudicating upon the sufficiency of the grounds of detention and this was violative of Article 22(5) of the Constitution and hence *ultra vires*.¹¹

Telengana Praja Samiti Merges with Congress (R)

The Executive of the Telegana Praja Samiti, which spear-headed the agitation for a separate State of Telengana unanimously adopted a resolution in Hyderabad on September 17, to merge the Samiti with the Congress.¹²

The Samiti expressed its "absolute" confidence in the Prime Minister and her assurance to solve the Telengana problem. It also expressed its confidence that the Prime Minister would give due consideration to "the points that have arisen in the discussion" and safeguard the interests of the people of Telengana.¹³

⁹*Statesman*, Calcutta, September 21, 1971.

¹⁰*Ibid.*

¹¹*Ibid.*

¹²*Times of India*, New Delhi, September 18, 1971.

¹³*Ibid.*

The Samiti felt that the interests of the people of Telengana would be best served and their aspirations accomplished by collating with the radical dynamic forces of the nation.¹⁴

Asked how far the resolution was in keeping with the Samiti's one-line election manifesto (achievement of a separate Telengana State) Dr. Reddy said if the arrangement envisaged afforded the benefits of a separate State, then it would be in line with the manifesto. If the arrangement failed after sincere experiment, he said, the position would be reviewed and that was what was meant by reopening the issue—one of the six points that had emerged out of the talks with the Prime Minister. "We want the Prime Minister to review its working after three or four years", he said.¹⁵

The State Council of the TPS on September 18 unanimously endorsed its Executive Committee's decision to merge the Samiti with the Congress(R). "With this, the Samiti automatically gets itself dissolved", the Samiti President, Dr. M. Chenna Reddy, told newsmen at the conclusion of the meeting.¹⁶

In contrast to the smooth passage of the merger resolution in the executive Committee meeting on September 17, some dissenting voices were raised at the State Council meeting of the TPS. Some members questioned the wisdom winding up the Samiti and merging it with Congress(R) when the remaining five points of the Samiti's six-point demand¹⁷ still remained.¹⁸

On September 24, The Telengana Parja Samiti became a part of the ruling Congress party when the Congress(R) President, Shri D. Sanjivayya, admitted 27 members of the TPS in the Assembly to the Congress to enable them to participate in the election of the new leader of the Andhra Pradesh Congress Legislature Party, on September 25. Ten TPS members of the Lok Sabha and one in the Rajya Sabha were also admitted to the Congress. The strength of the Congress (R) legislature party in Andhra Pradesh Assembly rose from 209 to 236.¹⁹

¹⁴*Times of India*, New Delhi, September 18, 1971.

¹⁵*Ibid.*

¹⁶*Ibid.*, September 19, 1971.

¹⁷One demand for change in the State leadership was realised.

¹⁸*Times of India*, New Delhi, September 19, 1971.

¹⁹*Hindustan Times*, New Delhi, September 25, 1971; *Times of India*, September 25, 1971.

Ex-TPS MPs Quit Congress(R)

Shri M. Satyanarayana Rao, a member of the Lok Sabha elected on the ticket of Telengana Praja Samiti, which merged with the Congress (R) in September, resigned on October 9 from the Congress (R) on the ground that Dr. M. Chenna Reddy had misled the TPS.²⁰

Earlier, on October 8, Shri Rao, along with several former TPS MPs and some new Andhra Pradesh ministers including Shri J. Chokka Rao, Shri Manick Rao and Shri K. Achuta Reddy, had called on the Prime Minister, Shrimati Indira Gandhi. It was understood that Shrimati Gandhi told them she had never agreed to the implementation of the six-point formula as a condition for the Samiti's merger with the Congress.²¹

Shri Satyanarayana Rao came out with a statement on October 9 that with the rejection of the six-point formula, the very basis for the merger of the TPS with Congress was lost. Shri Rao said: "It came as a shock to me when I learnt during the meeting that the Prime Minister had never agreed to the six-point formula in toto. We in the TPS were given to understand by the Chairman of the Party, Dr. M. Chenna Reddy, that the Prime Minister had agreed to the formula and we need not wait for its implementation before joining the Congress to participate in the leadership in the election (in Andhra Pradesh). We were obviously misled by Dr. Reddy." He added that he would sit as an Independent in the Lok Sabha and continue to work to achieve the aims of the Telengana Praja Samiti.²²

Dr. M. Chenna Reddy, President of the erstwhile Telengana Praja Samiti, denied on October 10 that he had ever told the TPS executive or the general body that the Prime Minister had accepted the six-point formula and that they need not make its implementation a pre-condition for joining the Congress (R). Dr. Reddy said that Shri Rao, who seconded the merger resolution of the TPS, could not be so ignorant as not to understand the contents of the resolution. Dr. Reddy pointed out that no where the resolution said that the Prime Minister had accepted the six-point formula and therefore the accusation of Shri M. Satyanarayana Rao was baseless.²³

²⁰*Times of India*, New Delhi, October 10, 1971.

²¹*Ibid.*

²²*Ibid.*

²³*Times of India*, New Delhi, October 11, 1971.

Another member of the Lok Sabha, Shri S. B. Giri, announced his resignation from the Congress(R) on October 11. In a statement Shri Giri, who was elected from Warrangal on the TPS ticket in March to the Lok Sabha, said the basis of the merger of the TPS with the Congress (R) had been defeated, as the six point formula was not accepted by the Prime Minister. Shri Giri said he was left with no option but to resign after Dr. Chenna Reddy's unconvincing explanation. Shri Giri appealed to all MPs and legislators in the Congress (R) supporting the separate Telengana demand to do likewise and stand by the people of Telengana²⁴

Rival of Telengana Praja Samiti condemns merger decision

The Executive of the rival Telengana Praja Samiti²⁵ led by Shri B. Satyanarayana Reddy met in Hyderabad on September 21, and adopted the resolution condemning the Telengana Praja Samiti presided over by Dr. Chenna Reddy for merging the party with the Congress (R).²⁶

The resolution said that the people of Telengana would be satisfied with nothing less than a separate State and action taken by Dr. Chenna Reddy and others had "no sanction of the people of Telengana whatsoever". The demand for a separate Telengana State was not negotiable, the resolution added.²⁷

Narasimha Rao Elected New Andhra Leader

Shri P. V. Narasimha Rao, a Minister from the Telengana region in the outgoing Brahmananda Ministry, was, on September 25, elected leader of the Andhra Pradesh Congress(R) Legislature Party in a move intended to satisfy party elements from both regions. Shri Rao was one among the several possible candidates for leadership.²⁸

Later, on the same day, Shri Narasimha Rao was formally invited by the Governor, Shri Khandubhai Desai, to form the new Ministry. He accepted the Governor's invitation but wanted "some time" to submit the list of his Cabinet members.²⁹

²⁴*Hindustan Times*, New Delhi, October 12, 1971.

²⁵Shri Satyanarayana Reddy formed a splinter TPS after the Samiti led by Dr. Chenna Reddy decided to convert itself into a full-fledged political party just before the Lok Sabha elections.

²⁶*Hindustan Times*, New Delhi, September 23, 1971.

²⁷*Times of India*, New Delhi, September 23, 1971.

²⁸*Times of India*, New Delhi, September 26, 1971; *Hindustan Times*, September 26, 1971.

²⁹*Ibid.*

Narasimha Ministry Formed

The first batch of Andhra Pradesh Cabinet consisting of 14 ministers—nine of Cabinet rank and five Ministers of State—was announced by the Chief Minister-designate shortly after midnight on September, 29.⁸⁰

Twelve of the 14 Ministers whose appointment was announced on September 29 took the oath of office on September 30. The two absentees were Shri K. Achuta Reddy and Shri M. Manik Rao, leaders of the dissolved Telengana Praja Samiti.⁸¹

The 12 members of the new Andhra Council of Ministers sworn in on September 30 were: Cabinet Ministers—Shri P. V. Narasimha Rao (Chief Minister); Shri B. V. Subba Reddy (Deputy Chief Minister); Shri Kakani Venkataratnam; Shri J. Chokka Rao; Shri S. Sidha Reddy; Ibrahim Ali Ansari; and Shri Bathina Subba Rao; Ministers of State—Shri S. Vasudeva Rao; Shri C. Rajanarasimha; Shri K. Gopala Naidu; Shri P. Mahendranath and Shri K. Bhima Rao.⁸²

Six of the Ministers were in the outgoing Brahmananda Reddy Ministry while the remaining were newcomers, the latter being the Assembly Speaker, Shri B. V. Subba Reddy; the Regional Committee Chairman Shri J. Chokka Rao, Shri Bathina Subba Rao; Shri P. Mahendranath; Shri K. Bhima Rao and Shri K. Gopala Naidu.⁸³

Giving his reaction to the composition of the new Cabinet, Dr. Chenna Reddy said: "It was given to understand during the last three or four days that the size of the Cabinet would be considerably reduced and that it will not exceed 10 or 13. I find that the number had considerably increased in the first list itself and yet the representation to the Andhra region is just four, including a Minister of State. The Chief Minister, I understand, is anxious to remove the imbalance of 2:8 proportion between the erstwhile TPS and others in the Telengana region. My two colleagues from the erstwhile TPS (Shri Achuta Reddy and Shri Manik Rao) naturally and rightly felt that it would be proper for them to join the Cabinet only after the whole thing is fully settled. I agreed with them when they consulted me. However, it is

⁸⁰*Times of India*, New Delhi, September 30, 1971.

⁸¹*Times of India*, New Delhi, October 1, 1971.

⁸²*Statesman Weekly*, October 2, 1971.

⁸³*Hindustan Times*, New Delhi, October 1, 1971.

needless to clarify that our faith in the Prime Minister and the merger position remains unchanged as it is mainly meant to work out in a practical way and in the direction of achieving the aspirations of the people of Telengana."⁸⁴

In his very first chat with reporters at Raj Bhawan immediately after the swearing-in ceremony of the new Ministry, Shri Narasimha Rao said he was not in a position to explain the absence of the two former TPS members who were offered Ministership in his Cabinet. He did not hear anything direct from them and he did not know what their difficulty was. He said the second list of his Cabinet would be finalised shortly in the light of reaction to the first list. In the second list, all aspects of representation, regional and other interests, would be taken into consideration.⁸⁵

Shri Narasimha Rao said that the size of his team had to be increased as representation in a big way had to be given to minorities and weaker sections.⁸⁶

Asked whether he was satisfied that all groups in the party had been given due consideration, he said that was the consideration he had in mind while finalising the list. "I do not think we will have groups, or constitute Cabinet on the basis of groups." "I have no group of my own and I am not going to tolerate any group in the Congress as long as I am the Chief Minister", Shri Rao asserted. The Chief Minister explained the events leading to the TPS merger with the Congress (R) and said that there had been a crisis of confidence for nearly 2½ years. "We had been fighting each other and taking delight in decrying each other. Now all that is over and we have to work together. We have also to meet their (former TPS) aspirations. All of us have to work together as the Congressmen and deliver the goods and solve Telengana problem."⁸⁷

The two erstwhile Telengana Praja Samiti leaders, Shri K. Achuta Reddy and Shri M. Manik Rao, who had stayed away from the swearing-in ceremony on September 30, were sworn in on October 2 as Cabinet Ministers by Governor, Khandubhai Desai. Expressing his happiness at the two former TPS Members joining his Cabinet, the

⁸⁴*Times of India*, New Delhi, October 1, 1971.

⁸⁵*Ibid.*

⁸⁶*Ibid.*

⁸⁷*Times of India*, October 1, 1971.

Chief Minister said: "This opens up a new chapter in the process of stabilisation of the integrated State." The 14-member ministry had 10 members from Telengana and four from Andhra.³⁸

Six more Ministers were sworn in on October 6, raising the strength of the Andhra Pradesh Ministry to 20. The new members were Shri Thota Ramaswamy, Shri Ramalinga Raju, Shri Krishnamurthy Naidu, Shri Bhagavanta Rao, Shri Murthy Rao (all Cabinet Ministers) and Shri Devananda Rao (Minister of State). All of them belonged to the Andhra region. With this, the Andhra and Telengana regions stood equally represented in the Ministry.³⁹

The Andhra Chief Minister completed the process of his Ministry-making on October 28, by adding five more ministers—two of Cabinet rank and three Ministers of State—and raising the Cabinet's strength to 25. The State Cabinet now comprised sixteen Ministers and nine Ministers of State.⁴⁰

Of the 25 Ministers, 11 were from the Telengana area and of them the told TPS led by Dr. Chenna Reddy had secured only two seats against the demand for 50 per cent representation.⁴¹

Two Legislators admitted to Congress(R)

The former Andhra Pradesh Minister, Shri Konda Lakshman Bapuji, MLA, who headed the rebel Telengana Congress in the wake of the agitation for a separate Telengana, and Shri I. Lingiah, MLC, were admitted to the Congress (R) on October 26.⁴²

Election of New Speaker

Shri K. V. Verma Reddy (Congress) was elected Speaker of the Andhra Pradesh Legislative Assembly on November 25. Shri Reddy secured 139 votes as against 8 polled by Shrimati J. Eswari Bai (Republican Party of India). The election was necessitated by the resignation of Shri B. V. Subba Reddy after his appointment as Deputy Chief Minister in the Narasimha Rao Ministry.⁴³

³⁸*Hindustan Times*, October 3, 1971.

³⁹*Hindustan Times*, New Delhi, October 7, 1971.

⁴⁰*Times of India*, New Delhi, October 29, 1971.

⁴¹*Hindustan Times*, New Delhi, October 29, 1971.

⁴²*Statesman*, Calcutta, October 27, 1971.

⁴³*Patriot*, New Delhi, November 26, 1971, *Indian Express*, New Delhi—November 26, 1971.

Three MLAS Quit Swatantra Party

The Speaker, Shri K. V. Verma Reddy, on November 26 announced in the State Assembly that three Swatantra members of the Andhra Pradesh Legislature had resigned from the party. He told the Assembly that the three members had requested him to allot seats with Independents. With the resignation of the three members, the strength of the Swatantra Party in the Assembly was reduced to 10.⁴⁴

Bihar*Portfolios of Ministers re-allocated*

The Governor, Shri D. K. Barooah, reallocated on September 20, portfolios to members of the Council of Ministers.⁴⁵

The various groups in the Bihar Congress (R) Legislature Party arrived at a compromise on September 20 on the reshuffle and fresh distribution of portfolios among the old and new members of the Progressive Vidhayak Dal Ministry, headed by Shri Bhola Paswan Shastri.⁴⁶

Expansion of Ministry

Three more Ministers were included in the Progressive Vidhayak Dal Ministry in Bihar on October 24. This increased the strength of the Ministry to 35—19 Cabinet Ministers, 13 Ministers of State and three Deputy Ministers. Those who were sworn-in on October 24, by the Governor, Shri D. K. Barooah, were Shri Bipin Bihari Sinha and Shri Girijanandan Singh (both of Cabinet rank) and Shri Ramsharan Prasad Singh (Minister of State). Shri Bipin Bihari Singh and Shri Ramsharan Prasad Singh belonged to the dominant group of the Praja Socialist Party, while Shri Girijanandan Singh was a nominee of the Bharatiya Kranti Dal.⁴⁷

Ex-Minister joins Congress(O)

Shri Krishna Kant Singh, former Lok Tantrik Finance Minister.

⁴⁴*Statesman*, Calcutta, November 28, 1971.

⁴⁵*Times of India*, New Delhi, September 22, 1971.

⁴⁶*Hindustan Times*, September 21, 1971; *Times of India*, September 21, 1971.

⁴⁷*Statesman*, Calcutta, October 25, 1971.

on October 17, joined the State Congress (O), headed by Shri Satyendra Narain Sinha, raising the party's strength in the Assembly to 17 members.⁴⁸

Shri Singh had left the Congress along with several others and formed the Loktantrik Congress. Since the party's dissolution last year, he was an independent member of the State Assembly.⁴⁹

Rebel SSP Leader joins Congress(R)

Shri Hemant Qumar Jha, the rebel SSP leader and presently Bihar's Minister for Cooperatives, Forest and Fisheries, formally joined the Congress (R) by signing the party's pledge in Deoghar on November 18.⁵⁰

Gujarat

President's Rule extended

The Rajya Sabha approved on November 30 extension of President's Rule in Gujarat for another six months from December 21.⁵¹

Replying to the discussion on the subject, Deputy Home Minister, Shri F. H. Mohsin, said the Government proposed to hold elections in the State in the third week of February, 1972. He also said the Gujarat Government proposed to set up two boards for the welfare of tribals and Scheduled Castes and Tribes—The tribal Development Corporation and the Rural Housing Board.⁵²

Referring to criticism that untouchability was rampant in Gujarat, Shri Mohsin admitted that untouchability still existed in several parts of the country. However, the situation now was much better than in the past. Shri Mohsin said the State had made remarkable progress during the President's rule.⁵³

⁴⁸*Hindustan Times*, New Delhi, October 18, 1971.

⁴⁹*Indian Express*, New Delhi, October 18, 1971.

⁵⁰*Times of India*, Bombay, November 20, 1971.

⁵¹*Hindustan Times*, New Delhi, December 1, 1971.

⁵²*Hindustan Times*, New Delhi, December 1, 1971.

⁵³*Ibid.*

Haryana

Congress (O) Leader joins Congress (R)

Mahant Ganga Sagar, leader of the Congress (O) group in the Haryana Assembly joined, on September 25, the Congress (R). The Mahant said the recent poll to the Lok Sabha had proved that the people supported only one Congress Party and that was the Congress (R).⁵⁴

Vidhan Sabha ratifies Constitution (24th Amendment) Bill

The Haryana Vidhan Sabha on October 25 ratified the Constitution (24th Amendment) Bill, 1971 as passed by both the Houses of Parliament. Opposition to the Bill came from the four-member Jana Sangh Group. The Congress (O) voted with the Government.⁵⁵

No Confidence Motion defeated

The Haryana Vidhan Sabha rejected, on October 26, by a voice vote a no-confidence motion against the Bansi Lal Ministry after a six and a half-hour debate. The motion was moved by Dr. Mangal Sain (Jana Sangh) and Shri Balwant Rai (Ind.) and supported by 18 Opposition members and Shri Om Prakash, who was expelled by the Congress (R) recently. During the debate, Opposition members demanded the appointment of a Commission to go into allegations of misuse of public funds. The Chief Minister in his reply described as baseless the charges against him and his colleagues and said that Opposition members were indulging in character assassination because it had no concrete charges against the Government.⁵⁶

Jammu and Kashmir

Assembly adopts Motion on Recognition of Bangla Desh

The Jammu and Kashmir Assembly rejected on September 15, a Jan Sangh resolution demanding immediate recognition of Bangla Desh and extension of all help to its people in their struggle for freedom. Instead, the House adopted the resolution and amended by a

⁵⁴Statesman, Calcutta, September 27, 1971. *Hindustan Times*, New Delhi, September 27, 1971.

⁵⁵Times of India, New Delhi, October 26, 1971.

⁵⁶Times of India, New Delhi, October 27, 1971; *Indian Express*, New Delhi, October 27, 1971.

Congress member in which the State Government was asked to convey to the Government of India that while continuing to support the people of Bangla Desh in pursuance of a resolution approved by Parliament, the Centre might take necessary steps to recognise the Bangla Desh Government at the appropriate time.⁵⁷

Intervening in the debate, the then Chief Minister, Shri G. M. Sadiq, said the demand for immediate recognition of Bangla Desh would only help Pakistani military rulers who had been trying, since the beginning of the Bangla Desh crisis, to involve India into the problem so as to divert the attention of the world from the actual issue. The Chief Minister regretted the Arab world reaction to the East Bengal issue and said this "had disappointed us as they talk in the same manner as Pakistani butchers speak". He said the Arab were themselves suffering but they failed to react properly to the butchery committed by Pakistani rulers in East Bengal.⁵⁸

Urban Property Bill passed

The Jammu and Kashmir Assembly, on September 3, unanimously passed the Urban Property (Ceiling) Bill, 1971 which seeks to impose ceiling on urban immovable property at Rs. 5 lakhs in case of an individual and Rs. 7.5 lakhs in the case of families of more than five members. Intervening in the debate, the then Chief Minister, Shri G. M. Sadiq, said his party did not claim that this would bring complete socialism, but certainly it was a step towards socialism.⁵⁹

Mir Qasim joins Sadiq Cabinet

The Jammu and Kashmir Pradesh Congress (R) President, Syed Mir Qasim was sworn in as a Cabinet Minister on October 4. Besides Shri Qasim, the Governor, Shri Bhagwan Sahay, also administered the oath of office to Peer Yahya Saddiqui as a Deputy Minister. This raised the strength of the State Cabinet to 15—6 Ministers. 4 Ministers of State and 5 Deputy Ministers. The portfolios of the new Ministers were announced on October 5. Shri Qasim replaced Shri G. L. Dogra, Minister for Finance and Tourism, as No. 2 in the Sadiq Cabinet.⁶⁰

⁵⁷*Hindustan Times*, New Delhi, September 16, 1971.

⁵⁸*Hindustan Times*, New Delhi, September 16, 1971.

⁵⁹*Hindustan Times*, New Delhi, September 24, 1971.

⁶⁰*Hindustan Times*, New Delhi, October 5, and 6, 1971; *Times of India*, Bombay, October 6, 1971.

Kerala*Congress(R) Nominees join CPI-led Coalition Ministry*

The ruling United Front (the CPI, Muslim League, RSP and PSP), on September 15, approved the CPI's proposal for a smaller Cabinet of 13 members with 8 for the UF and 5 for the Congress (R) with a view to accommodating the Congress (R) in the Ministry. It may be recalled that the Congress (R) had been supporting the Ministry from outside since the mid-term poll in March this year.⁶¹

The Kerala Pradesh Congress (R) President, Shri K. K. Vishwanathan, on September 22, secured the consent of the Party's High Command to join the CPI-led Coalition Ministry.⁶²

India's first Congress-Communist coalition Government came into being in Kerala on September 25 when five nominees of the Congress (R) joined the Achutha Menon Ministry.⁶³

The five Congress (R) nominees, Shri K. Karunakaran, Shri K. T. George, Shri V. Eacharan, Shri V. Puushothaman and Shri K. G. Adiyodi, were sworn in as Ministers along with the two CPI representatives, Shri M. N. Govindan Nair and Shri T. V. Thomas on September 25.⁶⁴

Earlier, on September 24, following the party decision the three CPI Ministers, Shri N. H. Balarain, Shri P. S. Sreenivasan and Shri P. K. Raghavan, had resigned to make room for Shri Govindan Nair and Shri Thomas.⁶⁵

After the swearing in ceremony, Shri C. Achutha Menon, Chief Minister, told newsmen that the expansion of the Cabinet would

⁶¹*Hindustan Times*, New Delhi, September 16, 1971; *Statesman Weekly*, October 2, 1971, p. 5.

⁶²*Hindustan Times*, New Delhi, September 23, 1971.

⁶³*Hindustan Times*, New Delhi, September 26, 1971.

⁶⁴*Hindustan Times*, New Delhi, September 25 and 26, 1971.

⁶⁵*Ibid.*

not imply any radical departure from the basic policies so far pursued by his coalition Ministry. The inclusion of the Congress Ministers in the Cabinet was only a follow-up of the electoral understanding the ruling United Front had with the Congress (R).⁶⁶

The portfolios of the Ministers in the expanded Kerala Ministry were also reallocated. The Congress (R) now became the largest single party in the ruling United Front Cabinet, with five Ministers, including the No. 2 position, followed by the CPI, which had three Ministers, including the Chief Minister. Other partners were the Muslim League (2), the RSP (2) and the PSP (1).⁶⁷

Mulla Commission Exonerates Shri Govindan Nair and Shri Thomas

Shri A. N. Mulla, who constituted the one-man Inquiry Commission, in his report submitted to the State Government on September 20, exonerated Shri M. N. Govindan Nair and Shri T. V. Thomas, from the charges of corruption against them. Both of them were Ministers in the Marxist-led coalition Ministry (1967 to 1969). The charges against the two former Ministers were made by Marxist MLAs, Shri Govinda Pillai and Shri C. B. C. Warriar. The leaders of the Kerala Socialist Party and the Karshaka Thozhilali Party, who were in alliance with the CPM, also made several charges against the CPI leaders.⁶⁸

The Mulla Commission Report was accepted by the Kerala Cabinet on September 22. The clearance from the Inquiry Commission paved the way for the two CPI leaders to return to the Cabinet along with five Congress (R) Ministers on September 25.⁶⁹

Madhya Pradesh

No-trust Move against Shukla Ministry fails

A censure motion against the Shukla Ministry was rejected by the Vidhan Sabha on September 22 after a day-long debate. A division, pressed by the Opposition, gave the ruling party a voting lead of 111—56 in favour and 167 against the motion.

⁶⁶Times of India, New Delhi, September 26, 1971.

⁶⁷Statesman Weekly, October 2, 1971, p. 5.

⁶⁸Times of India, New Delhi, September 21, 23 and 25, 1971.

⁶⁹Times of India, New Delhi, September 21, 1971.

The Chief Minister, Shri S. C. Shukla, characterised as "baseless and unfounded" the generalised criticism by the Opposition.⁷⁰

Assembly Ratifies Constitution (24th Amendment) Bill

The Madhya Pradesh Assembly, on October 4, "unanimously* Constitution (24th Amendment) Bill as passed by Parliament."⁷¹

Assembly Demands Release of Mujibur Rahman

The Madhya Pradesh Assembly, on October 4, "unanimously passed a resolution condemning the genocide in East Bengal and demanding the unconditional release of Sheikh Mujibur Rahman. Moving the resolution, the Chief Minister stoutly defended Prime Minister Indira Gandhi's Bangla Desh Policy and appealed to the opposition members to leave the recognition issue to the Union Government."⁷²

The entire Opposition walked out after the House rejected various amendments moved by Jan Sangh and Socialist Party members who wanted incorporation in the resolution of their demand for immediate recognition of the Bangla Desh Government by India.⁷³

Six Ministers dropped

The Chief Minister, Shri S. C. Shukla told reporters in Bhopal on October 26 that he might release "about half a dozen" Ministers from his Cabinet and draft them for organizational work. He confirmed that he had with him the resignations of all his colleagues. "They have voluntarily submitted their resignations in the interest of party unity and so that I may have unfettered freedom in reconstituting Cabinet by releasing some for party work". He made it clear that his new Cabinet, even after accommodating some dissidents, would be smaller than the present 39-member Cabinet."⁷⁴

On October 30, the Chief Minister dropped six of his Ministerial colleagues. Among those dropped were: Dr. Devi Singh, Shri G. R. Tiwari, Shri M. L. Dubey, Shri P. R. Dhurve, Shri K. N. Rawat, and

⁷⁰*Times of India*, New Delhi, September 23, 1971.

⁷¹*Statesman*, Calcutta, September 25, 1971.

⁷²*Hindustan Times*, New Delhi, October 5, 1971.

⁷³*Hindustan Times*, New Delhi, October 5, 1971.

⁷⁴*Statesman*, New Delhi October 27, 1971.

Shri K. L. Kosaria. The resignation of Shri Kosaria was accepted by the Governor on October 29, while the announcement about the acceptance of the resignations of the rest was made on October 30.⁷⁵

Maharashtra

Legislature Ratifies Constitution (24th Amendment) Bill

Both Houses of the Maharashtra Legislature ratified on September 23, amendments to the Constitution falling within the purview of the proviso to Article 368 proposed to be made by the Constitution (24th Amendment) Bill, 1971, as passed by the two Houses of Parliament.⁷⁶

No-trust move defeated

After a five-hour debate, the Maharashtra Assembly rejected on October 11, a no-confidence motion moved against the Naik Ministry by Shri K. N. Dhulup, Leader of the Opposition, by 133 to 40 votes. Moving the motion the Opposition leader accused the Government of undue delay in bringing the legislation to lower the land ceiling. In his reply, the Chief Minister, Shri V. P. Naik, declared that the Government had taken all measures "humanly possible" to combat the unprecedented famine conditions in the State. Shri Naik said the Opposition members brought the no-confidence motion out of shock as the Government was implementing the "garibi hatao" programme.⁷⁷

Independent MLA Joins Congress (R)

Dr. Datta Samant, MLA joined the Congress (R) on September 23. He was formerly in the SSP and presently functioning as an Independent in the Assembly.⁷⁸

PSP MLA joins Congress

Shri Shyamkant More, a PSP MLA, on November 29, announced his decision to join Congress. In a statement he pointed out that as a believer in democracy, socialism and as a nationalist he had no other alternative than joining the Congress.⁷⁹

⁷⁵Statesman, Calcutta, October 31, 1971.

⁷⁶Statesman, Calcutta, September 25, 1971.

⁷⁷Statesman, Calcutta, October 12, 1971; Hindustan Times, New Delhi, October 12, 1971.

⁷⁸Free Press Journal, Bombay, September 24, 1971.

⁷⁹Indian Express, Bombay, November 30, 1971.

Mysore*Former Minister Joins Congress (R)*

Shri K. Lakkappa, MLC and former Minister for Public Works, said in Hassan on September 22 that he had resigned from the Congress (O) and joined the Congress (R).⁸⁰

President's Rule extended

Parliament agreed on November 22 to keep Mysore under President's rule for another six months effective from November 25. The President's proclamation issued on March 27 was to lapse on November 24. A Resolution to this effect, which had been passed by the Lok Sabha, was adopted by the Rajya Sabha on November 22.⁸¹

Shri F. H. Mohsin, Deputy Minister for Home Affairs, replying to the debate on the Resolution said the Centre was eager to hold elections but the delay was due to revision of electoral rolls which were completed only in October last. The Government had no intention to interfere with the Election Commission's work.⁸²

Nagaland*Four Ministers Quit the Sema Ministry*

The Nagaland Chief Minister, Shri Hokishe Sema, asked on October 4 four of his Ministers to send in their resignations by October 5. They were: the PWD Minister, Shri T. N. Angami, the Tuensang Affairs Minister, Shri K. A. Imlong, both of Cabinet rank, the Minister of State for Education, Shri W. Kapeo, and the Deputy Tuensang Affairs Minister, Shri S. Sangtem.⁸³

This had come as a sequel to the move of some Ministers and MLAs of the ruling Nagaland Nationalist Organisation to change the existing leadership.⁸⁴

⁸⁰*Hindustan Times*, New Delhi, September 23, 1971.

⁸¹*Times of India*, November 23, 1971.

⁸²*Ibid.*

⁸³*Hindustan Times*, New Delhi, October 5, 1971.

⁸⁴*Hindustan Times*, New Delhi, October 5, 1971.

All the four Ministers who were asked to resign by the Chief Minister, tendered their resignations on October 5, reducing the strength of the Ministry to 12.⁸⁵

Ministry Reconstituted

The strength of the Nagaland Ministry rose to 13 on October 12 with the appointment of a Cabinet Minister. The new Cabinet entrant was Shri N. Thieyo, a former Minister, who got himself re-elected to the State Assembly in a recent by-election. Simultaneously, a Minister of State was promoted to the Cabinet rank and two Deputy Ministers were elevated to the status of Ministers of State.⁸⁶

Truce Extended

The suspension of operations in Nagaland was extended by a month each on September 30, October 31 and on November 30. The last term expired at midnight on November 30.⁸⁷

Orissa

New Governor sworn in

Shri Jogendra Singh, a member of the Rajya Sabha, was on September 20 sworn-in as the Governor of Orissa in the absence of Dr. S. S. Ansari who went on a six-month leave.⁸⁸

United Front Wins all Four Assembly Seats

The ruling United Front bagged all four Orissa Assembly seats for which by-elections were held on September 22. While the Chief Minister, Shri Biswanath Das, who contested the election as an Independent candidate, defeated his nearest-rival Shri Binayak Acharya (Congress-R), by 1,692 votes in a seven-cornered contest in the Rourkela constituency, Shri Biju Patnaik (Utkal Congress) defeated Shri Dhruvcharan Routray Congress (R) in a straight contest from Rajnagar by 25,000 votes. Shri Balram Sahu (Utkal Congress) defeated his nearest rival, Shri Prafulla Samal (Congress-R) in a triangular

⁸⁵*Hindustan Times*, New Delhi, October 6 and 14, 1971.

⁸⁶*Hindustan Times*, New Delhi, October 14, 1971; *Indian Express*, New Delhi, October 13, 1971.

⁸⁷*Hindustan Times*, October 1, November 1, December 1, 1971.

⁸⁸*Hindustan Times*, New Delhi, September 21, 1971.

contest in the Bhadrak constituency by a margin of 2109 votes. In the constituency of Koksara, Shri Raghunath Praharaaj (Swatantra) defeated his nearest Congress (R) rival, Shri Ganesh Ram Nayak.⁸⁹

The United Front improved its strength by not only retaining its two seats, but by annexing two from the Congress (R). The Ministry headed by Shri Das had the backing of 77 in the 140-members House. The following was the final party position in the 140-member Assembly: Congress (R) 52, CPI 4, CPI(M) 2, PSP 4, Jana Congress 1, Independents 3, Swatantra 37, Jharkhand 3, Utkal Congress 34.⁹⁰

Punjab

Commission of Inquiry against ex-Ministers Appointed

The Union Government appointed on October 19, Shri Durga Shankar Dave, former Chief Justice of the Rajasthan High Court, to inquire into charges of corruption against some Ministers of the former Badal Government in Punjab. Shri Dave, who constitutes the one-man Commission of Inquiry under the Commission of Inquiries Act, has been requested to submit his report within three months. The Commission will look into the allegations of corruption, favouritism and gross improprieties levelled by Shri Trilochan Singh Riyasti, a former Akali Minister and Shri Satyapal Dang, CPI leader in Punjab. While Shri Riyasti had submitted a detailed memorandum to the President, Shri V. V. Giri on July 20 listing these charges, Shri Dang had sent two separate communications to the Punjab Governor, Dr. D. C. Pavate, on July 5 and July 31. The Governor had also sent his own report to the Centre to enable it to take a decision. The Dave Commission will also examine charges against the concerned Ministers that may be referred to it by the Centre.⁹¹

President's Rule Extended

The Rajya Sabha, on November 25, approved extension of President's rule in Punjab by six months from February 5 next year.⁹²

Replying to the discussion on the Resolution seeking the extension, Minister of State for Home Affairs, Shri K. C. Pant said elections

⁸⁹*Times of India*, New Delhi, September 25, 1971.

⁹⁰*Ibid.*

⁹¹*Times of India*, New Delhi, October 20, 1971.

⁹²*Patriot*, New Delhi, November 26, 1971, *Hindustan Times*, New Delhi, November 26, 1971.

in Punjab would be held in the third week of February, 1972 along with other States. The extension had to be sought for six months only because of the Constitutional requirements. During the discussion, Members had demanded that elections to the State Assembly should be held early.⁹³

Rajasthan

New Deputy Speaker elected

Shri Ram Narain Chowdhary (Congress-R) was elected unopposed Deputy Speaker of the Vidhan Sabha on November 11.⁹⁴

No-Confidence Motion Defeated

The Rajasthan Assembly adjourned *sine die* on November 16, after rejecting by voice a motion of no-confidence against the Barkatullah Khan Ministry by an overwhelming majority.⁹⁵

The Assembly debated the motion for eight hours. The mover, Shri Manohar Singh Mehta (Independent) demanded an inquiry into the assets of the State Ministers. He charged the Power Minister, Shri S. C. Mathur, with getting fertile lands for his relations and political supporters and backing a suspended police officer. Shri Mathur intervened to deny the charge and sought protection from the Chair that such charges were not levelled without prior notice. The Leader of the Opposition, Maharawal Laxman Singh, said that excepting two, all present Ministers had been members of the Sukhadia Ministry. Corruption was increasing, prices were soaring and the problem of unemployment was becoming more serious.⁹⁶

In reply, the Chief Minister said the motion had been conceived and moved with an eye on the forthcoming elections. The debate had exposed the "political opportunism" of the Opposition parties who had joined hands to oppose the Congress despite their different creeds and ideologies, he added.⁹⁷ The Chief Minister rejected the Opposition demand for an inquiry into the conduct of former Ministers of the

⁹³Ibid.

⁹⁴Times of India, New Delhi, November 12, 1971.

⁹⁵Statesman, Delhi, November 17, 1971.

⁹⁶Ibid.

⁹⁷Ibid., Hindustan Times, New Delhi, November 17, 1971.

Sukhadia Cabinet against whom charges were levelled in the House "This will be a sort of political witch-hunting and would set up a bad precedent", he added.⁹⁸

Tamil Nadu

Congress (O) MLA Joins Congress (R)

Shri N. Kasiraman, Congress (O) MLA in the Tamil Nadu Assembly formally joined the Congress (R) on October 3. Shri Kasiraman became the first Congress (R) member in the State Assembly.⁹⁹

Assembly Ratifies Constitution (24th Amendment) Bill

The Tamil Nadu Assembly ratified on October 22 the Constitution (24th Amendment) Bill as passed by both Houses of Parliament in August. The Government resolution was opposed only by the Swatantra Party whose representative Dr. H. V. Hande pressed for a division when the Speaker declared the resolution carried by a voice vote. The resolution was, however, adopted with 93 supporting and three opposing it.

Shri V. R. Nedunchezian, Education Minister and Leader of the House replied to the five-hour discussion on the Government Resolution seeking to ratify the Bill. Shri S. Madhavan, Industries Minister, also intervened in the debate.¹⁰⁰

Shri Nedunchezian said a static Constitution, obvious to the changing needs of a society would serve no purpose. The need for amending the Constitution to bring about far-reaching social and economic changes was voiced by the various parties during the mid-term poll. The massive mandate given to the Congress (R) and the D.M.K. only showed that the people were behind such a move. He said the rights of a few individuals or sections of people which blocked the progress of the country had to be curbed for the good of the community.¹⁰¹

Shri Madhavan said he felt there was no room for any fear that the amendment would lead to curbing of fundamental rights. Even in a constitutional democracy like the United States, the constitution was not held supreme and the people's will prevailed over it. Referring to

⁹⁸*Hindustan Times*, New Delhi, November 17, 1971.

⁹⁹*Hindustan Times*, New Delhi, October 4, 1971.

¹⁰⁰*Hindu*, Madras, October 23, 1971.

¹⁰¹*Ibid.*

Dr. Hande's criticism that the amendment would lead to denial of the freedom of speech and writing, Shri Madhavan said while no political party would accept this, it should be remembered that individual freedom should be allowed to be exercised only within limits. He said the political parties would not tolerate any attempt by the Centre to expropriate private property or curtail the rights of minorities.¹⁰²

Uttar Pradesh

Assembly Ratifies Constitution (24th Amendment) Bill

The U.P. Vidhan Sabha, on September 17, passed a resolution ratifying by a voice vote the Constitution (24th Amendment) Bill, 1971 as passed by Parliament. The resolution was supported by the Congress (O) and the BKD. It was opposed by the Jana Sangh, the SSP, the Muslim Majlis, and the Swatantra Party.¹⁰³

Subsequently, on September 21 the Vidhan Parishad unanimously adopted a resolution ratifying the Constitution (24th Amendment) Bill.¹⁰⁴

Two PSP MLAs Join Congress (R)

The Praja Socialist Party ceased to exist in the Uttar Pradesh Assembly as two of its remaining MLAs, Shri Ram Karan Singh and Shri Sukh Lal Pandey, were admitted to Congress (R) on October 3.¹⁰⁵

The PSP had only three members in the Assembly after the 1969 mid-term poll. Shri Riyasat Hussain had joined the Congress (R) earlier.¹⁰⁶

Congress (O) MLC Joins Congress (R)

Shri Multan Singh Bhandari, Congress (O) member of the U.P. Vidhan Parishad on October 4, resigned from the party and joined the Congress (R).¹⁰⁷

¹⁰²Hindu, Madras, October 23, 1971.

¹⁰³Times of India, New Delhi, September 18, 1971.

¹⁰⁴Times of India, New Delhi, September 23, 1971.

¹⁰⁵Hindustan Times, New Delhi, October 5, 1971.

¹⁰⁶Statesman, New Delhi, October 5, 1971.

¹⁰⁷Indian Express, New Delhi, October 5, 1971; Statesman, New Delhi, October 5, 1971.

Shrimati Rajendra Kumari Bajpai quits Tripathi Ministry

Shrimati Rajendra Kumari Bajpai, President of the Uttar Pradesh Congress Committee (R) quit on October 5 the Tripathi Ministry in accordance with the one-man, one-office rule of the party. The Governor, Shri Gopalla Reddy, accepted her resignation which she had submitted on September 27.¹⁰⁸

Shrimati Bajpai was inducted into the Ministry as Minister for Health in April when the Tripathi Ministry was formed. Subsequently, on July 8 she was chosen the UPCC (R) President in place of Shri Kamlapathi Tripathi.¹⁰⁹

West Bengal*President's Rule extended*

The Rajya Sabha approved on November 29 extension of President's rule in West Bengal for six months from January 26, 1972.¹¹⁰

Replying to discussion on the Resolution seeking extension of the President's Rule in the State, Deputy Minister of Home Affairs, Shri F. H. Mohsin, ruled out the prospects of any immediate elections in the State. He said though the Union Government was keen to restore democratic rule in the State, it could be done only when normalcy was restored there. He referred to the enormous problems created by the influx of refugees from Bangla Desh.¹¹¹

Shri Mohsin said the Centre wanted a stable Government in West Bengal to maintain law and order and bring about economic development of the State. Elections would have to wait until such a prospect emerged. Since the President's Rule began, there was considerable improvement in the law and order situation and the incidence of violence had come down, he said¹¹².

¹⁰⁸*Times of India*, Bombay, October 6, 1971; *Hindustan Times*, New Delhi, October 6, 1971, *Statesman Calcutta*, October 6, 1971.

¹⁰⁹*Ibid.*

¹¹⁰*Hindustan Times*, New Delhi, November 30, 1971.

¹¹¹*Ibid.*

¹¹²*Ibid.*

UNION TERRITORIES

Goa

Ministry Survives No-Confidence Vote

The Goa Assembly rejected on September 28, by 17 to 14 votes a United Goans sponsored no-confidence motion against Shri Dayanand Bandodkar's Ministry. The motion was supported by the Congress (R) and the Maharashtrawadi Gomantak rebel group while the United Goans Progressive Group voted with the treasury Benches¹¹³.

Moving the motion, the United Goans Leader stated that the Chief Minister had forfeited his right to sit in the House as the Centre had instituted an inquiry into charges of corruption against him. Replying to the debate, Shri Bandodkar dismissed the Opposition charges as flimsy.¹¹⁴

Manipur

President's Rule Extended

According to an official announcement made on October 13, President's Rule in Manipur, which was to expire on October 15, was extended by three months. This was the third extension since the imposition of President's Rule on October 16, 1969. Manipur will go to polls along with other States early next year.¹¹⁵

Hill Areas to be divided into Autonomous Districts

The Hill Areas of Manipur are to be divided into autonomous districts and a district council constituted for each of them.¹¹⁶

A Bill for the purpose was introduced in the Lok Sabha on November 29 by the Minister of State for Home Affairs, Shri K. C. Pant. The statement of the objects of the Bill said the district councils were being set up to enable people in the hill areas to be more closely associated in the development of those areas. Elections to the district councils would be on the basis of adult franchise¹¹⁷.

¹¹³Statesman, Calcutta, September 29, 1971.

¹¹⁴Hindustan Times, New Delhi, September 29, 1971.

¹¹⁵Times of India, New Delhi, October 14, 1971; Hindustan Times, New Delhi, October 14, 1971.

¹¹⁶Hindustan Times, New Delhi, November 30, 1971.

¹¹⁷Ibid.

The Councils, which would be on the lines of the former territorial councils, would have adequate executive powers to deal with matters of local development and other matters of importance to the tribals. The district councils would have power to levy and collect taxes on professions, trades and callings and school fees. The Councils would also be competent to recommend legislation relating to appointment or succession of chiefs, inheritance of property and social customs concerning members of the Scheduled tribes.¹¹⁸

Pondicherry

Congress (R) MLA joins DMK

Shri M. Balaiah, M.L.A. from Kottucherry constituency in Karaikal defected on October 4 from the Congress (R) and joined the D.M.K. He told pressmen that he was not satisfied with the local leadership of the Congress (R) in Pondicherry and the way in which the party's policies were implemented.¹¹⁹

Tripura

President's Rule Imposed

President's Rule was imposed in Tripura on November 1 to enable the Administration to deal with the serious situation that had arisen in the Union territory as a result of Pakistani aggressive activities on the borders, sabotage and influx of refugees.¹²⁰

An Ordinance suspending the Territorial Assembly and the Ministry for a period of four months was issued by Shri V. V. Giri on November 1 on the advice of the Lt. Governor, Shri Baleshwar Prasad. Tripura had a five-member Cabinet led by Shri Sachindralal Singh, the Chief Minister.¹²¹

¹¹⁸*Times of India*, New Delhi, November 30, 1971.

¹¹⁹*Hindu*, Madras, October 5, 1971.

¹²⁰*Hindustan Times*, New Delhi, November 2, 1971.

¹²¹*Statesman*, Calcutta, November 2 and 5, 1971.

Book Reviews

THE NEW DEMOCRATIC THEORY by Kenneth A. Megil. The Free Press, New York, Pages 164. Price 5.95 dollars

This is a valuable study of the new democratic movement that is sweeping over the Western World, particularly the U.S.A. and deals with "disruptions" in advanced industrial society and the "unrest" which has become a part of the present day civilisation. The author has put forward the thesis that there is a new democratic theory emerging in both the East and West, and that this theory is a part of the democratic tradition. The book consists of a number of interesting chapters, for example, (i) Looking at East-West Relations, (ii) Learning to be radical, (iii) Democratic Marxism, (iv) An Example of Authentic Marxism, (v) The Democratic Coalition, (vi) The New Political Language, (vii) What is to be done with Bureaucrats? (viii) Overcoming Alienation, (ix) A society fit to live in, (x) Building a Revolutionary Movement. The author is candid in his comments and refers to the fact that we speak of democracy even though "there seems to be little reason to hope that democracy has life as a movement and as a theory just at the moment when those who called themselves democrats engage in brutal wars in order to 'save' their democracy. Democracy seems to be little more than a farce, whether it is the democracy in the East or in the West." This is a bold statement from a writer steeped in the American tradition and it is a matter of credit to the author that he speaks frankly about the Black problem in the U.S.A. and the distortion of the democratic theory in the working of American institutions. He says, for example, "A kind of socialism absent from the American tradition is being established in the centre of certain American cities" and he comes to the conclusion that community control can be developed only if the property relations which support the liberal democratic institutions are fundamentally altered. He advances the thesis that Black power is one of the first genuinely revolutionary theories to develop in the U.S.A.

There is a good deal of material in this book which will be read with interest by Indian Socialists and by those in Parliament who want a change in the Indian economic order, including property relations.

The author states that there has been a failure of liberal democracy in the U.S.A. in both the racial situation and in Viet Nam and that a new way of understanding democracy is necessary, if the problems of racial injustice at home and imperialism abroad are to be solved. The only shortcoming about this book is that while the theories are well postulated, from the point of an Indian reader it would have been an advantage if statistical and factual material on the failure of democracy in respect of the treatment of the Blacks and their abysmal poverty had been included in the book.

The author right through the book maintains a constant refrain that democracy means that all institutions should be brought under the control of those who live and work, and that for this to happen a revolutionary transformation of the economic and social order is necessary. He calls it the control of the working situation.

Mr. Megil is not a Marxist in the traditional sense of the term, but he is a keen student of Marxism and has kept himself abreast of Marxist literature, including the unpublished material of Marx's writings which saw the light of day after the death of Lenin. He points out that "the Marxist theory was the first to emphasise that in a democracy the Society must be one in which man has control over his working situation, and it was also the first theory to understand the democratic movement in terms of historically important economic forces and not merely in terms of the ideas of particular tinkers."

The author has placed on record in the illustration of his theory that infant mortality rate is higher in the U.S.A. than in many other industrial countries and he observes that it is not recognised that in order to reduce this rate "It is necessary to introduce a radical change in the way of living for a substantial part of the population." He also points out that "in the bastion of the liberal democratic countries, the U. S. A., the poor (according to the definition of those in power) still make up 20 per cent of the population, and there seems to be no effective way within the current order to completely eliminate poverty." Mr. Megil is critical of the vast majority intellectuals in the U.S.A. who, according to him, serve as apologists for the dominant political and social forces and put their talents at the service of the ruling forces.

Mr. Megil has also gone below the surface of the so-called highly industrialised countries of the world. He says "a new kind of poverty—cultural poverty—is beginning to be perceived and the search after

material comfort has run into a dead end. An increasing number of young people are seeing that the lives lived by their parents who claim to be successful, within the system are poor and that a life of quality has not been created in spite of the apparent material abundance”.

Mr. Megil goes to analyse on a theoretical plane other aspects of the application of Marxist theories to the current situation and comes to the conclusion that there should be guerrilla movement within the society. The new democrats can use their talents and training to further the creation of a society which is under the control of workers. In other words, he wants them to accept important positions even in the existing order and seek to bring about a revolutionary change. In the case of Central Europe where a form of socialism has already been achieved, the democratic movement can work within the authentic Marxist tradition.

The book must be read by all those who speak of democratic socialism in the Indian context. Much of the material is on a highly philosophical plane and in some sections the author's theories read like the ones in physics and mathematics, but there is no doubt that he has gone through a good deal of valuable material on Marxism and tried to reinterpret it to suit the present day conditions.

—A. D. MANI, M.P.

THE BANK NATIONALISATION CASE AND THE CONSTITUTION by R. S. Gae, N. M. Tripathi Private Ltd., Bombay, 1971, 346 pages Rs. 30.

The book by Mr. Gae is a study, in his own words, “aimed at providing a systematic, objective and dispassionate analysis of the judgment with special emphasis on important questions of law and the Constitution left open or undecided by the Supreme Court.”

I need hardly say that this aim has in a large measure been fulfilled. The book reads in many places like a refresher course for a student of the Indian Constitution, for Mr. Gae has, given the backdrop, the history of the important judgments relevant to points (decided in the Bank Nationalization case). Mr. Gae has not also failed rigorously to show how the Supreme Court has in this case reversed the trend of its decision.

In such a work as this it will be a mistake to look for social or political awareness. And there is none. The work is purely formalistic with no criticism of the Supreme Court judgment from the point of view of any socialist or progressive concept. Rather the emphasis is so much

on the academic aspect of the subject that the learned author even pleaded in paragraphs 6.22 and 6.23 that the citizen should be re-defined in the Citizenship Act, 1955, so as to include companies etc. so that a company may also be eligible as such for the benefits of the seven freedoms in Article 19 of the Constitution. To my mind if that kind of legislation were undertaken by Parliament, it would be a retrograde measure.

Some of the criticisms of the learned author on the question of compensation as decided by the Supreme Court are none the less sharp, though not made from any social point of view. He rightly criticises that the Supreme Court went back on its previous decision in *Shantilal Mangaldas's case*¹ where the Supreme Court had decided that the compensation fixed or determined for compulsory acquisition of property is not justiciable on the ground that it is not the just equivalent or the full indemnification of the property acquired. In fact that decision was rightly made on the basis of the Constitution (Fourth amendment) Act, 1955 which sought to remedy the "mischief" caused by the decision in *Bela Bannerjee's case*². The judgment in *Bank Nationalisation case*³ was in the face of this Amending Act as well as of the Supreme Court's previous decision in *Shantilal's case* which was given as late as 1969. As learned author ruefully observes, "In other words even fifteen years after amendment of Article 31(2) the Supreme Court construed the article as in the same way as it existed prior to its amendment, thereby whittling down the effect of the amendment making adequacy of compensation non-justiciable in a court of law."

There is an overtone of criticism that the Supreme Court acted as the Third Chamber. At paragraph 10.77, Mr. Gae says, "To many critics it seems that in deciding the above three cases⁴ the Supreme Court has acted as a third Chamber." As Mr. Gae does not seek to dispel that criticism, we can draw the necessary conclusion.

By and large, the book may be of interest to all students of Constitutional law for whom perhaps it is primarily meant.

—ARUN PRAKASH CHATTERJI, M.P.

¹ (1969) 3 S.C.R. 341.

² (1954) S.C.R. 558.

³ A.I.R. 1970 S.C. 564.

⁴ The three cases of *Bank Nationalisation*, A.I.R. 1970 S.C. 564; *Privy Purse* (decided by Supreme Court on December 15, 1970); and *Golak Nath*, (1967) 2 S.C.R. 762.

Summaries of Books

ADMINISTRATION IN FEDERAL SYSTEMS by Royal L. Watts [Hutchinson Educational Ltd., London; 1970]

This book embodies a series of lectures given by the author, as a Visiting Professor, in Nigeria in May, 1969, under the auspices of the Institute of Administration of the University of Ife, Ibadan, to senior government officials of the federal government and of the Western and northern states.

According to the author, the fundamental character of a federal system is that it is a political system characterised by two sub-systems, one of Central government and the other of State governments, in which the component governments are coordinate, in the sense that neither is politically subordinate to the other, but which interact with each other at many points both cooperatively and competitively.

The author discusses the role, efficiency and representativeness of central public services, administrative and political issues involved in delineation of the units of State administration, the size of States and heterogeneity within States. He expresses the view that a key factor in the stability and effectiveness of a federal system is the ability of the central public service to contribute to the process of generating a federation-wide consensus.

While dealing with intergovernmental administrative relations, he discusses problems of divided administrative jurisdiction, factors affecting cooperation, types of cooperative activity and the role of administrators. He also discusses the control of economic policy and the administration of federal finance. The main conclusions drawn by the author are as follows:

Administrative arrangements in Federation

There is no single model of federalism that is appropriate for all situations. For example, administration within federations has differed according to whether a presidential, collegial or parliamentary executive has been instituted. Some federations have had completely dual public services while others have had some joint or shared pub-

lic services. The size, number and internal homogeneity of the units of State administration have varied. There have been different degrees of centralisation or decentralisation of legislative and administrative functions. The machinery for inter-governmental administrative co-operation has taken many forms. There have been different degrees of centralisation in the control of economic policy and planning. The allocation of taxing and expenditure powers among governments and the procedures for adjustment have varied.

Clearly, a variety of administrative arrangements is possible in federal political systems.

Each federation should adopt those administrative arrangements which are most suitable to its particular circumstances rather than attempt to follow a single or theoretical model.

Interdependence of Governments within Federations

One feature common to all federal systems is interdependence among the component governments. In practice within a federal system it has proved impossible to isolate one level of government from the other, either politically or administratively. The corollary to this interdependence is that every federation has needed effective co-ordination of its component governments. Invariably co-operative machinery has been needed to facilitate intergovernmental consultation and joint action in areas where their interests and responsibilities overlap. Experience also indicates that the mere existence of such machinery is not enough; what is required is its effective operation.

Implications for Reform of Federations:

Because the constitution provides the framework within which the political and administrative processes operate and indeed channels these activities, it is important that in designing a federal constitution it is conceived not simply as a static structure delineating areas of legal jurisdiction but as a structure which will influence and channel political and administrative activities in appropriate directions. The constitutional structure should be shaped, therefore, to encourage and facilitate the two major functions which a federal political system must perform in order to be effective in a diverse society.

First, the federal structure must be designed to enable the desires for regional diversity to express themselves adequately. If the structure is inadequate for this function, secession and fragmentation are the likely results. What is required then is adequate State autonomy over those matters on which the peoples of the federation are not

agreed so that these subjects can be removed from controversy at the central level and dealt with by each regional group expressing itself in its own distinctive way.

But secondly, and equally important, the federal structure must be designed to encourage cohesion among the diverse regional groups on those interests which they have in common. The devolution of controversial matters to the States may help by avoiding conflicts in central government, but ultimately, unless a positive federation-wide consensus counterbalancing regionalism is generated, the federation will lack the cement to hold it together. If the central government is to encourage such cohesion it must possess adequate power, both in order to operate effectively and to attract prestige, and the central institutions should be designed to induce compromise rather than conflict.

The effectiveness of a federal political system does not rest on the constitution alone. Ultimately its effectiveness will depend also on two other key factors. The way in which the political parties operate will determine whether they accentuate inter-regional cohesion or conflict within the federation. The way in which the public services operate will determine whether effective administration is provided in both levels of government and how well co-ordinated is their activity. The design or reform of any federal system, therefore, must take into account the impact of the constitution, the political parties and the administrative arrangements, and the interaction of these with each other.

REFORM OF BRITISH CENTRAL GOVERNMENT by James Robertson, Chatto and Windus, London, 1971.

This book by a former British civil servant and writer on different aspects of governmental activity, makes an appraisal of the role of the central government in Britain and suggests how it should be shaped to meet the needs of a self-governing society. The author argues that the British parliamentary monarchy has become a parliamentary democracy but the system of the executive government has not changed and needs to be reformed suitably. He believes that the reforms brought about during the recent years are not sufficiently radical and urges the development of a workable system of government in tune with the changing times. He identifies the major shortcomings of the present system as "fragmentation of functions, confusion of responsibilities, excessive centralisation, excessive secrecy and lack of forward planning."

Need for Simple and Effective Government

The author has emphasised the need for a simpler and more effective system of government, cleaned of the myriad barnacles and encrustations of a century of piecemeal growth. Its structure must be rooted in a new conception of government—a new basic premise that will bring the whole range of problems into clear focus. Many of the shortcomings of British government today derive from the simple fact that efforts have all along been made to operate the parliamentary democracy of today with forms of government suited to the parliamentary monarchy of a century or more ago.

Government is fundamentally for taking collective decisions and collective action. Reforming the system of government is improving society's mechanisms for taking such collective decisions and collective action. The system of government has become an integral part of the larger system of society. The State can no longer be regarded sensibly as something superimposed on society from outside. A self-governing society needs to re-define the roles and inter-relationships, the responsibilities and the forms of accountability, of Ministries, departments and other governing bodies. Reform of government must be based on a 'system analysis' of government's role in the modern society. It refers to a process and analysis of what decisions various organisations have to take and what information has to flow through them and between them. What is to be done? How is it to be done? Has it been done properly? These three questions sum up the essence of government, in general and in each particular sphere. To improve the state of the art of government is to develop new and better methods of asking and answering these questions.

Defence Organisation

In Britain, unification at the top (in this case between the Admiralty, the War Office, the Air Ministry and the co-ordinating Ministry of Defence) is not only desirable for its own sake, when circumstances make it so. It also sets the stage for rationalisation and devolution down the line. It is one of the facts of organisational life that, while fragmentation leads to over-centralisation, integration is the first step towards devolution. Fragmentation of structure and centralisation of decision are the marks of a badly managed organisation in transition, whose leaders either lack the vision to see or the courage to declare where they are going. An organisation whose strategies and objectives are clearly mapped will have a simpler and more unified structure, in which decision-making is developed.

Secondly, the power of organisational inertia is enormously strong, in the absence of lucid and courageous leadership. The changes that have taken place in the unified Ministry of Defence since 1964 have been little more than a continuation of the process of piecemeal evolution that has proceeded since the beginning of the century. The absence of any coherent strategy for organisational change has generated confusion and loss of morale among military and civilian defence staff, and means that the changes made have always been too late. For both these reasons the capabilities and standing of the armed forces have suffered unnecessary damage over the last seven years, as over the fifteen that preceded them.

Thirdly, and very importantly, the history of defence organisation during recent decades clearly shows that the size and cost of government activities do not depend solely on the scale of the tasks to be carried out. The fact is that, in the absence of strategic leadership, bureaucracy feeds on itself; Parkinson's Law takes charge.

Finally, the absence of systematic Parliamentary scrutiny of defence expenditure and efficiency has undoubtedly contributed to organisational lethargy and bureaucratic inertia in the Ministry of Defence.

Industry and Commerce

From a scrutiny of the way relations between industry and government have evolved during the last seventy years or more, as the country has become self-governing, the theme that emerges is, in fact, very similar to that running through developments in other spheres of government. The time has come to clarify the government's functions towards industry, to simplify the jungle of institutions and procedures that have proliferated over the years and to redefine the responsibilities of different ministries, Parliament, public corporations, private enterprise and the courts.

Two ministries are needed, one to deal with industrial infrastructure and the other to deal with trade and industry. They should be responsible for the effective development of the country's industrial well being. They should not be directly responsible for economic policy, nor for regional policy, nor the manpower, employment and industrial relations policies; three other ministries should be responsible for these. Meanwhile, Parliament and the courts must be strengthened if they are to carry out their functions effectively in the industrial and commercial field. So far as possible, public corporations and private

firms should then be left free, within the frame-work of public policy and public accountability laid down by ministries, Parliament and the courts, to do their own jobs as best they can without interference or featherbedding by the government. If direct intervention is required it should be carried out according to criteria clearly laid down, by a non-ministerial agency subject to effective parliamentary and public scrutiny.

External Affairs, Housing, Health and Welfare, Education and Science

Developments in each of these activities of government display the same rhythm of proliferation and subsequent re-integration, which marks the evolution of government organisation for handling defence and industrial questions. But we also see how the external and domestic responsibilities of government are now converging on one another. We see the erosion of clear lines of demarcation between the local, regional and national functions of government. We see problems of reconciling the professional independence of doctors, scientists and university staff with their public accountability, similar to the problem of reconciling managerial independence in industry with public accountability.

Therefore, the ministerial and parliamentary arrangements for planning and controlling the national efforts in medicine, universities and science should develop in a similar direction to those for handling the nationalised industries.

The need for an integrated approach to government organisation as between central, regional and local levels has become clear, especially in relation to health and associated social services.

Financial and Economic Affairs

The domestic financial control function of nineteenth-century government has developed into the job of steering the economy of our twentieth-century industrial country. This process of change has been marked by inevitable conflicts and contradictions; conflicts of organisations when, for example, a new Department of Economic Affairs was set up to handle the problems in a new way, alongside the Treasury which was still expected to handle them in the old way; and conflicts of procedures, when new methods of financial planning and management were introduced alongside the old ones based on opposing purposes and principles.

However, now at last unified function of national economic management and government financial control is the undivided responsibility of one minister, the Chancellor of the Exchequer, and one department, the Treasury. It will need to make a sustained effort to develop effective, systematic procedures for planning and controlling the flows of public money-expenditure, taxation and borrowing-in pursuance of long-term as well as short-term national economic objectives. It will be up to Parliament and the public to scrutinise very keenly how the Treasury shapes up to this new responsibility.

Management of the Civil Service

The creation of the Civil Service Department in 1968 can be seen as another step in the zigzag course of evolution towards a Prime Minister's Office. The unification of responsibility for the central direction of the government under a single Prime Minister's Office will be followed by a process of administrative devolution. The personnel aspects of this process will be handled by the unified Ministry of Employment and Manpower, and the financial aspects by the Treasury. This devolution of government work, and the greater degree of openness and accountability that will go with it, will be matched by increasing openness and accountability in the management of large firms, nationalised industries, and the professions.

Parliamentary Control of the Executive

Governments are committed to place before Parliament annually their firm plans for public spending during the two years immediately ahead and their provisional allocations for the two years after that. The Commons will thus have a regular opportunity to debate the government's medium term priorities and strategies right across the board, on the basis of the most up-to-date information available, when it is not too late to influence decisions. For the first time for many years Parliament may have a chance to participate in shaping future government policy, as Parliament should in any parliamentary democracy worthy of the name.

Parliament and the Law

It appears that during the last fifty or seventy years Parliament and the Judiciary have lost much of their traditional ability to ensure that the people of this country enjoy an intelligible, equitable and efficient system of law. Officials of the Executive retain an extraordinary degree of immunity in relation to the law. The growth of government has

outstripped the capability of Parliament and the Courts to develop any corresponding system of administrative law. This situation has arisen for much the same reasons as administrative confusion in Whitehall: undue secrecy; piecemeal agglomeration of legislative changes over the years according to no comprehensive long-term strategy; and recent approaches to reform that have been directed at symptoms rather than at the underlying causes of the trouble. Even today, many politicians, judges and civil servants appear to be unaware of the need to establish an effective practical system of working relationships between the Legislature, the Judiciary and the Executive.

Parliament has a three-fold duty in respect of legislation, just as it has for controlling government administration. It has a duty to debate the policy for which the government proposes to legislate; to examine the legislative means (*i.e.* the precise terms of the legislation) proposed for putting the policy into effect; and to review the effects of the legislation in operation. This three-fold duty to scrutinise strategy, tactics and results corresponds to the three-stage circle of parliamentary control—policy, management, and review—over the activities of the Executive. Just as Parliament needs to establish an effective 'link between the system for allocating resources and the system for getting value for money' so Parliament must establish an effective link between the system for deciding the broad substance of new legislation and the system for ensuring that the law is efficiently and equitably administered.

Multi-dimensional system of government

It is necessary to think of the system of government as a multi-dimensional' or multi-faceted system, a totality of activities characterised by functions, decision levels, geographical spans, and time scales.

A new pattern of government should be created in which Parliament, ministers, civil servants, national corporations, regional government, local government and the judiciary all have their own clearly defined parts to play. The public service as it has evolved since the nineteenth century should be reconstructed to meet the needs of our complex, self-governing society today.

Parliament is beginning to regard the people as partners in the national enterprise rather than as subjects of the Crown, Parliament is gradually beginning to take relatively more interest in the framing and execution of national policies, and relatively less in individual cases.

Ministers are beginning to take more interest in framing broad national policies and translating them into specific policies and operating targets for managerial and executive agencies of government. They are beginning to spend relatively less time on matters of detailed management and administration.

Thus ministers are increasingly beginning to devolve managerial tasks to separate executive agencies outside their ministry i.e. national boards, corporations and the like.

Ministers will also have to decentralise the detailed decisions concerning particular regions or localities to regional or local authorities.

The devolution functionally and geographically of much of the work now centralised in Whitehall will permit drastic reduction in the size of Whitehall departments, which will revert to their proper role of providing a secretariat service to Ministers.

It will also permit significant reduction in the number of departments and in the size of the Cabinet.

The existing structure of administrative tribunals will develop into a rationalised system of judicial administrative courts, flanking the executive at central, regional and local levels and culminating in an Administrative Division of the High Court and ultimately the House of Lords. Similar systems of commercial and employment courts may be needed.

The reform of parliamentary business will consist of functional devolution to a rationalised Select Committee structure, and geographical devolution to regional and local legislatures. It seems likely also to involve closer integration of the functions of the Commons and the Lords, and the emergence of new organisational structures and procedures which embrace the financial, legislative and judicial functions of Parliament. To borrow the words used by Bagehot about the Cabinet. Parliament will thus emerge as the hyphen which joins the buckle which fastens, not just the legislative part of the State to the executive part, but the legislative, executive and judicial parts of the State together.

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APPENDICES

- I. Statement of work transacted by the Lok Sabha during the period August 15, 1971 to September 30, 1971.
- II. Statement of work transacted by Rajya Sabha during the period August 15, 1971 to September 30, 1971.
- III. Statement showing the activities of the State Legislatures during the period August 15, 1971 to September 30, 1971.
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- VII. Party Position in Parliament and State Legislatures :
 - A. (i) Lok Sabha—State-wise.
(ii) Lok Sabha—Party-wise.
 - B. (i) Rajya Sabha—State-wise.
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 - C. State Legislative Assemblies.

APPENDIX I

Statement of work transacted by the Lok Sabha during the period August 15, 1971 to September 30, 1971

N. B :— There was no Session of Lok Sabha during the period under review. The information relating to the sittings etc. of Parliamentary Committees of Lok Sabha is given below :—

Names of the Committees	Meetings held	No. of Reports presented
Committee on Public Undertakings.	6	
Committee on the Conduct of a member during President's Address	1	
Committee of Privileges	1	
Committee on Petitions	2	
Committee on the Welfare of Scheduled Castes and Scheduled Tribes	1	
House Committee	1	..
Committee on Subordinate Legislation	2	
Joint Committee on Amendments to Election Law	5*	
Joint Committee on the Code of Criminal Procedure Bill, 1970.	7	..
Joint Committee on the Prevention of Water Pollution Bill, 1969.	3	..
Joint Committee on Offices of Profit	1	..
Select Committee on the Central Sales Tax (Amendment) Bill, 1971	1	..

*Including one sitting of the Sub-Committee.

APPENDIX II

*Statement of work transacted by the Rajya Sabha during the period
August 15, 1971 to September 30, 1971.*

N.B:—There was no Session of Rajya Sabha during the period under review.

APPENDIX III

Statement showing the activities of the State Legislatures during the period 15th August, 1971 to 30th September, 1971.

Sessions held	No. of Questions						Committee at work			No of reports presented	
	Bills Passed		Unstarred		Short Notice		Name of the Committee	Sittings held			
	Govt. Members	Private Members	Recd. Admtd.	Recd. Admtd.	Recd. Admtd.	Recd. Admtd.					
1	2	3	4	5	6	7	8	9	10	11	12
One	3	138	35	—	13*	291	6**	Estimates Committee	3		..
<i>Andhra Pradesh Legislative Assembly.</i>											
								Committee on Government Assurances	2		1
								Committee on Petitions	1		..
								Committee on Privileges	1		3
								Committee on Subordinate Legislation	1		1
								<i>Joint/Select Committees</i>			
								Select Committee on the Indian Stamp (Andhra Pradesh Amendment) Bill, 1971	2		1
								Joint Select Committee on the Andhra Pradesh Record of Rights in Land Bill, 1971	3		1

* Starred notices admitted as unstarred questions.

** Short notices questions admitted as ordinary starred questions and unstarred questions.

	1	2	3	4	5	6	7	8	9	10	11	12
<i>Andhra Pradesh Legislative Council</i>												
One —24 sittings	8	97	77	77	77	77	77	70	32	Committee on Government Assurances	1	..
										Committee on Privileges	2	1
										<i>Joint/Select Committees</i>		
										Committee on the working of the Social Welfare Hostels in Andhra Pradesh	2	..
<i>Assam Legislative Assembly</i>												
										Public Accounts Committee.	11	..
										Estimates Committee	3	..
										Committee on Government Assurances	10	..
										Committee on Petitions	2	..
										<i>Joint/Select Committees</i>		
										Land Settlement Implementation Advisory Committee	6	..
<i>Goa, Daman & Diu Legislative Assembly</i>												
One —7 sittings;	5	504	94	37	9	5	2	2	2	Public Accounts Committee	2	..
										Estimates Committee	2	..
										Committee on Government Assurances	4	..

Committee on Petitions	1	..
Committee on Subordinate Legislation	1	..
Rules Committee	1	1

Himachal Pradesh Legislative Assembly

One (From 6-9-71 to 17-9-1971.) — 10 sittings	12	..	567	348	227	179	15	5	Public Accounts Committee	10	12
									Estimates Committee	7	(Action taken)

Business Advisory Committee	2	2
Committee on Government Assurances	4	..
Committee on Petitions	2	..
Committee on Subordinate Legislation	9	..
House Committee	1	..
Library Committee	2	..

Jammu and Kashmir Legislative Council

One — 10 sittings	10	..	477	394	81	53	3	3	Committee on Government Assurances	3	..
									Committee on Petitions	1	..
									Committee on Privileges	1	..

Business Advisory Committee	2	1
Committee on Government Assurances	2	1
Committee on Petition	1	1
Committee on Private Members' Bills and Resolutions	1	1
Committee on Privileges	3	1
House Committee	1	1
<i>Joint/Select Committees</i>		
Select Committee on the M. P. Vishnu Vidyalaya Bill, 1968	3	1
Select Committee on the M.P. Gramdas Bill, 1969	6	1
Select Committee on the M. P. Krishi Upaj Mandi Bill, 1970	3	1
<i>Nagaland Legislative Assembly</i>		
Public Accounts Committee	1	1
Estimate's Committee	1	1
Business Advisory Committee	1	1
<i>Joint/Select Committees</i>		
Select Committee on Jhumland Bill, 1970	1	1

One
-6 sittings-

* Within the period from August 1 to September 30, 1971, there were only 20 sittings.

† Received for the Third Session of the Assembly.

Sub-Committee on Parliamentary Convention	5
Public Accounts Committee	6
Estimates Committee	2
Committee on Government Assurances	2
Committee on Subordinate Legislation	2
House Committee	2
Committee on Absence of Members	2

Tripura Legislative Assembly

Uttar Pradesh Vidhan Sabha

One (12-7-71 to 4-10-71)	11	540	284	1685	1093	Estimates Committee	2	1
—37 sittings						Business Advisory Committee	3	1
						Committee on Government Assurances	6	3
						Committee on Privileges	1	
						Committee on Subordinate Legislation	13	5
						Rules Committee	..	1
						<i>Joint/Select Committees</i>		
						Joint/Select Committee on Uttar Pradesh Building (Regulation of Letting, Rent and Eviction) Bill, 1970	3	..

APPENDIX IV

List of Bills passed by Parliament and assented to by the President during the period August 15, 1971 to September 30, 1971.

NB:— There was no Session of Lok Sabha and Rajya Sabha during the period under review.

APPENDIX V

List of Bills passed by State Legislatures during the period 15th August to 30th September, 1971.

Andhra Pradesh

The Andhra Pradesh Essential Services Maintenance Bill, 1971.

The Andhra Pradesh Relief Undertakings (Sepecial Provisions) Bill, 1971.

The Andhra Pradesh Ceiling on Agricultural Holdings (Second Amendment) Bill, 1971.

The Indian Stamp (Andhra Pradesh Amendment) Bill, 1971.

The Andhra Pradesh Municipalities (Second Amendment) Bill, 1971.

The Andhra Pradesh Appropriation (No. 3) Bill, 1971.

The Andhra Pradesh Housing Board (Amendment) Bill, 1971.

The Andhra Pradesh Sugar Cane Crop Land Revenue Assessment (Repeal) Bill, 1971.

***Goa, Daman and Diu**

The Maharashtra Cooperative Societies (Second Goa, Daman and Diu Amendment) Bill, 1971.

The Maharashtra Agricultural Produce Marketing Regulation (First Goa, Daman and Diu Amendment) Bill, 1971.

The Goa, Daman and Diu Salaries and Allowances of Members of Legislative Assembly (Fourth Amendment) Bill, 1971.

The Goa, Daman and Diu Village Panchayat Regulation (Second Amendment) Bill, 1971.

The Goa, Daman and Diu Appropriation (Excess Expenditure) Bill, 1971.

Haryana

The Punjab Agricultural Produce Markets (Haryana Third Amendment) Bill, 1971.

*All the Bills awaiting assent.

- The Haryana Restrictions on (Development and Regulation of Colonies) Bill, 1971.
 - The Punjab Public Service Commission (Additional Function) Haryana Amendment Bill, 1971.
 - The Faridabad Complex (Regulation and Development) Bill, 1971.
 - The Punjab Co-operative Societies (Haryana Third Amendment) Bill, 1971.
 - The Punjab Village Common Lands (Regulation) Haryana Second Amendment Bill, 1971.
 - The Punjab Municipal (Haryana Amendment and Validation) Bill, 1971.
 - The Punjab New Capital (Periphery) Control Haryana Amendment Bill, 1971.
 - The Haryana Cooperative Sugar Mills (Constitution and Tenure of Committees) Bill, 1971.
 - The Punjab Panchayat Samitis and Zila Parishads (Haryana Second Amendment) Bill, 1971.
- In addition to the said Bills, the Haryana Vidhan Sabha also ratified the Constitution (Twenty-fourth Amendment) Bill, 1971 at its meeting held on the 25h October, 1971.

Himachal Pradesh

- The Redemption of Mortgages (Himachal Pradesh) Bill, 1971.
- The Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Bill, 1971.*
- The Punjab Land Revenue (Himachal Pradesh Amendment) Bill, 1971.
- The Himachal Pradesh Land Revenue (Amendment) Bill, 1971.*
- The Himachal Pradesh Livestock Improvement (Amendment) Bill, 1971.*
- The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Bill, 1971.
- The Punjab Tenancy (Himachal Pradesh Amendment) Bill, 1971.*
- The Himachal Pradesh General Clauses (Amendment) Bill, 1971.*
- The Himachal Pradesh Legislative Assembly (Allowances of Members) (Amendment) Bill, 1971.

*Bills awaiting assent.

The Himachal Pradesh Public Premises and Land (Eviction and rent recovery) Bill, 1971.*

The Himachal Pradesh Appropriation Bill, 1971.

The Himachal Pradesh Urban Rent Control Bill, 1971.*

Jammu and Kashmir Legislative Council

A Bill to amend the Jammu and Kashmir State Civil Courts Act Samvat 1977.

The Jammu and Kashmir Appropriation Bill, 1971.

A Bill to provide the imposition of a ceiling on urban property in excess of the ceiling limit with a view to utilising such excess for public purposes and for matters connected therewith.

A Bill to amend the Emergency provisions (Continuance) Ordinance, Samvat 2003.

A Bill to amend the Jammu and Kashmir Muslim Act, 1959.

The Jammu and Kashmir Motor Vehicles Taxation (Amendment) Bill, 1971.

The Jammu and Kashmir Ferry Boats Control Bill, 1971.

The Jammu and Kashmir Town Area Committee Anantnag (Members Continuance Validation) Bill, 1971.

The Jammu and Kashmir Suppression of Town Area Committee (Validation) Bill, 1971.

The Jammu and Kashmir Forest Bill.

Kerala

The Kerala General Sales Tax (Amendment) Bill, 1971.

The Kerala Plantation Tax (Amendment) Bill, 1971.

The Cochin University Bill, 1971.

The Kerala Private Forests (Vesting and Assignment) Bill, 1971.

The Motor Vehicles (Kerala Third Amendment) Bill, 1971.

The Kerala Agricultural University Bill, 1971.

The Kerala Appropriation (No. 3) Bill, 1971.

The Kerala Appropriation (No. 4) Bill, 1971.

*Bills awaiting assent.

Madhya Pradesh

- The Madhya Pradesh contingency Fund (Amendment) Bill, 1971.
- The Madhya Pradesh Appropriation (No. 3) Bill, 1971.
- The Madhya Pradesh Appropriation (No. 4) Bill, 1971.
- The Madhya Pradesh Public Safety (Amendment) Bill, 1971.
- The Madhya Pradesh Panchayat (Amendment) Bill, 1971.
- The Madhya Pradesh Agricultural Produce Markets (Amendment and Validation) Bill, 1971.
- The Madhya Pradesh Gramdan Bill, 1969.

Nagaland

- The Nagaland (Sales of Petroleum and Petroleum products including Motor spirit and Lubricants) Taxation (Amendment) Bill, 1971.

U.P. Legislative Council

- Uttar Pradesh Land Laws (Amendment) Bill, 1970.
- Uttar Pradesh Village Panchayat and Area Committee (Extension of Term) Bill, 1970.
- Uttar Pradesh Universities (Amendment) Bill, 1970.
- Uttar Pradesh Sales Tax (Amendment and Validation) Bill, 1971.
- Uttar Pradesh Temporary Control of Rent and Eviction (Continuance) Bill, 1970.
- Uttar Pradesh High School and Intermediate Colleges (Payment of Salaries to Teachers and other Employees) Bill, 1971.
- Uttar Pradesh Sugar Industry (Aquisition) Bill, 1971.
- Uttar Pradesh Muslim Wakf (Amendment) Bill, 1971.
- Uttar Pradesh Land ownership (Regulation of Transfer) (Re-enactment and validation) Bill, 1971.
- Uttar Pradesh Appropriation Bill, 1971.
- Uttar Pradesh Temporary Control of Rent and Eviction, Bill, 1971.

U.P. Legislative Assembly

The Uttar Pradesh High Schools and Intermediate College (Payment of Salaries of Teachers and other Employers) Bill, 1971.

The Uttar Pradesh Gaon Panchayat and Kshettra Samities (Extension of term) Bill, 1971.

Uttar Pradesh Land Laws (Amendment) Bill, 1971.

The Uttar Pradesh Universities (Amendment) Bill, 1971.

The Uttar Pradesh Sales Tax (Amendment and Validation) Bill, 1971.

U.P. (Temporary) Control of Rent and Eviction (Continuance) Bill, 1971.

The Uttar Pradesh Sugar Undertakings (Acquisition) Bill, 1971.

The Uttar Pradesh Appropriation Bill, 1971.

The Uttar Pradesh Appropriation (Supplementary 1971-72) Bill, 1971.

APPENDIX VI

Ordinances issued by the Central and State Governments during the period August 15, to September 30, 1971.

Central

Nil

STATES

Subject	Date of Pro- mulgation	Date on which laid before the House	Date of Cessation	Remarks
Madhya Pradesh				
The Madhya Pradesh Better- ment Fee on Land Reclaimed by Tractors Ordinance, 1971	28-8-1971	21-9-1971	1-11-1971	
Orissa				
The Orissa Contingency Fund (Amendment) Ordinance, 1971.	25-9-1971			

APPENDIX VII
A. PARTY POSITION IN LOK SABHA
 (f) State-wise
 (As on December 1, 1971)

Name of the State	Seats	Cong.	CPI (M)	CPI	DMK	J.S.	Congress (O)	UIPG	Other Parties	Unattached	Total
I	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh	41	37	1	1	..	..	..	..	2(a)	..	41
Assam	14	13	..	..	..	..	..	..	..	1	14
Bihar	53	38	..	5	..	2	3	1	2(b)	1	52
Gujarat	24	11	..	..	..	..	9	..	2(c)	2	24
Haryana	9	7	..	..	..	1	..	..	..	1	9
Himachal Pradesh	4	4	..	..	..	..	..	..	..	..	4
Jammu and Kashmir	6	5	..	..	..	..	..	..	..	..	6
Kerala	19	6	2	3	..	..	..	..	7(d)	1	19
Madhya Pradesh	37	21	..	..	..	10	..	5	1(e)	..	37
Maharashtra	45	42	..	..	..	..	..	..	2(f)	1	45
Mysore	27	27	..	..	..	..	..	..	..	..	27
Nagaland	1	..	..	..	..	..	..	1	..	..	1
Orissa	20	13	..	1	..	..	..	1	3(g)	..	18
Punjab	13	9	..	2	..	..	..	..	..	1	12
Rajasthan	23	14	..	..	..	5	..	2	2(h)	..	23
Tamil Nadu	39	9	..	4	23	..	1	..	2(i)	..	39
Uttar Pradesh	85	73	..	5	..	4	1	..	..	2	85
West Bengal	40	13	20	3	..	..	..	1	2(j)	..	39
Union Territories											
Andaman and Nicobar Islands	1	1	..	..	..	..	..	..	..	..	1
Chandigarh	1	1	..	..	..	..	..	..	..	..	1
Dadra and Nagar Haveli	1	1	..	..	..	..	..	..	..	..	1
Delhi	7	7	..	..	..	..	..	..	..	..	7
Goa, Daman and Diu	2	1	..	..	..	..	..	1	..	..	2
Laccadive, Minicoy and Amindivi Islands	1	1	..	..	..	..	..	..	..	..	1
Manipur	2	2	..	..	..	..	..	..	..	..	2
Pondicherry	1	1	..	..	..	..	..	..	..	..	1
Tripura	2	..	2	..	..	..	..	..	..	..	2
Nominated North East Frontier Tract	1	1	..	..	..	..	..	..	..	..	1
Anglo-Indian	2	..	..	..	..	..	..	2	..	..	2
TOTAL	521	358	25	24	23	22	14	14	25	11	516* (excluding Speaker and 4 vacancies)

*Excludes the Speaker, who is not a member of any Party.

(a) Telengana Praja Samiti	2
(b) Socialist Party	2
(c) Swatantra	2
(d) Muslim League	2
Revolutionary Socialist Party	2
Kerala Congress	3
(e) Socialist Party	1
(f) Socialist Party	1
Forward Block	1
(g) Swatantra	3
(h) Swatantra	2
(i) Muslim League	1
Forward Block	1
(j) Socialist Party	1
Revolutionary Socialist Party	1

A. PARTY POSITION IN LOK SABHA

(ii) Party-wise

(As on December 1, 1971)

<i>Name of Party</i>	<i>Strength</i>
Congress Party	358
C.P.I. (M)	25
C.P.I.	24
D.M.K.	23
Jan Sangh	22
Congress (O)	14
<i>Other Parties</i>	
UPIG	14
Swatantra	7
Socialist Party	5
Muslim League	5
Revolutionary Socialist Party	3
Kerala Congress	3
Forward Block	2
Telengana Praja Samiti	2
Unattached	11
Vacancies	4
TOTAL	589 (excluding Speaker)

B. PARTY POSITION IN RAJYA SABHA

(a) Party-wise

Name of Party	Strength
Congress	108
Congress (O)	27
Jana Sangh	15
Swatantra	10
C.P.I.	10
S.P.	10
C.P.I.(M)	8
D.M.K.	7
<i>Other Parties</i>	
Muslim League	4
B.K.D.	4
Akali Dal	3
R.P.	2
Forward Block	1
F.B.(M)	1
Bangla Congress	1
R.S.P.	1
S.M.S.	1
P.S.P.	1
Independent and others	20
Vacancies	6
TOTAL	240

C. PARTY POSITION IN STATE LEGISLATIVE ASSEMBLIES

States	Seats	Cong.	Cong. (O)	Swat.	JS	CPI	CPI (M)	SSP	PSP	Rep.	Other Parties	Ind.	Nom.	Muslim League	Forward Block	DMK	Total
Andhra Pradesh (as on 31-9-71)	288	182	10	14	3	10	7	1		2	31(a)	15	1	..	..		276(b)
Assam (as on 28-10-71)	126	75		1	..	7	..	3	4		2(c)	21					113(d)
Haryana (as on 9-12-71)	81	55(e)	5		4						10(f)	3					78(g)
Himachal Pradesh (as on 3-11-71)	60	40			7	2	..				9(h)	1					59(i)
Jammu & Kashmir (as on 31-12-70)	75	61			4						3(j)	3					71(k)
Kerala (as on 6-11-71)	134	33	3			16	31	9	3		26(l)	1	11				133(m)
Madhya Pradesh (as on 11-11-71)	297	192			63	1	..	10	..		17(n)	4	1	..			288(o)
Maharashtra (as on 26-12-70)	271	191	13	..	6(p)	8	2	6	7	2	23(q)	10	1	1	1	..	271
Meghalaya (as on 17-11-70)	41	4									34(r)		3				41
Nagaland (as on 27-10-71)	52	..									52(t)						52
Orissa (as on 22-10-71)	140	49	1	35	..	4	2	..	4	..	40(u)	5				..	140
Rajasthan (as on 30-10-71)	184	108	1	26	17	1	..	6	..		11(v)	6(w)				..	176(x)
Tamil Nadu (as on 31-5-71)	235	..	15	6		8	..		4		1(y)	4	1	6	6	182(z)	233(aa)
Uttar Pradesh (as on 30-9-71)	426	227	58	2	42	4	1	18	2	..	59(hh)	4				..	417 (cc)
Goa, Daman and Diu (as on 25-10-71)	32	3		..						..	26(dd)	2				..	31 (ee)
Pondicherry (as on 31-5-71)	30	7	3			3	..					2					15 30
Tripura (as on 28-10-71)	33	19				1	3	..			7(ff)		3	..			33

- (a) Telangana Praja Samithi-28 ; Peoples Democratic Group-2, Telengana Congress-1.
(b) 12 seats are vacant.
(c) Revolutionary Communist Party-1, Unattached-1.
(d) Vacant-13.
(e) Including the Speaker.
(f) Includes Vishal Haryana Party-9, Akali-1, and Independent Opposition-1.
(g) 3 seats are vacant.
(h) Lok Raj Party (Jan Sangh & Lok Raj Party makes "Samukta Vidhayak Dal")
(i) Vacant-1.
(j) National Conference.
(k) Vacant-4.
(l) Includes Kerala Congress-13 ; Revolutionary Socialist Party-6 ; Kerala Socialist Party-2 ; Karshaka Thozhilali Party-2 ; Congress Socialist Party-2 ; Speaker-1.
(m) Vacant-1.
(n) Includes Lok Savak Dal-13 ; Pragatishail Vidhayak Dal-4.
(o) Vacant-9.
(p) Includes 1 Independent.
(q) Peasants and Workers-21 ; Hindu Sabha-1 ; Shiv Sena-1.
(r) All Party Hill Leaders Conference.
(s) Affiliated to All Party Hill Leaders Conference.
(t) Includes Nagaland Nationalist Organisation-45 ; United Front of Nagaland-7.
(u) Includes Utkal Congress-34 ; Jharkhand-4 ; Jana Congress-1 ; and Speaker-1.
(v) B.K.D.
(w) Includes Hon'ble Speaker.
(x) Vacant-8.
(y) Tamil Arasu Kazhagam.
(z) Including one affiliated Member.
(aa) Excluding the Speaker ; 1 seat is vacant.
(bb) Includes B.K.D.-56 ; Muslim Majlis-1 ; Unattached-2 (Hon'ble Speaker & Hon'ble Deputy Speaker).
(cc) Vacant-9.
(dd) Includes Maharashtratramadi Gomantak Party (Bandekar's Group)-10 ; Maharashtratramadi Gomantak Party (Naik's Group)-4, United Goans Sequeira's Group 7 ; United Goans Progressive Group-5.
(ee) Vacant-1.
(ff) Congress Legislature Party (Socialist).