**“A Dead Letter of the Statute Book:” The Strange Bureaucratic Life of The Bihar Food Economy and Guest Control Order, 1950-1954**

**Abstract**
In the early days following India’s independence, the nation’s leaders worried about food shortages and the potential threat of mass starvation. In 1950, the Ministry of Food promulgated the Food Economy and Guest Control Order, designed to check wastage by regulating the number of guests permitted at a meal and the types of food items to be served. However, the Bihar Supply and Price Control Department vigorously protested the Guest Control Order on the grounds that it was unenforceable. This article traces the bureaucratic wrangling that followed between the two government offices. It reads this correspondence for insight into the early debate about state intervention into the economy. The exchange reveals the struggle for policy-making control between the Centre and state government. This sheds light on the bureaucratic craft of law-making given the emergent tension between national priorities and local or parochial rights. In these debates, assumptions about culture in general and food practices in particular became sites of conflict in the law-making process.

**Keywords:** food, rationing, bureaucracy, feasting

Toward the end of his life, the eminent Indian author Khushwant Singh contrasted the extravagance of contemporary weddings with the decorum of an earlier age. In his 2000 memoir titled *Khushwant Singh’s Big Book of Malice*, Singh lamented the current ethos: “None of this vulgar display of power and opulence took place during the times of Pandit Nehru or Indira Gandhi. What happened to the Guest Control Order which forbade inviting more than fifty guests? … In a society which overlooks small misdemeanors, people begin to think they can get away with anything” (Singh 2000, 11). Singh recalled the Guest Control Order as a means for instilling a sense of civic mindedness and decency in the public.

As ostentatious displays of wealth have become more prevalent in the wake of India’s neoliberal turn, debates about lavish feasting practices have again come to the fore. In 2011, Food and Consumer Affairs Minister K. V. Thomas suggested past Guest Control Orders might provide a model for reducing the “criminal wastage” of food at weddings:¹ “We believe we can preserve food grains for the poor and needy of this country by restricting its use at such extravagant and luxurious social functions.”² However, the possibility of a law limiting the

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² “Lighter Feasts on Govt Menu,” *The Mail Today (India)*, February 22, 2011.
number of guests and types of dishes served at functions met with widespread condemnation, and the government dropped the matter. Critics recalled the Guest Control Order as grim markers of a time of scarcity, associated with undesirable government intervention into private affairs.

Nevertheless, these recent episodes testify to the ways that anxieties about food continue to be central to project of governance and sociality in India. The government has long sought to reform cultural practices, such as feasting, deemed wasteful. Indeed such laws were recurring instruments that the postcolonial state used to shape the national economy in the early post-independence period, regulating the intimate behavior of its citizens. Despite the controversies they provoked, these austerity measures have only recently received scholarly attention. This article traces early debates about the Guest Control Order in India for what these discussions reveal about ideas of governance, citizenship, and the nature of culture itself in the years immediately following independence. Specifically, it examines the correspondence that unfolded from 1950-1954 between the Rationing branch of the Union Ministry of Food and the Bihar Supply and Price Control Department from 1950-1954 concerning the terms and implementation of the Ministry’s Food Economy and Guest Control Order. Introduced in 1950 and applicable to

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3 “Wasting Food,” Business Standard, June 30, 2011; Anirban Bhaumik, “New Legislation to Check Food Wastage Unlikely,” The Deccan Herald, February 18, 2012. According to The Deccan Herald, a study commissioned by the Ministry analyzed previous Guest Control Orders in India and Pakistan found that “any statutory or legislative mechanism to control food wastage or regulate social gatherings’ would not be ‘effective’ and rather would be ‘difficult to enforce and lead to harassment and corruption.’” Most criticism of the government’s proposal projected back to the Guest Control Orders of the 1960s. In fact, the British first implemented the first Guest Control Orders during World War II. This article considers independent India’s first attempt at a comprehensive, nation-wide Guest Control Order, in 1950.


5 The folio containing the correspondence is stored in the files of the Ministry of Food (later, Ministry of Food and Agriculture) in the National Archives in New Delhi. Ministry of Food, “1. Concurrence of the Central Government
all states, the Order regulated the consumption of restricted foodgrains at social gatherings to prevent waste.\(^6\) Bihar protested the directive as flawed and unenforceable. While other states also objected to the provisions in the Guest Control Order, Bihar, a state that had long struggled with food shortages, distinguished itself through the doggedness of its challenge.

The correspondence analyzed in this article crystalizes the emergent tension between national priorities and local or parochial rights within the Indian government. On the one hand, the Ministry conceptualized the food austerity measures as an essential sacrifice for the good of nation. On the other hand, the Bihar state government, perhaps recognizing the importance of feasting to social life (or at least resigned to its significance), responded that enforcing such stringent measures would only alienate the public and undermine the rule of law. Implicit in this position is an acknowledgement of the fact that the public’s zeal for reform and service to the nation that marked the years leading up to independence might not be a permanent condition. Rather, they anticipated that the people would quickly revert to the community-bound concerns and customs.

In this article, I argue that debates about the economy were never simply about the economy, but constituted interventions into social life. A seemingly straightforward, technocratic directive like the Guest Control Order ultimately hinged on bureaucratic assumptions about culture—which foods people ate, which they might be expected to forego, how they celebrated weddings and funerals, etc. Bureaucrats in India had long associated crowd and communal festivities with irrationality and excess. This effort to reform extravagant feasting practices thus

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of the revision of the Food Economy and Guest Control Order, 1954, to set up FOOD AUSTERTY MEASURES by Bihar Government. / 2. FOOD AUSTERTY MEASURES adopted by Bihar Government. BP.II/1085/28/50, National Archives of India. Emphasis original.
\(^6\) Rationed foodgrains included rice, wheat, barley, maize, sorghum, millet, among others.
aligned with previous colonial attempts at modernizing subjects. The populace, in their view, was wasteful and irrational required the far-sightedness and discipline of the nation-state.

But their understanding of culture was also notably paradoxical: Bureaucrats conceived of Indian culture in general and food practices in particular as at once unchanging and malleable. On the one hand, they clung to ethnic and regional stereotypes about immutable eating habits, such as the centrality of rice in certain cuisines, and carved out exemptions for certain religious practices, like the distribution of prasad. On the other hand, they simultaneously promoted modifications to diets and reform of traditional feasting practices that emphasized hospitality to fellow community members. The austerity measures were designed as part of an effort to forge a new national culture. The disagreement between the Centre and the state were based in some respects on differing expectations on the extent to which food practices could be altered.

While much of the scholarship on the period surrounding independence has rightly focused on the originary violence of partition, chronic food shortages presented a quotidian but critical challenge to India’s newly independent government. Indian nationalists blamed colonial mismanagement for famine and economic stagnation. Yet they faced a looming question: Could political sovereignty be translated into food sovereignty? At stake in independent India’s efforts to feed its own citizens was, in some ways, the legitimacy of the state itself. Or as Parama Roy has put it, the transition from the colonial era was the crucible for testing the postcolonial

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9 Siegel, “Self-help Which Ennobles a Nation.”

10 Sherman, “From ‘Grow More Food’ to ‘Miss a Meal;’” Siegel, “Self-help Which Ennobles a Nation.”
“promise of eating well.” But, as Indian nationalists soon discovered, providing for the welfare of large and impoverished population was a massive and contentious undertaking.

Faced with shortages of foodgrains and other basic commodities during World War II, rationing became an important governing principle for the British both in England and in their largest colony, India. The 1943 famine in Bengal was a scarring experience from which the country had barely recovered. On the eve of independence, India faced the specter of widespread hunger and malnutrition. As Ramachandra Guha notes, disruption in the agricultural sector during partition only exacerbated these problems: By 1948, India was importing 2.8 million tons of foodgrains per year, an amount that had tripled in just four years. Along with the possibility of a gathering crisis, the situation threatened to rob India of the foreign reserve currency earmarked for industrial development and jeopardize the foundation of its non-aligned policy.

With India eating more food than it could grow, the Ministry of Food introduced a comprehensive set of food austerity measures to conserve foodgrain stocks that continued the rationing of the war years. Ashutosh Kumar Tripathi notes that food policy in the years immediately following independence was characterized by “frequent shifts in emphasis,” as the government sought juggle short-term spikes in demand with a long-term objective of national

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12 Tarangini Sriraman, “A Petition-like Application? Rhetoric and Rationing Documents in Wartime Delhi, 1941–45,” *Indian Economic & Social History Review* 51, no. 3 (2014): 353–82. Sriraman provides an in-depth examination of rationing policy in India during World War II. In an aside, she mentions that regulations limiting were in place during the war. A Ministry of Food folio titled “Austerity Meals” contains a reference to a 1945 Delhi Austerity Meals Order, which placed a limit on guests: “No person in the capacity of a host shall distribute or cause to be distributed any comestible to more than fifty persons on any single day.” The Order set forth exemptions for charity to the poor, provisions for the troops, and langar khans (the communal kitchens in Sikh temples.) Ministry of Food, “Austerity Meals,” RP-1001/1/1945 (vol. II), National Archives of India.
14 Siegel, “‘Self-help Which Ennobles a Nation.’”
self-sufficiency. Indeed the Ministry of Food archive includes reports monitoring foodgrain supplies around the country on a month-by-month basis, as the Ministry was responsible for purchasing, storing, and distributing grains to different states. Against this backdrop, the Ministry put in place a number of controls to prevent speculation and waste. Taylor Sherman, for instance, traces the checkered history of the “Miss a Meal” program that encouraged Indians to voluntarily reduce their rations. Similarly, Benjamin Siegel, describes how the Ministry of Food launched campaigns to convince a skeptical public to shift their consumption away from imported rice and wheat and toward so-called “subsidiary foods” (e.g., sweet potato, tapioca).

Along with chronicling various experiments in conserving food, Siegel traces the various origins of this ethos of austerity—e.g., antecedents in the colonial administration, Malthusian debates about population management, and the writings of Indian nationalist critical of British rule. In many regards, the post-independence austerity measures reflect a continuation of the colonial policies and state’s intrusion into community affairs, particularly reforming putatively extravagant feasting practices, and formalizing these rules for a new nation. But Siegel argues that one difference in the post-independence austerity measures is that the nationalists who ascended to power in the government brought with them a new concept of a nation citizenship. Theirs was a vision in which the responsibility for national development fell on the citizens. The austerity campaigns in the years following independence explicitly linked individuals’ behaviors

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16 The Ministry of Food index lists a 1946 folio, now missing, titled “food austerity measures to tighten up food to maximum extent.” Ministry of Food, “food austerity measures to tighten up food to the maximum extent,” RP-1065/6/1946, National Archives of India.
17 Sherman, “‘From ‘Grow More Food’ to ‘Miss a Meal.’”
18 Siegel, “‘Self-help Which Ennobles a Nation.’”
19 Ibid. Siegel links these experiments with new food technologies to a nationalist desire to bring science and material progress to the people, something they critiqued colonial rule for failing to do.
to the fate of the nation.\textsuperscript{20} The goal of national development could only be realized by replacing indulgent behaviors with parsimonious and self-sacrificing habits.

But in a broader sense, the Ministry enacted these austerity measures at a historical moment when the new nation-state and its central government were keen to assert its authority. This back-and-forth also suggests a larger struggle for policy-making control between Centre and state. The central government of India aimed to assert its authority over subordinate government institutions. The question before the Ministry was, to borrow the formulation of Louis Althusser, whether it indeed possessed the power to interpellate its subjects.\textsuperscript{21} This was in fact a double anxiety: a worry about whether supposedly subordinate state institutions would enforce the regulations, coupled with a concern with whether these new national citizens would obey the austerity measures.

This article proceeds by detailing the specific regulations of the Guest Control Order of 1950. It then undertakes a close reading of the correspondence between the Ministry of Food and the Bihar Supply and Price Control Department over following months and years as they debated the definition of edibles and the area of applicability of the regulations. Thwarted in their efforts to modify the law, the Bihar state government appealed to Prime Minister Jawaharlal Nehru. After a prolonged stalemate, the Ministry withdrew the austerity measures in 1954, but reinstituted the Guest Control Order a few years later. The conclusion argues that this struggle over the austerity measures reveals how assumptions about culture in general and food practices in particular became sites of conflict in the law-making process in the years following India’s independence.

\textsuperscript{20} Ibid.

The Guest Control Order, 1950

In July 1950, the Ministry of Food distributed a three-page circular to all state governments with the subject line “AUSTERITY MEASURES.”22 The Ministry justified the regulations as necessary “in view of the difficult food position.”23 The memorandum instructed all states to submit to the central government a public notification detailing the revised austerity measures. Once the Ministry had approved that notice, it could then be distributed to the local press.

The Guest Control Order primarily outlined restrictions on the number of guests at entertainments at which rationed foodgrains could be served. For “ordinary entertainments,” meaning any gathering that was not a marriage or a funeral, the number of guests was limited to 24 persons, excluding the hosts. For these events, the government was not authorized to issue a permit for the purchase of rationed foodgrains (e.g., rice and wheat). For marriages and funerals, however, the number on guests was capped at 50 persons, with an allowance of rationed foodgrains. The regulations permitted two of such meals for marriages, but only one for funerals.24 The directive noted that there was no restriction on wedding cake or sweets to celebrate these functions, but that the amount of rationed foodgrains used for preparing these cakes should not exceed the number of allowed guests.

Because the directive pertained to the use of rationed foodgrains, the directive also listed the articles permitted at events where the number of guests was not limited:

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22 Ministry of Food, “Concurrence of the Central Government,” 1. Emphasis original. The rules set forth in this memorandum were enacted based on the authority granted in the Essential Supplies (Temporary Powers) Act of 1946. They superseded all food austerity measures that had been enacted between 1946 and 1948. They also incorporated the comments of all states from the Food Minister’s Conference on Austerity Measures in August 1949.

23 Ibid.

24 These rules failed to account for or align with local custom. In Bihar’s Nalanda district, for instance, two days of funeral feasts are customary. The first night is a roti meal for villagers of all castes. The second night is a rice meal for caste fellows.
Liquid refreshments, nuts, fruits – fresh and/or dried, potato chips, preparations of gram or gram products (where it is not controlled), sweet potatoes, bananas, tapioca, groundnut atta [flour], sugar, gur [jaggery], shakkar [sugar cane], salt, ghee [clarified butter], oil or vegetable oil products and pan-supari [betel nut preparations] but without admixture of wheat, rice, jowar [sorghum], bajra [pearl millet], barley and maize or other controlled cereals.\textsuperscript{25}

The austerity measures also addressed an earlier restriction on manufacturing ice cream:

Ban on the making of ice cream and khoya [a dairy product used in preparing sweets] should continue only in areas in which such a step would lead to better utilisation of liquid milk for the benefit of vulnerable classes like children and expectant mothers. If there are no arrangements for canalising available supplies of milk for the benefit of such special classes a ban on the manufacture of ice cream will serve little useful purpose.\textsuperscript{26}

In addition, the austerity measures included provisions regarding conference delegates, caterers, and commercial establishments—the basis for the Restrictions on Meals in Establishments Order. In both Indian and Western-style eateries, the regulations limited the number of courses, the items in each course, and the maximum price to be charged a meal. For instance, a vegetarian meal could consist of “one dal, one vegetable and a sweet dish or a dal and two vegetables.”\textsuperscript{27} Given the shortage of rice, the directive banned serving rice in European-style establishments.\textsuperscript{28} It also restricted each customer to a maximum of 6 oz. of rationed cereals per day.\textsuperscript{29} The final section of the circular instructed the states to regularly inspect the storage facilities and accounts of the establishments “to ensure that the supplies are not drawn in excess of the actual quantities permissible.”\textsuperscript{30}

Taken together, these provisions established austerity measures regulating food consumption across the country, unifying the various regulations that had been introduced in

\textsuperscript{25} Ministry of Food, “Concurrence of the Central Government,” 2.
\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid. Several months later, in December 1950, the Ministry of Food made the first of several emendations to the Guest Control Order, in this instance expanding on the rules about the foods served in restaurants (Ibid., p. 5.) Each modification of the statute required the various state governments to prepare a public notification about the changes and submit it to the Ministry for approval.
\textsuperscript{28} Ibid., 3.
\textsuperscript{29} Ibid.
\textsuperscript{30} Ibid.
previous years. The Orders focused on preventing food waste at the most venues with the most egregious excess: social functions and commercial establishments. By targeting conference delegations, clubs, and restaurants with the most onerous restrictions, the Ministry aimed the restrictions at those they perceived most able to bear them. It maintained strict limits on foodgrains, especially rice, while carving out exceptions for other foods. As with the possibility of relaxing the ban on ice cream, the austerity measures sought to avoid instituting unreasonable rules that would not, in the end, improve the availability of food.

Contesting the Definition of “Eatables” and the Area of Applicability

The Bihar Supply and Price Control Department was the state agency responsible for the rationing of basic commodities, and thus the agency in charge of implementing the new austerity measures. In June 1951, T. P. Singh, Additional Secretary to Government at the Bihar Supply and Price Control Department, wrote to the Ministry of Food and Agriculture, pointing out “certain anomalies” in the recently enacted Guest Control Order.31 Along with his proposed draft for revised regulations, he enumerated his concerns:

For example, potato chips are mentioned in the permissible articles whereas no mention has been made of boiled potato. Secondly, nuts, sugar, salt are permitted but it is not clear whether the preparation of nuts only are permissible. In para 1 of the existing order it is said that no eatables (except those exempted in para 2) can be served to guests more than 24 in number. This obviously means that those articles which are not enumerated in para 2 are prohibited. If this really be the intention, then the enforcement of the present order will baffle all efforts and will perhaps remain a dead letter of the statute book. The intention in promulgating the Guest Control Order is to prevent at this critical juncture, the waste of cereals and other important items of foodgrains which are controlled and arrangements for whose supply are being made by the State and Central Government. Such grains are mostly those which move under the Basic Plan viz., rice, wheat, milo [sorghum], jowar, bajra, maize or products thereof. It would therefore, be quite adequate if food prepared out of these grains is prohibited where the number of guests is unlimited (exceeds 24 excluding host

31 Ibid., 23.
32 First instituted by the British in 1942, the Basic Plan was the Ministry of Food’s general policy for the procurement, distribution, storage, and rationing of foodgrains. For more details, see Tripathi, Agricultural Prices and Production in Post-reform India.
or hosts).\textsuperscript{33}

T. P. Singh’s objection sheds light to the fraught practice of making law to intervene into the economy. From his vantage point, the law as currently constituted was paradoxical. Besides, to restrict one preparation of potato or nuts, and not others, was arbitrary and only invited confusion. His letter reveals an early anxiety on the part of the Bihar office about whether the law would be anything more than a “dead letter on the statute book.” After all, anomalies accumulated with the restriction food items. For the law to be enforceable, it would need to become more specific. Yet that would require an enormous project of codification—imagining all the possible foodstuffs and all their possible combinations. Such a sublime effort would surely beget an endless series of challenges and clarifications. In raising these concerns, Singh attempted to arbitrate between the demands of his superiors in Delhi and the administrative capacity of his own office—what their subordinates could reasonably carry out and what the population would reasonably bear.

It fell to S. Parameshwaran, Under Secretary to the Government of India at the Ministry of Food and Agriculture, to reply to T. P. Singh’s objections. He wrote back the following month that, “Even the amendments suggested do not make many points clear. It is therefore, considered advisable to cancel the present notification and simultaneously issue new orders free from any ambiguity.”\textsuperscript{34} Rather than negotiate each of Singh’s points, the Ministry opted to issue a fresh directive. Attached to his reply he included a new draft of the public notification for the Bihar government to publish. Any amendment would require the approval of the Ministry of Food.

The newly proposed Bihar Food Economy and Guest Control Order, 1951, maintained the same limits on the number of permitted guests at functions, while clarifying the language so

\textsuperscript{33} Ministry of Food, “Concurrence of the Central Government,” 23.
\textsuperscript{34} Ibid., 26.
as to remove any ambiguity. Along the same lines, this version refined the definition of “eatables” to include among its exceptions Singh’s earlier objections, such as the status of the “boiled potato.”

But this directive differed from the earlier austerity measures in a few minor but crucial respects. First, the Ministry extended the regulations to the whole the state. While the Ministry’s original directive did not mention any restrictions on the area of applicability, previous iterations of the austerity measures in Bihar had applied to municipal areas only.

In addition, the new Guest Control Order provided more specific instructions for implementation and enforcement of the austerity measures. Prior to any function of 20 or more guests, the host must provide the District Magistrate, or Town Rationing Officer, with written notice. Similarly, the new regulations stipulated a more robust mechanism for checking violations: “For the more effective enforcement of the provisions of this Order, an Inspector, when he has reason to believe that a contravention of this Order has been, is being or is about to be committed may enter and search any premises, interrogate any persons and seize any articles…. The involvement of the figures of the District Magistrate and an Inspector in the enforcement of the austerity measures recalls the question of interpellation: Would the public heed the authority of the police in such private matters, or would their immediate obligations to kin and community trump government directives promoting abstract concepts like national self-sufficiency?

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35 Ibid. “Except with the previous sanction of the Chief Controller in writing no person or persons acting as ‘host’ shall distribute, serve or offer or cause to be distributed, served or offered any eatables … (a) to more than fifty persons excluding the person or persons acting as host on the occasion of a marriage or death whether such persons partake of the eatables simultaneously or in batches provided that the number of meals at marriages is not more than 2 and that at funeral ceremonies not more than one. (b) to more than twenty-hour persons excluding the person or persons acting as host on any other occasion whether such persons partake of the eatables simultaneously or in batches.”
36 Ibid.
37 Ibid., 28.
38 Ibid.
Parameshwaran sent his response on 16 July, 1951, but received no immediate reply. Once a month for next two months, he queried the Bihar agency, requesting that, “a reply thereto may kindly be expedited,” or “a very early reply.” 39 He heard nothing. The following month he wrote again. “As we have not heard from you since then we shall be grateful if you will kindly let us know how the matter stands at present.” 40 Without a response, over the next two months he twice sent the same telegram to Patna: “FOR T. P. SINGH (.) REFERENCE OUR LETTER OR EVEN NUMBER DATED 16TH JULY 1951 AND D.O. LETTER OF 10TH SEPTEMBER 1951 REGARDING AUSTERITY MEASURES (.) KINDLY EXPEDITE REPLY (.)” 41 At this point, Parameshwaran although surely losing his patience, upheld the protocol and formal language of his office. Singh’s silence, meanwhile, suggests that he was strategically dragging his feet so to avoid implementing changes he considered undesirable.

With its back-and-forth about key terms, this correspondence provides insight into the craft of bureaucracy—the process of dictating policy, appealing, redrafting, and delaying. For the most part, these officials expressed disagreements through foot-dragging and noncompliance rather than open defiance. 42 Because they traversed a close-knit network of the Indian Administrative Service, they couched their discussions in the formal language and courtesies of the profession. This suggests that both sides of the dispute had to weigh the risk alienating the other, and harming the collaborative working relationship that was needed for the distribution of foodgrains and the coordination of a range of other activities.

Finally, in October 1951, after a fifth attempt to solicit a response, T. P. Singh wrote to the Ministry of Food from Patna. He outlined several departures from the Ministry’s text of the

39 Ibid., 29-30.
40 Ibid., 31.
41 Ibid., 32-33. Emphasis original.
statute, and included in his letter a draft of the Guest Control Order with suggested revisions.

Singh began with a quibble about the term “eatable.”

The definition of the word ‘eatables’ has been slightly amended to include preparations of vegetables other than potatoes, and also eggs. Presumably it is not the intention of the Government of India to allow fish and meat to be served without any restrictions, even though the preparations may not contain any cereals. It will, however, be very difficult to exclude eggs. Even ice-cream, vegetable cutlets, and many other milk and vegetable preparations cannot be prepared without eggs.43

The ambiguous status of eggs was but a prelude to a more substantive and controversial matter. The Bihar Supply and Price Control Department objected to expanding the applicability of the regulations to rural areas of the state. As an alternative, Singh proposed restricting the Guest Control Order to all municipalities and an area five miles outside them, as it had been in earlier versions of the regulations. He justified this modification by explaining that “it is administratively impossible to enforce the order in the rural areas of the State.”44 Just as the Ministry endeavored to implement the austerity measures in far-flung states, so too Patna worried about implementing the austerity measures in far-flung rural areas.

The following week, T. P. Singh penned a separate missive to Delhi about the restriction on the manufacturing of ice cream in Jamshedpur. Referring to the Ministry’s position that the ban might be relaxed where it would not increase the amount of milk available for children and expectant mothers, Singh informed the Ministry that such a ban would indeed “lead to a great many administrative and other difficulties,” and that Bihar did not intend to enforce it.45 For both the questions of applying the Guest Control Order to rural areas and banning ice cream, the Bihar office was demonstrating their opposition to austerity measures that were logistically, and thus

43 Ibid., 35.
44 Ibid., 34. At this time, Bihar did not enjoy the reputation for lawlessness and political violence sometimes associated with the state today. More probably, the Supply and Price Control Department is referring to the gaps in the rural infrastructure and an insufficient number of police officers and other administrative officials to enforce the regulations.
45 Ibid., 39.
futile.

S. Parameshwaran wrote to T. P. Singh to inform him that the Ministry concurred with the decision to relax the ban on ice cream manufacturing. He also told that the Ministry accepted most of the modifications that Patna had suggested in its revised circular. However, the Ministry refused to approve the proposal to restrict the application of the Order to municipal areas only. Parameshwaran wrote:

The Govt. of India are unable to agree to the suggestion to limit the extent and applicability of the Bihar Food Economy and Guest Control Order 1951, to all Municipalities and notified areas and to a radius of five miles outside. Especially in view of the very difficult food position in the State which is likely to remain throughout the coming year, such an order will have considerable psychological value. As Austerity Measures are an essential plank of food policy it is most undesirable that the rules should be relaxed, or made applicable to selected areas only.46

The law in this sense was not simply intended limit food consumption but rather served as a means of publicizing the national food policy. In Parameshwaran’s view, any relaxation of the regulations in hard-to-reach areas would undercut the “psychological value” of the austerity measures, meaning the broader project of inculcating in the population the spirit of reform. Having considered and then denied Bihar’s objections, he instructed Singh to immediately issue the notification to the public and to send three copies to Delhi.

But when Singh received this reply, he instead telephoned the Ministry directly to further press his case. The two parties again discussed the matter, and in the days following Parameshwaran’s superior, S. K. Sen, Deputy Secretary to the Government at the Ministry, responded to Singh with a letter:

The question of limiting your austerity regulations to the municipal towns and notified areas alone was re-examined after your telephonic request a couple of days ago but I regret very much to say that it is not possible for us to accept your proposal. Similar proposals from three other States were not accepted previously and, undeniably, exemption of rural areas from austerity regulations will induce people to hold their parties just outside the 5-mile radius of municipal towns and

46 Ibid., 41. Emphasis original.
notified areas. The subject of austerity regulations will come up for discussion at the next Food Ministers’ Conference, and, in the meantime, it is not considered desirable to introduce any change in our existing regulations.47

The passive construction that Sen deploys in his response – “the question of limiting your austerity regulations … was re-examined” – serves to occlude the locus of agency. Is it the nation’s political leadership who has insisted on adhering to this rule, or bureaucrats at the Ministry? It is not clear. As Matthew Hull argues, the bureaucratic file is that which protects individuals and allows projects to be collectivized.48

The exchange illuminates Delhi and Patna’s conflicting perspectives on the relationship between law and governmental authority. Given the country’s food shortages, the Ministry emphasized the national scope and uniform applicability of the law. It was thus paramount to orient the public’s attention toward the goal of preventing food waste. The Ministry recognized that the enforcement challenges in Bihar were also present in other rural areas; indeed an internal note in the file states that Madhya Pradesh and Assam had appealed on the same grounds.49 In this formulation, it was necessary to deny Bihar’s objection, lest the entire fabric of the austerity measures unravel. Officials in Delhi worried that, if they granted an exemption to Bihar, they would have accede to the concerns of other states as well. Moreover, they worried that varying the law not just between Bihar and other states, but between urban and rural areas, would induce people to skirt the law by holding their feasts beyond the jurisdiction of the law. Because officials at the Ministry considered it critical to reform the wasteful eating habits of the general public, they could not back down.

For its part, Bihar, stressed the practical obstacles for the office tasked with implementing the law. While the Centre was concerned with food scarcity and waste, these terms also assumed

47 Ibid., 42.
49 Ministry of Food, “Concurrence of the Central Government.”
another meaning for the bureaucrats in Patna. Attempting to govern a large territory with scarce resources and manpower, the law had to be practical or the entire effort would be in vain. Passing a bill that was “administratively impossible to enforce” would only foster public disregard for the law and end up undermining the government’s authority in general.

Hearing nothing by way of response from Patna, the Ministry of Food again requested that the Bihar Supply and Price Control Department forward copies of the public notification that they had been instructed to publish. That same month, however, T. P. Singh redoubled his efforts to overturn the Ministry’s decision by pointing out that rural areas were not under jurisdiction of the original order. “The old Guest Control Order, which the new one intends to replace, was issued in 1950 November and applied to municipalities and notified area committees only. The question of relaxing rules for rural areas does not arise.”50 With this gambit, Singh hoped to catch the Ministry in the trap of its own contradictory language.

Appealing to Nehru

In response to the Ministry’s second request for copies of the public notification, in January 1952 the Bihar Supply and Price Control Department answered, cryptically, that “the matter is under consideration of the State Government and their decision will be communicated as soon as it is taken.”51 Even in the wake of the Ministry’s explicit rejection of its appeal, the Supply and Price Control Department remained unwilling to publish the revised order. Instead, they escalated matters by pressing their case through backchannels. While the precise mechanism for this decision is unclear, officials in Patna realized that they might only succeed in altering the policy if they appealed to the most powerful person in the government.

50 Ibid., 44.
51 Ibid., 46.
On 16 February 1952, S. K. Sinha, the Chief Minister of Bihar, wrote a letter to Prime Minister Nehru. The typed message filled a page of his official stationary, with only the date, his salutation to Nehru, and his own signature handwritten in ink:

Dear Pandit ji,

The Bihar Food Economy and Guest Control Order, 1950, was applicable to Municipalities and Notified Areas, and to places within five miles of such areas. There were certain anomalies in the order, to remove which we suggested necessary modifications. The Union Ministry of Food and Agriculture, while agreeing with the modifications, has directed us to make the revised order applicable throughout the State, and not merely to Municipalities and Notified Areas as hitherto. We had pointed out that it would be impossible to enforce the order in the rural area; but we have been asked to make the order applicable throughout the State, for its psychological value, even though actual enforcement outside Municipalities and Notified Areas may not be possible. We feel that it would not be desirable to issue an order with the full knowledge that it will be disregarded with impunity. Such a procedure would tend to undermine respect for the law generally.

2. We shall be grateful if this aspect of the matter is considered and we are not pressed to extend the order to the rural areas.

Yours,
S. K. Sinha

On 19 February 1952, Nehru sent a memo to K. M. Munshi, the Union Ministry of Food and Agriculture. He enclosed a copy of a letter he had received from Sinha. In a brief typed note to Munshi, Nehru admits, “I think there is some force in what he says. Will you please let me know what to reply to him?” While the authors of the Guest Control Order had framed the austerity measures as a necessary sacrifice by the public on behalf of the nation – a quintessential Nehruvian gesture, as it were – this letter indicates that Nehru himself had misgivings about the endeavor.

Ten days later, Munshi responded to Nehru:

My dear Jawaharalji,

[...]

2. At present, austerity measures are in force both in urban and rural areas in all the other States of India. It is true that the infringement of austerity rules in the...
urban areas becomes more noticeable and enforcement is easier, but an offence of this nature is cognizable and the Police can register a case when they get information. Even if it is not possible to take notice of all cases of infringement in the rural areas, these austerity measures would certainly have a salutary effect if the State Government arrange for wide publicity to the existence of such rules.  
3. A similar question was raised by other States viz., Bombay, Assam and Madhya Pradesh, previously, but they have been persuaded to the view that austerity measures should be put in force throughout their jurisdictions.  
4. These measures have been regarded not so much as a device for restricting consumption, but as an instrument to infuse a sense of urgency into the minds of the people in the country whether residing in towns or in villages. If they are withdrawn, feeding at festivities would be very wasteful also.

With kind regards,
Yours sincerely,
K. M. Munshi

Munshi’s letter argued for the uniform applicability of the law to all states and all areas, both urban and rural. Indeed Munshi had a reputation as a partisan for a strong central government. Ramachandra Guha notes that during the Constitutional Assembly debates, Munshi argued for “a federation with a centre as strong as we can make it.”57 As head of the Ministry that had promulgated the Guest Control Order, it’s notable that he conceded that the austerity measures were designed primarily “as an instrument to infuse a sense of urgency into the minds of the people…. ” Uniting the public’s attention around a common goal was part of the project of creating a nation with a strong central government.

There is no record of Nehru’s response to either Munshi or Sinha. But three successive missives from the Ministry of Food and Agriculture to Patna during the early months of 1952 indicate that the Ministry was anxious to put the matter to rest once and for all.

Yet in May 1952, an undersecretary at the Bihar Supply and Price Control Department wrote to his counterpart in Delhi to say that they could not make a final decision as Chief Minister Sinha had not yet received a reply from Nehru.58 Did Nehru, caught between his fidelity to spirit of the austerity measures on the one hand and the reasonableness of Sinha’s appeal on

56 Ibid., p. 50. 
57 Guha, India after Gandhi, 123. 
the other, choose not to respond? Did he find himself in the early months of 1952 occupied with more pressing matters than the applicability of food austerity measures conceived in Delhi to remote areas of Bihar?

Whatever the case, in June 1952 Patna breathlessly cabled Delhi to ascertain whether the rules might still be in force: “subject of austerity measures stop from todays statesman it appears that guest control order has been completely withdrawn in madras stop will govt of india please convene in similar withdrawal in Bihar stop if agreeable kindly communicate decision by telegram imdtly ….”59 Given the eagerness to avoid implementing the Guest Control Order, Bihar had seized on a second-hand report from the newspaper The Statesman suggesting the law had been withdrawn in Madras. The message is a curious artifact of language—the staccato of the telegram mixed with the formalities of inter-agency bureaucratic correspondence. As with his earlier telephone call, the telegram reflects Bihar’s willingness to forego the usual means of communication and adopt new technologies that might bring the matter to a speedy resolution. Whereas previously Delhi had badgered Patna for a response, now it was Patna on the offensive and Delhi that neglected to reply.

“Unresolved Up Till Now”

With an improvement in India’s foodgrain outlook, in November 1952 the Ministry of Food and Agriculture sent a memorandum to all state governments about relaxing the austerity measures. At the same time, the Ministry was loath to entirely give up on this project of conserving foodgrains. This revision raised the number of guests allowed at an ordinary entertainment from 25 to 50, and the number of guests at marriages and funerals from 50 to

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59 Ibid., p. 56. Sic. Siegel notes that Chief Minister of Madras C. Rajagopalachari unilaterally removed food controls based on his Gandhian opposition to centralized planning. Siegel, “‘Self-Help Which Ennobles a Nation.’”
The next month, T. P. Singh wrote to Delhi with an enclosed copy of the amended Guest Control Order for Bihar. But the Bihar Supply and Price Control Department had crafted these new regulations as an interim measure applicable to urban areas only. His letter reminded his counterparts in Delhi that no response from Nehru had been forthcoming, and that the matter of rural applicability was “unresolved up till now.”

A second memorandum from the Ministry of Food and Agriculture to all state governments in February 1953 further complicated this struggle. The circular announced a further relaxation of austerity measures “in the light of the steady improvement in the country's stock position”—with a few crucial exceptions. The Ministry had withdrawn all of the austerity measures, with the exception of the restrictions on the number of the guests and foods served at entertainments, and a continuation of the ban on serving rice in European style establishments.

In a letter to Singh, S. Parameshwaran again reiterated the logic for keeping the austerity measures in place:

The object of the austerity measures is to check waste and extravagance in the consumption of foodgrains in the whole country and these measures were not intended to be applicable only to urban areas. As long as there is scarcity in any part of the country and as long as the country remains deficit in foodgrains and expensive imports have to be made, there is need for austerity measures.

Again, from Parameshwaran’s perch in Delhi, food scarcity still loomed as a threat to the nation. As such, the Ministry strove to coordinate policy across many different states and departments within the federal structure. It would be counterproductive to allow individual states to undermine the collective effort. Indeed he pointed to the recent relaxation of some of the

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61 Ibid., 61.
62 Ibid., 70.
63 Ibid.
64 Ibid., 73.
regulations as the very reason that the measures should now be extended to the whole of the state.65

In response, T. P. Singh framed this dispute, at its heart, about the state’s capacity to maintain the rule of law.

Any restriction of this nature in the rural areas cannot be enforced, and it would not be desirable to issue an order with the full knowledge that it will be violated and its violation cannot be prevented. I shall be grateful if this aspect of the matter is considered and necessary instruction given to us about whether we should have an order which can be enforced or an order which, we know, will be violated and of which the violation cannot be prevented by us.66

This passage stands out for its mixture of bureaucratic precision and veiled aggression. The closing rhetorical question – whether the department should be compelled to proceed with an unenforceable law – served as a subtle reminder that the ultimate folly of this entire enterprise rests with the Ministry.

The impasse between the two offices, which had stretched on for more than two years, finally broke in June 1953. Once again, T. P. Singh cabled Delhi inquiring about public remarks that suggested the end of the Guest Control Order. In this case, the Minister of Agriculture himself had visited Patna. During remarks about shipping rice from Orissa and gram from Punjab to Bihar, he conceded that it might be warranted to withdraw the Guest Control Order given the recent replenishment of grain stocks.67 As T. P. Singh put it: “The existence of austerity measures in the present context of overstocking of wheat, at any rate, do not serve any useful purpose.”68 He received no reply.

Instead, in March 1954, the Ministry of Food and Agriculture circulated another memorandum amending the austerity measures. This version withdrew the restrictions on the

65 Ibid.
66 Ibid., 74.
67 Ibid., 77.
68 Ibid., 78.
number of guests at festivities in rural areas. The restrictions in urban areas, however, remained in place, but could be enforced at the discretion of Sub Divisional Officers. At the same time, the Ministry relaxed restrictions on rice consumption, including in European style establishments, save for those areas “where rice is not the main item of the diet.” In effect, the Ministry had finally accepted the modifications for which Bihar had long campaigned.

In April 1954, the Bihar Supply and Price Control Department submitted for approval a draft of the public notification amending the regulations. It stipulated that no host could serve controlled foodgrains to more than 100 guests at marriages or funerals. Again, two meals were permitted for marriages, one for funerals. The regulations capped the number of guests at all other entertainments at 50. This order, the Bihar Food Economy and Guest Control Order, 1954, applied to municipalities, and extended to any other areas within a radius of five miles outside them.

Several months after its implementation, however, in September 1954, the Ministry of Food and Agriculture sent another a memorandum to all state governments.

The Government of India have further examined the question of relaxation in Food Austerity measures in light of complete decontrol of rice with effect from the 10th July, 1954 and have decided to give full discretion to the State Governments to relax further to any extent they think fit, or to remove wholly the existing austerity measures.

Finally, in December 1954, the Bihar Supply and Price Control Department sent a memorandum to all District Magistrates in Bihar with the following notification: “The Government of Bihar is pleased, with prior concurrence of the Central Government to cancel the following Orders, namely:- 1. The Bihar Food Economy and Guest Control Order, 1954 … 2.

69 Ibid., 79.
70 Ibid.
71 Ibid., 80. At this juncture, it seems that T. P. Singh and S. Parameshwaran, at the center of the drama for much of this episode, ceded the stage to other actors within their respective offices.
72 Ibid., 96.
The Bihar Restrictions on Meals in Establishments Order, 1946 …”73 After four years of wrangling over the terms, the Bihar Guest Control Order’s coup de grace had at last arrived.

Conclusion

What is a law for? As Ritu Birla notes, colonial law was the site for producing rational economic subjects.74 Likewise, for the nationalists who became national politicians after independence, law was the means for bringing into being a certain kind of national subject. Although the nationalists emphasized the goal of nation self-sufficient in food production, the law failed to address the deeper structural inequalities at work. Instead, it mandated that citizens and, crucially, states alike bear the responsibility for checking their own extravagant consumption. Yet Siegel, writing about the unpopularity of the Guest Control Order, notes that many states simply flouted or failed to enforce the law. Why then, was Bihar so persistent in appealing the statute? Why did Bihar not just ignore the directive altogether?75

In their disagreement, both sides demonstrated a fidelity to the rule of law itself, though they interpreted that concept in different ways.76 The Ministry claimed that it was a matter of fairness that Bihar not be exempted from the law if it remained in effect in Punjab, Assam, and Tamil Nadu. This was part of a project of creating a sovereign central government with the

73 Ibid., 99.
74 Birla, Stages of Capital.
75 As a comparison, Shamsur Rahman’s article on legislation to the foodgrain trade in Bangladesh mentions a 1984 Guest Control Order as one of 16 acts impacting the foodgrain trade. Rahman includes a table that characterizes the act as “legally in force” but not “enforced.” Clearly, enforcing a Guest Control Orders was a challenge in many contexts. Shamsur Rahman, “Legal Environment Affecting the Foodgrain Trade,” in Out of the Shadow of Famine: Evolving Food Markets and Food Policy in Bangladesh, ed. Raisuddin Ahmed, Steven Haggblade, and Tawfiq-e-Elahi Chowdhury (Baltimore: Johns Hopkins University Press, 2000), 137–47.
76 Max Weber famously described bureaucracy is the most rational form of governance. Yet this correspondence suggest a space for competing rationalities between Centre and state. Each party had reason to frame its perspective as the most rational policy. Just as extravagant functions can be conceived of rational by those hosting them, so too do the debates between these offices point to the way that rationality is always constructed via implicit cultural assumptions. Max Weber, “The Types of Social Action,” in The Theory of Social and Economic Organization, ed. Talcott Parsons, trans. A. M. Henderson and Talcott Parsons (New York: Free Press, 1964), 115–17.
capacity to consistently enforce its laws. Scarcity, long understood as a local or regional concern, became a nationalized crisis. Conceding that there might be some difficulties in rural areas, officials nonetheless argued that the law itself inculcated the ideal mentality in the public. As such, the measures were part of a larger project of creating citizens who would be interpellated by the law, and conditioned with a sense of service to a wider public.

If the Ministry gleaned from the nationalist struggle the importance of fostering a cohesive national identity, then one might similarly argue that Patna had learned a lesson about the delegitimizing force of unpopular laws. Yet the officials at the Bihar Supply and Price Control Department never asserted that the policy was wrong on its merits or questioned the underlying rationale. Rather, they based their arguments on the legal and procedural obstacles it posed. Pragmatically, any unenforceable law was by definition misguided. Given Bihar’s resistance, it appeared that hosts in the state had little appetite to defer their own priorities and social mores until the country was no longer poor in a period of food crisis. After all, food shortages had long characterized life in Bihar.

What the bureaucrats in Patna left unstated were the specificities of the challenges that they believed Bihar as a state faced, both in terms of the implementation and the cultural practices or the population. They did not suggest that the people of Bihar had become accustomed to having more than 50 guests at parties, and that indeed such displays of extravagance were considered a necessity for affirming social ties. Nor did they note the irony that the poor infrastructure hindering the enforcement of the austerity measures in the state’s rural areas also caused crop losses that led to the shortfalls in foodgrains in the first place. More to the point, they never mentioned the absurdity of obsessing about austerity measures in a place
at a time of scarcity, when the majority of the population was impoverished and unable to access healthful food of any kind.

The very title of the Guest Control Order, with its authoritarian, even Orwellian overtones, stands out for being antithetical to notions of Indian hospitality. A common adage about guests in India is “atithi devo bhav,” a Sanskrit phrase that is often translated as “a guest is equivalent to God.” The law raises the unanswered question of who counts as a guest, and to that guest what is owed. The Guest Control Order discounted local ideologies of hospitality (self-sacrifice in service of a guest) in favor of nationalism (self-sacrifice in service of the nation). As Benedict Anderson has observed about nationalism elsewhere, this was an effort to reorient Indian citizens toward a larger public beyond community and kin, to inculcate new solidarities and obligations. Yet in doing so, the law created a general category of communal eating but sought to avoid the content and meaning of that category. The eater became an abstraction, as did the marriage or funeral festival.

Focused on formulating and implementing the statute, the debate between Delhi and Patna encoded many assumptions about regional cultures of India. The austerity measures divided the nation into rice-eating and non-rice-eating areas (broadly, Eastern India and Western India). According to the Ministry, it was reasonable to impose restrictions in non-rice areas because people could easily switch to eating wheat. But in the rice-eating states, allowances had to be made for rice consumption, because there was no alternative. In this sense, the austerity measures acknowledged that regional food cultures were an elementary value that could not be overridden. But when the discussion turned to how people eat together, the Ministry insisted that was reasonable to curtail feasting. Unlike the rice served at them, these feasts were not conceived

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of as an inextricable part of Indian culture and instead viewed as a viable target of reform.

Neither did the austerity measures venture to conjecture the reasons why the feasts are so wasteful. Hypothetically, at least, communal eating might be a lot more efficient than preparing food in separate households. Indeed in other contexts, the food austerity measures recommended communal eating. But the austerity measures proceeded from the assumption that these efficiencies did not apply to public feasting. They made no attempt to address fears about the loss of face in social settings, either by not providing sufficiently for guests, or by not inviting potential guests at all. Nor did they consider the fact that preparations are hampered by uncertainty about how many people would attend the feast, or the insult that would result from turning someone away.

With an improvement in the country’s foodgrain outlook, the Ministry of Food allowed the order to be lifted in 1954. But in the years following, India continued to struggle to produce enough food for its citizens. By the end of the decade, the government of Bihar had reinstituted food austerity measures along with a range of other restrictions on the economy. The Bihar (Limitation of Guests) Order, 1959 was compiled alongside 17 other “control orders” in a 1965

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78 Many of the files in the Ministry of Food’s archives reflect an effort to find efficiencies in the government’s cooking practices. Cf. Ministry of Food, “Measures for Austerity and Economizing in Food Grains,” RP-1085(III)/1946, National Archives of India.

79 On the possibility of the Guest Control Order giving rising to insult, consider the account of the retired civil servant Ravi Mohan Sethi. In his memoirs, Sethi recalled an episode that occurred during his posting as District Magistrate in the Uttar Pradesh town of Bahraich in the 1974-5, when a Guest Control Order was in effect. According to Sethi, there was a District Judge named Ram Sanehi who planned to host a lavish dinner. “Mr Ram Sanehi also requested exemption from the guest control order that was in force those days so that he could invite more than the twenty-five permitted. I was not inclined to accommodate the judge on this count and told him that this would set an extremely bad precedent; moreover, making an exception when the Administrative Judge was coming would raise needless controversy.” Sethi notes that having been denied his appeal, “Mr Ram Sanehi did not sit down to dinner so that the number did not exceed twenty-five.” This is surprising, given that the early Guest Control Orders typically provided an exemption for the host or hosts. Ravi Mohan Sethi, *An Uncivil Servant: An Autobiography of Ravi Mohan Sethi* (New Delhi: Rupa, 2006).

80 Tripathi notes that Indian food policy underwent significant swings in the 1950s as the government responded “in an ad-hoc manner to the overall supply position in each year.” By 1954, the country had shifted from rationing to complete “de-control.” Poor harvests in the mid-1950s, however, prompted a return to controls. During the period of “de-control,” policy makers also recognized the adverse effects of hoarding and speculation. In this sense, these early endeavors to intervene in the economy served as the foundation for the Licence Raj and the controls that followed. Tripathi, *Agricultural Prices and Production in Post-reform India*. 
The text of the 1959 statute bears a close resemblance to the 1950 Order, with the same limits on the number of guests that could attend a social function and the types and quantities of foods that could be served there. It may, however, have been a minor triumph for Patna that, in accordance with Schedule A of the 1959 statute, the Order was applicable only “within the local limits of all Municipalities … and within five miles of such limits.”

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81 Bihar (India) and P. C. Arora, eds., The Bihar Control Orders (Patna: Pahuja Bros, 1965). The other control orders pertain to different kinds of foodgrains, gur, sugar, edible oil, kerosine, cement, coal, cotton cloth and yarn, and motor spirit and highspeed diesel oil. According to Pushpesh Pant, the Guest Control Order was in place during the mid 1960s during the height of the Bihar famine. Pushpesh Pant, “Random Reflections,” India International Centre Quarterly 33, no. 3/4 (2006): 2–11. A 1971 compilation of Control Orders includes a 1968 reauthorization of the Bihar (Limitation of Guests) Order. Bihar (India) and Sitaram Lal, eds., The Bihar Control Orders, 1971, as Amended Upto 31-1-71 (Sahibganj: Anand Prakashan, 1971).

82 Bihar (India) and P. C. Arora, eds., The Bihar Control Orders, 49. Sic.


Bihar (India), and P. C. Arora, eds. The Bihar Control Orders. Patna: Pahuja Bros, 1965.

Bihar (India), and Sitaram Lal, eds. The Bihar Control Orders, 1971, as Amended Upto 31-1-71. Sahibganj: Anand Prakashan, 1971.


