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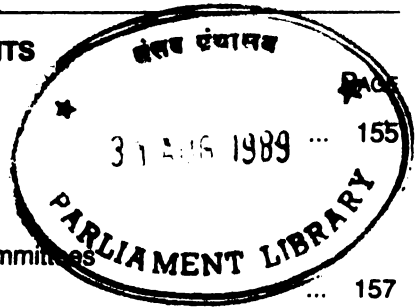
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EDITORIAL NOTE

We begin this issue with an article on "Effectiveness of Parliamentary Committees" by Shri Natwarlal Shah, Speaker, Gujarat Legislative Assembly. It deals at length with the reasons for evolution of the committee system and lays great emphasis on the role of parliamentary committees in keeping vigil over the administration. The author, however, feels that lately, the effectiveness of the committees has diminished considerably. Recounting his own experiences as Presiding Officer of Legislature, Shri Shah delineates varied reasons for this state of affairs and suggests several measures through which improvements can be made. In conclusion, he observes that the effectiveness of not only the committee system but the democratic system as such, ultimately depends upon those who administer and those who are administered.

The term 'dissolution' which is intimately linked with the history of representative parliamentary institutions, signifies the end of the life of Parliament or of the popular House of Parliament, whether on completion of its prescribed lifespan or through an act of the Executive to put a premature end to its life. The second article in this issue, "Dissolution of the Lok Sabha" refers to the constitutional provisions and election law pertaining to dissolution of the popular House of Parliament in India while dwelling at length on the use of power of dissolution in historical perspective with special reference to its application in previous Lok Sabhas.

We congratulate Shri Hidayatullah Khan on his election as Speaker of the Bihar Legislative Assembly. We also felicitate Sarvashri Ram Nath Sharma and Vanlalgena on their election as Deputy Speaker of the legislative assemblies of Mizoram and Himachal Pradesh respectively.

We deeply mourn the sad demise of the Pondicherry Speaker, Shri Kamichetty S. Varaprasada Rao Naidu.

This issue carries the other regular features, viz., wit and humour in legislatures, parliamentary events and activities, privilege issues, procedural matters, parliamentary and constitutional developments, documents of constitutional and parliamentary interest, a brief resume of the sessions of the two Houses of Parliament and State Legislatures and recent literature of parliamentary interest.

We are constantly endeavouring to make this *Journal* more useful and informative, and would always welcome suggestions for further improvement. Also, practice and problem oriented non-partisan articles in the field of parliamentary institutions and procedures are welcome from Members of Parliament, scholars and others.

—*Subhash C. Kashyap*

EFFECTIVENESS OF PARLIAMENTARY COMMITTEES

NATWARLAL SHAH

The framers of our Constitution, after careful study of the functioning of British parliamentary democracy, decided to accept a similar system for India. A close look at our Constitution reveals that we have adapted almost all important and basic aspects of British parliamentary democracy. The pivot of the parliamentary democracy is the acceptance of supremacy of the Parliament. The Executive derives all its powers necessary to run the administration from Parliament and on its failure to administer the functions properly, Parliament has inherent power to remove it. It is, therefore, one of the foremost duties of Parliament to keep vigil on the Executive and to ensure that the powers vested in the Executive are exercised properly and within the ambit of the authority granted to it by Parliament and the Constitution.

The system of parliamentary committees is one of the best systems to have proper vigil and influence on the Government. It is as old as the Parliament itself. Some of the factors which influenced evolution of the committee system in the parliamentary democracy, are as under:

- (i) Members of the House of Legislature being large in number, find it difficult to examine any matter pointedly and with deep scrutiny;
- (ii) The discussions in the House are mostly influenced by party politics whereas it is possible for the committee to function on non-political and non-party basis;
- (iii) In the committees, the conclusions are generally drawn on merit and, therefore, the purpose is better served through them;
- (iv) Unlike the House, it is not difficult for the committees to take assistance of the experts in various fields while examining different subjects entrusted to them;
- (v) It gives an opportunity to study the voluminous information received by the committees and enable the members to know the intricacies of the Government administration and its problems. After studying materials on different subjects and examining the

Government representatives, members are in a better position to find out remedial measures to public grievances and suggest ways to improve administration;

- (vi) A Committee has more time, as compared to the House, to study different subjects of administration and to assess the merits and demerits in true perspectives; and
- (vii) As the members keep close contact with the people and their living conditions, they are in a better position to understand the difficulties and grievances of the people and can explain them to the Government representatives with a view to mitigate them.

According to Sir Stafford Cripps, the effectiveness of the committee system, however, depends upon, (a) bringing together within the committee a sufficient number of members of all parties who would be prepared to take real interest in the subject to be dealt with; (b) ensuring a degree of continuity of membership and the attendance as this would enable the members to gain that intimate and wide knowledge of their subjects which would give them power to control; and (c) building up an atmosphere of common endeavour in the committees based upon a desire to develop best possible administration.

If we measure effectiveness of the committees, as per the above parameters, we find that it has diminished considerably. The reasons for this state of affairs and the measures through which improvements can be made are enumerated in the following paragraphs.

The first and the foremost reason is that certain basic principles which are necessary to be borne in mind while constituting the Committees are ignored. For instance, the Committee on Subordinate Legislation and the Committee of Privileges can justify duties entrusted to them only if members who are legal practitioners or are having sufficient knowledge and interest in the field of Law are appointed on such committees. Similarly, members who have special interest and aptitude in Economics or allied subjects should be appointed on financial committees and members who have participated in local or municipal activities, should be appointed on a committee, like the Panchayati Raj committee. Thus, to appoint a right member on a particular committee is a necessary prerequisite for effective functioning of that committee.

Secondly, proper care is not taken by the Government departments in sending required material in proper form and in given time. It is only on such material that the scrutiny by the Committee mainly depends. It has been observed that sometimes the material sent by the departments is neither readable nor arranged in a proper sequence, and moreover, without any index or page numbers, etc. Such negligence causes great

inconvenience to member while examining it. Sometimes, the material supplied by the departments does not contain adequate and relevant information sought for by the committees. In certain cases, information prepared by the subordinate officers or staff is sent to the committees in original, without any scrutiny by senior officers. Despite observations and recommendations in this regard, there has not been much improvement. This is not a healthy state of affairs. The high officials and even the Ministers concerned must exercise proper care in dealing with the committees.

Thirdly, the involvement and enthusiasm on the part of the members are also not satisfactory. Many a time, members come to attend the committee meetings unprepared. Not only do they not read the papers supplied to them much before the date of meeting, they do not even care to bring the papers with them at the time of examination. On many an occasion, members have been found in a hurry to finish the examination and abandon the meeting so as to attend to other problems of their constituencies pending in the Civil Secretariat or to attend to their other appointments/commitments. This is something quite contrary to the basic concept of the committee system and it should be restricted at any cost. The members who are not in a position to spare time for the committee work or who have no interest in a particular committee should not remain on that committee.

Fourthly, the effectiveness of a committee also depends on how it operates. In a Welfare State, the State has to perform multifarious activities and, therefore, the administration has become somewhat complex. Since it is not easy to find out the deficiencies and loopholes in the administration, a categorical and pointwise scrutiny of the subject becomes essential for arriving at a concrete and useful decision. The members of a committee, therefore, while examining any subject entrusted to them, should adhere to the specified method of asking questions and seeking information by rotation. They should refrain from interrupting other members for altogether a new point during the course of examination of a witness on a particular point. A member should cultivate the habit of asking information only after another member has finished his examination. An interruption by a member for seeking information on a different point would definitely hamper the continuity of the examination and the officer who is being examined may find it convenient to reply the new question leaving the earlier question unfinished, particularly when he finds it difficult or inconvenient to reply to that question. Such *modus operandi* makes it difficult for the committee to come to a conclusion on a definite issue. The Chairman of the committee, therefore, should conduct its proceedings in an orderly manner. The committee should take up the issues one by one, so that it can get satisfactory evidence on each issue. This will enable the committee to draw its conclusions. The Chairman

should also take care to see that no member asks of the witness any question, which is not relevant to the issue before it. Otherwise, the witness may succeed in avoiding relevant and categorical information. It has been observed that certain witnesses are very clever and do not part with the relevant information unless searching questions are asked of them. Also, the witnesses sometimes do not come prepared with the subject of examination and try to avoid relevant queries. Some witnesses know the psychology of members and problems of their constituencies. The members are also tempted to ask questions on certain problems which they may be facing in their constituencies. Hence, they leave aside the main issues under examination and concentrate on other topics in which they are more interested. This is certainly not a healthy practice and requires to be restricted by the Chairman.

Fifthly, the Committee, should frame issues underlying the subject entrusted to them and examine them in their specified order. The approach of the Committee should be objective and constructive while finding out the drawbacks and lacunae in the procedure or rules relevant to the subject matter. The committee should also study *bona fides* of the persons executing and administering any scheme or policy of the Government. It is only after a thorough examination that the committee might be able to find out the reasons for any lapse on the part of the Government and, thereafter, suggest remedial measures to rectify the mistakes committed or to make improvements in the system. The committee can also suggest measures to prevent recurrence of past mistakes. If any lacuna, malpractice or negligence in any particular work or scheme is observed, the members of the committee should not necessarily take it for granted that the officer appearing before the committee is responsible for such a situation. Even if the committee is not satisfied with the steps taken by the Government in a particular matter, the behaviour of the members towards the representatives of the Government should be temperate and courteous. Of course, if the witness is found guilty of hiding any facts or is non-cooperative, the committee should suggest action against him.

Another minor point pertains to convening of the committee sittings and summoning the witnesses. It has been observed that in spite of specific provisions in the internal working rules of a committee for summoning witnesses with a specified period of notice, they are summoned at a very short notice, which is not a healthy practice. The representatives of the departments do not get sufficient time to prepare for the examination as they could be pre-occupied with some other important work of the Government.

Sometimes, the Chairman and members of a committee come into conflict with the officers and staff of the Legislature Secretariat, who are

assisting that committee. It is true that the Chairman has a right to call or cancel a meeting, but when a meeting is called at a short notice and the witness who has been summoned to the committee is not available for examination, there may be a request from the representative of the Government to postpone the meeting or his examination. In a situation, when the Chairman is away from the headquarters, the decision regarding postponement of the sitting or examination of a particular witness has to be taken by the Secretary of the legislature or the officer in charge looking after that committee. Besides, if the Secretary of the Legislature or staff of the Committee point out any irregularity in procedure or infringement of any rule, the committee should not take any adverse view even if they find such advice inconvenient to them. However, the members should bear in mind that officers and staff of the Legislature, while performing their duty, have the same privileges and immunities which are enjoyed and claimed by them as members of the Legislature. Any attempt on the part of the committee to obstruct the officer or staff of the committee in performing their duty or to abuse them or threaten them for any act done by them in exercise of their duties, amounts to breach of their privilege. The members of the Committee should, therefore, refrain from creating such unpleasant situations.

Under the rules of procedure, the committees are permitted to go on study tour within the State and sometimes outside the State also. Depending upon the nature of subject matter under examination by a committee, the Presiding Officer allows them to visit certain places, to study various aspects of the working of public undertakings or Government offices situated there. However, before going to any particular place for examination, the committee should call for relevant information, study it properly and frame issues or area of examination. Only thereafter, the Committee should plan to go on a study tour. The concerned officer(s) of the Government as well as the authority working on the spot should also be informed well in advance so that they can keep the relevant information ready for examination by the committee.

There is much to be criticised as regards study tours of the committees outside the State. It has been observed that the committees of the State Legislature do not learn much either from the developmental activities of the State or from the experience gained by the sister committees of other States. Besides, some members do not behave properly and also do not maintain dignity of the committee while on study tour to other States. In their study tour programme, one can notice that the committees are interested only in sight seeing and not in official business. They keep hardly one or two hours for official business and rest of the time is devoted for visiting various places of interest in the State. Recently, it has also been observed that members of the committee do not go together for visiting any State, but they visit either in batches or in any other manner

they like. This type of visit clearly suggests that the committees have no intention to study the working of the sister committees in the State visited. This type of study tour creates adverse impression on the minds of the people and the dignity and decorum of the committee are not maintained. The Presiding Officers should ponder over this problem very seriously as it causes great damage to the reputation of the democratic institutions like that of a State Legislature.

People at large do not know much about the functioning of the committees and their outcome as compared to the functioning of the House. During sittings of the House, the representatives of the Press are allowed to watch the proceedings and, therefore, the business transacted in the House is reported in the Press. The Committees, however, function in camera and their proceedings are kept confidential. It is true that the reports of the committees are placed before the House and their copies given to the Press. The representatives of the Press, however, sometimes do not find time to go through the recommendations of the committees and, therefore, do not give any publicity in the Press. Under the circumstances, as the committees are working for the benefit of the people, the legislature secretariats should ensure that the people are kept informed of the functioning of the committees and their recommendations. A practice should, therefore, be developed to keep the people informed of the functioning of the committees through the Press. Though their proceedings are required to be kept secret, a Press Note can be issued regarding subject matter of examination, the broad issues or subjects of the examination, witnesses examined and places visited by the committees. After the report is presented to the House, the officer of the committee should prepare highlights of report in brief and supply the same to the Press for publication in newspapers.

Last, but not the least, an important point to be emphasised is that one should not forget the limits under which the committees are required to function. The committees should function within the ambit of the jurisdiction and should not try to cross the limits laid down under the Constitution or the rules of procedure. In a democratic set-up the Legislature or the Executive should not transgress the boundaries demarcated for them under the Constitution. The Legislature has to see whether or not the Executive is functioning according to the policy framed or within the ambit of its authority delegated to it by the Legislature or the Constitution. It can certainly criticise the functioning of the Government and suggest remedial measures for any default, negligence or unauthorised act of the Government. The committee can express their views and make recommendations in the form of a report, but it is none of their business to direct any authority or the Government to do or not to do any particular act or to do certain act in a particular way. This should be taken care of, especially by the committees during the study tour. In this regard, the following

observation of the Select Committee of the House of Commons is most pertinent:

The control means influence, not direct power; advice, not command; criticism, not observation; security, not initiation and publicity, not secrecy.

The role of the committees in a democratic set-up is distinguished and demarcated and if they function effectively in a proper manner and within the ambit of their authority, they may not find any difficulty to have proper control and influence over the functioning of the Executive. The effectiveness of the entire democratic system, however, ultimately depends upon those who administer and those who are administered. The following observation of Pandit Jawaharlal Nehru is of great significance in this context:

Parliamentary democracy demands many virtues. It demands, of course, ability. It demands a certain devotion to work. But, it demands also a large measure of cooperation, discipline and restraint.

DISSOLUTION OF THE LOK SABHA

SUBHASH C. KASHYAP

The concept of "dissolution" is intimately linked with the history of representative parliamentary institutions. No assembly of men, howsoever popularly elected, can possibly represent the people for all times. Hence the need for periodic renewals of the popular mandate. The duration of the House is normally laid down in the constitutional document or determined by legislative enactment. It is co-terminous with the full term for which its members were elected at the previous general election. "Dissolution" signifies the end of the life of Parliament or of the popular House of Parliament. On completion of its prescribed lifespan, an elected House of legislature usually stands dissolved automatically. While such a dissolution is a familiar constitutional phenomenon, in a narrower sense, "dissolution" also indicates an act of the Executive to prematurely put an end to the life of the legislature, so as to seek a fresh mandate from the electorate or to make an appeal to the ultimate masters—the people—against the views of the parliamentary majority of the moment. Whether it is automatic dissolution on completion of the prescribed term of a House or premature dissolution by the Head of the State, in either case, it is perfectly legitimate, legal and constitutional insofar as it happens to be provided for and specifically permitted under the Constitution and the laws of the land.¹

Constitutional position

Article 83(2) of the Constitution of India states:

(2) The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House:

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six

1. Also see B. S. Markesinis: *The Theory and Practice of Dissolution of Parliament*, Cambridge University Press, Cambridge, 1972, Chapter I.

months after the Proclamation has ceased to operate.²

Article 85(2)(b) of the Constitution provides that the President may from time to time dissolve the House of the People. Thus,

- (i) the normal life of the Lok Sabha is five years,
- (ii) the expiry of the period of five years from the date appointed for the first meeting of the Lok Sabha *ipso facto* operates as its dissolution,
- (iii) the President may also dissolve the House sooner, and
- (iv) during a period of Emergency, the life of the Lok Sabha may be extended by Parliament by law for a year at a time.³

If put in a somewhat different sequence, the emphasis of the constitutional provisions seems to shift. It may, for example, be said that

- (i) it is for the President to dissolve the House "from time to time",
- (ii) but, if the President does not dissolve the House for five years, at the end of five years it will automatically stand dissolved, unless, during Emergency, its life is meanwhile extended by Parliament.

Such a construction will mean that it is normal for the Lok Sabha to be dissolved before the expiry of the five-year period which is stipulated merely as the outer limit or the maximum period during normal times, and not so much as a fixed term. ⁴Be that as it may, dissolution of the Lok Sabha under the Constitution of India may be defined as the end of the life of the House brought about either by an Order made by the President under article 85(2)(b) or by the expiration of the period of five years or any

2. By the Constitution (Forty-second Amendment) Act, 1976, the life of Lok Sabha was made six years. It was, however, restored to five years, by the Forty-fourth Amendment in 1978.

3. There is no maximum limit for such extensions. The idea is that it may be possible to pass such a law again and again each time extending the life of the House for a year, so that the same Lok Sabha may continue to sit for the entire duration of the Emergency, and it may not be necessary to distract the attention of the nation from tasks of national survival. But, as soon as the Emergency comes to an end, fresh elections to the House should be held and the life of the House cannot then be extended beyond a period of six months.

4. For a discussion of this view, see B. G. Verghese under "Dissolution of Lok Sabha—Views and Notes", *Journal of Constitutional and Parliamentary Studies*, Vol. V, No. 3.

extended period from the date appointed for its first meeting under article 83(2). The first meeting of the House is considered to have taken place from the day on which the President makes opening address to both the Houses assembled together after a general election. No business can be transacted by the House before it is formally opened. The days on which members take their oath etc., *i.e.* the period between the constitution of the House and its first meeting is not taken into account for this purpose.

Election Law

After dissolution, a new Lok Sabha has to be constituted in terms of the Representation of the People Act, 1951, which provides that:

A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution.

And further that:

The President shall by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission call upon all Parliamentary Constituencies to elect members in accordance with the provisions of this Act. Provided that where a general election is held otherwise than on the dissolution of the existing House of the People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that House would expire.⁵

Under Section 30 of the Representation of the People Act, 1951, a general election to Lok Sabha can be held six months in advance of the expiration of the life of the existing House, although the new House is constituted only after the dissolution of the existing House. This is a departure from the practice in the United Kingdom where the existing Parliament is first dissolved and then the general election follows to constitute the new House of Commons.⁶

Section 73 of the Representation of the People Act, 1951, *inter alia* provides that upon the issue of a notification by the Election Commission in the Official Gazette of the names of the members elected to the House, the Lok Sabha "shall be deemed to be duly constituted". And, once the House is so constituted, it becomes amenable to dissolution, *i.e.* it can be dissolved even before it has been summoned to meet or started

5. The Representation of the People Act, 1951, Section 14.

6. L.A. Abraham and S.C. Hawtrey: *Parliamentary Dictionary*, London, 1956, p. 82.

functioning. It was held by the Court in *K.K. Aboo vs. Union of India and others* that it was not necessary under any provision of the Constitution that a date should have been fixed for its first meeting. "Once the Assembly is constituted, it becomes capable of dissolution." And, once it is dissolved, it cannot be summoned to meet, for its members immediately lose their representative character.⁷

Power of Dissolution

Article 75(3) of the Constitution provides that the Council of Ministers is collectively responsible to the Lok Sabha. By a vote of no-confidence, the Lok Sabha can, therefore, bring down a government. But, as a corollary, there is an equally potent power in the hands of the Executive and that is the power to dissolve the Lok Sabha "from time to time". *i.e.* at any time, even before the completion of its prescribed five-year term. In parliamentary polity, the power to dissolve Parliament is for the Executive what the invoking of ministerial responsibility to the popular House is for Parliament. The two balance each other. If the Lok Sabha can throw out the Government, the Government can dissolve the Lok Sabha. Dissolution does not, however, subject the Lok Sabha to the wishes of the Government but to the wishes of the supreme masters—the people themselves.

Article 53 of the Constitution provides that the executive power of the Union vests in the President. Under article 74(1) all the functions of the President have to be discharged by him with the aid and advice of the Council of Ministers headed by the Prime Minister. The exercise of the power of dissolution of the Lok Sabha vested in the President by Article 85(2) is an executive function of the President's office and as such has to be performed with the aid and advice of the Council of Ministers. The President's power of dissolution does not stem from any prerogative as in England; it can *prima facie*, be exercised only on the advice of the Council of Ministers. The President, as has been provided in the Constitution, "shall, in exercise of his functions, act in accordance with such advice." Prior to the addition of the word "shall" to article 74(1) by the Constitution (Forty-second Amendment) Act, 1976, some doubts were expressed in regard to the binding nature of ministerial advice and it was sometimes said that the President was free to refuse a dissolution where it was improperly asked for, or where such advice would give rise to an abuse of power by the Prime Minister. The only prerogative that the Constitution (Forty-fourth Amendment) Act, 1978, left to the President in this regard was that upon any such advice, he could ask the Council of Ministers once, to reconsider the advice but he could not

7. A.I.R. 1965, Kerala 229.

eventually refuse to oblige if the Council of Ministers reiterated its advice after reconsideration.⁸

In December 1970, Prime Minister Shrimati Indira Gandhi advised the President to dissolve the Lok Sabha on the ground that there were serious problems to be solved and that the Congress Party was weakened by a split so that she needed a fresh mandate of the people. Since the advice was tendered by the Prime Minister and not the Council of Ministers, the President was reported to have asked the Prime Minister to place the matter before the Council of Ministers first. Finally, though the President accepted the advice of the Council of Ministers, in the Communique issued from his Secretariat it was pointedly stated that the President accepted the "Cabinet's decision" to advise him to dissolve the Lok Sabha only "after careful consideration of the matter".⁹ It deserves to be noted that it happened before the advice of the Council of Ministers was made legally obligatory on the President by the Constitution (Forty-second Amendment) Act, 1976.

The first occasion when the power of dissolution was used after coming into force of the forty-second amendment came up on 19 January 1977, when the President dissolved the Lok Sabha, even one year before the expiry of its term which had been extended during Emergency after its normal term had expired in March 1976. The President did so on the advice of the Prime Minister on the ground of reverting back to normal administration after obtaining a mandate from the people in support of the steps taken by her to restore the health of the nation for which internal Emergency had to be proclaimed. In that case, the advice of the Prime

8. Also see article 78(c) which reads: "It shall be the duty of the Prime Minister.....if the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council".

9. The text of the Communique issued on 27 December 1970 reads as follows:

"The Prime Minister met the President on December 24 and conveyed to him the proposal to seek the dissolution of the Lok Sabha. She said that the sole consideration in making the recommendation was the Government's desire to seek a fresh mandate from the people to enable them to effectively implement their socialist and secular programmes and policies. Subsequently, on the same day, some Opposition Leaders also met the President.

The Prime Minister again called on the President this evening and conveyed to him the Cabinet's decision to advise the President to dissolve the Lok Sabha. After careful consideration of the matter, the President has accepted the recommendation."

Minister was simply accepted by the President in dissolving the House.¹⁰ The next such occasion was on 22 August 1979, when Prime Minister Shri Charan Singh, who had failed to face the House and had tendered his resignation, advised the President to dissolve the Lok Sabha. The advice of the Council of Ministers headed by such a caretaker Prime Minister was also accepted by the President who acted accordingly. Of course, the Communique issued this time also referred to the exercise of the President's individual judgement after considering other circumstances.¹¹

It is generally recognized that as a consitutional head, the President has

10. Relevant extracts from the Prime Minister's broadcast to the nation on 18.1.1977 are reproduced below:—

"Anyone can see that to-day the nation is more healthy, efficient and dynamic than it had been for a long time. The question now before us is how to restore substantively those political processes on which we were compelled to impose some curbs....

Our system rests on the belief that Governments derive their power from the people, and that the people give expression to their sovereign will every few years, freely and without hindrance, by choosing the Government they want and by indicating their preferences for policies. The Government so chosen has their complete mandate to carry out such policies....

"But we also strongly believe that Parliament and Government must report back to the people and seek sanction from them to carry out programmes and policies for the nation's strength and welfare.

Because of this unshakeable faith in the power of the people, I have advised the President to dissolve the present Lok Sabha and order fresh elections. This, he has accepted...."

11. The text of the Communique issued on 22 August 1979, reads as follows:

"The President, having accepted the resignation of the Prime Minister, Shri Charan Singh, and his Council of Ministers on 20 August 1979, and having asked them to continue in office till other arrangements are made, had consultations with the leaders of various political parties, constitutional and legal experts.

"The Cabinet at its meeting held on 20 August, 1979, unanimously resolved to advise the President that arrangements may be made for a fresh mandate to be obtained from the people. Almost all the political parties, except the Janata Party, are unanimous in demanding a fresh mandate from the electorate. The President, after considering all relevant aspects of the situation, decided to dissolve the Lok Sabha. A Presidential Order under sub-clause (b) of clause (2) of article 85 of the Constitution dissolving the Lok Sabha has been issued.

"The President had consultations with the Prime Minister and some of his Cabinet Colleagues who assured that

- (i) elections will be peaceful, free and fair. The revision of the electoral rolls will begin immediately and completed by October. The election time table will commence in November and will be completed by December 1979. This will ensure that the provisions of the Constitution relating to reservation of seats for Scheduled Castes and Scheduled Tribes and representation of the Anglo-Indian community in the Lok Sabha, will continue.
- (ii) the Government will not take decisions during this period which set new policy or involve new spending of a significant order or constitute major administrative/executive decisions. However, work of an urgent nature involving the national interest will not be held up."

no discretionary powers. Also, during the last nearly four decades, there has not been a single instance of the President disregarding the aid and advice of the Council of Ministers or acting on his own in any matter. Despite a specific mention in the Constitution that the advice of the Council of Ministers shall be binding upon the President, some controversy has persisted particularly amongst the academics on the point whether the President is always bound to act on the aid and advice of the Council of Ministers or whether there are some matters or circumstances in which he may have a degree of discretion to act on his own or to disregard the advice tendered by the Council of Ministers.¹²

The Chairman of the Constitution Drafting Committee, Dr. B. R. Ambedkar, had said in the Constituent Assembly that while the advice of the Council of Ministers was binding on the President as the constitutional Head of the State in all matters, there were two prerogatives which the Head of the State could exercise, one was the appointment of the Prime Minister and the other "the dissolution of Parliament". Elucidating his views later, Dr. Ambedkar had again said:

The President of the Indian Union will test the feelings of the House whether the House agrees that there should be dissolution or whether the House agrees that the affairs should be carried on with some other leader without dissolution. If he finds that the feeling was that there was no other alternative except dissolution, he would as a constitutional President undoubtedly accept the advice of the Prime Minister to dissolve the House.¹³

On the various suggestions that have been made from time to time for clarifying the position in regard to the power of dissolution, one made in 1970 sought to provide that the President should exercise his authority to dissolve the Lok Sabha only when Parliament agrees to such a proposal and not automatically upon the advice of the Prime Minister or Council of

12. The question whether the advice of the Council of Ministers to the President to dissolve the House of the People is binding on the President was discussed in *Samsher Singh's* case. The Court mentioned as an instance of exceptional situation where in nature of things, the President cannot act according to the advice of the Council of Ministers. The question whether the exception would survive the imperative text introduced by forty-second amendment has to be solved by applying the canons of interpretation. Applied to the question of ministerial advice, it would appear that the President cannot be required to act according to ministerial advice where such advice is not available or where a function is inherently of such a nature that it cannot be performed with the advice of the existing Council of Ministers. For details, see *Samsher Singh Vs. State of Punjab*, 1974 S. C. 2192, paras 26—32.

The controversy became somewhat pronounced during the later period of the Presidency of Shri Zail Singh particularly in the context of the Postal Bill which was not assented to by the President and the advice regarding assent being given to the Bill was reported to have been returned for reconsideration.

13. *Constituent Assembly Debates*. Vol. VII, p 1158 and Vol. VIII, p.117.

Ministers. A Constitution (Amendment) Bill to this effect was introduced in the Lok Sabha on 27 February 1970 by Shri Srinibas Mishra, MP. The Bill sought to amend article 85(2)(b) by adding that the President might from time to time dissolve the House of the People when:

- (i) the House by a resolution consents to such dissolution; or
- (ii) the House either refuses to assent to a demand for grant or rejects an Appropriation Bill, made or introduced, with the aid and advice of three successive Councils of Ministers.

So long as the Council of Ministers commands the support of the majority of the members in the Lok Sabha, there can be no doubt that any advice to dissolve the House tendered by the Prime Minister or the Council of Ministers cannot be disregarded by the President. Whether and when the House should be dissolved and fresh elections ordered are matters for the political judgement of the Prime Minister. Also, where the Prime Minister is defeated in the House on a substantive motion or fears such a defeat, he is entitled to appeal to the electorate and seek their verdict once again. The President may not refuse his request to dissolve the House. Even where the Prime Minister's party fails to secure an absolute majority at the polls, the President will have to realize that before refusing the Prime Minister's advice to dissolve the House, the woes of finding an alternative Government will be his and, therefore, he will have to consider whether it is possible for any other person to provide a viable alternative Government because there is no provision for President's rule at the Union level and there must always be a Council of Ministers.

A point may perhaps be made that in order to be acceptable to or binding on the President, the advice should come not from the Prime Minister but from the Council of Ministers inasmuch as article 74(1) of the Constitution requires the President to act on the aid and advice of the Council of Ministers and not of the Prime Minister alone. The argument is further strengthened by article 78(c) which empowers the President to return for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister and which has not been considered by the Council. This, however, ignores the fact that the Prime Minister is not only the head of the Council but all the members of the Council are appointed on his advice and in the context of collective ministerial responsibility they can continue to be such members only so long as they enjoy his confidence. In such a situation, the advice of the Council of Ministers can hardly be different from the advice of the Prime Minister whose views must ultimately prevail. Thus, it seems that except in the event of an Opposition party being returned with a clear majority and a leader capable of forming an alternative Government, the President may never refuse to accept the advice of the Prime Minister to dissolve the Lok Sabha. The Prime Minister should be allowed to seek a fresh mandate

from the people as and when he likes. By a refusal, the President may lay himself open to the charge of partisanship and involvement in political controversy. Also, refusal to dissolve the House at a time when Government is not stable, may lead to all kinds of unprincipled combinations and permutations and horse trading among the legislators and political parties,¹⁴ notwithstanding the anti-defection law which itself permits 'splits' and 'mergers'.

The Constitution does not lay down anything in regard to when, on what considerations, and under what circumstances the power to dissolve the Lok Sabha can be exercised. The decision seems to have been left entirely to the Executive to be decided in the context of the exigencies of the situation in each case. The framers of the Constitution presumably envisaged a very wide ambit of the power of dissolution.

Procedure for Dissolution

The procedure in regard to the "normal" dissolution of the Lok Sabha i.e. dissolution towards the close of its term of five years, is that the Secretary-General, a few days before the termination of the last session of Lok Sabha, inquires of the Prime Minister, through the Minister of Parliamentary Affairs (and through the Leader of the House, if the Prime Minister himself is not the Leader of the House), or the Minister of Parliamentary Affairs (or the Leader of the House as the case may be) himself sends a communication about the date for the dissolution of the House suggested by the Prime Minister. The proposal of the Prime Minister, as agreed to by the Speaker, is submitted by the Secretary-General to the President. A draft Order is also sent along with the note indicating the date on which it is proposed to dissolve the House. The Order is signed by the President on the date on which Lok Sabha is to be dissolved. After the President has made the Order, it is notified in the *Gazette Extraordinary* of the day on which the Order is received in the Lok Sabha Secretariat. Simultaneously, the Lok Sabha Secretariat issues a Press Communique for wider publicity of the Order in the Press as well as over the radio and the television. A paragraph is also issued in the Lok Sabha Bulletin informing the members of the dissolution of Lok Sabha.

In case the Prime Minister decides to recommend to the President to dissolve the Lok Sabha before the end of its normal term, he submits the proposal to the President and communicates the President's Order of dissolution to the Speaker. The Secretary-General then notifies this in the *Gazette* and informs the members through the Bulletin. Publicity is also

14. See M.P. Jain, Propriety of Dissolution of Lok Sabha, *Journal of Constitutional and Parliamentary Studies*, Vol. V, No. 3.

given through the Press and other news media.¹⁵

Effects of Dissolution

The consequences of dissolution of the Lok Sabha are absolute and irrevocable. Dissolution marks the end of the life of a House. It becomes *functus officio*, ceases to exist and is followed by the constitution of a new House. As has been rightly said, it virtually "passes a sponge over the parliamentary slate". All business pending before it or any of its committees lapses. This includes even the business like Bills, disposed of by the Lok Sabha but pending in Rajya Sabha on the date of dissolution. No part of the records of the dissolved House can be carried over and transcribed into the records or registers of the new House, except of course the reports of Parliamentary Committees and assurances given by Ministers in Parliament, which can be carried over and transcribed into the records or registers of the new House. The dissolution, in short, draws the final curtain upon the existing House.¹⁶

This lapsing of all pending business is justifiable—in the words of Markesinis, both logically and politically. "Logically, because the new Parliament cannot inherit and cannot be held responsible for the activities of its predecessor to which it has not contributed at all. Politically, because it is believed that the unfinished work of the previous House may run counter to the national feeling expressed in the new Parliament. It is only fair that the new House be given the opportunity to decide on what subjects it will legislate."¹⁷

Article 107 of the Constitution lays down the effect of dissolution upon Bills before each House of Parliament in the event of dissolution of Lok Sabha. The present position of the effect of dissolution upon pending Bills is that:

In Lok Sabha, all Bills pending at the time of dissolution, whether originating in the House or transmitted to it by Rajya Sabha lapse; and in Rajya Sabha, Bills passed by Lok Sabha, but which have not been disposed of and are pending in Rajya Sabha on the date of dissolution, lapse. Only the Bills originating in Rajya Sabha which have not been passed by Lok Sabha but are still pending before Rajya Sabha, do not lapse. A Bill originating in Rajya Sabha, and pending in that House after having been transmitted to Lok Sabha and returned by Lok Sabha with amendments, also lapses.

15. M. N. Kaul and S. L. Shakdher, *Practice and Procedure of Parliament*, Metropolitan, Delhi, 3rd ed., 1978, p. 158.

16. *Ibid.*, p. 159, M. N. Kaul, *Effect of Dissolution upon Pending Business in Parliament*, *Journal of Parliamentary Information*, Vol. IV, No. 1, p. 19.

17. Markesinis, *op. cit.*, pp. 17-18.

If, however, in respect of a Bill upon which the Houses have disagreed and the President has notified his intention of summoning a joint sitting of the Houses for the consideration of the Bill prior to dissolution, that Bill does not lapse and may be passed at a joint sitting of both Houses, notwithstanding that dissolution has intervened since the President notified his intention to summon the joint sitting of the Houses.¹⁸ There is no express provision in the Constitution regarding the effect of dissolution on a Bill which has been passed by the two Houses of Parliament and sent to the President for assent. It has, however, been held by the Court in *Purushothaman Nambuduri vs. State of Kerala* that such a Bill which is pending assent does not lapse on the dissolution of the House. Further, if such a Bill is returned by the President for reconsideration, the successor House can reconsider it and if it is passed by the successor House (with or without amendments), "it will be deemed to have been passed again".¹⁹ All other items of business pending in Lok Sabha, e.g., motions, resolutions, amendments, supplementary demands for grants etc., at whatever stage, lapse upon dissolution, as also the petitions presented to the House which stand referred to the Committee on Petitions. A motion for approval or modification of statutory rules laid on the Tables of both Houses under the provisions of an Act, passed by Lok Sabha and transmitted to Rajya Sabha for concurrence and *vice versa* also lapses on dissolution of Lok Sabha.²⁰

All business pending before Parliamentary Committees of Lok Sabha lapses upon dissolution of Lok Sabha. Committees themselves stand dissolved on dissolution of Lok Sabha. A Committee which is unable to complete its work before the dissolution of the House may, however, report to the House to that effect, in which case any preliminary memorandum or note that the Committee may have prepared or any evidence that it may have taken is made available to the new Committee when appointed. Likewise, where a report completed by a Committee when the House is not in session is presented by its Chairman to the Speaker and before its presentation to the House in the next session, Lok Sabha is dissolved, the report is laid by the Secretary-General, on the Table of the new House at the first convenient opportunity. While laying the report, the Secretary-General makes a statement to the effect that the report was presented to the Speaker of the preceding Lok Sabha before its dissolution; where it was ordered by the Speaker that the report be printed or circulated under rule 280, the Secretary-General reports that fact also to the House.²¹

18. Article 108(5) of the Constitution.

19. A.I.R. 1962 S.C. 694.

20. Kaul and Shakdher, *op. cit.*, p. 160

21. *Ibid.*, pp. 160-161 and Kaul, JPI (IV-1), *op. cit.*

Cases of Dissolution

The first Lok Sabha, which met for the first time on 13 May 1952, was dissolved by the President on 14 April 1957, one month and nine days earlier than its normal life of five years.

The second Lok Sabha, which held its first sitting on 10 May 1957, was dissolved on 31 March 1962, 40 days earlier than its normal life.

The third Lok Sabha held its first sitting on 16 April 1962 and was dissolved on 3 March 1967, 44 days before the expiry of its term.

The fourth Lok Sabha, which held its first sitting on 16 March 1967, was dissolved rather prematurely on 27 December 1970, one year and 79 days before the completion of its full term of five years.

On 4 February 1976, Parliament passed the House of the People (Extension of Duration) Act, 1976, to extend by one year the duration of the fifth Lok Sabha, the normal term of which would have expired on 18 March 1976. It was again extended for one more year upto 18 March 1978, but the House was in the meantime dissolved on 18 January 1977, *i.e.* before the expiry of its second extended term. This was done at a time when two Proclamations of Emergency — one on the basis of “external aggression”, dated 3 December 1971 (during Bangladesh crisis) and other on the basis of “internal disturbance”, dated 25 June 1975 — were operating side by side.

The sixth Lok Sabha held its first meeting on 25 March 1977 and after remaining in existence for nearly two years and a half, it was dissolved by the President on 22 August 1979, in the midst of some interesting political happenings.

The seventh Lok Sabha held its first meeting on 21 January 1980. It was dissolved on the last day of December 1984, nearly twenty days prior to its having completed its normal term.

It is thus interesting to note that ever since the Constitution came into force, every time the Lok Sabha has been dissolved by the President under article 85(2) (b) of the Constitution, before completing its full lifespan except the fifth Lok Sabha which also was dissolved before completing its extended term. The Presidential Order in each case has been in the following form:

In exercise of the powers conferred upon me by sub-clause(b) of clause(2) of article 85 of the Constitution, I hereby dissolve the Lok Sabha.²²

22. See, for example, *The Gazette of India, Extraordinary, Pt.1, 27 December 1970.*

The "premature dissolution" of the second Lok Sabha on 31 March 1962 and the summoning of the third Lok Sabha on 16 April 1962 were questioned in a court of law. A petition was filed by one Shri N.C. Samantsinhar before the Circuit Bench of the Punjab High Court at Delhi under article 226 of the Constitution praying that a *rule nisi* be issued declaring the premature dissolution void and ineffective and that in the interval respondents be directed not to proceed with the summoning of the third Lok Sabha. The High Court, however, dismissed the petition on 4 April 1962.

Speaking strictly technically or legally, from the first to the seventh Lok Sabha, the House has never stood dissolved automatically under article 83(2) on grounds of the expiration of the normal time of five years. In the case of the first, the second and the third Lok Sabhas, however, dissolution came after the general elections to the new Lok Sabha. These dissolutions could not be really considered very premature. They were in the category of what has come to be regarded as the "normal dissolution" of the Lok Sabha. The dissolution of the fourth Lok Sabha and the sixth Lok Sabha, on the other hand, was on all counts considered premature. Elections had not even been announced and the expiry of the term was more than one year away. These dissolutions, therefore, generated at the time some special interest and even controversies. It may be worthwhile, therefore, to recount the course of events leading to the dissolution on both the occasions.

Dissolution of the fourth Lok Sabha: The 1967 general election had completely shaken the Congress Party and forced some serious rethinking which favoured a socialistic approach to bringing down disparities and building and egalitarian social order. In June 1967, the All India Congress Committee adopted a ten-point programme which sought the implementation of several progressive measures like the nationalization of banks and abolition of privy purses and privileges of the former Princes. At the Bangalore Session of the AICC held in July 1969, the Prime Minister, Shrimati Indira Gandhi, took the initiative in suggesting accelerated action towards implementing the ten-point programme and giving a new orientation to economic policies. She laid stress on land reforms, restriction of monopolies, nationalization of banks, abolition of privy purses and privileges, etc. Her suggestions were incorporated in a resolution passed by the AICC.

Events in the rest of 1969 moved rather fast. Relieved of the Finance portfolio, the Deputy Prime Minister, Shri Morarji Desai, resigned from the Cabinet. Fourteen major banks were nationalized. Shri V.V. Giri was

elected President defeating the official Congress Party candidate, Shri N. Sanjiva Reddy. The split in the party followed. With the defection of some 62 members of the Congress Party, what remained as the ruling Congress Party ceased to command an absolute majority support in the Lok Sabha. It was reduced to the position of the single largest party. Shrimati Indira Gandhi, however, continued to enjoy the support of the majority of the members in the Lok Sabha. The CPI and other opposition groups and some independents extended their support to her. In pursuance of the economic policy outlined in the Bangalore resolution, a terse, three-clause Constitution (Twenty-fourth Amendment) Bill was introduced in the Lok Sabha on 18 May 1970.

The Bill sought to delete articles 291 and 362 and Clause (22) of article 366 with a view to ending the last vestiges of princely rule in India. The statement of objects and reasons in the Bill said :

The concept of rulership, with privy purses and special privileges unrelated to any current functions and social purposes, is incompatible with an egalitarian social order. The Government has, therefore, decided to terminate privy purses and privileges of the rulers of former Indian States²³.

The consideration of the Bill was taken up by the Lok Sabha only on 1 September 1970. The Motion for consideration was moved by the Prime Minister herself. A three-line Whip was issued to all the members of the ruling party making it compulsory for them to attend and vote and disallowing firmly any "conscience vote".

The Lok Sabha debated the Bill for two days, 1 and 2 September. On the second day, amidst acclamation from the treasury benches and a sizeable section of the Opposition, the Speaker, Dr. G.S. Dhillon, declared that the Bill as amended by an official amendment moved by Shrimati Gandhi had been passed by 339 to 154 votes, *i.e.* by 9 more votes than the required two-thirds majority.

While speaking on the Bill in a packed House with the highest ever percentage of attendance (98.5), the Prime Minister had earlier appealed to MPs to show a sense of history in the context of the needs of a dynamic society striving for equality and social justice. Princely privileges and privy purses, she said, were incompatible with the democratic

23. *Times of India*, 19 May 1970. Also see *The Hindu*, 19 May 1970.

Constitution, the spirit of the time and the demand for change.²⁴

The Bill as passed by the Lok Sabha came up before the Rajya Sabha and was discussed on 4 and 5 September 1970. In almost the same words as she had used in the Lok Sabha, the Prime Minister appealed for the acceptance of the Bill, declaring that history was irreversible and change inevitable. When the Bill was put to the vote, it got as many as 149 votes, as against only 75 members opposing it. It, however, failed to get the requisite two-thirds majority by a thin margin of a mere one-third of one vote. The passage of the Bill was thereby blocked.²⁵

After the Constitution (Twenty-fourth) amendment Bill, 1970 was thrown out in the Rajya Sabha, the Prime Minister called an emergency meeting of the Union Cabinet. The Cabinet decided to advise the President to derecognize all the 278 "Rulers" by a Presidential Order issued under article 366(22) of the Constitution under which a "Ruler" meant a person who *inter alia* was recognized as such by the President for the time being. Before the next day dawned, the Presidential Order was signed by Shri V.V. Giri who was then at Hyderabad in the South. The withdrawal of recognition was understood to imply automatic abolition of the privy purses and privileges. Within four days of the derecognition order, five of the former rulers filed a petition in the Supreme Court challenging the Presidential Order and seeking an *ex parte* stay of its operation. The Supreme Court delivered its judgement on 15 December 1970 and by a 9 to 2 majority held the derecognition order of the President to be "unconstitutional illegal and void and on that ground inoperative".

Reacting to the Supreme Court judgment and angry inquiries of excited and restive MPs, Prime Minister Shrimati Gandhi told the Lok Sabha and the Rajya Sabha on 15 and 16 December that the Government had "expected obstacles in every step in our march towards progress and in bringing better life to our people", the court judgment did not constitute a "defeat" or create any "predicament" for the Government which remained "committed to its policy of abolition of privy purses by appropriate constitutional means".

On 27 December 1970 the President dissolved the Lok Sabha in exercise of the powers conferred upon him by sub-clause (b) of clause (2) of Article 85 of the Constitution. The sequence of developments leading to the final issue of the Presidential Order as given in the official communi-

24. Lok Sabha Debates, 1-2 September 1970.

25. The Government needed a minimum of 149½ votes (two-thirds of the 224 out of a total of 240 members present and voting). See Subhash C. Kashyap, *The Indian Princes and the Constitution*, *The Table* (London), Vol. XL, 1971 (1972).

que, issued from the Rashtrapati Bhavan was significant.²⁶

A careful reading of the Communique, makes it amply clear that there was a time-lag of as many as four days between the date of the Prime Minister's first meeting with the President on 24 December when she conveyed her proposal to seek a dissolution of the Lok Sabha, and the second meeting on 27 December, when she conveyed the Cabinet's decision in this regard. It shows that—

- (i) the dissolution was conceded on the advice of the Cabinet and not on the advice only of the Prime Minister herself, and
- (ii) the President accepted the advice only after giving "careful consideration" to all aspects of the matter including the viewpoints of the Opposition leaders who had also met him in between.

This shows that the President, even though he was bound by the "aid and advice" of the Cabinet, did give "careful consideration" to such issues of constitutional importance.

Soon after the Presidential Order dissolving the Lok Sabha was issued on 27 December 1970, the Prime Minister spoke in a broadcast to the nation of the difficulty encountered by her Government in pushing through its socialistic programmes and policies of socio-economic transformation, like the nationalization of banks, control of monopolies and restrictive trade practices, etc. and pointed out how the constitutional amendment abolishing the privy purses and privileges of former rulers had been lost by a fraction of a vote in the Rajya Sabha and how the Supreme Court had struck down the Presidential Order derecognizing the former rulers. The Prime Minister maintained that even though her Government continued to enjoy the majority support in Parliament, her Government had decided to seek a fresh mandate of the people "to effectively implement the socialist and secular programmes and policies". She described the premature dissolution of the Lok Sabha as "a step unprecedented in India though it was not an unusual parliamentary practice".

The party position in the Lok Sabha at the time of dissolution was as follows:

Congress-221; CPI(M)-19; CPI-24; DMK-24; JS-33; Congress(O)-63; Swatantra-35; SSP-17; PSP-15; UIPG-25; BKD-10; Unattached-24; Vacancies-3.

It is important to reiterate that at the time of advising the President to

26. For the text of the Communique, see f.n. 9, ante.

dissolve the Lok Sabha, Shrimati Gandhi enjoyed the undisputed support of the majority of members in the Lok Sabha. Even though the ruling Congress Party did not command an absolute majority in the House, it was still the single largest party and its Government had the unconditional support of several opposition groups and independents. Still, if the Prime Minister preferred to seek a dissolution it was because, as she said in her broadcast to the nation on 27 December, 1970:

There comes a time in the life of a nation when the government of the day has to take an unusual step to cut through difficulties in order to solve pressing problems with which the country is beset. The present is such a time..... It is because we are concerned not merely with remaining in power, but with using that power to ensure a better life for the vast majority of our people and to satisfy their aspirations for a just social order....Time will not wait for us. The millions who demand food, shelter and jobs are pressing for action. Power in a democracy resides with the people. This is why we have decided to go to our people and seek a fresh mandate from them.....²⁷

The fresh general election to the Lok Sabha held in March 1971 vindicated the programmes and policies of Prime Minister, Shrimati Gandhi. Her ruling Congress Party was returned not only with absolute majority in its own right but with a clear two thirds majority.

Dissolution of the Sixth Lok Sabha: After the defeat of Shrimati Indira Gandhi's Congress Party at the polls, the Janata Party, which was a conglomerate of different parties united to provide an alternative to the Congress, formed the Government with Shri Morarji Desai as the Prime Minister. Soon, cracks began to appear in Janata Party and it became difficult to enforce joint responsibility of the Council of Ministers on important policy matters. The first open attack on the Government was made by Shri Raj Narain, a Minister, who left the party along with about 7 members to form a new party, Janata (Secular). This was followed by some more defections to the Janata (S). Later, Shri Charan Singh also joined the party formed by the defectors and was elected its leader. The leader of the Congress forming the official opposition, Shri Y.B. Chavan brought a motion of no-confidence against the Government. Shri Morarji Desai submitted the resignation of the Janata Government on 16 July 1979. The President accepted his resignation and asked him to continue in office until alternative arrangements were made.

The President called upon Shri Chavan to form the Government. On his expressing his inability to do so, the President asked both Sarvashri Morarji Desai and Charan Singh to submit lists of their supporters separately. The two lists were duly submitted. Later, some of the members

27. *The Years of Endeavour*, selected speeches of Indira Gandhi, August 1966— August 1972, New Delhi, pp 75-76.

in Shri Desai's list stated that they were not supporting him. Shri Desai resigned the leadership of the Janata Party and Shri Jagjivan Ram was elected its leader.

The President invited Shri Charan Singh to form Government as he had larger number of members in his list even though not absolute majority. He was asked to prove his majority on the floor of the House not later than 20 August 1979. Shri Charan Singh, however, resigned from the office of the Prime Minister, without facing the House even for a single day, on the morning of the day the House was to meet and he was supposed to seek a vote of confidence.

While resigning Shri Charan Singh advised the President that the Lok Sabha should be dissolved and fresh elections ordered. Shri Jagjivan Ram staked his claim to be asked to form the government. The President, however, did not agree and instead accepted the advice of Shri Charan Singh, dissolved the Lok Sabha and asked Shri Charan Singh to work as a caretaker Prime Minister till the new Ministry was formed after the election.

The most important question that came up during the turn of events leading to the dissolution of the Lok Sabha was: whether the President could refuse to accept the advice of Prime Minister, Shri Charan Singh to dissolve the Lok Sabha. Opinion seemed to be divided. One view was that the President was not bound to accept the advice of Shri Charan Singh particularly when his appointment was conditional and he did not command majority support. To set all doubts at rest, the Government of Shrimati Gandhi had, infact, already brought about the forty-second amendment to the Constitution which added the word 'shall' in article 74(1) thereby making acceptance of ministerial advice by the President mandatory. In constitutional matters, however, there is never a last word.

WIT AND HUMOUR IN LEGISLATURES

The Houses of the Parliament and of the State Legislatures sometimes witness heated discussions. But, it is not all just heat; discussions shed light as well and there are also lighter interludes. Continuing this feature, we have endeavoured to capture some moments of wit and humour from the thirteenth session of the Eighth Lok Sabha and in the Assemblies of Rajasthan and Uttar Pradesh recently.

—Editor

LOK SABHA

Professor Madhu Dandavate: Sir, I will tell you one thing. As far as "consideration" and "survey" are concerned, these terms are there. I will give you a very interesting quotation. In Railways, it is said:

"Where there is a will, there is a 'Railway';

When there is no will, there is only a survey."

(L.S. Deb., 24 February 1989)

Shrimati Manorama Singh: माननीय अध्यक्ष महोदय। दो बच्चों के सीमित परिवार का जो इम्फा लक्ष्य रखा गया है उसके प्राप्त करने के लिए कौन से कदम उठाए गए हैं, क्या इंसेटिव्स दिए जा रहे हैं और क्या सुविधाएँ आप आगे देने वाले हैं ? अध्यक्ष महोदय, मैं मंत्री जी से जानना चाहती हूँ...

[Hon. Mr. Speaker, what steps have been taken to achieve the target of limited family of two children, what incentives are being given and are proposed to be given in future.... Mr. Speaker, I want to know from the Hon. Minister..]

Mr. Speaker: दो सवाल हो गए।

[You have already asked two Questions]

Shrimati Manorama Singh: एक और।

[one more, please]

Mr. Speaker: क्लर का मुझे पता नहीं, हाउस में दो से ज्यादा नहीं करने देते।

[I am not aware of outside, but not more than two are permitted in the House]

(L.S. Deb., 1 March 1989)

Dr. Datta Samant: Start with Coca Cola, Sir.

Mr. Speaker: With a drink of Coca Cola or with a question on Coca Cola?

(L.S. Deb., 3 March 1989)

Professor Madhu Dandavate: It was good that Parliament House was not built by the DDA.

Mr. Speaker: शुक्र कीजिए, बैठे हो नीचे। (Thank God! You are sitting under its roof)

(L.S. Deb., 8 March 1989)

Mr. Speaker: Next Question.

Shri Hannan Mollah: Sir, I want to ask one supplementary on Question No. 188.

Mr. Speaker: There is nothing more in it.

Shri Hannan Mollah: Kindly allow me; you will be glad to listen to the Question.

Professor Madhu Dandavate: You will be happy!

Mr. Speaker: All right. Who is not in pursuit of happiness?

Professor Madhu Dandavate: It is a breach of assurance; he has not given you happiness.

Mr. Speaker: Yes, he owes it to me.

(L.S. Deb., 8 March 1989)

Shrimati Krishna Sahi: We do not have any information from the State Governments but what we have read and learnt from the newspapers is

that the two Chief Ministers of the two State Governments are having many love letters.

Mr. Speaker: I won't allow romanticising the House here.

Professor Madhu Dandavate : You lay the lovers on the Table of the House.

Shrimati Krishna Sahi: I am prepared to do it. but I have got to do a lot of pulling which I cannot do.

(L.S. Deb., 10 March 1989)

Shri P. Kolandaivelu: Even if I ask a specific question, they are going to reiterate the very same answer.

Mr. Speaker: That is why I said that I can give you a certificate on both sides—the same question, the same answer.

(L.S. Deb., 10 March 1989)

Shri Madhavrao Scindia: Hon. Member of Parliament, Professor Dandavate, very eloquently expressed the predicament that the Railways sometimes faces in terms of in-laws. He talked about the two mothers-in-law which were, according to him, the Planning Commission and the Finance Ministry. We know that our mothers-in-law are trying to do their best within the constraints that they too are facing.

Professor Madhu Dandavate: I referred to three mothers-in-law: Finance Ministry, Planning Commission and Finance Commission.

Shri Madhavrao Scindia: All right. You have given me the third mother-in-law. Two were there. All collectively are doing their best for us. I know that they are. I know that there is an appreciation of the vital roles that the Railways play. He also talked about sisters-in-law—the Steel Ministry, the Agriculture Ministry and Energy Ministry—which are trying to nibble away at whatever resources are being allocated to us and trying to get more resources for themselves. I would like to assure him that there is complete harmony amongst the mothers-in-law and the sisters-in-law. All I can say to the hon. member is that it is an accepted notion—it is not always true; it is not true in very many cases—that the daughter-in-law always suffers at the hands of the mother-in-law and the sister-in-law. At the same time, it is also an accepted notion that the soft-hearted father-in-law always tries to safeguard the interests of the daughter-in-law. All I can say is that in my speech too, I talked about the very benevolent, the very benign, the very

dynamic and the very supportive father-in-law that the Railway Ministry has. The Prime Minister has always given us tremendous support. I mentioned that it is because of the atmosphere that he has created in the House that the mothers-in-law, the sisters-in-law, the daughters-in-law, get on well because we have a benevolent father-in-law.

(L.S. Deb., 10 March 1989).

Shri Sharad Dighe.....I would like to know whether the Minister will take serious steps in the matter of appointing not only Director, Chief Medical Officer but other fourteen top posts which are lying vacant for the last so many years. So, this good institution itself is being crippled because the top most Director and other responsible officers are not there.....It has remained topless for so many years.

Professor Madhu Dandavate: Toplessness is modernisation.

(L.S. Deb. 19 April 1989)

Shri H.K.L. Bhagat: I tell you that not to speak of an abortion, you are not even going to conceive. And you have seen the result. While trying to cohabit and create a Janata Dal, you have finished yourself.....(*Interruptions*).

Professor Madhu Dandavate: He is giving the biological evolution of the political parties, Sir.

Shri H.K.L. Bhagat: Sir, I think Professor Madhu Dandavate and myself are old enough not to think of all these things.

(L.S. Deb. 25 April, 1989)

Shri Eduardo Faleiro: Sir, I will come to that. I have said this. Though we are not at all complacent, we are taking action in the matter. We have a specific plan for the turn-about or turn-around of BOP, balance of payment. The plan is being implemented and is being monitored regularly and it has started yielding positive results.

Professor Madhu Dandavate: Sir, we are talking about latitude, he talks about platitude.

(L.S. Deb., 28 April 1989)

Shri P. Chidambaram: Every state in India is equal and every State in India requires the services of these (lady) officers.

Professor Madhu Dandavate: Including the Home Affairs.

(L.S. Deb., 8 May 1989)

STATE LEGISLATURES
RAJASTHAN LEGISLATIVE ASSEMBLY

Shri Mohan Prakash: इस सदन से एक चीज गायब है। यह कैसे पता लगे कि आपका गुलाब का फूल कहां गया। इस बारे में स्पष्टीकरण सदन चाहता है।

[One thing is missing from this House. The House wants a clarification on your missing Rose flower]

Shri Girdharilal Bhargava: वह हमारा चुनाव चिह्न था।

[That was our election symbol]

Mr. Speaker: वह कोई अनमैरिड माननीय सदस्य ले गया।

[That has been taken away by some unmarried hon. member of the House]

(Rajasthan Legislative Assembly Proceedings, 14 March, 1989).

Kumari Pushpa Jain: उपाध्यक्ष महोदय आज आप कर दें, वरना मजबूर होकर मुझे अख्त ही शायद जबाब के बाद सदन की टेबल पर बैठ जाना पड़ेगा.....

[Mr. Deputy Speaker, if you do not do it today, I shall be forced to sit on the Table of the House after reply.....]

Shri Narendrasinh Bhatti: टेबल पर अच्छी लगेगी, पुष्पाजी टेबल पर लगेगी तो अच्छी आप?

[Pushpaji you will look better sitting on the Table]

Kumari Pushpa Jain: क्षमा चाहती हूँ, सदन की टेबल पर नहीं मैं इस सदन की जमीन पर बैठूंगी.....
[Excuse me, sir, instead of the Table, I would sit on the floor of the House.....]

Mr. Deputy Speaker: अब संशोधन अलाउड नहीं।

[No amendment is allowed at this stage]

(Rajasthan Legislative Assembly Proceedings, 30 March, 1989).

Mr. Speaker: मैं किसी शेर बघैरे के पीछे नहीं पड़ता हूँ। मैं तो अपनी जान बचाता हूँ शेर बघैरों से।
[I am never after a lion or a tiger rather I save my life from them]

Shri Bhairon Singh Shekhawat: अध्यक्ष महोदय, गीदड़ ने कभी भी शेर बघैरों का पीछा नहीं किया है।

[Mr. Speaker, a jackal never chases a lion or a tiger]

(Rajasthan Legislative Assembly Proceedings, 31 March, 1989).

UTTAR PRADESH VIDHAN SABHA

Shrimati Premwati Tiwari:मुझे एक छोटी सी कहानी याद आ रही है वह मैं सदन में सुनाना चाहती हूँ। एक बाप बेटे थे और एक टट्टू था। जब तीनों जने चले तो आगे रास्ते में लोगों ने कहा कि बड़े बेवकूफ हैं टट्टू साथ-साथ चल रहा है और दोनों जने पैदल चल रहे हैं। दोनों ने सोचा कि एक बैठ जाय। बेटे को टट्टू पर बिठा दिया और बाप पैदल चलने लगा। आगे चले तो लोगों ने कहा कि बेटा बड़ा बेकार है, बाप तो पैदल चल रहा है और बेटा ऊपर बैठा है। बेटा उतर आया और बाप टट्टू के ऊपर बैठ गया। आगे चले तो लोगों ने कहा कि बाप बड़ा निर्दयी है, बेटा पैदल चल रहा है और बाप ऊपर बैठे हुये है। तो दोनों नीचे चले, तब लोगों ने कहा कि दोनों बेवकूफ हैं। टट्टू तो बेकार लिये हैं और दोनों पैदल चल रहे हैं। आज यही हाल इनका (विरोधी पक्ष) है; चाहे जो भी बजट रखा जाये, चाहे जितना कल्याण हो, यह अपनी ही बात कहेंगे।

[...I remember a short story which I want to narrate before the House. There was a father and a son and they had a pony. They were going on the road when they heard people joking about them and saying what a fool they were since they had a pony but still they were going on foot. Both of them thought that one of them should ride the pony. The father made his son ride on the pony and he started walking by the side. When they had covered some distance some people said what a useless son, he was riding the pony and the father was going on foot. The son came down and made his father ride the pony. When they covered some more distance they heard people saying, what a cruel father, the son was on foot and the father was riding the pony. Now both of them started walking on foot. Then they heard people saying that both of them were fools. In spite of having a pony with them they are walking on foot. Today, such is the condition of the Opposition. Their only aim is to criticise the Budget, even if it is a welfare oriented one, they will always talk against it.]

[Uttar Pradesh Legislative Assembly Proceedings, 21 February, 1989].

Shri Akbar Hussain Babar: श्रीमन् अभी मंत्री जी ने, जब प्रस्ताव रख रहे थे तो, कहा कि यह विभाग अल्लाह के भरोसे है। तो उनकी यह बात सही है और इस हद तक कि उसका न तो कोई बजट है, न कोई कागज मिला है और न उसका कोई पर्चा ही बंटा है। इस तरह बिल्कुल यह महकमा अल्लाह के भरोसे है।

[...Sir, the Hon. Minister while moving the motion had said that this department is at the mercy of *allah*. It is quite true because there is no Budget for this department and no papers have been circulated for it. In this way the entire department is at the mercy of *Allah*.]

Shri Ram Sharan Das: यह तो पूरी सरकार ही अल्लाह के भरोसे चल रही है।
[The whole Government is at the mercy of *Allah*.]

[Uttar Pradesh Legislative Assembly Proceedings, 29 March 1989.]

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

81st Inter-Parliamentary Conference: The 81st Inter-Parliamentary Conference was held in Budapest (Hungary) from 13 to 18 March 1989. The Indian Parliamentary Delegation to the Conference was led by Shri M. M. Jacob, Minister of State in the Ministry of Parliamentary Affairs and consisted of Sarvashri H. Hanumanthappa, Murlidhar Mane, Mustafa Bin Quasem, V. Tulsi Ram and Shrimati Chandresh Kumari, all members of Parliament. Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha was Secretary to the Delegation.

The Conference discussed and adopted resolutions on the following subjects:

- (a) The protection of the rights of children.
- (b) Contribution to United Nations' efforts to achieve complete decolonization, end racism and apartheid, and promotion of the individual and collective rights of nationalities and of ethnic minorities.

The following supplementary item admitted on the Agenda was also discussed and resolution adopted:

The contribution of Parliaments to the holding of an international conference on peace in the Middle East.

Besides, the Conference devoted three sittings to the "General Debate on the political, economic and social situation in the World".

During the Conference period, meetings of the Executive Committee, Inter-Parliamentary Council and Standing Study Committees of the Inter-Parliamentary Union were held. The Association of Secretaries-General also met in Budapest during that period.

PARLIAMENTARY DELEGATIONS VISITING INDIA

Indonesia: In response to an invitation from the Parliament of India, a ten-member Indonesian Parliamentary Delegation, led by His Excellency Mr. Drs. Soeryadi, Deputy Speaker of the House of Representatives of Indonesia, visited India from 6 to 13 March 1989. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 7 March 1989 who hosted a banquet in their honour on the same day. The Delegation also called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha; Shri S. B. Chavan, Minister of Finance; Shri J. Vengal Rao, Minister of Industry and Shri H. K. L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting, besides having a meeting with members of our Parliament on 8 March 1989. Apart from Delhi, the delegates visited Agra, Bangalore and Bombay.

Ireland: On the invitation of Parliament of India, an eight-member Irish Parliamentary Delegation led by His Excellency Mr. Sean Tracy, Speaker of the Lower House (*Dail*) of the Parliament of Ireland, visited India from 26 March to 4 April 1989. The Delegation called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha; Dr. Bal Ram Jakhar, Speaker, Lok Sabha; Shri P. V. Narasimha Rao, Minister of External Affairs and Shri H. K. L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting on 27 March 1989. The Speaker, Lok Sabha hosted a banquet in their honour later in the evening. The Delegation called on Prime Minister, Shri Rajiv Gandhi and Shri P. Shiv Shanker, Minister of Human Resource Development on 28 March 1989. A meeting between the Delegation and members of our Parliament was also held the same day. Besides Delhi, the delegates visited Agra, Jaipur, Aurangabad and Bombay.

Spain: In response to an invitation from the Parliament of India, a seven-member Spanish Parliamentary Delegation led by His Excellency Mr. Felix Pons Irazazabal, President of the Congress of Deputies, visited India from 24 February to 4 March 1989. The Delegation called on Dr. Shanker Dayal Sharma, Vice President of India and Chairman, Rajya Sabha on 24 February 1989. They called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri H. K. L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting on 27 February 1989. The Speaker, Lok Sabha hosted a dinner in their honour on the same day. The delegates called on the President, Shri R. Venkataraman and the Prime Minister, Shri Rajiv Gandhi on 28 February 1989. A meeting between the delegates and members of our Parliament was also held on the same day. Besides Delhi, The delegates visited Faridabad, Agra and Bombay.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING: REPORT OF ACTIVITIES

During the period 1 January to 31 March 1989 the following Programmes / Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat:

Attachment Programme for participants from Afro-Asian and Pacific Countries attending an International Training Programme on "Audit of Scientific Departments": An Attachment Programme in parliamentary processes and procedures for thirty participants from Afro-Asian and Pacific Countries, attending an International Training Programme on "Audit of Scientific Departments", organised by the Office of the Comptroller and Auditor General of India, was conducted by the Bureau from 20 to 23 March, 1989. The Programme, which was inaugurated by Shri Shivraj V. Patil, Minister of State for Civil Aviation and Tourism, was also attended by 16 foreign participants in Non-aligned News Agency Journalism Course organised by the Indian Institute of Mass Communication.

Fourth Training Programme in Legislative Drafting: The Fourth Training Programme in Legislative Drafting for foreign Parliamentary / Government officials and officers of Lok Sabha, Rajya Sabha and State Legislature Secretariats commenced from 21 November 1988 and continued upto 17 February 1989. It was attended by six officials from as many countries of Asia, Africa and Pacific regions, three from the Lok Sabha and Rajya Sabha Secretariats and two from State Legislature Secretariats.

The Programme, inaugurated by Professor Madhu Dandavate, MP was designed to meet the long-felt need of the parliamentary officials to equip them with the basic concepts, skills and techniques required for drafting a legislation so that they can render necessary assistance to the legislators in this regard.

Besides attending the discussion sessions, the participants were enabled to attend the Practical-Exercise Sessions conducted by the Course Director. They were then 'attached' with the Legislative Department of the Ministry of Law and Justice for practical training. As a part of the Programme, they were also 'attached' with the Lok Sabha, Rajya Sabha and State Legislature Secretariats.

Second All India Inter-University Competition on Model Parliament: In order to ensure more constructive and purposive channelisation of the national youth energy by imbibing the parliamentary ethos and culture in the youth, the Bureau embarked upon a programme of encouraging, facilitating and coordinating the organisation of Model Parliaments both at

the local and national levels, so that they become good and proud citizens of India. For this purpose, the Bureau had been organising Appreciation Courses for Professors / Lecturers of Universities / Colleges and Youth Co-ordinators of Nehru Yuva Kendras so that they can, in turn, guide the students and non-student youth respectively, in organising Model Parliaments. As a result, some of the universities took a lot of initiative and organised Model Parliaments in their institutions with great success.

At the national level, the second Inter-University Competition on model Parliament was organised from 16 to 19 January 1989 at New Delhi. Teams from Agra University, Dyalbagh Educational Institute of Agra, Delhi University, Haryana Agricultural University, Hissar and Nagpur University participated in the competition. Besides this, a group of 10 students from Garhwal University, Srinagar(UP) attended the competition as observers.

A panel of judges comprising Shri S. L. Shakhder, honorary Officer, Lok Sabha and Shri H. N. Trivedi, former Secretary, Ministry of Parliamentary Affairs evaluated the performance of each University which participated in the competition.

The team from Delhi University was adjudged the best and awarded the Speaker's running shield. The Dyalbagh Educational Institute, Agra secured the second place while the Nagpur University got the third position. Among the individual performers, Shri Dayashanker Tiwari of Nagpur University got the top position for this role as the 'Leader of Opposition'. Kumari Bhaswati Mitra of Delhi University and Kumari Priti Bawreja of Agra University, respectively, secured second and third positions for their role as 'Prime Minister'.

Dr. Bal Ram Jakhar, Speaker, Lok Sabha awarded the trophies /prizes to the Universities and students who achieved commendable ranks in the competition. Besides trophies /prizes given for performance in the Inter-University Competition, trophies were also awarded to the colleges which had secured first, second and third positions in the Inter-College Competitions on Model Parliament organised by the Universities themselves.

Appreciation Courses for Probationers / Officers of all India and Central Services: Appreciation Courses on parliamentary processes and procedures were organised by the Bureau for, Probationers of Indian Railways Service of Electrical Engineers and Indian Railways Service of Mechanical Engineers—30 January to 3 February 1989; Probationers of Indian Audit and Accounts Service, Indian Civil Accounts Service and Indian Railways Service of Mechanical Engineers—6 to 10 February 1989; Probationers of Indian Administrative Service—13 to 17 February 1989; and Probationers of Indian Railways Accounts Service—7 to 13 March 1989.

Attachment Programmes for Officers of Assam Legislative Assembly Secretariat: At the request of the Assam Legislative Assembly Secretariat, an Attachment Programme was organised for two of their officers from 22 to 24 February 1989. They were attached with Budget and Payment branch and Pay and Accounts Office to enable them to study the working of the Budget Committee of Lok Sabha Secretariat.

Study Visits: At the request of various training and educational institutions in the capital and elsewhere, the Bureau organised 15 study visits for, among others, (i) Students from Republic of Korea, (ii) Foreign participants attending an International Training Programme organised by the Institute of Secretariat Training and Management, and (iii) Participants attending an International Diploma Course for Education Officers from Third World at the National Institute of Educational Planning and Administration.

PRIVILEGE ISSUES

LOK SABHA

Alleged reflections on the conduct of a member by a newspaper: On 1 March 1989, Speaker, Dr. Bal Ram Jakher *inter alia* observed that, on 23 February 1989, Shri Chiranji Lal Sharma had given notice of a question of privilege against Shri Rajendra Mathur, Chief Editor, Shri Surendra Pratap Singh, Executive Editor, Shri Ramesh Chandra, Printer and Publisher and Shri Ramesh Gaur, City Correspondent of *Navbharat Times* for allegedly publishing, on the front page of its issue dated 13 January 1989, a false news item about him under the caption, '*Sharaab pëkar gaadi chala raha Saansad giraftar, riha*'.

The Speaker added that Shri Sharma had, *inter alia* stated that the news item had specifically mentioned that Shri Chiranji Lal Sharma of Sonapat (Haryana) and one of his companion advocate's were arrested by Dhaula Kuan Police while the former was driving a Maruti Van in a drunken state. The news report stated that they were arrested under section 107 / 151 Cr.PC and were subsequently released on bail. The van which Shri Sharma was driving, was also impounded.

The Speaker further observed that according to Shri Sharma, the news was absolutely baseless, false, frivolous and malicious, since he being a teetotaler had never touched or tasted any wine. He has also stated that the news item had not only disturbed him mentally but had also adversely affected him physically. According to Shri Sharma, he had personally called on the Chief Editor on 16 January 1989 and asked him to tender unqualified apology and regrets for the mischief they had committed by publishing the impugned news item. He had also sent a registered A.D. letter on 19 January 1989, to the newspaper in this connection, but the Chief Editor, Executive Editor- Printer and Publisher and the City correspondent of *Navbharat Times* did not express their regrets till 23 February 1989. Shri Sharma had alleged that with the publication of the said news item, his 'dignity and prestige has been lowered down in public esteem.'

The Speaker noted that on 24 February 1989, when Shri Chiranji Lal Sharma sought to raise the matter in the House as a question of privilege he had observed that he would take care of the matter and then let him know. He added that on the same day, the matter was taken up with the Chief Editor, Executive Editor, Printer and Publisher and the City corres-

ponent of *Navbharat Times*, New Delhi and they were asked to state within three days of receipt of our communication what they had to say in the matter for his consideration.

On 27 February 1989, the Speaker received their replies which were identical and they tendered their unconditional apology for the mistake in publication of the news item on 13 January 1989 in their newspaper *Navbharat Times*. They stated that the news item was published in good faith, without any malice and without any intention of causing any sort of defamation or otherwise harm to anyone. They added that the inadvertent mistake had occurred due to the similarity in the names of hon. member of Parliament and the offender. According to them, immediately on realising the mistake, they had issued the clarification and contradiction in the 14 January issue of *Navbharat Times* under the caption, *Namo Ka Chakkar*. They also enclosed a copy of the news item published on 15 January *vide* which they had clarified that the person apprehended was not Shri Chiranji Lal Sharma, member of Parliament. They added in their reply that they had also complied with the notice dated 16 January 1989 of Shri Chiranji Lal Sharma, member of Parliament by publishing the apology and clarification on the front page of 8 February 1989 issue of their newspaper and enclosed a copy thereof for perusal and consideration. They also reiterated that they never had any intention of lowering the dignity or prestige of Shri Chiranji Lal Sharma and tried their best to keep the high standard of journalism.

The Speaker observed that since the *Navbharat Times* had already made adequate amends for the inadvertent lapse on its part, he treated the matter as closed. He, however, fully shared the agony of the hon. member. He, therefore, emphasised that the newspapers should be extremely careful while publishing news reports about the members. He added that it would be better if they confirmed the authenticity of the report before rushing to publish such items in the newspapers and that too prominently on the front page as in the instant case.

Alleged casting of reflections on a member and the House by a newspaper: On 14 March 1988, a member, Professor Madhu Dandavate, sought to raise in the House the matter regarding publication of an article in the Press which alleged that Shri Kamal Nath had two illegal accounts. Shri Kamal Nath, thereupon, stated *inter alia*, that the *Indian Express* had that very day carried an article making grave charges of violation of the law against him. He requested the House to appoint a Committee of only three members of the Opposition in consultation with the Speaker to find out about the veracity and the illegalities contained in the article and give a finding on the charges against him. He then expressed his willingness to submit himself to an

enquiry by such a Committee. The Speaker, thereupon, observed that some motion had to be moved for the purpose, only then he could consider the matter.

On 15 March 1988, Sarvashri Harish Rawat, Satyendra Narayan Sinha, Professor N. G. Ranga and Professor K. V. Thomas, members, gave separate but identical notices of question of privilege against *Indian Express*, *Financial Express* and *Jansatta* for publishing in their issues of 14 March 1988, an article * by Shri Arun Shourie, captioned "An M.P. and two accounts" which was allegedly tendentious, misleading, false and derogatory and brought down the reputation of the Lok Sabha in as much as it falsely depicted the character of its member making the people look down upon the institution.

The impugned article alleged that as long ago as 1981 and 1982, the Government got to know at least two of the foreign accounts, the *Dubai Account* and the *Saudi Account*, which one of Shri Kamal Nath's firms, E.M.C. Steelal, was then maintaining illegally abroad.

It added that the Dubai account whose number was 9528.3 at the Algemena Bank Nederland N.V. (P.O. Box 2567, Dubai) and that, on 9 September 1981, this account received six million seven hundred fifty thousand thirty-four dinars—that is about Rs. 2 crore at the then prevailing rate of exchange—from the Chartered Bank in Dubai.

The article further alleged that despite having information from the Reserve Bank of India that E.M.C. Steelal had not been given any permission to maintain any foreign currency account abroad, the Enforcement Directorate, Calcutta Office closed the file, due to involvement of Shri Kamal Nath, MP who was "not just a member of Parliament, but one known to be hatchetman of the ruling family."

In February 1982, the Government learnt that Shri Kamal Nath's E.M.C. Steelal Ltd. was maintaining another account (Number 12.84.037) in the Albank Alsaudi Alhollandi in Riyadh, Saudi Arabia, which had at that time a credit balance of seven million seven hundred and eighty-nine thousand four hundred and fifty-four riyals, that is, about Rs. 3 crore at the then prevailing exchange rate. The article alleged that any action in this case also was that it was "nipped in the bud" at the "intervention of Delhi" by the Calcutta Office.

Shri Shourie, in the impugned article, added, that "if the charge is true, the conduct of a member of Parliament scandalises Parliament no less

*The article was also published in *Financial Express* dated 14 March 1988 and its Hindi version was published in *Jansatta* dated 14 March 1988.

than that of Tulmohan Ram did in the Pondicherry Licences case. If it is untrue, I am guilty of scandalising the institution, and thereby breaching its privilege."

The article noted that if a committee of the House examined the matter, he would, if Parliament so directed, give that committee documents that established the charges levelled by him against Shri Kamal Nath.

On 16 March 1988, Shri Kamal Nath also gave a notice of question of privilege against Shri Arun Shourie, author of the article, stating *inter alia* that the allegation contained in the said article was false and was a pernicious attempt to bring him down in the estimation of the public at large. That constituted a breach of privilege and contempt of the whole House.

On 21 March 1988, Shri Kamal Nath handed over to the Speaker, a copy each of two letters dated 26 November 1980 and 22 August 1981, issued by the Reserve Bank of India, Calcutta (duly authenticated by him) wherein the Bank had agreed to the opening of two bank accounts by M/s.E.M.C. Steelal Ltd., Calcutta, one in Riyadh, Saudi Arabia and another in Dubai, for smooth execution of the contract subject to certain conditions laid down in the letters. As per directions of the Speaker, a copy each of the said letters was forwarded to the Ministry of Finance (Department of Economic Affairs) on 21 March 1988, for furnishing a factual note thereon.

The Ministry of Finance (Department of Economic Affairs) confirmed, vide their note dated 21 March 1988 that the two letters from the Reserve Bank of India (Exchange Control Department), Calcutta to M / s. E.M.C. Steelal, Calcutta were authentic.

On 22 March 1988, when Professor Madhu Dandavate, Sarvashri Satyendra Narayan Sinha and Kamal Nath sought to raise the matter, the Speaker, with the consent of the House, referred the matter to the Committee of Privileges for examination and report.

The Committee of Privileges, after examining Shri Harish Rawat, Professor K. V. Thomas, Shri Satyendra Narayan Sinha and Shri Kamal Nath, members, Shri Arun Shourie, Editor, *Indian Express*, Shri N. S. Jagannathan, Editor, *Financial Express*, Shri Prabhaskar Joshi, Editor *Jansatta* and also, after considering all the relevant documents, in their Fourth Report presented to the House on 7 March 1989, *inter alia* reported that the issues that arose out of the impugned article and on which the Committee had to take a considered view were two-fold, namely (i) whether the two bank accounts referred to by Shri Arun Shourie in his article were 'illegal' as alleged by him i.e. whether they were opened without the

prior permission of the Reserve Bank of India; and (ii) whether Shri Shourie had cast reflections on Shri Kamal Nath as an MP in particular and on Parliament, its Committees and members in general, and thereby committed breach of privilege and contempt of the House.

After a careful analysis of the evidence, both written and oral, specially the submissions made by Shri Shourie, the well-established precedents and the rulings of Presiding Officers in both the Houses on cases of a similar nature, the Committee, *inter alia* concluded that so far as the allegation of illegal accounts was concerned, the Government had stated that M / s. EMC Stealal Limited, Calcutta, had actually opened accounts in Riyadh, Saudi Arabia and Dubai in pursuance of the permissions granted by the Reserve Bank of India, Exchange Control Department, Calcutta, vide their letters of 26 November 1980 and 22 August 1981; that the numbers of these accounts were 12.84.037 and 9528 respectively (the same as mentioned by Shri Shourie in the impugned article) and that the RBI Exchange Control Department, Calcutta, was empowered in the year 1980 to grant permission to firms to open foreign accounts. The Committee noted that in view of the information furnished by the Reserve Bank of India to the Ministry of Finance as conveyed to them vide their letter of 2 June 1988, to the above effect, the Committee reached the conclusion that the assertion of Shri Kamal Nath that the accounts were opened with prior permission of the Reserve Bank of India was correct.

The Committee regretted to point out that there had been a miserable lack of coordination among the concerned authorities in the impugned case. They expressed their surprise that the Assistant Director, Enforcement Directorate, Calcutta Zonal Office should have made inquiries from the Exchange Control Department, Central Office, Reserve Bank of India, Bombay whether they had given permission for opening the accounts in question instead of ascertaining the facts from the Branch of the RBI located in Calcutta itself. The Committee added that the RBI, Bombay, in turn, gave a cautious reply to the effect that 'we do not *appear* (emphasis added) to have given permission to the captioned company to maintain foreign currency account abroad nor do they *appear* (emphasis added) to have declared the same to us.'

The Committee noted that content with such a bureaucratic reply, the Bank did not care to advise the Enforcement Directorate to check up with the Calcutta Office under whose jurisdiction the company was registered and located and it was in pursuance of such ill-founded and uncoordinated action that the premises of the firm were raided. The Committee felt that they were not concerned with the follow-up action taken by the Enforcement Directorate in the matter and the final outcome thereof. What they were concerned with was the effect of such vaguely-worded communications and lack of coordinated action on the reputation of Shri Kamal Nath,

MP who happened to be on the Board of Directors of the Company. The Committee, thus, took a very serious view of the clumsy manner in which the matter was handled by the Enforcement Directorate, including its Zonal Office in Calcutta on the one side and the Reserve Bank of India on the other. The Committee observed that they would like the Government to issue suitable instructions in this regard to all concerned to avoid recurrence of cases of such nature in future.

Insofar as the impugned article was concerned, the Committee found that even though the Government had categorically stated that the accounts were opened with the prior permission of the Reserve Bank of India, the reputation of a member of Parliament had been damaged all the same. They felt that it was indeed surprising that Shri Shourie should have chosen to take up the case after so many years. In fact, even the inquiries in the case had been completed by June 1985, *i.e.* three years earlier. The Committee added that Shri Shourie himself gave out that one reason for not contacting Shri Kamal Nath before the article was written was that Shri Kamal Nath would destroy evidence and he was so influential that he got him (Shri Shourie) dismissed from his job in the *Indian Express*, while he (Shri Kamal Nath) was on its Board of Directors. The Committee, therefore, concluded that Shri Shourie had an animus against and scores to settle with Shri Kamal Nath. It was as a consequence of such thinking that he seized the opportunity of clandestinely making the inquiries from the employees of Shri Kamal Nath and secured information to be able to publish the impugned story.

The Committee observed that notwithstanding Shri Shourie's protestations that his only aim was to expose the so-called coterie surrounding the Prime Minister, of whom he thought Shri Kamal Nath was one, the Committee thought that the real reason why Shri Shourie had chosen to malign Shri Kamal Nath might have been the animus which he bore against him. They added that had Shri Shourie's intentions been really so honest and straight-forward, the proper course for him would have been to check up the facts with Shri Kamal Nath himself before publishing the article. Originating from the delayed information supplied by Shri Kamal Nath's own employees, there was all the more reason for Shri Shourie to exercise all care and caution, for it was quite likely that certain disgruntled employees might have had their own axe to grind. That a seasoned journalist of Shri Shourie's standing deliberately chose not to do so, was itself an evidence for the same, the Committee added.

The Committee further observed that the very heading of the article, *viz.* 'An MP and two Accounts', gave the distinct impression to a lay reader that it was the conduct of a Member of Parliament which had been brought into question. The Committee had, therefore, no doubt in their mind, particularly in view of the strong language and harsh expressions

used in the article that Shri Shourie's objective was to bring down Shri Kamal Nath as a member of Parliament in the eyes of the public and he had succeeded in that.

The Committee noted that in this connection, they had taken pains to study the constitutional position, well-established precedents and rulings of Presiding Officers in both the Houses of Parliament and found that the position was quite well-settled, namely, the House might not invoke its penal powers unless a libel upon a member of Parliament concerned his character or conduct in his capacity as a member of the House and was based on matters arising in the actual transaction of the business of the House. Where a member's complaint was of such a nature that if justified, it could give rise to an action in the courts, it could not form the subject of a request to the House to invoke its penal powers. Thus in the case of a question of privilege regarding an article captioned, 'The President's Visit' published in the *Sunday Observer*, a Bombay Weekly, dated 29 April 1984, which allegedly cast reflections on Shri Khushwant Singh, a member of Rajya Sabha, the Committee of Privileges in their Twenty-Sixth Report had, *inter alia* reported as follows :

Having read the references, the Committee has come to the conclusion that the references and the innuendoes do not concern the character and conduct of Shri Khushwant Singh as a Member of Parliament and as such do not amount to a breach of Privilege.

The Committee added that in a similar ruling given in Lok Sabha on 19 March 1986 in the case of Shri Ram Swaroop Sabharwal and others, Speaker Dr. Bal Ram Jaxhar had ruled as follows :

It is well-established that in order to constitute a breach of privilege, any libel or charge against a Member of Parliament must concern his character or conduct in his capacity as a Member of the House and must be 'based on matters arising in the actual transaction of the business of the House.'

The Committee then referred to an earlier case in Lok Sabha where one political leader was reported in a newspaper to have said in a public speech that the representatives of a political party in the legislatures were 'people whom any First Class Magistrate would round up', and were 'men without any appreciable means of livelihood', the question of privilege was disallowed by Speaker Ayyangar. The Committee thus found that the concept of privilege had been given a very restrictive interpretation so far. The Committee reported that some of their members were strongly of the view that in the changed situation our Parliament was not bound to follow the precedents of the House of Commons.

The Committee observed that clause (3) of article 105, as originally enacted, provided that "the powers, privileges and immunities of each House of Parliament and of the members and the committees of each House shall be such as may, from time to time, be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees, at the commencement of the Constitution". Reference to the House of Commons of the United Kingdom was deleted by Section 15 of the Constitution (Forty-Fourth Amendment) Act, 1978, which came into effect from 20th June 1979.

The Committee further observed that no comprehensive law had been thus far passed by Parliament to define the powers, privileges and immunities of each House and of the members and the committees thereof. In the absence of any such law, the powers, privileges and immunities of the House and of the members and the committees thereof continued to remain the same as were available at the time the Constitution came into force. The Committee, therefore, felt that no new privileges could be claimed or created excepting those that were available to the Parliament on 26 January 1950. The Committee were also conscious of the fact that members of Parliament were not above the law in matters having no nexus with the business of the House.

In so far as the question of privilege was concerned, the Committee were of the view that the impugned article came perilously close to criticising the conduct of Shri Kamal Nath as a member of Parliament, with an intent to malign him. It did not, however, constitute a case of privilege in view of what had been said in the preceding paragraphs.

So far as the question of breach of privilege and contempt of the House was concerned, the Committee had found that many passages of the article had rightly agitated not only the members who had given notices of question of privilege but also the Committee. Particular attention of the Committee was drawn to the passage, 'But what is the use of your producing these things again and again? Those are shameless fellows. They will just shrug this one off too,' which did cast reflection on the members of Parliament in general and on Parliament itself.

The Committee also observed that consciousness of Shri Shourie that the tone and tenor of his article was not only defamatory *vis-a-vis* Shri Kamal Nath but might also constitute contempt of the House, was quite clear from his following observations:

if the charge is true, the conduct of a member of Parliament scandalizes Parliament no less than that of Tulmohan Ram did in Pondicherry Licences case. If it is untrue, I am guilty of scandalizing the institution and thereby breaching its privilege.

The Committee noted that in his evidence before the Committee, Shri Shourie explained that he had written the article in the manner of a dialogue as in the *Upanishads*, where a reader asked a question and the author gave the reply. He further tried to clarify that the article had nothing to do with members of Parliament as such. According to him, "it is a description of the coterie...If I had been so foolish as to refer to members of Parliament as 'shameless fellows', then in my successive three articles I would not have pleaded for setting up of a Committee to examine this illegality."

On further questioning by the Committee, Shri Shourie affirmed:

This sentence has absolutely nothing to do with members of Parliament. These sentences were about the coterie around the Prime Minister...The decisive reasons show that this is a misreading. *I am sure it is unintended and I am sorry.*

The Committee added that subsequently, Shri Shourie in a letter dated 31 October 1988, addressed individually to the members of the Committee and a copy endorsed to the Secretariat for 'record', had stated that he had 'received' a copy of the draft Report of the Committee. Commenting upon certain portions of the draft Report as being 'gross distortion' of 'what I said and wrote' in as much as 'an attempt is being made to make out that I expressed regret for what I had written', Shri Shourie had stated: 'My request therefore is: please decide what you will, but please do not do so under any misapprehension that I regret what I wrote'.

The Committee observed that since Shri Shourie had taken care not to publish the contents of the draft Report, the Committee could not hold him guilty of breach of their privilege or contempt of the House. The Committee also realised that it would be futile for them to ask Shri Shourie to divulge the source from which he 'received' the Report. Nevertheless, the Committee took a serious view of the grave impropriety on his part in addressing letters individually to the members of the Committee thereby seeking to influence their collective judgement in the matter. If at all he had any submission to make, he should have written to the Chairman. The way he had chosen to act in the matter only exposed the thin veneer of his regard to Parliament and its Committees so loudly proclaimed by him in evidence. The Committee concluded that the entire tone, tenor and style of the article definitely smacked of disrespect for Parliament and its members and Shri Shourie did not even have the decency of expressing regrets.

While deprecating such behaviour on the part of a journalist in Shri Shourie's position, the Committee, in the highest traditions of this august body, decided not to deflect from the correct and judicious stand taken by

them in similar cases in the past. The Committee were entirely in agreement with the observations made by a predecessor Committee that it added to the dignity of one and all if power in a democratic system was exercised with restraint; the more powerful a body or institution was, the greater restraint was called for, particularly in exercising its penal jurisdiction. The Committee, however, cautioned Shri Arun Shourie and writers of his ilk to be more careful and restrained in their writings particularly about those who were in public life and whose conduct was ever exposed to public gaze.

The Committee also felt that Sarvashri N.S. Jagannathan and Prabhash Joshi, Editors of *Financial Express* and *Jansatta* should be more discreet in future while publishing such articles in their newspapers.

Considering that the House would best consult its own dignity and in keeping with the lofty traditions of Parliament, the Committee recommended that no further action be taken by the House in the matter and it might be dropped.

Three members of the Committee submitted a joint note disagreeing with the findings and procedure of the Committee. The note was appended to the Report of the Committee along with a note by the Committee on certain comments made by the members in their joint note.

On 9 March 1989, Professor Madhu Dandavate moved the following motion:

That this House do consider the Fourth Report of the Committee of Privileges presented to the House on the 7th March 1989.

The motion was put to vote of the House and negatived after division.

STATE LEGISLATURES

HIMACHAL PRADESH VIDHAN SABHA

Alleged casting of reflections on the impartiality of the speaker and committing contempt of the House by giving advance publicity to notices by a member: On 11 September 1987, Shri Natha Singh and 14 other members gave notice of a question of privilege against Major Vijai Singh Mankotia, another member, for allegedly casting reflections on the impartiality and fair judgement of the Speaker and committing contempt of the House by giving advance publicity to notices. Shri Natha Singh in his notice had stated that on 9 September 1987, Major Vijai Singh Mankotia held a Press Conference at Shimla and issued a Press Note on the basis of which a news item appeared in the *Indian Express* in its issue dated 10 September 1987, under the caption "*Half my Questions returned: Man-*

and sub-rules, they found in the statement of Major Vijai Singh Mankotia, and the Press Note released by him a tendency which clearly reflected the violation of the established conventions and democratic norms. The Committee noted that on being asked by them whether he was familiar with the relevant rules, Major Mankotia replied in affirmative, which showed that he had deliberately violated the prescribed rules and through his jugglery of words he had not only committed contempt of the House by subordinating the Speaker to the Government but had also made a direct attack on the dignity and impartiality of the office of the Speaker. They added that even after admitting that whatever he had said in the Press Note amounted to a direct attack on the dignity of the Speaker and a contempt of the House, he never admitted that he had done a wrong thing. But on the contrary, he kept on supporting whatever he had said in the Press note. The Committee observed that at no stage they had noticed a feeling of repentance on the face of Major Mankotia directly or indirectly and regretted that Major Mankotia did not have even an iota of respect for the conventions, rules and procedures of the House. They also observed that he, however, felt proud in violating these in one way or the other. The Committee felt that undoubtedly such tendencies would not only be disastrous but would also prove to be a fatal blow on the democratic norms if a check was not exercised on such a tendency in time.

In conclusion, the Committee noted that Major Mankotia had levelled a baseless allegation through his Press Note released on 9 September 1987 that 50 per cent of his Questions were returned by the Legislative Assembly. They added that he had undermined the dignity of the office of the Speaker through jugglery of words that these Questions were returned by the Government. His statement clearly indicated that the proceedings of the House were conducted by the Government and the Speaker was subordinate to the Government. They observed that such a statement made through jugglery of words undermined the impartiality and dignity of the office of the Speaker.

The Committee further observed that Major Mankotia had violated rule 285 of the Rules of Procedure and Conduct of Business, 1973 of the Himachal Pradesh Legislative Assembly as he had mentioned all the subjects of all these motions, drafts and calling attention motions in the Press Note and got them published in the newspapers dated 10 and 11 September 1987 before the commencement of the Session on 9 September 1987. Since the rules framed for conducting the Business of the House had been passed by the House, the violation of such orders and rules was a contempt of the august House. They concluded that Major Mankotia had, thus, committed a contempt of the House.

Keeping in view the seriousness of the matter, the Committee, as per rule 81 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Vidhan Sabha concluded that Major Mankotia had undermined the dignity of the office of the Speaker and had committed a contempt of the House, which was a matter of great concern. The Committee felt that the behaviour of Major Mankotia was unbecoming of a member of the House and, therefore, unpardonable. However, if he sought apology in the House for his behaviour, the House in conformity with its dignity could pardon him.

The committee added that if Major Mankotia wanted to regret from the core of his heart, he might be given one more chance. They noted that they had given him a chance to plead his case by hearing him, but they did not find any sign of regret in his behaviour. However, they recommended that the House might give him another opportunity. They added that if Major Mankotia did not express regret and tender an apology, he might be suspended for a week from the service of the House in the Session of the Legislative Assembly.

On 30 August 1988, the House adopted the following motion:

That this House having considered the Third Report of the Committee of Privileges presented to the House on the 29th August 1988, do agree with the findings of the Committee and also endorse the action suggested, namely, that if Major Vijai Singh Mankotia, MLA tenders unconditional apology before the House, the issue be treated as closed and if not, he may be suspended for a week from the service of the House.

After the motion was adopted by the House, the Speaker observed that he would request Major Mankotia to withdraw from the House in pursuance of the decision of the House. Major Mankotia then withdrew from the House.

PROCEDURAL MATTERS

LOK SABHA

References to Chief Ministers of States: On 1 March 1989, while speaking on Motion of Thanks on President's Address, a member (Dr. Manoj Pandey) made certain allegations against the Chief Minister of a State. Shri Sharad Dighe who was in the Chair, thereupon ordered that no allegation against the Chief Minister would go on record. The allegations made by Dr. Pandey were expunged.

Again, on 16 March, while speaking during general discussion on Budget (General) for 1989-90, a member (Shri Abdul Rashid Kabuli) made certain allegations against the State and its Chief Minister Shri Sharad Dighe, who was in the Chair, on that day also ordered such allegations to be expunged from the proceedings.

References to Governors: On 3 March 1989, while speaking on his private Member's Resolution regarding guidelines for appointment and transfer of Governors, Shri S. Jaipal Reddy made some comments on the conduct of certain Governors and referred to them by name. On Objection being taken, Shri Somnath Rath, who was in the Chair, ordered that names of Governors and comments on their conduct would not go on record. Accordingly, those references were expunged from proceedings.

Autonomy of State Legislatures: On 28 February 1989, soon after the Question Hour, a member (Shri Asutosh Law) submitted that two members of West Bengal Legislative Assembly were beaten inside the Assembly Chamber during the Governor's Address and requested the Speaker to safeguard the interests of members. The Speaker (Dr. Bal Ram Jakhar) thereupon observed that the Houses of State Legislatures as well as of Parliament were autonomous bodies and it was better if such matters were taken up in respective Houses.

On 2 March 1989, immediately after the Question Hour, another member (Shri Basudeb Acharia) submitted that the Governor of West Bengal, while addressing the Assembly, was assaulted by some members and requested that the House should condemn the incident. The

Speaker, thereupon, reiterated that the State Assemblies were autonomous and they should look after themselves.

Recording of expunged remarks: On 2 March 1989, while participating in the discussion on Motion of Thanks on President's Address, a member (Shri N.V.N. Somu) made certain allegations against another member (Shri P. Kolandaivelu); Thereupon, Shri Sharad Dighe, who was in the Chair observed that no allegation against Shri Kolandaivelu would go on record since Shri Somu had not given any prior notice to the Chair. Shri Somu then submitted that Shri Kolandaivelu had also made certain allegations against his party's Government in Tamil Nadu and since Shri Kolandaivelu's allegations were on record, his allegations should not be expunged. The Chair observed that Shri Somu's allegations had already been expunged and, therefore, those could not be recorded again.

Jurisdiction of Parliament vis-a-vis State Legislatures: On 17 March 1989, immediately after the Question Hour, a member (Kumari Mamata Banerjee) submitted that the West Bengal Legislative Assembly had passed a resolution for laying the Thakkar Commission Report on circumstances leading to assassination of former Prime Minister, Shrimati Indira Gandhi. Another member (Shri Somnath Rath) submitted that since matters relating to State Legislatures were not allowed to be raised in Lok Sabha, matters pertaining to jurisdiction of Lok Sabha should also not be raised in State Legislatures. The Speaker thereupon, observed:

It only depends on the good sense of the Speaker who presides over that House. *** They are to do as the rules permit them. It is good sense that should prevail. *** Every Speaker is responsible to the House and they are all autonomous bodies. They have to look after the interests of the Legislatures and the democratic institutions according to the rules and they should do it. If somebody has erred somewhere, it is up to him to correct it.

Permission to a member to speak twice on same discussion: On 30 March 1989, while participating in the discussion on the report of Sarkaria Commission on Centre-State-Relations, a member (Shri Somnath Chatterjee) discontinued his speech on being reminded by Shri Vakkom Purushothaman, who was in the Chair that time allotted to his group (CPI-M) was about to be over. Shri Chatterjee contented that he should be given more time since previous speakers had been given sufficient time. The Chair observed that time was allotted to the parties/groups on the basis of their strength in the House and the member might speak for another five minutes. Thereupon, Shri Chatterjee and some other members walked out of the House. Some Opposition members requested the Chair to allow Shri Chatterjee to speak again. The Chair observed that the member could speak again only with permission of the Speaker.

Later, the Deputy Speaker, who was in the Chair, allowed Shri Chatterjee to speak again as a special case, not to be quoted as a precedent. On a point raised by Shri G.M. Banatwalla, the Deputy Speaker observed that speech of Shri Chatterjee was in continuation of his earlier speech although five members had already spoken after Shri Chatterjee had spoken initially.

Ballot of a Motion held in the House by Speaker himself to determine inter se priority of members: On 24 April 1989, after the Question Hour, some Opposition members submitted that the substantive motion for removal of Governor of Karnataka be taken into consideration before consideration of statutory resolution approving proclamation issued by President under article 356 on 21 April 1989 in relation to State of Karnataka. The Minister of State for Home Affairs (Shri Santosh Mohan Dev) moved the statutory resolution. The Opposition members, however, insisted that their substantive motion for removal of governor be taken up first. The Speaker, thereupon held ballot in House and himself drew lot to determine *inter se* priority of members who would move the substantive motion against the Governor. Shri Dinesh Goswami secured priority in ballot and moved the substantive motion.

Speaker's authority to appoint any member of a Parliamentary Committee as its Chairman: On 8 May 1989, the Speaker (Dr. Bal Ram Jaxhar) appointed Shri P.Kolandaivelu (AIADMK-II) as Chairman of the Public Accounts committee. On 9 May, the Leader of Janata Dal Group (Professor Madhu Dandavate) in a letter to the Speaker drew his attention to the convention of appointing a member of Opposition groups as Chairman of Public Accounts Committee by rotation on the basis of their respective strength and contended that a member from Janata Dal group should have been appointed as Chairman. Same day, Professor Dandavate also raised the matter in the House after the Question Hour. The Speaker then asked the member to meet him in his Chamber. The matter was again raised in the House on 10 and 15 May, 1989 by Professor Dandavate. Before adjourning the House *sine die* on 15 May, the Speaker observed that the power vested in the Speaker under rule 258 in regard to appointment of Chairman of a parliamentary committee was unfettered and could not be challenged. He further observed that it was only after 1967 that the Chairman of Public Accounts Committee was appointed from Opposition groups. However, there had been no consistent practice to appoint a member of first, second or third largest Opposition groups in a strictly rotational order and there had been instances when smaller parties like D.M.K and B.J.P. were given preference over larger parties. He further pointed out that there was no recognised Opposition in Lok Sabha as no Opposition group had the requisite strength of one tenth of total membership of the House. The Speaker further observed that it was his first and foremost duty to ensure that the Committee functioned in

a harmonious and non-partisan manner and that its high traditions and prestige were maintained. He ruled that he found no reason to change his decision in the matter.

[In view of its importance, Speaker's Observations/Rulings in the matter is being reproduced in full in another feature, "Observations/Rulings by the Presiding Officers of Parliament" in this issue]

STATE LEGISLATURES

UTTAR PRADESH LEGISLATIVE ASSEMBLY*

Applicability of Defection Rules on Leader of the House: Raising a point of order on 4 October, 1988, Shri Rabindra Nath Tiwari said that since Shri Narain Datt Tiwari was not a member of either House of the Legislature he could neither become a Leader of the House nor the Chief Minister, as per the Uttar Pradesh Legislative Assembly Members (Disqualification on the Grounds of Defection) Rules, 1987. He requested the Speaker to obtain the advice of the Solicitor General on this issue. Sarvashri Rajendra Kumar Gupta, Shatrudra Prakash, Lal Pratap Singh, Kaushik Rama Shankar, Sardar Singh, Brahm Dutt Dwiwedi, Surya Pratap Shahi, Gauri Shankar Bhaiya, Ram Asre Verma, Leader of the Opposition, the Minister of Parliamentary Affairs and the Chief Minister expressed their views in this regard. After hearing the views of both the parties regarding the leader of the House and the rulings given by his predecessors, the speaker ruled that the Leader of the House was not a statutory office and as per the prevalent practice in the House, only the Chief Minister acted as the Leader of the House.

Regarding any change in the position after implementation of Tenth Schedule of the Constitution and the rules framed under it, the Speaker felt that there had been no any change in the former position because the main object for enactment of the Constitution (52nd Amendment) Act was to curb defection. Its object was not to take a decision on the 'Leader of the House'. He added that rule 2(f) of Uttar Pradesh Legislative Assembly Members (Disqualification on the Grounds of Defection) Rules, 1987 also implied the same objective as it had been clearly stated there in that the definition of the word 'Leader' shall also apply to those Rules. Besides, as per rule 3(c) of the Rules of Procedure of the House, the Chief Minister would be deemed to be a member of the House. The

*Material (in Hindi) contributed by Uttar Pradesh Legislative Assembly Secretariat.

Speaker, therefore, concluded that there was no need to effect any change in the past rulings with regard to the Leader of the House and Shri Narain Datt Tiwari, could remain both the Leader of the House and the Chief Minister.

RULINGS/OBSERVATIONS BY PRESIDING OFFICERS OF PARLIAMENT

In conducting business of their respective Houses, the Rulings/Observations made by the Presiding Officers of Parliament serve as precedents for smooth functioning of the House. With this issue, we introduce this new feature containing important Rulings/Observations made by Presiding Officers of Parliament. We hope the feature would be found useful by our readers.

On 9 May 1989, Speaker's judgement to appoint any member of a parliamentary committee as its Chairman was questioned. Dr. Bal Ram Jakhar, Speaker, Lok Sabha made important Observations in this regard in the House on 15 May 1989.

We reproduce here the text of the Speaker's Observations.

— Editor

LOK SABHA SPEAKER'S OBSERVATIONS REGARDING APPOINTMENT OF CHAIRMAN, PUBLIC ACCOUNTS COMMITTEE

The question of appointment of the Chairman, Public Accounts Committee (PAC), was raised by some hon'ble members on 9 May 1989 after announcement was made in the Lok Sabha Bulletin Part-II dated 8 May 1989, that Shri P. Kolandaivelu has been appointed as Chairman of the Public Accounts Committee, 1989-90. The matter was followed up by Shri Dandavate in a written communication on the same day (9 May) wherein he draw my attention to the convention of appointing a member of the Opposition as the Chairman of the PAC on the basis of the strength of Opposition parties or groups in the House. According to him, the obvious choice should have been Shri Jaipal Reddy of the Janata Dal.

As members are aware, under rule 258 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Chairman of a Committee is to be appointed by the Speaker from amongst the members of the Committee provided that if the Deputy Speaker is a member of the Committee he shall be appointed Chairman of the Committee. The power vested in the Speaker in this regard is unfettered and cannot be challenged. He can appoint anyone from among the members of the Committee irrespective of party affiliations.

The Public Accounts Committee is the oldest committee of our Central Legislature and it is not as if it has always been chaired by a leader from the Opposition. Before independence, the Finance Member used to preside over the Committee on Public Accounts of the Central Legislative Assembly and its secretarial functions were discharged by the Department of Finance. With the coming into force of the Constitution in the year 1950, the Finance Member/Minister ceased to act as the Chairman of the Committee and the secretarial functions were also taken over by the Parliament (now the Lok Sabha) Secretariat. During the entire period 1950 to 1967, the Chairman of the Public Accounts Committee was appointed from among the members of the ruling party.

In the elections held in 1967, the ruling Congress Party lost majority in several States and was returned to Lok Sabha with a very much reduced majority. It was expected that a responsible legislature party with requisite strength for being recognised as official Opposition would soon emerge and that whosoever was appointed by the Speaker to be the Chairman would not use the Committee's platform for party ends or for serving the interests either of the ruling party or of the Opposition. In this background and with such hopes, it was decided that so far as possible the Chairman of the Public Accounts Committee may be appointed from among the members belonging to the Opposition. Thus, since 1967 the practice developed of the Speaker nominating a member from the Opposition to be Chairman of the Public Accounts Committee. There has, however, been no consistent practice to appoint a member of the first, second or third largest groups in the Opposition in a strict rotational order. There have been instances when smaller parties like the DMK and BJP, were given preference and the parties which had larger strength in the House were given opportunity in the third or fourth year of the term of the Lok Sabha. Speaker's right to nominate any one from among the members of the Committee was never questioned or interfered with until 1988.

Last year, I had first selected Shri C Madhav Reddy as the person who, according to my best judgment, appeared to be the most suited for taking over the responsibility of the office of the PAC Chairman. As the House is aware, a controversy was created and pressure built up for appointing another member — a particular person and noneelse — as Chairman. I had then also made the position very clear to the Opposition members that it was the undisputed discretion of the Speaker to appoint any member of the Committee who in his judgment was the most suitable for presiding over the Committee and conducting its deliberations in a smooth and non-partisan manner. Leaders in the Opposition Like Professor Madhu Dandavate, Sarvashri C, Madhav Reddy, Dinesh Goswami and Basudeb Acharia, accepted this position when in their letter of 23 August 1988, they observed:

We fully concede your right as our Hon'ble Speaker to nominate the Chairman of the Committee.... There could be no question of even remotely questioning your authority to take your own decision after considering all the relevant circumstances.

Shri Amal Datta in his letter dated 27 August 1988, observed as follows:—

I am fully aware of the right of the Speaker to appoint the Chairman of the Committee and that all Committees of the House have to function under the direction of the Speaker in accordance with the rules of the House.

Following the resignation of Shri Madhav Reddy and in deference to these sentiments and assurances of the Opposition members and in the fond hope that once appointed, any hon'ble member would function in a non-partisan manner and in keeping with the lofty traditions of parliamentary committees, I had agreed to renominate Shri Amal Datta as the Chairman of the Committee for the year 1988–89.

In view of the provisions of the Rules and Directions, the first and foremost duty of the Speaker *vis-a-vis* the PAC is to ensure that the Committee functions in a harmonious and nonpartisan manner and that its high traditions and prestige are maintained. While the Council of Ministers is responsible and answerable to the Lok Sabha, its committees cannot be competing centres of power with the Government. In fact, it has to be clearly understood and appreciated that in a parliamentary system, Parliament and Government are not in an adversary position. Government is part of Parliament, comes out of it and remains responsible to the whole. The two are inseparable partners or co-partners in the business of Government. While it is a legitimate function of the Opposition in Lok Sabha to criticise the Government of the day, it is not the function of any parliamentary committee to become a committee of inquisition against the Government. The Council of Ministers is responsible to the Lok Sabha as a whole. While the Government is 'responsible' to this House, it is the officials of the Ministries who are 'accountable' to the committees for all acts of omission and commission. The committees oversee administration and not the Government. The Ministers as such are not 'responsible' to any parliamentary committee. Indeed, no Minister is a member of any Financial Committees and cannot be called to tender evidence before them.

It may be a very salutary practice to appoint the Chairman of PAC from the Opposition. We cannot, however, ignore the fact that there is no recognised Opposition or Opposition party in Lok Sabha. The minimum number required to be eligible for recognition as a party in the legislature is one-tenth of the total membership of the House. Since none of the

parties/groups in the Opposition have in their respective folds even fifty members, none of them is recognised as a party and since there is no recognised party in the Opposition, there is no official Opposition either. The largest group in the House at present can claim a membership of only 28. In the House as at present constituted the Ruling party has a three-fourth majority and the one-fourth of the membership that is on the Opposition side is fragmented and segmented into small groups of 1 to 28. In such a situation where a recognised Opposition party or official Opposition definitely does not exist, one has to be cautious while thinking of some lofty parliamentary traditions in regard to the rights and privileges of the Opposition.

The function of the parliamentary committees is to oversee the administration and to assist Parliament in securing its accountability to the Legislature. The Ministers function in Government on behalf of Parliament and supervise the administration. In an ideal situation, the committees of Parliament working in a non-partisan manner also seek to assist the Ministers in overseeing the administration and pointing out the deficiencies or irregularities so as to enable the Ministers to take corrective steps. It is a common task with a common objective of ensuring that the administration is carried on efficiently and the bureaucracy is kept within proper limits. It is because of their objectivity and non-partisan manner of functioning that the committees have been able to make their mark in our parliamentary system. Naturally, it becomes my bounden duty to assist them in this task and not to allow anything to be said or done which would undermine their prestige and standing in our parliamentary life.

The Reports of the Financial Committees have always been unanimous and no Minutes of Dissent are permitted. Nothing can be more unfortunate than if the functioning of these committees becomes a matter of dispute between the ruling party and the Opposition. The committees cannot and must not function as the mouthpiece of the ruling party but it is at least equally important that no effort is ever made to turn them into an instrument of the Opposition. Once a person is elected as a member of a financial committee of parliament, he has to function, so far as possible, objectively and in a non-partisan manner in the best interests of the parliamentary institutions and protect and uphold the dignity and traditions of Parliament.

Unfortunately, in the recent past, things came to such a pass that the prestigious Public Accounts Committee almost threatened to become dysfunctional. One of the Reports of the Committee could not be finalised because of serious differences between the Chairman on the one hand and a majority of members on the other. In fact, the situation deteriorated to such an extent that charges and counter-charges were levelled on the floor of the House — members accusing the Chairman of misusing his

office and the Chairman charging the ruling party of issuing a whip. Nothing like this had ever happened in this House before.

In this context, I found it to be my foremost duty to ensure that the new Public Accounts Committee functions and remains effective. I had considered all aspects of the matter, including the past practices and conventions hitherto obtaining in India and elsewhere, when I chose Shri Kolandaivelu to be the Chairman of the Committee. I was surprised and pained to find that despite the oral and written assurances and commitments made by leading Opposition members last year to the effect that they did not question the right and authority of the Speaker to take his own decision and appoint any member as the Chairman of the P.A.C., once again a controversy was being created and efforts were being made by the same Opposition to question the Speaker's judgement, to render the Rules redundant and to dictate to the Speaker and compel him to appoint a particular hon'ble member and none else as the Chairman. If this is not questioning the right of the Speaker to take his own decision, what else is it? And, if the one-fourth minority seeks to do it today, what of the three-fourth majority tomorrow?

I understand that a Press release was issued on behalf of the opposition parties on 11 May, 1989 wherein it was stated that at a meeting of the leaders of the Opposition parties of both the Houses of Parliament held that day, it was decided that in case the Speaker of Lok Sabha did not respect the time-honoured convention of appointing the Chairman of the Public Accounts Committee from the Opposition parties on the basis of their respective strength, the Opposition members would resign from all Financial Committees as a first step of protest. This saddened me. Apart from the impropriety of rushing to Press, in plain terms it amounted to pressure tactics on the Speaker, which cannot but be deplored. It has also come to my notice that letters written to me by the Opposition members have been published in the papers even while the matter is under my consideration. Correspondence even between two individuals cannot be published without the consent of the sender and the addressee. Correspondence between the Speaker and the members is particularly privileged and protected. In the new anti-culture that has developed, there are cases in which even before the Speaker gets the letters from members, these reach the Press and get published. I must deprecate this tendency with all the emphasis at my command. It is most unfortunate that those who tend to bring down the prestige of parliamentary institutions are the loudest in shouting hoarse about the falling standards in Parliament.

I have no doubt that Shri Kolandaivelu will be able to provide the right leadership to the Committee and keep up the traditions of harmonious and non-partisan functioning of the PAC setting aside all considerations of

party or ideology. I am reassured to receive his letter of 11 May, 1989 wherein he has stated:

I will strive my best to uphold the highest traditions of the House and the Committee in as much as I shall ensure the functioning of the Committee in a non-partisan way. I also hope to allay the fears of the other Opposition parties by the manner in which the Committee will function as envisaged by the Parliament in constituting this oldest financial committee.

I find no reason to change my decision in the matter and reject the demand to appoint a particular member as the Chairman of the Public Accounts Committee for 1989-90.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 January to 31 March 1989)

INDIA

DEVELOPMENTS AT THE UNION

Death of MPs: Telugu Desam member of Rajya Sabha, Shri L. Narsing Naik, passed away in Hyderabad on 12 January.

Veteran trade union leader and CPI(M) member of Rajya Sabha from Darjeeling, Shri Thakur Singh Gurung, was stabbed to death by unidentified assailants near his house in Kurseong on 13 January.¹

Resignation by Minister: Union Health and Family Welfare Minister, Shri Motilal Vora resigned on 25 January following his election as Chief Minister of Madhya Pradesh. Textiles Minister Shri Ram Niwas Mirdha was temporarily assigned the charge of the Ministry of Health and Family Welfare.²

Resignation from Rajya Sabha: Kumari Jayalalitha of AIADMK(II) and Shri G.K. Moolanar of Congress(I) resigned their seats in Rajya Sabha on 24 January and 2 February, respectively, following their election to the Tamil Nadu Legislative Assembly on 23 January.

On 9 March, Rajya Sabha Chairman Dr. Shanker Dayal Sharma announced that he had accepted the resignation of Shri Motilal Vora from the membership of the House with effect from 8 March.³

Elections to Rajya Sabha: Sarvashri T. Krishnan and Viduthalai Virumbi of the DMK were declared elected unopposed to the Rajya

1. *Times of India*, 13 January 1989; and *Telegraph*, 14 January 1989.

2. *Indian Express*, 26 January 1989.

3. *Free Press Journal*, 25 January 1989; *National Herald*, 3 February 1989; and *Hindustan Times*, 10 March 1989.

Sabha from Tamil Nadu on 13 March. CPI(M) candidate Shri Ratna Bahadur Rai was declared elected unopposed to Rajya Sabha from West Bengal on 17 March.⁴

AROUND THE STATES

ANDHRA PRADESH

Resignation by Minister: Home Minister Shri Sivaprasada Rao resigned from the State Cabinet on 4 January, accepting moral responsibility for the Government's failure to prevent the arson, looting and murder that took place in the four coastal districts. Shri Kala Venkatarao, Minister of Commercial Taxes, was given the charge of Home Ministry the next day.⁵

Resignation of the Council of Ministers: All members of Council of Ministers resigned on 8 February owning moral responsibility for the leakage of Cabinet discussions on Budget to a Hyderabad daily, *Andhra Jyoti*, on 7 February.⁶

New Ministry: Chief Minister Shri N.T. Rama Rao formed a new 23-member Ministry, dropping all the 31 Ministers who resigned earlier. The new Ministers and their portfolios were:

Shri N.T. Rama Rao: *General Administration, Law and order, Planning Large and Small Industries, Major and Minor Irrigation, Mines and Geology and Sugar Industry;* Shri C. Ananda Rao: *Law;*

Shri Kolla Appala Naidu: *Endowments;* Shri R.S.D.P. Appala Narasimha Raju: *Excise;* Shri G. Appala Satyanarayana: *Social Welfare;* Shri Bashiruddin Babu Khan: *Small Scale Industries;* Shri P. Chandrasekhar: *Panchayati Raj;* Shri A. Chandulal: *Scheduled Tribes Welfare;* Shri B. Janardhan: *Labour and Employment;* Shri A. Madhava Reddy: *Home and Film Development;* Shri G. Nagi Reddy: *Minor Irrigation;* Shri G. Narayanappa: *Food and Civil Supplies;* Shri M. Rajaiah: *Finance;* Shri S. Rajsekhar: *Housing;* Shri A. Ramanarayana Reddy: *Roads and Buildings;* Shri V. Ranga Rao: *Municipal Administration;* Shrimati Y. Sita Devi: *Education;* Dr. P. Subbaiah: *Health;* Shri K. Surender Reddy: *Forest Animal Husbandary;* Shri G. Surya Rao: *Cooperation;* Shri D. Veeraiah Choudhary: *Land Revenue;* Shri B. Veera Reddy: *Agriculture;* and Shri k. Vivekanada: *Information.*⁷

4. *Hindustan Times*, 14 March 1989; and *Hindu* 18 March 1989.

5. *Hindustan Times*, 5 January 1989; and *Times of India*, 6 January 1989.

6. *Telegraph*, 9 February, 1989.

7. *Hindu*, 16 February 1989.

BIHAR

Resignation by Governor: President Shri R. Venkataraman accepted the resignation of State Governor, Shri Govind Narain Singh, on 29 January; he had resigned on 22 January following reported differences with Chief Minister Shri Bhagwat Jha Azad. Governor of Arunachal Pradesh, Shri R.D. Pradhan took over as acting Governor of Bihar on 30 January.⁸

Resignation by Ministers: Minister of State for Human Resource Development, Shri Devendra Nath Champia, and Minister of State for Public Health Engineering, Shri Amarendra Misra, resigned from the State Cabinet on 24 January. They were demanding immediate removal of Chief Minister, Shri Bhagwat Jha Azad.⁹

New Governor: Shri Jagannath Phadia was appointed Governor of Bihar on 20 February.¹⁰

Death of MLC: Congress(I) member of the State Legislative Council and veteran freedom fighter, Shri Indira Mohan Singh, died at Chapra on 7 March.¹¹

Resignation of Chief Minister: Chief Minister Shri Bhagwat Jha Azad submitted his resignation to Governor Shri Jagannath Pahadia, on 10 March which was accepted.¹²

New Ministry: Shri Satyendra Narain Sinha was sworn in as Chief Minister along with his new Cabinet colleagues by Governor Shri Jagannath Pahadia on 11 March. He allocated the portfolios as follows:

Chief Minister: Home, Human Resource Development and Finance; *Shri Lathan Chaudhary:* Agriculture with Minor Irrigation, Planning and Development; *Shri Ramashraya Prasad Singh:* Revenue, Land Development, 20-Point Programme, Institutional Finance and Programme Implementation; *Shri Ramanand Yadav:* Cooperatives, Cane, Mines and Geology; *Shri Ram Jaipal Singh Yadav:* Building Construction, Energy

8. *Hindustan Times*, 23 January 1989 and *National Herald*, 30 January, 1989.

9. *Free Press Journal*, 25 January 1989.

10. *Indian Express*, 21 February 1989.

11. *Times of India*, 9 March 1989.

12. *National Herald*, 11 March 1989.

and Housing; Shri Ram Sharam Prasad Singh: Road Construction, Transport and Parliamentary Affairs; Shri Krishnanand Jha: Water Resources and Rajbhasha; Shri Indranath Bhagat: Urban Development, Forest and Environment; Shri H.M. Rahman: Law, Waqf, Relief and Rehabilitation; Shrimati Sushila Karketta: Food and Supply and Rural Development; Shri Mahabir Paswan: Welfare, Excise, Prohibition, Labour, Employment and Training; and Shri Dilkeswar Ram: Health and Family Welfare, Medical Education, Animal Husbandry, Fisheries and Public Health Engineering.¹³

Resignation by MLA: Congress(I) MLA, Shri Brij Mohan Singh resigned from the State Assembly on 15 March to enable the Chief Minister, Shri S.N. Sinha to seek election from the Aurangabad constituency.¹⁴

New Speaker: Former Minister Shri Hidayatullah Khan of Congress(I) was unanimously elected as Speaker of the State Assembly on 27 March.¹⁵

HARYANA

Additional Portfolio for Minister: Food and Supplies Minister Shrimati Sushma Swaraj, took additional charge of Education on 8 February following the resignation of Education Minister Shri Khurshid Ahmed who was elected to the Lok Sabha from Faridabad constituency.¹⁶

Bye-election result: Janata Dal candidate Shri Hasan Mohammed was declared elected from the Nuh Assembly constituency, defeating his nearest Congress(I) rival, Shri Mohammed Ilyas, in the bye-election held on 26 March.¹⁷

Dismissal of Minister: Chief Ministers Devi Lal dismissed Agriculture Ministers, Shri Tayyab Hussain, from the Cabinet on 27 March.¹⁸

Resignation by Minister: Minister of State for Local Bodies, Shri Avtar Singh Badhana, resigned from the Cabinet on 29 March.¹⁹

Cabinet expansion: Chief Minister Devi Lal expanded his Cabinet on 30 March by inducting five new Ministers, thus raising the strength of his Council of Ministers to 30. State BJP President, Shri Mangal Sein, the

13. *Telegraph*, 12 March 1989; and *Hindustan Times*, 12 and 15 March 1989.

14. *Telegraph*, 16 March 1989.

15. *Telegraph*, 28 March 1989.

16. *Tribune*, 9 February 1989.

17. *Hindustan Times*, 28 March 1989.

18. *Times of India*, 28 March 1989.

19. *Statesman*, 30 March 1989.

younger son of the Chief Minister, Shri Ranjit Singh, and Shri Maha Singh, were sworn in as Cabinet Ministers, while Shri Manphool Singh and Shri Hasan Mohammed took oath as Ministers of State. Minister of State for Housing, Shri Subhash Katyal, was elevated as Cabinet Minister, while Deputy Ministers, Sarvashri Sachdev Tyagi and Lachhman Singh Kamboj, were elevated to the rank of Ministers of State.²⁰

Reshuffle of portfolios: Chief Minister Devi Lal allocated the portfolios of Local Government (till now held by Shri Mangal Sein) and Agriculture to Shri Ranjit Singh. Shri Subhash Katyal was assigned Social Welfare portfolio so far held by Shri Nar Singh Dhanda.²¹

HIMACHAL PRADESH

New Chief Justice: Justice Narinder Mohan Kasliwal of Rajasthan High Court was appointed Chief Justice of Himachal Pradesh High Court on 23 February.²²

New Ministers: Chief Minister Shri Virbhadra Singh expanded his Ministry on 16 March by inducting Shri J.B.L. Khachi as Cabinet Minister, Shri Dev Raj Negi and Shri Man Chand Rana as Ministers of State. Minister of State for Welfare, Shri Piru Ram, was elevated to Cabinet rank.

The Chief Minister, meanwhile, relinquished charge of *Public Relations, Tribal Development and Housing*. He allocated portfolios to the new Ministers besides making minor changes in the portfolios of some other Ministers as follows: Shri J.B.L. Khachi: *Cooperation and Transport*; Shri Piru Ram: *Welfare, Labour, Employment and Training and Printing and Stationery*; Shri Dev Raj Negi: *Tribal Development (Independent charge)*. He would also be attached to the *Rural Development and Panchayati Raj* Departments of the Agriculture Ministry as Minister of State; Shri Man Chand Rana: *Public Relations (Independent charge)*. He would also be attached to the Education Minister. The Department of *Animal Husbandry* was transferred from Agriculture Minister, Shri Sant Ram, to Shri Mussafir, who would also hold independent charge of *Housing*.²³

New Deputy Speaker: Congress(I) nominee, Shri Ram Nath Sharma, was unanimously elected Deputy Speaker of the State Assembly on 29 March.²⁴

20. *Hindustan Times*, 31 March 1989.

21. *Statesman*, 1 April 1989.

22. *Tribune*, 24 February 1989.

23. *Statesman*, 17 March 1989.

24. *National Herald*, 30 March 1989.

KARNATAKA

Resignation by Minister: Irrigation Minister Shri H.D. Deve Gowda resigned from the State Cabinet on 19 January, in protest against Janata Legislature Party's merger with the Janata Dal.²⁵

Cabinet Expansion: The Governor Shri P. Venkatasubbaiah administered the oath of office and secrecy to nine new Ministers on 13 March. They were: Sarvashri Viswanath Reddy Mudnal, K.M. Krishna Reddy, H.G. Govinda Gowda, Veeranna and Lakshminarasimhaiah (all of Cabinet rank) and Dr. (Smt.) A. Pushpavati, Sarvashri Leeladevi R. Prasad, B.B. Lingaiah and Roshan Baig (all Ministers of State).²⁶

New Minister: Governor Shri P. Venkatasubbaiah administered the oath of office and secrecy to Shri J.S. Deshmukh as Minister of Health and Family Welfare Services on 15 March.²⁷

Resignation by MLA: Janata Dal MLA, Shri Raja Amarappa Naik, resigned his membership of the State Assembly on 16 March.²⁸

KERALA

Death of MLA: CPI(M) MLA, Shri K.K.N. Parivaram, representing the Thaiparamba constituency, passed away on 24 February.²⁹

MADHYA PRADESH

Resignation by Chief Minister: Shri Arjun Singh tendered his resignation to Governor Shri K. M. Chandy on 23 January, following the High Court judgement on the Churhat Lottery Case.³⁰

Swearing-in by new Ministry: A new Ministry headed by Shri Motilal Vora was sworn in by Governor, Shri K. M. Chandy on 25 January.³¹

Allocation of Portfolios: On 1 February, Chief Minister Motilal Vora allocated portfolios to the members of his newly formed Ministry as follows:

25. *Hindu*, 18 January; and *Times of India*, 20 January 1989

26. *Hindustan Times*, 14 March 1989.

27. *Hindu*, 16 March 1989.

28. *Indian Express*, 17 March 1989.

29. *Hindu*, 25 February 1989.

30. *Telegraph*, 23 January 1989; and *Times of India*, 24 January 1989.

31. *Hindu*, 26 January 1989.

Chief Minister: *General Administration, Personnel, Publicity, Energy, Housing, Environment, Separate Revenue, Commerce and Industries and 20-Point Programme Implementation.*

Cabinet Ministers:

Shri Shiv Bhanu Solanki: *Finance and Agriculture; Kumari Vimla Varma:* *Irrigation, Public Health Engineering and Narmada Valley Development; Shri K. L. Sharma:* *Forest, Culture and Tourism; Shri B. R. Yadav:* *Revenue and Religious Trusts; Shri Durgadas Suryavanshi:* *Public Works Department; Shri Balendu Shukla:* *Food and Civil Supplies, Cooperation, Sports and Youth Welfare; Shri Chitrakant Jaiswal:* *Schools, Higher Education and Law; Shri Jaipal Singh:* *Home, Transport, Aviation and Parliamentary Affairs; Shri Shivpratap Singh:* *Panchayats, Rural Development and Social Welfare; and Shri Rasool Ahmed Siddiqui:* *Health, Family Planning, Bhopal Gas Tragedy Relief and Jails.*

Ministers of State:

Shri Jaswant Singh Keer: *Local Self Government; Shri Chandrakant Bhanot:* *Labour and Manpower Planning; Shrimati Jamuna Devi:* *Tribal and Harijan Welfare; Shri Lalta Prasad Khare:* *Science and Technology and Planning (All independent charges); Shri Vidhyadhar Joshi:* *Commerce and Industry; Shri Gagan Singh Patel:* *20-Point Programme Implementation; and Shri Mahendra Bahadur Singh:* *Forests, Panchayats, Public Health and Jails.*

Deputy Ministers:

Shri Bhaiya Saheb Lodhi: *Irrigation, Public Health Engineering, Narmada Valley Development and Publicity; and Shri Vijay Dube:* *General Administration, Home and Personnel.*³²

New Minister: Shri Vithalbai Patel was sworn in as Cabinet Minister in charge of Commerce, Industry and Minerals on 2 February by Governor, Shri K. M. Chandy.³³

New Governor: Shrimati Sarla Grewal, Secretary to the Prime Minister, was appointed Governor of Madhya Pradesh on 19 February succeeding Shri K. M. Chandy whose term expired. She was sworn in on 31 March.³⁴

32. *Hindustan Times*, 2 February 1989.

33. *Statesman*, 3 February 1989.

34. *Hindustan Times*, 20 February 1989; and *Times of India*, 1 April 1989.

Expansion of Ministry: Two Ministers of State and six Deputy Ministers who were sworn in by Governor Shri K. M. Chandy on 8 March were allocated portfolios as follows:

Ministers of State:

Shri Vijay Guru: *Agriculture*; and Shri Kamleshwar Dwivedi: *Revenue and Public Health Engineering*.

Deputy Ministers:

Shri Krishan Lal Kurre: *Tribal Welfare*; Shri Prakash Jain: *Higher Education*; Shri Dhanesh Patila: *School Education*; Shri Uday Bhanu Singh: *Dairy Development and Fisheries*; Shri Satyadeo Katare: *Transport*; and Shri Nandal Mata: *Food and Civil Supplies*.³⁵

Vora elected to Assembly: Chief Minister Motilal Vora was declared elected from the Durg Assembly constituency in the bye-election held on 26 March, defeating his nearest independent rival, Shri Bise Yadav.³⁶

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MIZORAM

Election results: Congress(I) won absolute majority in the 40-seat Assembly by winning 22 out of 39 seats for which results were declared on 24 January. The MNF and MNF(D) won 14 and two seats, respectively and the People's Conference got one seat.³⁷

New Ministry: A new Ministry, headed by Shri Lalthanhawla, was sworn in by the Governor, Shri Hiteshwar Saikia on 24 January. The Ministry consisted of five Cabinet Ministers and three Ministers of State. The names of the Ministers and their portfolios were as follows:

Cabinet Ministers:

Shri Lalthanhawla (Chief Minister): *Finance, Home, General Administration, Industry and PWD*; Shri John Lalsengzue: *Food and Civil Supplies, Transport and Cooperation*; Shri E. L. Ruana: *Forest, Environment and Agriculture*; Shri Rokamlova: *Rural Development, Planning and Programme Implementation, Labour and Employment and Social Forestry*; Dr. Thansangwa: *Education, Human Resources, Law, Judiciary and Parliamentary Affairs*.

35. *Hindustan Times*, 9 March 1989.

36. *National Herald*, 28 March 1989.

37. *Hindu and National Herald*, 25 January 1989.

Ministers of State:

Shri S. Hieto: *Health and Family Welfare and District Council Affairs;*
Shri Nirupam Chakma: *Sericulture, Animal Husbandry and Veterinary;* and
Shri P. Siamliana: *Social Welfare, Trade and Commerce and Rehabilitation.*³⁸

Election of Speaker and Deputy Speaker: **Shri Hiphhei** and **Shri Vanlalgena**, Both Congress(I) nominees, were elected unopposed as Speaker and Deputy Speaker, respectively, of the State Assembly on 30 January.³⁹

NAGALAND

General election results: In the general elections held to the 60-member State Assembly on 21 January, the Congress(I) won 36 seats and the Nagaland Peoples' Council won the rest of the 24 seats in the final tally.⁴⁰

New Ministry: A 16-member Ministry, consisting of 14 Cabinet Ministers and one Ministers of State, headed by **Shri S. C. Jamir** was sworn in by Governor **Shri K. V. Krishna Rao** on 25 January.⁴¹

Allocation of portfolios: On 6 February, Chief Minister **S. C. Jamir** allocated portfolios to his Ministers as follows:

Cabinet Ministers

Chief Minister: *Home, Food and Civil Supplies, Planning, Coordination and Personnel and Administrative Reforms;* **Shri I. K. Sema:** *Education;* **Shri R. Chiten Jamir:** *Industries, Commerce, Town and Country Planning;* **Shri Chom Seng Chang:** *Soil Conservation;* **Shri T. A. Ngullie:** *Agriculture, Horticulture and Irrigation;* **Shri Tiameren:** *Finance and Social Security;* **Shri N. I. Jamir:** *Transport and Communications;* **Shri Rothrong Sangtham:** *Animal Husbandry, Veterinary and Fisheries;* **Shri Nwang Konyak:** *Public Health Engineering;* **Shri E.T. Ezung:** *Power;* **Shri Masil Kheya:** *Forest and Wild Life Preservation;* **Shri Hokheto Sema:** *Information, Tourism and Parliamentary Affairs;* **Shri Z. Echilhu:** *Zoology, Mining, Relief and Rehabilitation;* and **Shri Vikheshe Sema:** *Labour and Employment, Excise and Jail.*

38. *Hindu*, 25 January 1989 and *Statesman*, 26 January 1989.

39. *Free Press Journal*, 31 January 1989.

40. *Hindu*, 25 January 1989, and *Information collected from Nagaland Information Centre.*

41. *National Herald*, 26 January 1989.

*Minister of State: Shri J. Sevivile Miachieo: Rural Development.*⁴²

*New Speaker: Shri T.N. Ngullie of Congress (I) was unanimously elected Speaker of the State Assembly on 14 February.*⁴³

ORISSA

*New Governor: West Bengal Governor, Shri Nural Hassan, was appointed Governor of Orissa on 19 February to fill the vacancy caused by the resignation of Shri B.N. Pandey. He was sworn in on 3 March.*⁴⁴

PONDICHERRY

*Death of Speaker: The Speaker, Shri Kamichetty S. Varaprasada Rao Naidu, passed away on 19 January.*⁴⁵

SIKKIM

*New Governor: Former Defence Secretary, Shri S.K. Bhatnagar, was appointed Governor of Sikkim in place of Shri T.V. Rajeshwar who was appointed Governor of West Bengal.*⁴⁶

TAMIL NADU

*Assembly Election Results: In the elections to the State Assembly held on 21 January for 232 seats, DMK won 151 seats, AIADMK(JL)—27; Congress (I)—26; AIDMK(JR)—1; CPI(M)—15; CPI—3; Janata Dal—4 and Independents—5.*⁴⁷

New Ministry: The DMK Ministry headed by Shri M. Karunanidhi was sworn in by Governor Shri P.C. Alexander on 27 January. The names of Ministers and their portfolios were as follows:

Shri M. Karunanidhi (Chief Minister): Public, Genral Administration, Indian Administrative Service, District Revenue Officers, Home, Finance, Planning, Industries, Commercial Taxes and Backward Classes; Shri K. Anbazhagan: Education, including Technical Education, Official Language, Legislature, Elections, Electronics, Science and Technology, Tamil Culture, Sports and Youth Service Corps and Ex-servicemen; Shri

42. *Hindustan Times*, 7 February 1989.

43. *Hindu*, 15 February 1989.

44. *Hindu*, 20 February 1989; and *Hindustan Times*, 4 March 1989.

45. *Indian Express*, 20 January 1989.

46. *Times of India*, 20 February 1989.

47. *Hindu*, 24 January 1989.

S.J. Sadiq Pasha: *Law Courts, Prisons, Legislation on Weights and Measures, Registration of Companies, Debt Relief including Legislation on Moneylending and Legislation on Chits and Wakf*; **Shri Nanjil K. Manoharan:** *Revenue, Board of Revenue, District Revenue, Establishment Deputy Collectors, Registration and Stamp Act*; **Shri M. Kannappan:** *Transport, Nationalised Transport, Motor Vehicles Act, Ports and Highways*; **Shri K.P. Kandasamy:** *Hindu Religions and Charitable Endowments, Housing, Tourism, Tourism Development Corporation, Forests and Cinchona*; **K.S. Mani:** *Agriculture, Agricultural Refinance, Agricultural Engineering and Service Cooperative Societies at the Block, District and Apex Level, including the Federation and Food Production*; **Shri N. Veerasamy:** *Food, Price Control and Civil Supplies, Cooperation and Statistics*; **Shri Pon Muthuramalingam:** *Information and Publicity, Film Technology, Cinematography Act, Labour Census, Employment and Training, Indian Overseas Refugees and Evacuees, Iron and Steel Control, Newsprint Control, Stationery and Printing and Government Press*; **Shri Veerapaudi Arumugam:** *Municipal Administration, Community Development, Panchayat Unions and Rural Indebtedness*; **Shri Durai Murugan:** *Public Works, Minor Irrigation, including Special Minor Irrigation Programme Works*; **Shrimati Subbulakshmi Jagadeesan:** *Social Welfare including Children and Women's Welfare, Beggars Home, Orphanages, Correctional Administration, Nutritious Meals, Rural Industries including Village, Cottage and Small Industries, Khadi Board, Bhoodan and Gramadan*; **Shri Ramakrishnan:** *Adi-Dravidar Welfare, Hill Tribes and Bonded Labour*; **Shri Ponmudi alias Deivasigamani:** *Public Health, Medicine, Town Planning, Water Board and Environmental Pollution Control*; **Shri K.N. Nehru:** *Electricity and Milk*; **Shri Chandrasekaran:** *Animal Husbandry, Fisheries and Fisheries Development Corporation*; **Shri S. Thangavel:** *Handlooms Textiles, urban Development and Slum Clearance Board and Accomodation Control.*⁴⁸

New Speaker and Deputy Speaker: **Shri M. Sathaiah alias Thamizh-kudimagan** of DMK was unanimously elected as speaker of the State Assembly on 8 February. **Shri Duraiswamy** was elected Deputy Speaker.⁴⁹

Revival of Legislative Council: The State Legislative Assembly passed a resolution, moved by Chief Minister, **Shri M. Karunanidhi** on 20 February, seeking the revival of the State Legislative Council which was abolished in 1986. The resolution was backed by 169 members, including those of Congress(I), while 22 AIADMK members voted against it, and the CPI (M) members staged a walk-out.⁵⁰

48. *Hindu*, 27 and 28 January 1989.

49. *Hindu*, 9 February 1989.

50. *Times of India*, 21 February 1989

Election to Legislative Assembly: AIADMK candidates, Sarvashri S.R. Eradha and K. Ponnuswamy, were declared elected to the State Assembly from Madurai East and Marungapuri constituencies, respectively, in the elections held on 12 March.⁵¹

UTTAR PRADESH

MLA's election set aside: Allahabad High Court set aside the election of the BJP MLA, Shri Satya Prakash Vakil, and declared Congress(I) candidate, Shri Satish Chandra, as elected from the Agra East constituency.⁵²

New Chief Justice: Justice Brahmanath Katju, a Judge of the Allahabad High Court, was appointed as Chief Justice of the High Court on 7 March.⁵³

WEST BENGAL

Opening of Hill Council Secretariat: The Secretariat of the Darjeeling Gorkha Hill Development Council was formally opened by its Chairman, Shri Subhas Ghising in Darjeeling on 18 January. Earlier, the State Government announced the names of 13 nominated members of the Gorkha Hill Council on 7 January.⁵⁴

New Governor: Governor of Sikkim, Shri T.V. Rajeshwar, was appointed Governor in place of Shri Nural Hussan, who took over as Governor of Orissa. Shri Rajeshwar was sworn in on 2 March.⁵⁵

DEVELOPMENTS ABROAD

AFGHANISTAN

Cabinet reshuffle: On 19 February, President Najibullah reshuffled his Cabinet, replacing eight Ministers and transferring the powers of Parliament to the council of Ministers. He also assumed power to constitute special military courts and delegate judicial powers to them.⁵⁶

Dismissal of Prime Minister: Prime Minister Mr. Mohammad Hassan

51. *Hindu* 13 March 1989.

52. *Telegraph*, 21 January 1989.

53. *Times of India*, 8 March 1989.

54. *Statesman*, 7 and 19 January 1989.

55. *Statesman*, 20 February 1989; and *Telegraph*, 3 March 1989.

56. *Times of India*, 20 February 1989.

Sharq was dismissed on 20 February, as a 20-member Supreme Military Council took over to plan strategy for fighting Muslim rebels.⁵⁷

New Prime Minister: On 22 February, Mr. Sultan Ali Kishmand was commissioned by President Najibullah to chair meetings of the executive committee of the Council of Ministers and to supervise the affairs of the Council of Ministers and of its executive committee.⁵⁸

ALGERIA

New Constitution: Algerians adopted a new Constitution through a referendum on 23 February, paving the way for a multiparty system.⁵⁹

ANGOLA

New Foreign Minister: Mr. Pedro Van Dunem took over as Foreign Minister from Mr. Alonso Van Dunem on 24 January.⁶⁰

AUSTRIA

Resignation by President of Parliament: President of the Austrian Parliament, Mr. Leopold Gratz, resigned on 25 January following reports of his close ties with a fugitive of Austrian Justice.⁶¹

EL SALVADOR

Presidential elections: Mr. Alfredo Christiani of the Nationalist Republican Alliance won the Presidential elections held on 19 March, defeating the ruling Christian Democratic Party candidate, Mr. Fidel Vhavez Mena.⁶²

GREECE

Resignation by Deputy Premier: Deputy Premier Agamemnon Koutsoyorgas resigned his post on 15 March, following a financial scandal linking him with the former head of the Bank of Crete.⁶³

57. *Indian Express, and Times of India*, 21 February 1989.

58. *Hindustan Times*, 23 February 1989.

59. *National Herald*, 26 February 1989.

60. *Free Press Journal*, 25 January 1989.

61. *Indian Express*, 26 January 1989.

62. *Hindustan Times*, 22 March 1989.

63. *Hindustan Times*, 16 March 1989.

Resignation of Cabinet: Premier Andreas Papandreu asked his 54-member Cabinet to resign on 16 March, in order to facilitate a reshuffle of his Government.⁶⁴

JAMAICA

Election results: On 9 February, leader of the People's National Party (PNP), and former Premier Mr. Michael Manley, defeated Prime Minister Edward Seaga of Jamaica Labour Party (JLP) by winning 36 out of 60 seats in the Parliamentary elections.⁶⁵

JAPAN

Death of Emperor: Emperor Hirohito died on 7 January at the age of 87. Crown Prince Akihito, eldest son of the Emperor ascended the throne.⁶⁶

Resignation by Minister: Planning Minister, Mr. Ken Harada resigned from Cabinet on 24 January, following a bribery scandal.⁶⁷

MALAYSIA

New Monarch: After a three-day meeting in Kuala Lumpur, the nine Malaysian hereditary rulers chose on 2 March, Sultan Azlan Shah of Perak to a five-year term as the new constitutional Monarch of the country.⁶⁸

PAKISTAN

Resignation from Parliament: A prominent religious leader, Mr. Hamid Velah Sialvi resigned from Parliament on 5 March in protest against the "Un-Islamic Government headed by a woman", following a Rawalpindi convention of religious leaders which declared that Benazir Bhutto's Government was against the tenets of Islam and the Shariat.⁶⁹

Expansion of Cabinet: Ten new Cabinet Ministers and 16 Ministers of State were inducted in the Cabinet by Prime Minister Benazir Bhutto on 22 March. Her mother, Mrs. Nusrat Bhutto, was given number two position in the Cabinet, being titled as "Senior Minister " without portfolio.

64. *Hindu and Hindustan Times*, 18 March 1989.

65. *Hindu*, 11 February 1989.

66. *Times of India*, 8 January 1989.

67. *Times of India*, 25 January 1989.

68. *Telegraph*, 3 March 1989.

69. *Hindu*, 6 March 1989.

The other nine new *Cabinet Ministers* and their portfolios were as follows: Mr. Syed Ghulam Mustafa Shah: *Education*; Mr. Zafar Leghari: *Railways*; Mr. Khan Bahadur Khan: *Religious Affairs*; Mr. Tariq Rahim: *Parliamentary Affairs*; Mr. Parvez Ali Shah: *Youth*; Mr. Mir Baz Mohammad Kethran: *States and Frontier Region*; Mr. Syed Ali Nawaz Shah: *Industries*; Mr. Yusuf Raza Gilani: *Tourism*; and Dr. Mohammed Hanif Khan: *Housing and Work*.

Ministers of State: Mr. Farooq Azam: *Railways*; Begum Shahnaz: *Education*; Begum Rehana Sarvar: *Women's Division*; Begum Khakwani: *Population*; Mr. Shahnawaz Junejo: *Local Government and Rural Development*; Mr. Muzaffar Shah: *Drugs and Narcotics*; Mr. Quadar Baksh: *Sports*; Mr. Syed Quasim Shah: *Environment and Urban Affairs*; Mr. Mushtaq Awan: *Housing and Works*; Haji Amanullah Khan: *Religious Affairs*; Dr. Mahboobur Rahman: *Food, Agriculture and Cooperation*; Mr. Tariq Magsi: *Manpower*; Mr. Sher Afghan: *Parliamentary Affairs*; Father Julius, *Minorities*; Mr. Ahmed Saeed Awan: *Industries* and Dr. Mahmooda Shah: *Special Education and Social Welfare*.⁷⁰

PARAGUAY

Coup by Army: In a broadcast to the nation on 3 February, Army Commander General Andres Rodriguez announced a *coup* against President Stroessner and disclosed his intention to take command of the country with immediate effect. Later, on 7 February General Rodriguez announced 1 May as the day for national elections and dissolved the Congress.⁷¹

PERU

Resignation by Foreign Minister: Foreign Minister Mr. Luis Gonzales Posada resigned his post on 24 February.⁷²

SOUTH AFRICA

New President: The caucus of the ruling National Party nominated Education Minister, Mr. Frederik De Klerk as Party Leader in place of Mr. Peter Botha on 14 March to fill the office of the State President.⁷³

70. *Telegraph and Indian Express*, 24 March 1989; and Information collected from Pakistan Embassy.

71. *Hindu* 4 February 1989; and *Hindustan Times*, 8 February 1989.

72. *Indian Express*, 28 February 1989.

73. *National Herald*; and *Times of India*, 15 March 1989.

SRI LANKA

Swearing-in of President: Mr. Ranasinghe Premadasa was sworn in as President of Sri Lanka for a six-year term on 2 January.⁷⁴

Cabinet reshuffle: President Premadasa reshuffled the country's interim Cabinet dropping nine Cabinet Ministers and abolishing the Ministries of Civil Security and National Security and the posts of Project Ministers, District Ministers and Deputy Ministers on 4 January. He also announced that during the interim period, there would be no Prime Minister and he himself would hold all the six portfolios held by the former President as well as those held by him (Mr. Premadasa) as Prime Minister. He would also hold the additional charge of the Ministries of Finance, Plan Implementation and Plantation Industries.

In the reallocation of the other Ministerial portfolios Minister of National Security, Trade and Shipping, Mr. Lalith Athulathmudali was given the additional charge of Food; Minister of Land and Land Development Mr. Gamini Dissanayake was given the additional charge of Agricultural Development and Research; Foreign Minister Mr. A.C.S. Hameed was also given the portfolio of Higher Education and Education Minister Mr. Ranil Wickramasinghe was given the additional charge of Justice.⁷⁵

Lifting of Emergency: President Premadasa announced the lifting of the five-and-a-half year old state of emergency in the country on 11 January.⁷⁶

Election results: In the parliamentary elections held on 15 February, the United National Party gained absolute majority by winning 125 out of 225 seats. The Sri Lanka Freedom Party (SLFP) and Tamil United Liberation Front (TULF) won 67 and 10 seats respectively. While Sri Lanka Muslim Congress (SLMC) won 4 seats, United Socialist Alliance (USA) and Mahajana Ekaath Paramuna (MEP) won 3 seats each. Thirteen seats were won by independent candidates.⁷⁷

New Ministry: President R. Premadasa appointed a 21-member Cabinet on 18 February. The Ministers and their portfolios were as follows:

President R. Premadasa: *Buddha Sasana, Policy Planning and Implementaion and Defence;* **Mr. Wijepala Mandis:** *Transport and High-*

74. *Hindustan Times*, 3 January 1989.

75. *Hindu and Hindustan Times*, 5 January 1989.

76. *Hindustan Times*, 12 January 1989.

77. *Indian Express*, 17 February 1989.

ways; Mr. A.C.S. Hameed: Higher Education, Science and Tehnology; Mr. D.B. Wijetunge: Finance; Mr. Gamini Dissanayake: Plantation Industries; Mr. M. Vincent Perera: Justice and Parliamentary Affairs; Mr. Lalith Atulathamudali: Agriculture, Food and Cooperatives; Mr. Festus Perera: Power and Energy; Mr. S. Thandaman: Textiles and Rural Industrial Development; Mr. Anil Wickramasinghe: Industries; Mr. Ranjith Atapatyту; Labour and Social Welfare; Mr. P. Dayartne: Lands, Irrigation and Mahaweli Development; Mr. Joseph Michael Perera: Fisheries and Acquatic Resources; Mr. W.J.M. Lodubandara: Education, Cultural Affairs and Information; Mr. Alick Aluvihare: Posts and Telecommunications; Mr. C. Nanda Mathew: Youth Affairs and Sports; Mr. A.R. Munsoor: Trade and Shipping; Mr. U.B. Wijekoon: Public Administration, Provincial Councils and Home Affairs; Mrs. Renuka Herath: Health and Women's Affairs; Mr. B. Sirisena Cooray; Housing and Construction; Mr. A.M.S. Adikari: Tourism; and Mr. Ranjan Wijerathne: Foreign Affairs.⁷⁸

New Prime Minister: President Premadasa appointed Finance Minister, Mr. Dingiri Banda Wijetunge as the new Prime Minister of the country on 3 March.⁷⁹

SUDAN

Resignation of Ministry: Prime Minister Mr. Sadek EL-Mahdi resigned along with his Cabinet on 12 March, following pressure from labour unions and the Military, over his Government's failure to end the civil war in the country. Earlier, the Army had joined hands with the labour unions and other political powers, in issuing an ultimatum to the Prime Minister to form a broad-based Government and start peace talks with the rebel Sudan People's Liberation Army.⁸⁰

New Government: Prime Minister Mr. Sadek EL-Mahdi announced the formation of a new Government on 23 March. He informed a Press Conference that eight ministerial portfolios were allocated to his Umma Party, six to the Democratic Unionist Party, four to the southern Parties, two to the trade unions and one each to the Sudan Communist party and the Sudan National Party. The new Caninet was sworn in on 25 March.⁸¹

78. *Hindustan Times*, 19 February 1989; and Information gathered from Sri Lanka High Commission.

79. *Times of India*, 4 March 1989.

80. *National Herald*, 13 March 1989.

81. *Hindustan Times*, 24 and 27 March 1989.

SWITZERLAND

Resignation by Minister: Minister of Justice and Police, Mrs. Elizabeth Kopp, resigned her post on 12 January and also decided to renounce her parliamentary immunity from prosecution. She was earlier accused of informing her husband that the company in which he was serving was being investigated for illegal drug trafficking projects.⁸²

TURKEY

Resignation by Deputy Prime Minister: Deputy Prime Minister Mr. Kaya Erdem, resigned on 5 January, citing differences with the Prime Minister.⁸³

U.S.A.

New Defence Secretary: On 10 March, President George Bush nominated Mr. Dick Cheney as the new Defence Secretary. The nomination was approved by Senate on 17 March.⁸⁴

USSR

Elections to Super Parliament: President Mikhail Gorbachev, Prime Minister Mr. Nikolai Ryshkov and all Politbureau members were elected to the Congress of People's Deputies, popularly called "Super Parliament", as envisaged by the new constitution, at the Plenum of the Communist Party Central Committee on 15 March.⁸⁵

YUGOSLAVIA

New Prime Minister: The Federal Parliament elected Mr. Anja Markovic as the country's Prime Minister on 16 March.⁸⁶

ZAMBIA

Dismissal of Prime Minister: President Kenneth Kaunda dismissed Prime Minister Mr. Kebby Musokotwane without giving any reason and appointed Army Commander Mr. Malimba Mushaka in his place on 15 March.⁸⁷

82. *Hindu*, 14 January 1989.

83. *Hindu*, 6 January 1989.

84. *Hindustan Times*, 12 March 1989; and *National Herald*, 18 March 1989.

85. *Free Press Journal*, 16 March 1989; and *Information Collected from Soviet Information Centre*.

86. *National Herald*, 17 March 1989.

87. *Free Press Journal*, 16 March 1989.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

With a view to lowering the minimum voting age from 21 to 18, the Parliament passed two Bills—The Constitution (Sixty-First Amendment) Bill, 1988 which sought to amend article 326 of the Constitution and the Representation of the People (Amendment) Bill, 1989 which sought to amend the Representation of the People Act, 1950. The former was introduced in Lok Sabha and Rajya Sabha on 15 and 20 December, 1988, respectively and received President's assent on 28 March, 1989, after being ratified by one-half of the States as provided under of the clause (2) of article 368 of the Constitution, while the latter was introduced in Lok Sabha and Rajya Sabha on 11 and 12 May, 1989, respectively and received President's assent on 22 May, 1989.

We reproduce here the texts of the above Acts.

—Editor

THE CONSTITUTION (SIXTY-FIRST AMENDMENT) ACT, 1988

An Act further to amend the Constitution of India

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

1. *Short title:* This Act may be called the Constitution (Sixty-first Amendment) Act, 1988.

2. *Amendment of article 326:* In article 326 of the Constitution, for the words "twenty-one years", the words "eighteen years" shall be substituted.

The above Bill has been passed by the Houses of Parliament in accordance with the provisions of article 368 of the Constitution and has also been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect as required under the proviso to clause (2) of the said article.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1989

An Act further to amend the Representation of the People Act, 1950

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. *Short title:* This Act may be called the Representation of the People (Amendment) Act, 1989.

2. *Amendment of section 9:* In section 9 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

“(aa) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as appear to it to be necessary or expedient for consolidating with that Order any notification or order relating to delimitation of parliamentary or assembly constituencies (including reservation of seats for the Scheduled Castes or the Scheduled Tribes in such constituencies) issued under any Central Act;”.

3. *Amendment of section 14:* In section 14 of the principal Act, to clause (b), the following proviso shall be added and shall be deemed to have been so added with effect from the 28th day of March, 1989, namely:—

‘Provided that “qualifying date”, in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989.’

4. *Amendment of section 19:* In section 19 of the principal Act, in clause (a), for the words “twenty-one years”, the words “eighteen years” shall be substituted and shall be deemed to have been so substituted with effect from the 28th day of March, 1989.

5. *Amendment of Fourth Schedule:* In the Fourth Schedule to the principal Act, under the heading “Maharashtra”, the entry “3. Town Committees.” shall be omitted.

6. *Validation:* All things done and all steps taken, before the commencement of this section, in relation to the preparation or revision of electoral rolls under Part III of the principal Act in the year 1989 shall, in so far as they are in conformity with the provisions of the principal Act, as amended by sections 3 and 4 of this Act, be deemed to have been done or taken under the principal Act as amended by those sections as if the principal Act as so amended was in force at the time such things were done or such steps were taken.

SESSIONAL REVIEW

EIGHTH LOK SABHA

THIRTEENTH SESSION

Lok Sabha which commenced its Thirteenth Session (Budget Session) on 21 February, 1989, was adjourned *sine die* on 15 May 1989. A brief resume of the important discussions held and other business transacted upto 31 March 1989 is given below:

A. DISCUSSIONS

President's Address: In his Address to the members of the two Houses assembled together on 21 February, President, Shri R. Venkataraman said that this year, India was celebrating the birth centenary of late Shri Jawaharlal Nehru, who had fashioned India's basic policy framework and whose vision of a democratic, secular and socialist society continued to guide our social and economic strategy.

Reviewing the situation inside the country, the president remarked that the Government's policy was to resolve all disputes and differences amicably and this was demonstrated in Assam, Mizoram, Tripura and Darjeeling Hills. In Punjab, the President declared, Government were determined to eliminate terrorism and find a political solution through dialogue. There has been a resurgence of extremist activities in Andhra Pradesh and Bihar and Government were closely monitoring the situation, he added.

Dealing with national economic performance, the president said that during the year under review the growth in Gross Domestic Product was expected to exceed 9 per cent. For the benefit of farmers, a new Ministry of Food Processing Industries had been launched and a new seeds policy had been adopted. Industrial growth had exceeded 8 per cent per annum over the last four years, he announced.

Commenting on the status of women, the President said that a National Perspective Plan had been prepared to accord women their rightful place in the life of the nation and help them overcome the burdens imposed on them by the family and the society. He added that the Government would

revamp the Panchayati raj institutions and would bring forward a major legislative programme to devolve power to the people.

Surveying the international scene, the President said that there were reasons for optimism though not for complacency. The INF treaty which marked the beginning of a dialogue instead of confrontation, the process of cooperation through SAARC, the emergence of a democratic Government in Pakistan, the developments in Sri Lanka and the Prime Minister's visit to China had contributed significantly to the improvement in the international climate. Relations between India and the Soviet Union had reached new levels of closeness, range and importance. India's relations with the United States had improved considerably with an expansion to technical exchanges and economic cooperation. Regarding Afghanistan, the President said that Geneva accord must be fully honoured by all the parties concerned for ensuring the country's independence, integrity and non-aligned status. India, which had already given recognition to the independent Palestinian State, welcomed the commencement of a dialogue between the United States and the PLO. On the question of Kampuchea, India was ready to assist in efforts to find a political solution which ensured the sovereignty, territorial integrity, independence and non-aligned status of that country. India welcomed the accords on Namibia. In Fiji, he insisted, moves to institutionalise racial discrimination must be resisted.

In conclusion, the President affirmed that there had been more growth, more social justice in the last forty years than in several preceding centuries.

The President's Address was discussed for seven days, *i.e.* on 23, 24, 27 and 28 February and 1, 2 and 3 March, on a Motion of Thanks moved by Shri V.N. Gadgil. Initiating the discussion Shri Gadgil observed that the threat of encirclement of our country from outside and destabilisation from within had receded to a large extent. This qualitative change was not a mean achievement by any standard. Shri R.L. Bhatia, who had seconded the motion, praised the Government's achievements.

Opposing the motion, Shri C. Madhav Reddy said that President's Address had failed to mention several important problems faced by the country and had painted a rosy picture of the Indian economy.

On 24 February, Shri Dinesh Goswami expressed his fear that Bodo problem might prove more difficult and dangerous than even Punjab, and urged the Government to solve it with consideration and care.

On 27 February, Shri P. Kolandaivelu outlined the need for a time-bound programme to eliminate poverty and terrorism in the country.

Intervening in the discussion on 1 March, Shrimati Margaret Alva, Minister of State in the Departments of Youth Affairs and Sports and Women and Child Development in the Ministry of Human Resource Development, informed that during the last four years, many programmes had been launched for the development of women and children as well as in the field of youth affairs and sports.

The Minister of Home Affairs, Sardar Buta Singh, intervening in the discussion sought the cooperation of the Opposition in meeting the challenges posed by religious fundamentalists and secessionist forces. He informed the House that the Central Government always helped the State Governments in controlling the terrorist and fundamentalist forces, so that national unity was not affected.

Winding up the discussion on 3 March in which 85 other members* participated, Prime Minister, Shri Rajiv Gandhi said that during the last four years of Eighth Lok Sabha, Government's efforts had been directed at strengthening the unity and integrity of India, to remove poverty and unemployment and to build India's rightful place in the world. The Government had brought peace and stability to Assam, Mizoram, Tripura and Darjeeling, thereby ushering democracy in North East. He urged the Assam Government to look after the new problems coming up in their State with all the assistance of Home Ministry.

Referring to the Punjab problem, Shri Gandhi said that Government had made their best efforts to solve the problem, but they did not get unanimous support from the Opposition parties on "Operation Black Thunder". The Government had broken the nexus of fundamentalism with

* Other members who took part in the discussion were: Sarvashri Thampan Thomas, N. Tombi Singh, Abdul Rashid Kabuli, Sharad Dighe, Somnath Rath, Tarun Kanti Ghosh, Kail Prasad Pandey, Ramswaroop Ram, Mewa Singh Gill, Surendra Pal Singh, Ram Pyare Panika, Bipin Pal Das, Virdhi Chander Jain, Harobhai Mehta, R. Jeevarathinam, Sriballav Panigrahi, Shantaram Naik, Yogeshwar Prasad Yogesh, Janak Raj Gupta, Jagannath Patnaik, Shankarlal, Umakant Mishra, Mohd. Ayub Khan (Jhunjhunu), Girdhari Lal Vyas, K.D. Sultanpuri, Mohd. Ayub Khan (Udhampur), Nirmal Khatri, Shanti Dhariwal, Aziz Qureshi, Jujhar Singh, A. Charles, P.A. Antony, Ram Singh Yadav, Braja Mohan Mohanty, K.N. Pradhan, Naresh Chandra Chaturvedi, R. Dhanushkodi Athithan, Vir Sen, Ajay Mushran, Harish Rawat, Bharat Singh, R.S. Khirhar, Gopeshwar, Digvijaya Singh, Bishma Deo Dube, I. Rama Rai, S.B. Sidnal, Ramdeo Rai, Somnath Chatterjee, Balkavi Bairagi, Vijay Kumar Yadav, Jai Prakash Agarwal, Piyus Tiraky, Chiranjil Lal Sharma, Charanjit Singh Walia, Ram Narain Singh, Amar Roypradhan, N.V.N. Somu, Hafiz Mohd. Siddiq. K. Mohandas, G.S. Basavaraju, Balwant Singh Ramoowalia, P.M. Sayeed, Ram Nagina Mishra, K. Ramachandra Reddy, Sultan Salahuddin Owaisi, B.N. Reddy, V.S. Krishna Iyer, Ramashray Prasad Singh, Samar Brahma Choudhury, V. Sobhanadreeswara Rao, Professor Saif-ud-din Soz, Dr. G.S. Dhillon. Dr. C.P. Thakur, Dr. Digvijay Singh, Dr. G.S. Rajhans, Dr. Manoj Pandey, Dr. Datta Samant, Dr. (Shrimati) Phulrenu Guha, Kumari Mamata Banerjee, Shrimati Kishori Sinha, Shrimati Patel Ramaben Ramjibhai Mavani, Shrimati Basavarajeswari, Shrimati Usha Thakkar and Shrimati Vidyavati Chaturvedi.

secessionism. The Gurudwaras were no longer sanctuaries. The Golden Temple had been restored to its pristine purity. Barring one or two groups, the terrorists had ceased to be a political force in Punjab and the Government would take strong measures against those who were involved in crimes. The Prime Minister announced that the Government were going to release all the Jodhpur undertrials besides removing the restrictions under the Foreigners Act for people to visit Punjab. The District Committees would be set up to look after the development process in Punjab. A Village Defence Organisation would also be set up. He welcomed suggestions from Opposition parties to fight terrorism. About Delhi riots, the Prime Minister made it clear that there would be no soft-peddling of those who had been involved in it.

Referring to the economic situation, the Prime Minister said that even during the severe drought, the momentum of growth was maintained and the economy had registered a growth rate of 3.6 per cent. The economy was buoyant and the growth had been accompanied by poverty alleviation alongwith substantial employment generation. He also announced that a new Jawaharlal Nehru Rozgar Yojana would be started. He further informed that the Government would bring forward a Bill to strengthen the Panchayati Raj system and added that the Government had no intention of bypassing the State Governments in the matter.

On the international front, the Prime Minister said that situation in Afghanistan was returning to normalcy. India had reduced tensions with China and to some degree with Pakistan and Sri Lanka. Dialogue between the Soviet Union and the United States was restored. The talks on disarmament were continuing. India's prestige on the international scene, Shri Gandhi maintained, had risen to the level never witnessed earlier.

The motion was then adopted.

Railway Budget: Presenting the Railway Budget for 1989-90 on 23 February, the Minister of State in the Ministry of Railways, Shri Madhavrao Scindia, said that in the first three years of the Seventh Plan, transport output of freight rose by about 27 per cent and passenger kilometres by about 19 per cent. Net Tonne kilometres per Wagon per Day increased by as much as 26 per cent on the Broad Gauge and 29 per cent on the Metre Gauge. During first three years of the Plan, the Indian Railways paid their full dividend to the General Revenues, aggregating to about Rs. 1,725 crores, and also recorded a surplus, exceeding the estimates in each year. Due to the worst drought of the century in the year 1987-88 followed by unprecedented floods in the Northern region, there was a drop in the offering of freight traffic particularly of foodgrains in 1988-89. The reduced offering of traffic had its effect on earnings. However, every attempt was being made to bridge the gap by maximising the revenue

effort in other areas. The Government were trying to absorb the entire post-budgetary impact and contain ordinary working expenses at the Budget level. This would help to maintain the projected surplus after payment of full dividend of Rs. 719 crores to the General exchequer, he said.

The Minister observed that the gross traffic receipt for 1989-90 at the existing level of fares and freight were estimated at Rs. 9,757 crores and the total working expenses including contribution to Depreciation Reserve Fund and to Pension Fund were estimated at Rs. 9,788 crores. After taking into account the net miscellaneous receipt of Rs. 100 crores, the net revenue which would amount to Rs. 69 crores, would be insufficient to meet the dividend liability of Rs. 805 crores, by Rs. 736 crores. Some adjustment proposed in rates of goods traffic and also of parcels and luggage would yield an additional revenue of Rs. 876 crores. After fully discharging the dividend obligation of Rs. 805 crores to the General Exchequer, the Budget was expected to end with a surplus of Rs. 140 crores.

The Railway Budget was discussed in the House on 3, 7, 8, 9, 10 and 17 March. Initiating the discussion on 3 March, Professor Madhu Dandavate suggested that for better performance of the Railways, the Union Government should provide for better allocation in terms of percentage of total Plan expenditure and also in absolute terms. Shri Basudeb Acharya urged for more allocation of funds for the Railways and added that increase in the rate of freight would increase the prices of all commodities.

Intervening in the discussion on 8 March, the Deputy Minister in the Ministry of Railways, Shri Mahabir Prasad maintained that increase in freight charges and parcel rates was necessary to meet the rising cost of inputs and to raise additional internal resources for financing plan projects. Despite the constraint of resources, the Planning Commission had made adequate allocation for Railways. He also observed that a number of schemes had been undertaken for the modernisation of rail engines, wagons, passenger coaches, railway track as well as signal and telecommunication network. During 1989-90, Rs. 25 crores had been allocated for the amenities to Railway passengers, he added.

Replying to the debate on 10 March, the Minister of State of the Ministry of Railways, Shri Madhavrao Scindia, told the Lok Sabha that the strategy of the Railways was to enhance the output by increasing operational capacity, improving productivity and upgrading technology. He clarified that whatever resources the Railways were raising from the freight service users were after absorbing 38 per cent of the rise in input cost. The operating ratio, he said, was 93 per cent.

The Minister claimed that in all major areas especially in the priority areas, namely, track renewal, rolling stock, electrification and workshop modernisation there had been a tremendous jump in performance. Progress in track renewal had gone up from an average of about 1,900 kilometers in the Sixth Plan to an average of about 3,900-4,000 kilometres per annum in the first four years of the Seventh Plan. In the rolling stock programme, great emphasis would be laid on expansion so as to meet the requirements of the Eighth Plan. Regarding recommendations of the Raj Committee for effecting economy in the cost of electrification, six out of nine recommendations had been implemented. With regard to safety, there had been an improvement of about 32 per cent.

Commenting on punctuality, Shri Scindia said that Railways were trying to maintain it against very heavy odds. As regards passenger amenities, Railways would be going in for computerisation strictly by the pressure of demand and by the number of reservations that were made.

Winding up the discussion on 17 March, in which as many as 122 members* participated, Shri Scindia, *inter alia*, made a mention of road

* Other members who part in the discussion were:

Sarvashri K. Mohandes, Chandulal Chandrakar, G.M. Banatwala, Abdul Rashid Kabuli, Shankarlal, Jujhar Singh, Vijay N. Patil, Bhattam Sriramamurthy, Madan Pandey, Keshorao Pardhi, Mankuram Sodi, Barwari Lal Purohit, Mohd. Mahfooz Ali Khan, P.R. Kumaramangalam, Barwari Lal Bairwa, V.S. Krishna Iyer, Ajay Mushran, Vakkom Purushothaman, Amar Roypradhan, Ganga Ram, Bimalkanti Ghosh, N.V.N. Somu, H.N. Nanje Gowda, M. Raghuma Reddy, R.P. Suman, Daulatsinhji Jadeja, K.S. Rao, Gokul Saikia, Kamla Prasad Singh, Arvind Netam, Balwant Singh Ramoowalia, K.P. Singh Deo, N. Dennis, Ram Bahadur Singh, Shiv Prasad Sahu, Mohan Lal Jhikram, Bhai Shaminder Singh, Lal Vijay Pratap Singh, Jagdish Awasthi, Abdul Hannan Ansari, Bir Bal, Somnath Rath, Mahabir Prasad Yadav, R. Jeevarathinam, Kali Prasad Pandey, Balasaheb Vikhe Patil, Chandra Kishore Pathak, Piyus Tiraky, V. Krishna Rao, Ashok Shankarrao Chavan, Sultan Salahuddin Owaisi, Jagannath Choudhary, Jagannath Patnaik, Charanjit Singh Walia, Zainul Basher, Pratap Bhanu Sharma, Nityananda Mishra, Mohd. Ayub Khan, Kailash Yadav, K.J. Abbasi, Suresh Kurup, Sharad Dighe, Kurwar Ram, C. Janga Reddy, Virdhi Chander Jain, Aatur Rahman, Vishnu Modi, Channaiah Odeyar, Ram Pyare Panika, Janak Raj Gupta, Shri Hari Rao, Chintamani Jena, Nirmal Khatri, Dal Chander Jain, Ajit Kumar Saha, Ram Nagina Mishra, Girdhari Lal Vyas, Chiranjit Lal Sharma, Manphool Singh Choudhary, Tapeswar Singh, Nihal Singh, Narendra Budania, Manikrao Hodlya Gavit, Satyanarayan Pawar, K.D. Sultanpuri, Uttam Rathod, Sriballav Panigrahi, Chowdhry Akhtar Hasan, R.S. Khirhar, Kammodilal Jatav, Ananta Prasad Sethi, Yogeshwar Prasad Yogesh, Shanti Dhariwal, Thampan Thomas, Jai Prakash Agarwal, Kamla Prasad Rawat, Choudhary Sunder Singh, Choudhary Lachchi Ram, Professor Salahuddin, Professor Narain Chand Parashar, Professor Parag Chaliha, Professor N.G. Ranga, Professor Saifuddin Din Soz, Dr. Chandra Shekhar Tripathi, Dr. C.P. Thakur, Dr. Krupastadhu Bhoi, Dr. Prabhakar Kumar Mishra, Dr. G.S. Raibans, Dr. Manoj Pandey, Dr. Golam Yazdani, Shrimati Prabhawati Gupta, Shrimati D.K. Thara Devi Siddhartha, Professor Chandra Bhanu Devi, Shrimati Manorama Singh, Shrimati Kesharabai Kshirsagar, Shrimati Usha Rani Tomar, Shrimati Kishori Sinha, Shrimati Vidyavati Chaturvedi, Dr. (Shrimati) Phulrenu Guha, Kumari Mamata Banerjee, Shrimati Basavarajeswari, Professor (Shrimati) Nirmala Kumari Shaktawat.

overbridges. With the high growth of vehicular traffic in many areas in our country the Government were trying to sanction road overbridges wherever the need arose on a fairly generous and liberal basis. However, it was necessary for the State Governments to initiate the proposals in the first instance, and also to include them in their State Budgets so that firm decisions could be arrived at.

All the Demands for Grants (Railways) 1989-90 were voted in full. The Appropriation (Railways) Bill, 1989 and Appropriation (Railways) No. 2 Bill, 1989 were passed. All the Supplementary Demands for Grants (Railways) 1988-89 were also voted in full.

Punjab Budget, 1989-90: Presenting the Punjab Budget for 1989-90 in the House on 17 March 1989, the Minister of State in the Department of Expenditure in the Ministry of Finance, Shri B.K. Gadhvi said that the Budget for year 1988-89 would carry an overall deficit of Rs. 76.84 crore.

The State Plan outlay for 1989-90 had been fixed at Rs. 789 crores, including Ninth Finance Commission award of Rs. 89.01 crores as grant for special problems. The Central assistance for the year 1989-90 would be Rs. 36.62 crores. A special assistance of Rs. 560 crores would be given to the State during 1989-90. The Annual Plan provides Rs. 394.65 crores for irrigation, flood control and power, Rs. 82.27 crores for agriculture and co-operation and Rs. 23.65 crores for industry and minerals.

The State Government would continue to pay special attention to on-going projects and those at an advanced stage of completion.

Participating in the discussion, Shri Charanjit Singh Walia said that the Punjab problem could be solved by concrete political steps. He urged the Central Government to declare Punjab as an industrially backward state. Shri Inderajit Gupta asked the Government to take steps to curb excesses committed by the police, oatherwise it would help the terrorists in getting new recruits and carry on their propaganda among the people. Shri Balwant Singh Ramoowalia sought to know wheather all the Jodhpur detainees had been released by the Government. Winding up the discussion on 27 March, in which 13 other members* paritcipated, the Minister of State in the Department of Expenditure in the Ministry of Finance, Shri B.K. Gadhvi, said that the performance in Punjab in various sectors during the Seventh Plan had come to 105 per cent. Regarding irrigation facilities

* Other members who took part in the discussion were: Sarvashri D.N. Reddy, Saifuddin Chowdhary, Vijay N. Patil, V.S. Krishna Iyer, Ch. Ram Prakash, Yogeshwar Prasad Yogesh, Ram Narain Singh, Keyur Bhushan, Virdhi Chander Jain, Bhai Shaminder Singh, K.D. Sultanpuri, Dr. G.S. Dhillon and Shrimati Sukhbuns Kaur.

and power availability to farmers, the plan targets were likely to be achieved. The power projects like Thein Dam and SYL Canal, which were delayed due to floods, would be completed within the shortest possible time.

Shri Gadhvi told the House that a fruit and vegetable processing unit would be up set in Houshiarpur which would help the farmers to have more gains and returns for their agricultural produce.

General Budget : Presenting the General Budget for the year 1989-90 on 28 February, the Minister of Finance, Shri S.B. Chavan said that the Budget was an instrument for achieving the basic objectives of planned development, which were growth, modernisation, self-reliance and social justice and that substantial progress had been made in each of these areas. The performance of the Indian economy in the past few years had shown unmistakable features of strength. The average growth rate of Gross Domestic Product in the first four years of the Plan would exceed the Plan target by 5 per cent. The performance in the agricultural sector, industrial sector and Central Public Sector enterprises had shown improvement. Shri Chavan stated that the special thrust areas of the Budget were anti-poverty programmes, merger of NREP/RLEGP into a single programme to operate throughout the country and decentralisation of its implementation, launching of a new intensive rural employment programme named after Pandit Jawaharlal Nehru, to provide additional funds to 120 selected districts, which would allow fuller employment opportunities to at least one member of each family living below the poverty line, provision of more bank finance for agriculture, launching of a new scheme called Home Loan Account Scheme by the National Housing Bank in cooperation with scheduled banks and also by introducing new saving schemes.

The Minister added that the Budget provided for the estimated total receipt of Rs. 49,588 crores at the existing rates of taxation, for 1989-90. Taking into consideration the variations in other receipts and expenditure, the overall deficit for the year at the existing rates of taxation was estimated at Rs. 8,240 crores. The modifications proposed in direct and indirect taxes were expected to yield Rs. 903 crores. Taking this into account, the deficit for 1989-90 was estimated at Rs. 7,337 crores. The Minister assured the House that the Government were determined to implement vigorously the strategies for export promotion, modernisation of Indian industry and efficient import substitution.

The General discussion on the Budget was held on 13, 15, 16 and 17 March. Initiating the discussion of 13 March, Shri C. Madhav Reddy said that the Finance Minister had failed to initiate any corrective steps and rectify the distortions in the economy.

Intervening in the discussion on 16 March, the Minister of State in the Department of Expenditure in the Ministry of Finance, Shri B.K. Gadhvi claimed that the Government had been able to arrest the galloping deficit. On the non-plan expenditure, he added, essential items like interest charges, Defence expenditure, subsidies, pensions as well as the transfer to the States had gone up because of the recommendations of the Finance Commission. But, within the overall economic environment of the country, there was nothing to worry about and there should not be any apprehension that India was going towards the debt trap, he assured.

Replying to the discussion on 17 March, in which 70 other members* participated, the Minister of Finance, Shri S.B. Chavan said that the Seventh Five Year Plan would be the first plan where, in targets, the Government were exceeding more than 100 per cent in real terms. So far as the physical achievements were concerned, the Government were making definite provisions for different schemes.

Dealing with disparities in development within States, Shri Chavan informed the House that it was upto the respective States to ensure balanced development within their areas. He informed that there were three categories of States where Central assistance was given in different manners. In the first special category of States the Union Government had been giving assistance in the form of 90 per cent as grant and 10 per cent as loan. In the second category, where the per capita income was below the national average, the Union Government had been giving special assistance to enable them to come up to the national average. In the third category of States, normal assistance was being given.

Commenting on the deficit, the Minister said that Government would reduce it to a manageable extent. There was no harm in having a deficit, if it was going to be utilised properly. About reduction in the allocation for Defence, Shri Chavan observed that it was a deliberate step, since the Government believed in resolving issues by negotiation and wanted to create a friendly climate in the neighbouring countries.

* Other members who took part in the discussion were: Sarvashri Y.S. Mahajan, Naresh Chandra Chaturvedi, Ranjit Singh Gaikwad, Muhiram Saikia, P.A. Antony, Shankartal, Shantaram Naik, Ram Samujhawan, U.H. Patel, Ram Singh Yadav, Bapula Malviya, Mohd. Ayub Khan Jhunjhunu, Mankuram Sodi, Digvijay Singh, K. Pradhani, George Joseph Mundackal, K.S. Rao, Dharam Pal Singh Malik, Sultan Salahuddin Owaisi, K.N. Pradhan, A. Charles, K. Mohandas, Umakant Mishra, Kamla Prasad Singh, Keyur Bhushan, Abdul Rashid Kabuli, Chandulal Chandrakar, Somnath Rath, Zainul Basher, Bipin Pal Das, Aziz Qureshi, Sharad Dighe, Chintamani Jena, Ganga Ram, V. Krishna Rao, I. Rama Rai, Jagannath Chowdhary, Bhisma Deo Dube, Ashok Shankarrao Chavan, K.J. Abbasi, Bharat Singh, Arvind Netam, Madan Pandey, Lakshman Mallick, R.Jeevarathinam, G.S. Basavaraju, Nandlal Choudhary, Jagdish Awasthi, N. Tombi Singh, Mohd. Ayub Khan (Uddampur), Hafiz Mohd. Siddiq, Birbal, Sriballav Panigrahi, Kali Prasad Pandey, Jagannath Rao, Williamson Sangma, Dileep Singh Bhuria, P.R. Kumaramanglam, Chowdhary Sunder Singh, Chowdhary Ram Prakash, Chowdhary Lachchi Ram, Chowdhary Akhtar Hasan, Professor M.R. Halder, Dr. G.S. Rajhans, Shrimati Nirmala Kumari Shaktawat, Kumari Mamata Banerjee, Shrimati Usha Chowdhary, Shrimati Usha Thakkar, Shrimati Jayanti Patnaik and Shrimati Usha Verma.

As regards Nehru Rozgar Yojana, Shri Chavan noted that Government would ensure that every paisa reached the targeted person. A monitoring cell would be created at the Union level to find out the utilisation of the money and submission of reports to the administrative Ministries concerned.

All the Demands for Grants on Account (General) for 1989-90 were voted in full.

B. LEGISLATIVE BUSINESS

*The Income-Tax (Amendment) Bill, 1989** On 29 March, the Minister of State in the Department of Revenue in the Ministry of Finance, Shri Ajit Kumar Panja moved that the Bill to replace the Income-Tax (Amendment) Ordinance, 1989 promulgated by the President on 24 January 1989, be taken into consideration. He said that in order to encourage contributions to 'Prime Minister's Armenia Earthquake Relief Fund', it was proposed to provide 100 per cent deduction from the gross total income in respect of contributions to the fund. Further, in order to facilitate the payment of lease rent without deduction of tax at source by Air India and Indian Airlines against acquiring an aircraft on lease from the Government of a foreign state or a foreign enterprise, under the agreement approved by the Central Government, it was proposed to exclude the payment of the lease rent from the purview of the total income.

Earlier, moving a Statutory Resolution regarding disapproval of Income Tax (Amendment) Ordinance, 1989, Shri C. Janga Reddy said that at the time of earthquake in Armenia, the Parliament was in Session and the Government could have brought forward a Bill in this regard. He also urged to the Government to provide similar exemption in income tax to the victims of earthquake in Bihar.

Winding up the discussion in which 11 other members** participated, Shri Ajit Kumar Panja said that the Government did not want to get an omnibus power to exempt all such funds for all such disasters. If there was a disaster again outside India, then this provision would become a nullity after the purpose of the Fund was over. So far as the help to the people of Armenia was concerned, the Minister informed that Union Government had already released Rs. 16.87 crores till date for relief.

The Resolution was negatived and the Bill was passed.

* The Bill was introduced on 13 March 1989, by Shri S.B. Chavan, The Minister of Finance.

** Other members who took part in the discussion were: Sarvashri V. Sobhanadreeswara Rao, Shantaram Naik, Thampan Thomas, Giridhari Lal Vyas, Vijoy Kumar Yadav, B.B. Ramaiah, Asutosh Law, Balwant Singh Ramoowalia, Dr. Sudhir Ray, Dr. G.S. Rajhans, Dr. Datta Samant and Kumari Mamata Banerjee.

C. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Sarvashri Virdha Ram Phulwariya, Ratanlal Brahman, Chapala Kanta Bhattacharya, Vasantryao Patil, Chhuttan Lal, Hemwati Nandan Bahuguna, Benoy Krishna Daschowdhury, S.M. Joshi, Dharam Bir Sinha, Ghayoor Ali Khan, Awadheswar Prasad Sinha, Maneklal Maganlal Gandhi and Dr. P. Srinivasan, all ex-members. Members stood in silence for a short while as a mark of respect to the deceased.

RAJYA SABHA

HUNDRED AND FORTY-NINTH SESSION*

The Rajya Sabha met for its Hundred and Forty-Ninth Session on 21 February, 1989 and was adjourned *sine die* on 4 April, 1989. A resume of some of the important discussions held and other business transacted during the Session is given below:

A. DISCUSSIONS

Settlement on payment of compensation to the victims of the Bhopal Gas Tragedy: Initiating a discussion on the subject on 22 February, Shri Atal Bihari Vajpayee said that a settlement was arrived at on 14 February 1989 between the Union Carbide Corporation and the Government of India regarding payment of compensation to the victims of the Bhopal Gas tragedy. He said that this day would always be remembered as an unfortunate day since the legal battle which had been going on for the last four years suddenly came to a dramatic end. He called the settlement as a compromise with the national interests. The member suggested that the Supreme Court of India should review the whole matter and, pending such review, the settled amount of Rs. 705 crores should be treated as interim amount and not final and should be spent for rehabilitation purposes.

Replying to the discussion** on 23 February, the Minister of Industry, Shri J. Vengal Rao said that the Government were deeply concerned over the help to the unfortunate victims. They pursued the matter vigorously both in India and abroad to secure speedy justice for them.

* Contributed by the Research and Library Section, Rajya Sabha Secretariat.

** Other members who took part in the discussion were:

Sarvashri Murlidhar Chandrakant Bhandare, M.S. Gurupadaswamy, Anand Sharma, Sukomal Sen, Baharul Islam, Mohinder Singh Lather, Chaturanan Mishra, T.R. Balu, Chitta Basu, Suresh Pachouri, Professor Sourendra Bhattacharjee, Dr. G. Vijaya Mohan Reddy and Shrimati Jayanthi Natarajan.

The highest figure that the Union Carbide Corporation offered was \$350 Million with an indication that efforts would be made to get another \$50 million. The amount of compensation of US \$470 million decided for the case was found to be just, equitable and reasonable by a five-member Constitution Bench of the Supreme Court. Based on this finding, it was agreed that the matter could be settled, the Minister explained.

The Minister further added that the Government has spent nearly Rs. 89 crore for the gas victims and would not deduct the same from the amount of compensation and would certainly continue all the research stations set up to ascertain the after effects of the gas leakage on human beings, livestock and the vegetation. The Centre would also release 10 crore rupees for the Madhya Pradesh Government upto March 1989 to meet part of the expenditure in the seven-year Action Plan drafted by the State Government, he concluded.

Motion of Thanks on the President's Address: Moving the Motion of Thanks on the President's Address on 23 February, Shri P.N. Sukul referred to the mention about the late Shri Jawaharlal Nehru in the beginning of the Address and said it was a great tribute to him from the people of the country and Parliament. The principles of nationalism, democracy, secularism and non-alignment propounded by Shri Nehru were being followed by us. He added that the President's Address made it clear that despite many obstacles, India was making all progress and her future was very bright. The member, *inter alia* suggested that there should be a check on the misuse of the grants given to the States under the 20-Point Programme so that the poor and the needy people could get full benefit under the programme. Efforts should be made by the Government to provide socio-economic justice to the workers and labourers. The Government should chalk out the minimum wage policy in order to avoid strikes at various places in the country.

Participating in the discussion, the Minister of State in the Department of Youth Affairs and Sports and Women and Child Development in the Ministry of Human Resource Development, Shrimati Margaret Alva observed that for the last four years, the Government had kept their Commitments and had proved to be a Government that worked.

Replying to the debate* on 3 March, Prime Minister Shri Rajiv Gandhi thanked all the members who had participated in the debate on the President's Address and said that the unity and integrity of the country were given upper-most priority followed only by the removal of poverty and the reduction of unemployment during the last four years of his Government. He added that there was no threat to India's unity and integrity. Tensions in Assam and insurgency in Mizoram and Tripura had ended. The problems in the Darjeeling Hills were cleared and full democracy in the North-East was restored. Even situation in Punjab had progressed, he observed.

On National economy, the Prime Minister emphasised that it had done well even under very trying and difficult circumstances. He praised the farmer, the *Khet-mazdoor* and *mazdoor* of the country, on the manner in which they coped with the drought.

The Prime Minister further stated that the Government would be starting the democratisation process by holding Panchayat elections starting sometime in the middle of May and ending by the middle of the current year. So far as the devolution programme in the panchayati raj area was concerned, there was no intention of bypassing any State Government. The Central Government were determined to realise Gandhiji's dream of democracy commencing from the villages and would call a conference of State Chief Ministers to discuss all the issues that were involved.

The Prime Minister noted that during the last session, the Government came out with a National perspective Plan for Women. Any asset that was given by the Government, whether it was wasteland or surplus ceiling land or the housing site under *Indira Awas Yojana*, would now be jointly in the names of husband and wife or in the name of the woman. In poverty alleviation programmes, the Government would like 30 per cent women to be the beneficiaries.

On the international situation, the Prime Minister observed that the

* Other members who took part in the discussion were: Sarvashri E. Balanandan, Anand Sharma, Parvathaneni Upendra, Ram Chandra Vikal, G. Swaminathan, V. Narayanasamy, Kanhu Charan Lenka, Karma Topden, Dharam Pal, Ghulam Rasool Matto, Shanti Tyagi, Mohammed Amin Ansari, Thomas Kuthiravattom, Rameshwar Thakur, Madan Bhatia, Hari Singh, Mirza Irshadbaig, Dhuleshwar Meena, B.L. Panwar, Bandhu Mahto, Dharanidhar Basumatari, Basudeb Mohapatra, Kapil Varma, Jaswant Singh, Chaturanan Mishra, Virendra Verma, Bhajan Lal, Aladi Aruna *alias* V. Arunachalam, Pawan Kumar Bansal, Moturu Hanumanthappa Rao, B. Satyanarayan Reddy, Kamal Morarka, A.G. Kulkarni, Professor Chandresh P. Thakur, Dr. Ratnakar Pandey, Dr. Rudra Pratap Singh, Thakur Jagatpal Singh, Sardar Jagjit Singh Aurora, Shrimati Pratibha Singh, Shrimati Sudha Vijay Joshi, Professor (Shrimati) Asima Chatterjee, Kumari Sushila Tiria, Shrimati Kailashpati, Kumari Sayeeda Khatun and Shrimati Bijoya Chakravarty.

Afghanistan problem was cooling down very rapidly. India's relations with China, Pakistan and Sri Lanka had improved. In June 1988, India had presented a paper to the Special Session on Disarmament at the UN, which was the first comprehensive paper on the issue of Disarmament that any nation ever placed, he concluded.

All the amendments moved were negatived. The Motion of Thanks, as originally moved, was adopted on 3 March 1989.

The Budget (Railways), 1989-90: Initiating a discussion on the Budget (Railways) for the year 1989-90 on 8 March, Dr. Bapu Kaldate said that when freight was increased, the prices of commodities like steel, coal and consequently of other goods automatically went up. The cumulative impact of the increase in prices was ultimately borne by the consumer and his purchasing power was reduced. Thus, though the fares were not increased, the effect was the same. The member suggested that in providing new rail lines, the first priority should be given to border areas and the second to backward areas. Since rail services carried the entire social burden, the Government should share the burden of Railways as was the case in many countries.

Replying to the debate* on 14 March, the Minister of State in the Ministry of Railways, Shri Madhavrao Scindia, said that he fully realised that the Planning Commission and the Finance Ministry were doing their best within their own limitations to eke out whatever was possible for the Railways Plan. In the last four years, he added, the Government had successively and successfully produced a Budget which ended in a surplus, though small it had been. To keep the Railways financially viable, it was necessary to increase the freight. One had to see the Railway system as a continuing system, not year by year. Last year, passenger tariffs were increased and, therefore, in the current year it was the turn of the freight.

The Minister observed that in case of Railwaymen becoming victims of extremist violence in the course of their duties, the Railway Administration

* Other Members who took part in the discussion were: Sarvashri Sukomal Sen, M. Vincent, Kamalendu Bhattacharjee, Baikuntha Nath Sahu, Ghulam Rasool Matto, Vithalrao Madhavrao Jadhav, Mohammed Amin Ansari, Parvathaneni Upendra, Raof Valiullah, Pramod Mahajan, Rajni Ranjan Sahu, T.R. Balu, Chitta Basu, B.L. Panwar, Thomas Kuthiravattom, Anand Prakash Gautam, Jagadish Jani, Mirza Irshadbaig, Shanti Tyagi, Santosh Kumar Sahu, K.G. Maheswarappa, Shankarrao Narayanrao Deshmukh, Ram Chandra Vikal, P.K. Kunjachal, Yalla Sesi Bhushana Rao, Dhuleshwar Meena, Chhotubhai Patel, Aladi Aruna alias V. Arunachalam, Dr. Abrar Ahmed Khan, Dr. Govind Das Richaria, Dr. Nagen Saikia, Dr. Mohd. Hashim Kidwai, Dr. Ratnakar Pandey, Shrimati Manorama Pandey, Shrimati Satya Behin, Shrimati Sudha Vijay Joshi, Kumari Sayeeda Khatun, Shrimati Suryakanta Jadhav, Jagantrao Patil and Shrimati Veena Verma.

had decided to give the widows of such employees a family pension equal to the full salary drawn by them instead of the normal family pension. Such widows would also be offered employment in the Railways and would get out-of-turn allotment of railway accommodation, apart from *ex-gratia* and other compensation. In conclusion, the Minister assured the House that this procedure would be followed whenever such tragic incidents affecting the railwaymen took place throughout the length and breadth of the country.

Motion regarding consideration of Thakkar Commission Report: The Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram, moving the motion on the subject on 4 April, said that the reports of Thakkar Commission of Inquiry were laid on the Table of the House on 27 March 1989. He added that the Thakkar Commission had submitted its first report, captioned, "Interim Report" which was submitted on 19 November 1985. The "Final Report" was submitted to the Home Minister on 27 February 1986. On 14 May, 1986 the President had promulgated an Ordinance amending the Commissions of Inquiry Act. On 15 May, 1986 a decision was taken to issue a notification to keep the two reports confidential and secret and not to place them on the Table of the House.

The Minister observed that Shrimati Indira Gandhi was murdered on 31 October, 1984 and one of the assassins was immediately arrested. Considering the gravity of the crime, a Special Investigation Team (SIT) headed by an officer of the rank of Director-General of Police was appointed. The SIT took over the investigation from the Delhi Police on 15 November, 1984 and within the stipulated period of 90 days, they were able to file a chargesheet.

The Minister noted that the officer who was Special Assistant to the late Prime Minister, enjoyed her full trust and confidence for over 22 years. With regard to the fact that a Commission headed by a Supreme Court Judge had found suspicious circumstances, the SIT thoroughly investigated and had come to the conclusion that that officer was not involved in the crime or the conspiracy in any manner. The Government were satisfied that such a conclusion was arrived at after the most thorough investigation of all the circumstances enumerated by Justice Thakkar, the Minister concluded.

After the matter was discussed* in the House, Shri Chidambaram replied that there were very limited copies of the report and all but one copy were

* Other members who took part in the discussion were: Sarvashri N.K.P. Salve, Bhajan Lal, Madan Bhatia, Krishna Kumar Birla, Anand Sharma, Mirza Irshadbaig, Ghulam Rasool Matto, S.S. Ahluwalia, Pawan Kumar Bansal, Vishvijit P. Singh, V. Narayanasamy, Mohammed Amin Ansan, Dr. Ratnakar Pandey and Shrimati Satya Bahin.

in the hands of the then Minister of State for Internal Security. They remained in his personal custody till sometime in September 1986, when he returned them to the Prime Minister. It was a self-evident truth that the Prime Minister did not leak the report, the Minister concluded.

B. LEGISLATIVE BUSINESS

*The Direct Tax Laws (Amendment) Bill, 1989**: Moving the motion for consideration of the Bill on 7 March, the Minister of State in the Department of Revenue in the Ministry of Finance, Shri Ajit Panja said that the Direct Tax Laws (Amendment) Act 1987 was passed by the Parliament during the Winter Session of 1987. The basic aim behind the enactment was to simplify and rationalise the direct tax laws and the procedures relating thereto. However, some of the provisions of that Act were vehemently opposed by the tax-payers. The then Finance Minister, therefore, while presenting the Budget for the financial year 1988-89, gave an assurance in the Lok Sabha that a further amendment Bill would be brought to take care of their genuine grievances. The present Bill was brought before the House after detailed consideration of the suggestions received from the tax paying public.

The Minister noted that the provisions of the present Bill, which would remove hardships caused by the Direct Tax Laws (Amendment) Act 1987, *inter alia* include: (i) withdrawal of the amendments made for introduction of a new scheme of assessment of firms and partners, (ii) restoration of the provisions relating to deductions on account of payment for scientific research, rural development programmes; programmes of conservation of natural resources, and assessment of charitable or religious trusts / institutions or funds; (iii) withdrawal of the provision regarding levy of additional tax on regular assessment; and (iv) in case of re-opening of assessment, reintroduction of the concept of "reason to believe".

In order to provide certainty about the provisions of the Direct tax laws, it was necessary that the provisions of the Bill received the assent of the President before 31 March 1989. It was, therefore, not desirable to delay the enactment of the legislation any further, the Minister concluded.

The motion for consideration of the Bill and the clauses etc. were adopted and the Bill was returned to Lok Sabha on 7 March.

*The Central Industrial Security Force (Amendment) Bill, 1988***: Moving the motion for consideration of the Bill on 14 March, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister

* The Bill, as passed by the Lok Sabha, was laid on the Table on 24 February 1989.

** The Bill was introduced on 5 December 1988.

of State in the Ministry of Home Affairs, Shri P. Chidambaram said that at present under section 11(1)(iii) of the Act, the Central Industrial Security Force (CISF) could act only at the time of "imminent danger" and it could not exercise the limited power of arrest under the section unless the conditions contained therein were fulfilled. The word 'imminent', qualifying the word 'danger', was a serious limitation upon the powers of CISF to act quickly in the face of various threats. Therefore, in the larger public interest, the word 'imminent' was desired to be deleted.

The Minister added that it was also considered appropriate to substitute the word 'removal' for the word 'suspend' in clause (i) of section 8. That would bring section 8 of the Act in conformity with the provisions contained in the Constitution of India and other service rules governing public servants.

With a view to make more effective the CISF, which had grown in strength and popularity during its existence since it was created in 1968, the present Bill was being moved before the House, the Minister concluded.

The motion for consideration of the Bill was adopted, the clauses etc., as amended, were adopted and the Bill, as amended, was passed on 14 March 1989.

*The Income-Tax (Amendment) Bill, 1989**: Moving the motion for the consideration of the Bill, the Minister of State in the Department of Revenue in the Ministry of Finance, Shri Ajit Panja, said that on 8 December 1988, the Soviet Republic of Armenia was hit by a massive earthquake which killed more than 50,000 people and caused large-scale damage to properties. To augment the resources for providing relief to the survivors of the earthquake, a Special Fund, called "Prime Minister's Armenia Earthquake Relief Fund" was opened to receive contributions. In order to encourage contributions to the Fund, it was proposed to provide 100 per cent deduction from the gross total income in respect of contributions to the Fund by amending section 80G of the Income-tax Act, 1961.

The Minister concluded that the Income-tax (Amendment) Bill, 1989, sought to replace the Income-tax (Amendment) Ordinance, 1989. The provisions of the Bill would come into force from 24 January 1989, the date on which the Ordinance was promulgated and would be relevant for computing the income for the assessment year 1989-90 and subsequent years.

* The Bill, as passed by the Lok Sabha, was laid on the Table on 29 March 1989.

The Resolution, seeking disapproval of the Ordinance moved earlier by Shri Jaswant Singh, was by leave, withdrawn. The motion for consideration of the Bill, and the clauses etc. were adopted and the Bill was returned on 31 March 1989.

C. QUESTION HOUR

During the Session, 7,443 notices of Questions (6,834 Starred and 609 Unstarred) were received. Out of these, 417 Starred Questions and 3,592 Unstarred Questions were admitted. Eight Short Notice Questions were received and only one was admitted. After the lists of Questions were printed, 8 Starred and 90 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Question: Each of the lists of Starred Questions contained 19 to 21 Questions. On an average 4 Questions per sitting were orally answered on the floor of the House. The maximum and minimum number of Questions orally answered were one and seven on 28 February and 1 March 1989, respectively.

The minimum number of Questions admitted in the Unstarred Questions lists was 98 on 7 March 1989 and their maximum number was 252 on 17 March 1989. Their average came to 172.

Half-an-Hour Discussions: Only one notice of Half-an-Hour Discussion was received during the Session and it was disallowed.

Statements correcting answers to Questions: In all, five statements correcting answers to Questions given in the House were made by the Ministers concerned.

D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarvashri Gulabrao Patil, Harsh Deo Malaviya, Suresh J. Desai, Krishnarao Narayan Dhulap, Hemvati Nandan Bhauguna, Kali Mukherjee, Dr. (Shrimati) Rajinder Kaur and Maulana Mohammad Faruqi, all ex-members; Sarvashri L. Nar Singh Naik and T.S. Gurung, both sitting members; Shri S.M. Joshi, prominent trade union leader and Emperor Hirohito of Japan. Members stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Seventh (Budget) Session of the Provisional Legislative Assembly of Arunachal Pradesh was held from 27 to 30 March 1989.

The Governor of Arunachal Pradesh, General K.V. Krishna Rao (Retd.) addressed the House on the opening day. Discussion on the Motion of Thanks on Governor's Address took place on 29 March and the motion was unanimously adopted.

On 27 March, 1989 Supplementary Demands for Grants for the year 1988-89 relating to various departments were moved by the concerned Ministers, including the Chief Minister, and passed. Budget for the year 1989-90 was discussed on the same day. Subsequently, Demands for Grants for the year 1989-90 were moved and accepted in full. This was followed by introduction, consideration and passing of the two Appropriation Bills for Supplementary Demands for the year 1988-89 and Demands for Grants for the year 1989-90.

HIMACHAL PRADESH VIDHAN SABHA**

The Fourteenth Session of the Sixth Vidhan Sabha commenced from 16 March and was prorogued on 22 April 1989.

Financial Business: Chief Minister Shri Virbhadra Singh (who also holds the Finance portfolio) presented the Supplementary Budget (Final Batch) for the financial year 1988-1989 on 17 March 1989. General discussion took place on 27 and 28 March 1989. Necessary Appropriation Bill was introduced and passed on 29 March 1989 after voting on relevant demands.

Budget Estimates of the State for the financial year 1989-90 were presented on 27 March 1989. General discussion took place on 30 March, and 3,4,5,6 and 10 April 1989. Necessary Appropriation Bill was introduced, considered and passed by the Assembly on 12 April 1989.

The Excess Demands – Over Grants Voted / Charged Appropriation for the year 1986-87 were presented on 10 April. The Appropriation Bill connected therewith was passed on 11 April after consideration.

Obituary references: On 17 March, the House paid homage to late Pandit Padam Dev and Shri Amar Nath Sharma, former members of the Legislative Assembly and freedom fighters.

* Contributed by Arunachal Pradesh Legislative Assembly Secretariat.

** Material contributed by Himachal Pradesh Vidhan Sabha Secretariat.

MIZORAM LEGISLATIVE ASSEMBLY*

The Second (Budget) Session of the Mizoram Legislative Assembly commenced on 15 March and was prorogued on 31 March 1989. During this period the House had 11 sittings.

On 23 March, Chief Minister, Shri Lalthanhawla, who also holds the Finance portfolio, presented Supplementary Demands for the year 1988-89 and the Budget Estimates for 1989-90. The general discussion on the Budget and Voting on Demands was held for 4 days on 27, 28, 29 and 30 March. Demands for Grants pertaining to various Ministries were discussed and voted.

NAGALAND LEGISLATIVE ASSEMBLY**

The First session of the Seventh Assembly was held for a day on 14 February 1989, when 57 members were administered the oath. Shri T.N. Ngullie was unanimously elected Speaker of the House. Governor, General, K.V. Krishna Rao (Retd.) addressed the Session, amidst walkout by members of Opposition. A Motion of Thanks was subsequently adopted by the House the same day.

The Second Session was held for three days from 18 to 23 March 1989. The Vote-on-Account for 1989-90 for three months from April to June 1989 was presented to the House by Shri Tiameren, Minister for Finance.

TRIPURA LEGISLATIVE ASSEMBLY***

The Tripura Legislative Assembly which commenced its Session on 17 March was adjourned *sine die* on 6 April 1989. The Session was inaugurated with the Governor's Address. After detailed discussion the Motion of Thanks on the Governor's Address was adopted.

Chief Minister, Shri Sudhir Ranjan Majumdar (who also holds the Finance Portfolio), presented the Supplementary Demands for Grants for the year 1988-89. The Budget Estimates for the year 1989-90 were also presented. The Chief Minister further moved the Motion of Vote-on-Account for a part of the Financial year 1989-90. The general discussion on the Supplementary Budget for 1988-89 as well as on the Budget estimates for the year 1989-90 continued for about 20 hours. All the cut Motions against the Supplementary Demands for 1988-89 were negatived and the Appropriation Bills adopted.

In this Session, Salary and Allowances Bills of the Ministers, Members and Speaker and Deputy Speaker were passed by the House.

Obituary References : The House made references to the passing away of Shri H. N. Bahuguna, former Chief Minister of Uttar Pradesh and former Union Cabinet Minister and Shri Vasant Dada Patil, former Chief Minister of Maharashtra.

*Contributed by Mizoram Legislative Assembly Secretariat.

**Contributed by Nagaland Legislative Assembly Secretariat.

***Contributed by Tripura Legislative Assembly Secretariat.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE THIRTEENTH SESSION OF THE EIGHTH LOK SABHA

1. PERIOD OF THE SESSION	21 February to 15 May 1989	
2. NUMBER OF SITTINGS HELD		49
3. TOTAL NUMBER OF SITTING HOURS	320 hours and 47 minutes	
4. NUMBER OF DIVISIONS HELD		7
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session	— —	12
(ii) Introduced	— —	23
(iii) Laid on the Table as passed by Rajya Sabha	— —	3
(iv) Returned by Rajya Sabha with any amendment / recommendation and laid on the table	— —	Nil
(v) Referred to Select Committee	— —	Nil
(vi) Referred to Joint Committee	— —	Nil
(vii) Reported by Select Committee	— —	Nil
(viii) Reported by Joint Committee	— —	1
(ix) Discussed	— —	22
(x) Passed	— —	22
(xi) Withdrawn	— —	Nil
(xii) Negatived	— —	Nil
(xiii) Part-discussed	— —	Nil
(xiv) Discussion postponed	— —	Nil
(xv) Returned by Rajya Sabha without any recommendation	— —	15
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	— —	Nil
(xvii) Pending at the end of the Session	— —	16
6. PRIVATE MEMBERS' BILLS		
(i) Pending at the commencement of the Session	— —	316
(ii) Introduced	— —	28
(iii) Motion for leave to introduce negatived	— —	Nil
(iv) Laid on the Table as passed by Rajya Sabha	— —	Nil
(v) Returned by Rajya Sabha with any amendment and laid on the Table	— —	Nil
(vi) Reported by Select Committee	— —	Nil
(vii) Discussed	— —	2
(viii) Passed	— —	Nil
(ix) Withdrawn	— —	2*
(x) Negatived	— —	Nil
(xi) Circulated for eliciting opinion	— —	Nil
(xii) Part-discussed	— —	1
(xiii) Discussion postponed	— —	Nil
(xiv) Motion for circulation of Bill negatived	— —	Nil
(xv) Referred to Select Committee	— —	Nil
(xvi) Removed from the Register of Pending Bills	— —	Nil
(xvii) Pending at the end of the Session	— —	342

*Includes one Bill withdrawn without discussion.

**7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193
(Matters of Urgent Public Importance)**

(i) Notices received	—	—	201
(ii) Admitted	—	—	8
(iii) Discussions held	—	—	8
(iv) Part discussed	—	—	4

8. NUMBER OF STATEMENTS MADE UNDER RULE 193

(Calling-attention to matters of Urgent Public Importance)	—	—	9
Statements made by Minister	—	—	31

9. MOTION OF NO-CONFIDENCE IN COUNCIL OF MINISTERS

(i) Notices received	—	—	Nil
(ii) Admitted and Discussed	—	—	Nil
(iii) Barred	—	—	Nil

10. HALF-AN-HOUR DISCUSSIONS HELD — — 5

11. STATUTORY RESOLUTIONS

(i) Notices received	—	—	7
(ii) Admitted	—	—	4
(iii) Moved	—	—	4
(iv) Adopted	—	—	3
(v) Negative	—	—	1
(vi) Withdrawn	—	—	Nil

12. GOVERNMENT RESOLUTIONS

(i) Notices received	—	—	2
(ii) Admitted	—	—	2
(iii) Moved	—	—	1
(iv) Adopted	—	—	1

13. PRIVATE MEMBERS' RESOLUTIONS

(i) Received	—	—	12
(i) Admitted	—	—	12
(iii) Discussed	—	—	3
(iv) Adopted	—	—	Nil
(v) Negative	—	—	2
(vi) Withdrawn	—	—	Nil
(vii) Part-discussed	—	—	1
(viii) Discussions postponed	—	—	Nil

14. GOVERNMENT MOTIONS

(i) Notices received	—	—	4
(ii) Admitted	—	—	4
(iii) Discussed	—	—	3
(iv) Adopted	—	—	1
(v) Part-discussed	—	—	Nil

15. PRIVATE MEMBERS MOTIONS

(i) Notices received	—	—	296
(ii) Admitted	—	—	66
(iii) Moved	—	—	2
(iv) Discussed	—	—	2
(v) Adopted	—	—	Nil
(vi) Negatived	—	—	2
(vii) Withdrawn	—	—	Nil
(viii) Part-discussed	—	—	Nil

16. MOTION RE: MODIFICATION OF STATUTORY RULE

(i) Received	—	—	Nil
(ii) Admitted	—	—	Nil
(iii) Moved	—	—	Nil
(iv) Discussed	—	—	Nil
(v) Adopted	—	—	Nil
(vi) Negatived	—	—	Nil
(vii) Withdrawn	—	—	Nil
(viii) Part-discussed	—	—	Nil

17. NUMBER OF PARLIAMENTARY COMMITTEES CONSTITUTED, IF ANY, DURING THE SESSION

— — Nil

18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION

—42,143

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND DATE ON WHICH ISSUED

—2,378

on 7 April, 19

20. NUMBER OF ADJOURNMENT MOTIONS

(i) Brought before the House	—	—	Nil
(ii) Admitted and discussed	—	—	Nil
(iii) Banned in view of adjournment motion admitted on the subject	—	—	Nil
(iv) Consent withheld by Speaker outside the House	—	—	139
(v) Consent given by Speaker but leave not granted by the House	—	—	Nil

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	—	—	912
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	—	—	9,384
(iii) Short-Notice Questions	—	—	2

22. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 January to 31 March 1989	No. of Reports presented to the House during the Session
1	2	3	4
(j)	Business Advisory Committee	4	4
(ii)	Committee on Absence of Members	1	1
(iii)	Committee on Public Undertakings	12	5
(iv)	Committee on Papers Laid on the Table	4	
(v)	Committee on Petitions	12	
(vi)	Committee on Private Members' Bills and Resolutions	4	4
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	3	
(viii)	Committee of Privileges	3	1
(ix)	Committee on Government Assurances	10	1
(x)	Committee on Subordinate Legislation	6	1
(xi)	Estimates Committee	7	
(xii)	General Purpose Committee	1	
(xiii)	House Committee	3	
	(a) Accommodation Sub-Committee		
	(b) Sub-Committee on Amenities	1	
	(c) Sub-Committee on Furnishing	1	
(xiv)	Public Accounts committee	15	28
(xv)	Railway Convention Committee	2	1
(xvi)	Rules Committee	2	

1	2	3	4
JOINT / SELECT COMMITTEES			
(i) Joint Committee on Offices of Profit		3	
(ii) Joint Committee on Salaries and Allowances of Members of Parliament		2	1
(iii) Joint Committee on Railways Bill, 1966		4	1
(iv) Joint Committee on Salaries & Allowances of Members of Parliament Constituted to review the pensionary benefits of ex-MPs.		2	
23. Number of Members granted leave of absence			6
24. Petitions presented			4
25. Number of new members sworn with date			Nil

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND FORTY-NINTH SESSION OF RAJYA SABHA

1. PERIOD OF THE SESSION	21 February, to 4 April, 1989
2. NUMBER OF SITTINGS HELD	25
3. TOTAL NUMBER OF SITTING HOURS	154 hours. 25 minutes
4. NUMBER OF DIVISIONS HELD	NIL
5. GOVERNMENT BILLS	

(i) Pending at the Commencement of the Session	10
(ii) Introduced	Nil
(iii) Laid on the Table as passed by Lok Sabha	9
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	12
(x) Passed	11
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	1
(xiv) Returned by Rajya Sabha without any recommendation	9
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	8

6. PRIVATE MEMBERS' BILLS

(i) Pending at the commencement of the Session	68
(ii) Introduced	7
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	2
(vii) Withdrawn	Nil
(viii) Passed	Nil
(ix) Negatived	1
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	73

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)	
(i) Notices received	91
(ii) Admitted	2
(iii) Discussions held	2
8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling Attention to matter of urgent Public Importance). Statements made by Ministers	1
9. HALF-AN-HOUR DISCUSSIONS HELD	1
10. STATUTORY RESOLUTIONS	
(i) Notices received	4
(ii) Admitted	4
(iii) Moved	1
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	1
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	7
(ii) Admitted	7
(iii) Discussed	Nil
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(viii) Discussions postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	168
(ii) Admitted	213
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil

15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE

(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil

16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED,
IF ANY DURING THE SESSION Nil

17. TOTAL NUMBER OF VISITORS' PASSES ISSUED 2,514

18. TOTAL NUMBER OF PERSONS VISITED 3,284

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY
SINGLE DAY, AND DATE ON WHICH ISSUED 253

20. MAXIMUM NO. OF PERSONS VISITED ON ANY SINGLE DAY
AND DATE ON WHICH VISITED 296

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	417
(ii) Unstarred	3,592
(iii) Short-Notice Questions	1

22. DISCUSSION ON THE WORKING OF THE MINISTRIES Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of Committee	No. of meetings held during the period 1 January 1989 to 31 March 1989	No. of Reports presented during the Session
(i) Business Advisory Committee	4	Nil
(ii) Committee on Subordinate Legislation	5	Nil
(iii) Committee on Petitions	19	2
(iv) Committee of Privileges	Nil	Nil
(v) Committee on Rules	Nil	Nil
(vi) Committee on Government Assurances	17	Nil
(vii) Committee on Papers Laid on the Table	3	1
(viii) Joint Committee on the Shipping Agents (Licensing) Bill, 1987	5	Nil
(ix) General Purposes Committee	1	Nil
(x) Joint Committee on the Indian Medical Council (Amendment) Bill, 1987	4	Nil

24. NUMBER OF MEMBERS GRANTED LEAVE OF
ABSENCE 2

25. PETITIONS PRESENTED Nil

26. NAMES OF NEW MEMBERS SWORN WITH DATES

S.No.	Name of Members Sworn	Date on which sworn
1.	Shri Tha. Kiruttinan	15.3.1989
2.	Shri S. Viduthalai	15.3.1989
3.	Shri Ratna Bahadur Rai	27.3.1989

27. OBITUARY REFERENCES

S.No.	Name	Sitting Member / Ex-Member
1.	Emperor Hirohito of Japan	
2.	Shri L. Narsing Naik	Sitting M.P.
3.	Shri T.S. Gurung	- do -
4.	Shri Gulabrao Patil	Ex-Member
5.	Shri Harsh Deo Malaviya	Ex-Member
6.	Shri Suresh J. Desai	Ex-Member
7.	Dr. (Smt.) Rajinder Kaur	Ex-Member
8.	Moulana Mohammad Faruqi	Ex-Member
9.	Shri Krishnarao Narayan Dhulap	Ex-Member
10.	Shri Hemvati Nandan Bahuguna	Ex-Member
11.	Shri Kali Mukherjee	Ex-Member
12.	Shri S.M. Joshi	Prominent Trade Union Leader

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES
DURING THE PERIOD 1 JANUARY TO 31 MARCH, 1989

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
ANDHRA PRADESH L. A.	—	—	—	—	—	—	—
ARUNACHAL PRADESH L. A.	27.3.89 to 30.3.89	4	6(6)	—	114(109)	98(90)	—
ASSAM L. A.	—	—	—	—	—	—	—
BIHAR L. A.	25.1.89 to 2.2.89 and 27.3.89 to 30.3.89	9	2(2)	—	4597(2183)	(759)	(66)
BIHAR L. C.	25.1.89 to 2.2.89 and 28.3.89 to 31.3.89	9	(2)	—	914(782)	(8)	252(117)
GOA L. A.	20.3.89 to 21.4.89	20	10(8)	3(1)	837(613)	(132) ^(a)	2
GUJARAT L. A.	27.1.89 to 31.3.89	42	20(17)	7	5,572(2,518)	(277) ^(b)	47(12)
HARYANA L. A.	21.2.89 to 15.3.89	15	11(11)	—	7,448(270)	86(46)	—
HIMACHAL PRADESH L. A.	16.3.89 to 21.4.89	20	11(11)	—	1,505(1,241)	93(209) ^(c)	1(1)
JAMMU & KASHMIR L. A.	—	—	—	—	—	—	—

JAMMU AND KASHMIR L. C.	21.2.89 to 3.4.89	22	2(11)	—	453(303)	96(50)	4
KARNATAKA L. A.	15.2.89 to 22.2.89 and 17.3.89 to 31.3.89	16	15(12)	—	912(258)	(553)	24(8)
KARNATAKA L. C.	15.2.89 to 22.2.89 and 17.3.89 to 31.3.89	16	(12)	—	839(266)	(444)	—
KERALA L. A.	21.12.88 to 23.2.89 and 10.3.89 to 30.3.89	42	17(16)	—	12,289(2,504)	(7,377)	29(8)
MADHYA PRADESH L. A.	9.3.89 to 13.5.89	6*	2(2)	2	5,219(125)	(264)	1
MAHARASHTRA L. A.	—	—	—	—	—	—	—
MAHARASHTRA L. C.	—	—	—	—	—	—	—
MANIPUR L. A.	—	—	—	—	—	—	—
MEGHALAYA L. A.	24.2.89 to 7.3.89 and 27.3.89 to 24.4.89	28	3(3)	—	3(3)	75(75)	—
MIZORAM L. A.	30.1.89 to 1.2.89 and 15.3.89 to 31.3.89	14	7(7)	—	51(48)	1(1)	—
NAGALAND L. A.	14.2.89 and 13.3.89 to 23.3.89	4	2(2)	—	82(81)	27(27)	—
ORISSA L. A.	—	—	—	—	—	—	—
PUNJAB L. A.	—	—	—	—	—	—	—
RAJASTHAN L. A.	13.3.89 to 31.3.89	12	9(7)	—	2,205(294)	1,623(321)	—

*Till 31st March, 1989

1	2	3	4	5	6	7	8
SIKKIM L. A.	—	—	—	—	—	—	—
TAMIL NADU L. A.	—	—	—	—	—	—	—
TRIPURA L. A.	17.3.89 to 6.4.89	14	6(6)	—	562(406) ^(a)	14(85) ^(a)	1
UTTAR PRADESH L. A.	8.2.89 to 6.4.89	35	11(16)	3	2,398(443) ^(b)	1,433(2,528) ^(b)	1,925(514)
UTTAR PRADESH L. C.	8.2.89 to 6.4.89	27	6(17)	1	531(458)	94(93)	232(186)
WEST BENGAL L. A.	27.2.89 and continuing as on 31 March 1989	18	6(6)	—	1,723(837)	842(569)	1(1)
UNION TERRITORIES							
DELHI METROPOLITAN COUNCIL	—	—	—	—	—	—	—
PONDICHERRY L. A.	—	—	—	—	—	—	—

NOTES:

(i) Figures in Cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced with the number of Bills passed in brackets.

(ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.

(a) 132 Starred Notices were admitted as Unstarred.

(b) 277 Starred Notices were admitted as Unstarred.

(c) The figure 209 includes 161 Starred Notices which were classified as Unstarred.

(d) The figure 406 includes one Short Notice Question admitted as Starred.

- (e) The figure 85 includes 71 Starred Questions admitted as Unstarred.
- (f) The figure 1,433 includes 227 Short Notice Questions admitted as Starred.
- (g) The figure 2,528 includes 1,036 Starred Questions and 719 Short Notice Questions admitted as Unstarred.

APPENDIX III (Contd.)
COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee	3	63	69(25)	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Govt. Assurances	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Petitions	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Private Members' Bills and Resolutions	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Privileges	—	—	—	—	3	129(2)	18(1)	—	—	—	—	—	—	—	—	—
Committee on Public Undertakings	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Subordinate Legislation	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on the Welfare of SC and ST	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Estimates Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	63
General Purpose Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
House/Accommodation Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14
Library Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17
Public Accounts Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	41
Rules Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2
Joint/Select Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2
Other Committees	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	27 ^(a)

STATES
 Andhra Pradesh
 L.A.
 Arunachal
 Pradesh L.A.
 Assam L.A.
 Bihar L.A.

NOTES : Figures in the brackets indicate the number of reports presented to the House.

- (a) Questions and Calling Attention Committee—27 sittings.
- (b) Questions and Call Attention Committee—8 sittings.
- (c) Committee on the Goa Municipalities (Amendment) Bill, 1986—1 sitting; and Committee on the Goa Plots and Flats Ownership Bill, 1986—1 sitting.
- (d) Committee on Welfare of Scheduled Castes—4 sittings and 2 reports, and Committee on Welfare of Scheduled Tribes—2 sittings and 1 report.
- (e) Select Committee on Gujarat Secondary Education (Amendment) Bill, 1989—1 sitting.
- (f) Committee on the Welfare of Socially and Educationally Backward Classes, Nomadic Tribes and Denotified Tribes—3 sittings and 2 reports; Members Allowances Rules Committee—1 sittings; Committee on Absence of Members—1 sitting and 1 report; and Committee on Panchayati Raj—3 sittings and 1 report.
- (g) Press gallery Committee—1 sitting.
- (h) Committee on Papers Laid on the table—3 sittings and 1 report; and Official Language Implementation Committee—7 sittings and 1 report.
- (i) Committee on Backward Classes—8 sittings and 2 reports; and Committee on Papers laid on the Table—5 sittings and 1 report.
- (j) Subject Committee on Agriculture and Integrated Rural Development—1 sitting; Subject Committee on Land Revenue, Forests and Fisheries—2 sittings and 3 reports; Subject Committee on Irrigation and Power—1 sitting and 1 report; Subject committee on Industry and Minerals—1 sitting and 1 report; Subject Committee on Public Works, transport and Communications—3 sittings and 2 reports; Subject Committee on Social Services—2 sittings and 2 reports; Subject Committee on Food, Housing and Labour—1 sitting; Subject Committee on Economic Affairs—1 sitting and 1 report; Subject Committee on Local Administration and Co-operation—1 sitting and 1 report; and Subject Committee on Home Affairs—1 sitting and 1 report.
- (k) Select Committee on Madhya Pradesh Societies Registration (Amendment) Bill, 1987—1 sitting.
- (l) Committee to Examine the Papers Laid on the Table—3 sittings; Questions and References Committee—4 sittings; and Women and Childrens' Welfare Committee—1 sitting.
- (m) Committee on the Welfare of Scheduled Tribes—19 sittings and 1 report; and Committee on the Welfare of Scheduled Castees—6 sittings.
- (n) Committee on the Welfare of Scheduled Castees—3 sittings; and Committee on the Welfare of Scheduled Tribes—3 sittings.
- (o) Select Committee on the Uttar Pradesh Journalists' Welfare and Pension Fund Bill, 1985—2 sittings; and Questions and Reference Committee—1 sitting and 1 report.
- (p) Financial and Administrative Delays Committee—24 sittings; Compilation of Rulings Committee—19 sittings; Parliamentary Studies Committee—22 sittings; Sansadhiya Evam Samajik Sadbhav Committee—18 sittings; and Questions and Reference Committee—13 sittings.
- (q) Committee on Health and Family Welfare—4 sittings and 1 report; Committee on Environment—4 sittings; Committee on Panchayat—2 sittings; and Committee on Education—2 sittings and 1 report.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1ST JANUARY TO 31ST MARCH 1989

S.No.	Title of the Bill	Date of assent by the President
1.	The Representation of the People (Amendment) Bill, 1988.	5.1.1989
2.	The Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 1988.	6.1.1989
3.	The Direct-Tax Laws (Amendment) Bill, 1989.	15.3.1989
4.	The Constitution (Sixty-first Amendment) Bill, 1988.	28.3.1989
5.	The Appropriation (Vote on Account) Bill, 1989.	30.3.1989
6.	The Appropriation Bill, 1989.	30.3.1989
7.	The Appropriation (Railways) Bill, 1989.	30.3.1989
8.	The Appropriation (Railways) No. 2 Bill, 1989.	30.3.1989
9.	The Punjab Appropriation Bill, 1989.	31.3.1989
10.	The Punjab Appropriation (Vote on Account) Bill, 1989.	31.3.1989
11.	The Delhi Municipal Laws (Amendment) Bill, 1989.	31.3.1989

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 JANUARY TO 31 MARCH 1989

STATES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Arunachal Pradesh Co-operative Societies (Amendment) Bill, 1989
- *2. The Arunachal Pradesh Khadi and Village Industries Board Bill, 1989
3. The Arunachal Pradesh Salaries and Allowances of Ministers (Amendment) Bill, 1989
4. The Arunachal Pradesh Appropriation Bill, 1989
5. The Arunachal Pradesh Appropriation (No.2) Bill, 1989
- *6. The Arunachal Pradesh Prevention of Corruption (Amendment) Bill, 1989

BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Appropriation Bill, 1989
2. The Bihar Appropriation (Vote on Account) Bill, 1989

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Appropriation Bill, 1989
2. The Bihar Appropriation (Vote on Account) Bill, 1989

GOA LEGISLATIVE ASSEMBLY

1. The Goa Supplementary Appropriation Bill, 1989
2. The Goa Appropriation (Vote on Account) Bill, 1989
3. The Goa Appropriation Bill, 1989
- *4. The Goa Sales Tax (Amendment) Bill, 1989
- *5. The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1989
- *6. The Goa Motor Vehicles (Taxation on Passengers and Goods) Bill, 1989
- *7. The Goa Public Health (Amendment) Bill, 1989
- *8. The Goa Marine Fishing Regulation (Amendment) Bill, 1989
- *9. The Maharashtra Cooperative Societies (Goa Amendment) Bill, 1989

GUJARAT LEGISLATIVE ASSEMBLY

1. The Bombay Police (Gujarat Amendment) Bill, 1989
2. The Gujarat State Guarantees (Amendment) Bill, 1989

*Awaiting assent

3. The Bombay Civil Courts (Gujarat Amendment) Bill, 1989
4. The Gujarat Sales Tax (Amendment) Bill, 1989
5. The Gujarat Tribal Development Corporation (Amendment) Bill, 1989
6. The Gujarat Prohibition of Maintenance of Private Armed Force Bill, 1989
7. The Gujarat Entertainments Tax (Amendment) Bill, 1989
8. The Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 1989
9. The Gujarat Purchase Tax on Sugarcane Bill, 1989
10. The Gujarat Agricultural Produce Markets (Amendment) Amending Bill, 1989
11. The Gujarat (Supplementary) Appropriation Bill, 1989
12. The Gujarat Panchayats (Amendment) Bill, 1989
13. The Gujarat State Tax on Professions, Trades, Callings and Employments (Amendment) Bill, 1989
14. The Gujarat Sales Tax (Second Amendment) Bill, 1989
15. The Bombay Land Revenue (Gujarat Amendment) Bill, 1989
16. The Gujarat Appropriation Bill, 1989
17. The Gujarat Appropriation (Excess Expenditure) Bill, 1989

HARYANA VIDHAN SABHA

1. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1989
2. The Haryana General Sales Tax (Amendment) Bill, 1989
3. The Haryana Appropriation (No. 1) Bill 1989
4. The Haryana Relief of Agricultural Indebtedness Bill, 1989
- *5. The Haryana Housing Board (Amendment) Bill, 1989
6. The Punjab Motor Vehicles Taxation (Haryana Amendment) Bill, 1989
7. The Haryana Appropriation (No. 2) Bill, 1989
8. The Punjab Entertainments Duty (Haryana Amendment) Bill, 1989
- *9. The Haryana Urban Development Authority (Amendment) Bill, 1989
10. The Haryana Legislative Assembly (Allowances and Pension of Members) Amendment Bill, 1989
- *11. The Indian Electricity (Haryana Amendment) Bill, 1989

HIMACHAL PRADESH VIDHAN SABHA

1. The Himachal Pradesh Appropriation Bill, 1989
2. The Himachal Pradesh Appropriation (Vote on Account) Bill, 1989
3. The Himachal Pradesh Land Revenue (Amendment) Bill, 1989

4. The Himachal Pradesh Appropriation (No. 2) Bill, 1989
5. The Himachal Pradesh Appropriation (No. 3) Bill, 1989
6. The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Bill, 1989
7. The Himachal Pradesh Town and Country Planning (Amendment) Bill, 1989
8. The Salaries and allowances of ministers (Himachal Pradesh) (Amendment) Bill, 1989
9. The Salaries and Allowances of Deputy Ministers (Himachal Pradesh) (Amendment) Bill, 1989
10. The Himachal Pradesh Legislative Assembly Speaker's and deputy Speaker's Salaries (Amendment) Bill, 1989
11. The Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1989

JAMMU AND KASHMIR LEGISLATIVE COUNCIL

1. The Transfer of Property (Amendment) Bill, 1989
2. The Jammu and Kashmir Preservation of Specified Trees (Amendment) Bill, 1989
3. Appropriation Bill, 1988-89
4. Appropriation Bill, (No 2) 1988-89
5. The Jammu and Kashmir Constitution (Amendment) Bill, 1989
6. The Jammu and Kashmir Stamps (Amendment) Bill, 1989
7. The Jammu and Kashmir Motor Spirit and Diesel Oil (Taxation of Sale) (Amendment) Bill, 1989
8. Co-operative Bill, 1989
9. Halaga Panchayats, Block Development (panchayat Raj) Bill, 1988
10. The Jammu and Kashmir Representation of People (Amendment) Bill, 1989
11. The Jammu and Kashmir Legislature Members Pension (Amendment) Bill, 1989

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Relief Undertakings (Special Provisions) (Amendment) Bill, 1989
2. The Karnataka Legislature (Prevention of Disqualification) (Amendment) Bill, 1989
3. The Karnataka Sales Tax (Amendment) Bill, 1989
4. The Karnataka Tax on Professions, Trades, Callings and Employment (Amendment) Bill, 1989
5. The Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale Therein (Amendment) Bill, 1989
6. The Karnataka Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 1989
7. The Karnataka Agricultural Income-Tax (Amendment) Bill, 1989
8. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1989
9. The Mysore Betting Tax (Amendment) Bill, 1989

10. The Karnataka Entertainments Tax (Amendment) Bill, 1989
11. The Karnataka Appropriation (Vote on Account) Bill, 1989
12. The Karnataka Appropriation Bill, 1989

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Appropriation (Vote on Account) Bill, 1989
2. The Karnataka Appropriation Bill, 1989
3. The Karnataka Legislature (Prevention of Disqualification) (Amendment) Bill, 1989
4. The Karnataka Relief Undertakings (Special Provisions) (Amendment) Bill, 1989
5. The Karnataka Entertainments Tax (Amendment) Bill, 1989
6. The Mysore Betting Tax (Amendment) Bill, 1989
7. The Karnataka Sales Tax (Amendment) Bill, 1989
8. The Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale. Therein (Amendment) Bill, 1989
9. The Karnataka Tax on Professions, Trades, Callings and Employment (Amendment) Bill, 1989
10. The Karnataka Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 1989
11. The Karnataka Agricultural Income Tax (Amendment) Bill, 1989
12. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1989

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Khadi Workers' Welfare Fund Bill, 1988
2. The Kerala Handloom Workers' Welfare Fund Bill, 1988
3. The Kerala Motor Vehicles Taxation (Amendment) Bill, 1988
4. The Kerala Agricultural University (Amendment) Bill, 1988
5. The Kerala Public Men's Corruption (Investigations and Inquiries) Amendment Bill, 1988
6. The Local Authorities Laws (Third Amendment) Bill, 1988
7. The Cochin University of Science and Technology (Amendment) Bill, 1988
8. The Kerala Forest (Amendment) Bill, 1989
9. The Kerala Forest Produce (Fixation of Selling Price) Amendment Bill, 1989
10. The Kerala Electricity Duty (Amendment) Bill, 1988
11. The Kerala General Sales Tax (Second Amendment) Bill, 1988
12. The Kerala Appropriation Bill, 1989
13. The Kerala Land Reforms (Amendment) Bill, 1989
14. The Kerala Public Libraries Bill, 1989
15. The Kerala Appropriation (No. 2) Bill, 1989
16. The Kerala Appropriation (Vote on Account) Bill, 1989

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (No. 1) Bill 1989
2. The Meghalaya Taxation Laws (Amendment) Bill, 1989
3. The Meghalaya Appropriation (No. II) Bill 1989

MIZORAM LEGISLATIVE ASSEMBLY

1. The Mizoram Appropriation (No. 1) Act, 1989
2. The Mizoram Salaries, Allowances and Pension of Members, Mizoram (Amendment) Act, 1989
3. The Mizoram Salaries and Allowances of the Ministers (Amendment) Act, 1989
4. The Mizoram Salaries, Allowances of the Speaker, Deputy Speaker, Mizoram (Amendment) Act, 1989
5. The Mizoram (Sales of Petroleum and Petroleum Products, Spirits, Lubricants) Taxation (Amendment) Act, 1989
6. The Mizoram Appropriation (No. 2) Act, 1989
7. The Mizoram Sales Tax Bill, 1989

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Appropriation (No. 1) Bill, 1989
2. The Nagaland Appropriation (No. 2) Bill, 1989

RAJASTHAN LEGISLATIVE ASSEMBLY

1. Rajasthan Viniyog (Sankhya-1) Vidheyak, 1989
2. Rajasthan Viniyog (Lekhanudan) (Sankhya-2) Vidheyak, 1989
3. Rajasthan Mantri Vetan (Sanshodhan) Vidheyak, 1989
4. Rajasthan Vidhan Sabha (Adhikariyon aur Sadasyon ki Parilabdhiyan aur pension) (Sanshodhan) Vidheyak, 1989
- *5. Rajasthan Motoryan Karadhan (Sanshodhan) Vidheyak, 1989
- *6. Rajasthan Bhoomi avem Bhawan Kar (Sanshodhan) Vidheyak, 1989
- *7. Rajashtan Nagarpalika (Sanshodhan) Vidheyak, 1989

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Appropriation (No. 3) Bill, 1989
2. The Tripura Appropriation (Vote on Account) Bill, 1989
3. The Tripura Appropriation Bill, 1989
4. The Salaries and Allowances of Ministers (Tripura) (Sixth Amendment) Bill, 1989
5. The Salaries and Allowances of the Speaker and Deputy Speaker, Legislative Assembly (Tripura) (Second Amendment) Bill, 1989
6. The Salary, Allowances and Pension of Members of the Legislative Assembly (Tripura) (Seventh Amendment) Bill, 1989

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Bill, 1989
2. The Uttar Pradesh Excise (Amendment) Bill, 1989
3. The Uttar Pradesh Zila Parishads (Alpkalik Vyawastha) (Sanshodhan) Vidheyak, 1989
4. The Uttar Pradesh Urban Local Self Government Laws (Amendment) Bill, 1989
5. The Motor Vehicles (Uttar Pradesh Amendment) Bill, 1989
6. The Uttar Pradesh Cooperative Societies (Amendment) Bill, 1989

7. The Uttar Pradesh Appropriation (Vote on Account) Bill, 1989
8. The Uttar Pradesh Appropriation (Second Supplementary 1989-90) Bill, 1989
9. The Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Bill, 1989
10. The Court Fees (Uttar Pradesh Amendment) Bill, 1989
11. The Uttar Pradesh Cinemas and Taxation Laws (Amendment) Bill, 1989
12. The Uttar Pradesh Cooperative Land Development Banks (Amendment) Bill, 1989
13. The Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples (Amendment) Bill, 1989
14. The Uttar Pradesh Appropriation Bill, 1989
15. The Uttar Pradesh Sugarcane (Purchase Tax) (Amendment) Bill, 1989
16. The Uttar Pradesh State Legislature Members', Ministers' and Parliamentary Secretaries' Emoluments Laws (Amendment) Bill, 1989

UTTAR PRADESH LEGISLATIVE COUNCIL

1. Uttar Pradesh Nagar Swayat Shasan Vidhi (Sanshodhan) Vidheyak, 1989
2. Uttar Pradesh Zila Parishad (Alpakalik Vyavastha) (Sanshodhan) Vidheyak, 1989
3. Motoryan (Uttar Pradesh Sanshodhan) Vidheyak, 1989
4. Uttar Pradesh Sahakari Samiti (Sanshodhan) Vidheyak, 1989
5. Uttar Pradesh Viniyog (Lekhanudan) Vidheyak, 1989
6. Uttar Pradesh Abkari (Sanshodhan) Vidheyak, 1989
7. Uttar Pradesh Motor Spirit, Diesel Oil Tatha Alcohol Bikri Karadhan (Sanshodhan) Vidheyak, 1989
8. Uttar Pradesh Viniyog (1988-89 ka Dwitya Anupoorak) Vidheyak, 1989
9. Uttar Pradesh Lok Ayukta Tatha Up-Lok Ayukta (Sanshodhan) Vidheyak, 1989
10. Uttar Pradesh Shri Badrinath tatha Shri Kedarnath Mandir (Sanshodhan) Vidheyak, 1989
11. Uttar Pradesh Viniyog Vidheyak, 1989
12. Uttar Pradesh Chal-Chitra aur Karadhan Vidhi (Sanshodhan) Vidheyak, 1989
13. Uttar Pradesh Shri Kashi Vishwanath Mandir (Sanshodhan) Vidheyak, 1989
14. Uttar Pradesh Rajya Vidhan Mandal Sadasoyon Mantriyon aur Sabha Sachivon Ki Uplabdhiyan Vidhi (Sanshodhan) Vidheyak, 1989
15. Nyayalaya Fees (Uttar Pradesh Sanshodhan) Vidheyak, 1989
16. Uttar Pradesh Sahakari Bhoomi Vikas Bank (Sanshodhan) Vidheyak, 1989
17. Uttar Pradesh Ganna (Kraya-Kar) (Sanshodhan) Vidheyak, 1989

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The Howrah Municipal Corporation (Amendment) Bill, 1989
2. The Bengal Municipal (Amendment) Bill, 1989
3. The West Bengal Land (Requisition and Acquisition) (Amendment) Bill, 1989
4. The West Bengal Appropriation (Vote on Account) Bill, 1989
5. The West Bengal Taxation Laws (Amendment) Bill, 1989
6. The West Bengal Appropriation Bill, 1989

APPENDIX VI

ORDINANCES ISSUED DURING THE PERIOD 1 JANUARY TO 31 MARCH 1989

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
1	2	3	4	5	6
UNION GOVERNMENT					
	The Income-tax (Amendment) Ordinance, 1989 (No. 1 of 1989)	24.1.1989	21.2.1989	4.4.1989 (within six weeks from the reassembly of Parliament)	—
STATE GOVERNMENTS					
BIHAR					
1.	The Bihar Entertainment Tax (Amendment and Validation) Second Ordinance, 1988	—	25.1.1989	—	—
2.	The Patna University (Amendment) Second Ordinance, 1988	—	—do—	—	—
3.	The Bihar State-University (Amendment) Second Ordinance, 1988	—	—do—	—	—
4.	The Bihar Intermediate Educational Council Second Ordinance, 1988	—	—do—	—	—
5.	The Nananda Open University, Second Ordinance, 1988	—	—do—	—	—

6	The Bihar Non-Government Secondary School (Management and Adoption Control) (Amendment) Second Ordinance, 1988.	—	—do—	—	—
7.	The Bihar Private Engineering College (Adoption) Second Ordinance, 1988	—	—do—	—	—
8.	The Bihar Co-operative Society (Amendment) Ordinance, 1988	—	—do—	—	—
9.	The Anugrah Narain Sinha Social Studies Institution (Amendment) Ordinance, 1988	—	—do—	—	—
10.	Joint Cadre of Assistants of Secretariat and Connected Offices Ordinance, 1988	—	—do—	—	—
11	The Bihar Contingency Fund (Amendment) Ordinance, 1989	—	27.3.1988	—	—
12.	The Bihar State University (Amendment) Ordinance, 1989	—	—do—	—	—
13.	The Bihar Intermediate Education Council Ordinance, 1989	—	—do—	—	—
14.	The Nalanda Open University Ordinance, 1989	—	—do—	—	—
15.	The Bihar Non-Government Secondary School (Management and Adoption Control) Ordinance, 1989	—	—do—	—	—
16.	The Anugrah Narayan Sinha Social Studies Institution (Amendment) Ordinance, 1989	—	—do—	—	—
17.	The Patna University (Amendment) Ordinance, 1989	—	—do—	—	—

	1	2	3	4	5	6
18.	The Bihar Private Engineering College (Adoption) Ordinance, 1989	—	—	—	—	—
19.	The Joint Cadre of Assistants of Secretariat and Connected Offices Ordinance, 1989	—	—	—	—	—
20.	The Bihar Co-operative Society (Amendment) Ordinance, 1989	—	—	—	—	—
21.	The Bihar Entertainment-tax (Amended and Validation) Ordinance, 1989	—	—	—	—	—
22.	The Kosi Sufferers Regional Development Authority, Ordinance, 1989	—	—	—	—	—
GUJARAT						
1.	The Gujarat Secondary Education (Amendment) (Second) Ordinance, 1988	10-8-1988	30-1-1989	4-3-1989	—	Replaced by Legislation
2.	The Bombay Civil Courts (Gujarat Amendment) Ordinance, 1988	23-9-1988	—	—	—	—
3.	The Gujarat Tribal Development Corporation (Amendment) Ordinance, 1988	14-10-1988	—	—	—	—
4.	The Gujarat State Guarantees (Amendment) Ordinance, 1988	1-12-1988	—	—	—	—
5.	The Gujarat Purchase Tax on Sugarcane Ordinance, 1988	1-12-1988	—	—	—	—
6.	The Bombay Police (Gujarat Amendment) Ordinance, 1988	20-12-1988	—	—	—	—
7.	The Gujarat Prohibition of Maintenance of Private Armed Force Ordinance, 1988	21-12-1988	—	—	—	—
8.	The Gujarat Sales Tax (Second Amendment) Ordinance, 1988	21-12-1988	—	—	—	—

9.	The Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Ordinance, 1988	20-12-1988	—do—	—	—do—
10.	The Gujarat Entertainments Tax (Amendment) Ordinance, 1988	23-12-1988	—do—	—	—do—
KARNATAKA					
1.	The Karnataka State Conduct of Examinations and Prevention of Malpractices Ordinance, 1988	17-12-1988	16-2-1989	—	—
2.	The Karnataka Relief Undertakings (Special provisions) (Amendment) Ordinance, 1989	9-1-1989	—do—	—	Replaced by Legislation.
3.	The Karnataka Legislature (Prevention of Disqualification) (Amendment) Ordinance, 1988	30-1-1989	—do—	—	—do—
RAJASTHAN					
1.	Jaipur Vikas Pradhikaran (Dwitya Sanshodhan) Adhyadesh, 1988	8-11-1988	13-3-1989	—	—
2.	Nathdwara Mandir (Dwitya Sanshodhan) Adhyadesh, 1988	—do—	—do—	—	—
3.	Rajasthan Upriveshan (Dwitya Sanshodhan) Adhyadesh, 1988	—do—	—do—	—	—
4.	Rajasthan Abhidriti (Dwitya Sanshodhan) Adhyadesh, 1988	—do—	—do—	—	—
5.	Rajasthan Bhoor-Rajasva (Dwitya Sanshodhan) Adhyadesh, 1988	—do—	—do—	—	—
6.	Rajasthan Nagarpalika (Sanshodhan) Adhyadesh, 1988	17-11-1989	—do—	—	—
7.	Rajasthan Motoryan Karadhan (Sanshodhan) Adhyadesh, 1988	21-12-1988	—do—	—	—
8.	Rajasthan Bhoomi-evaam Bhawan Kar (Sanshodhan) Adhyadesh, 1988	—do—	—do—	—	—

1	2	3	4	5	6
9.	Rajasthan Motoryan Karadhyan (Sanshodhan) Adhyadesh, 1989	27-1-1989	—do—	—	—
UTTAR PRADESH					
1.	The Uttar Pradesh Excise (Amendment) Ordinance, 1988	27-10-1988	8-2-1989	15-3-1989	Replaced by Legislation
2.	The Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Ordinance, 1988	3-11-1988	—do—	—do—	—do—
3.	The Uttar Pradesh Urban Local Self Government (Second Amendment) Ordinance, 1988	28-12-1988	—do—	4-3-1989	—do—
4.	The Uttar Pradesh Cooperative Societies (Second Amendment) Ordinance, 1988	—do—	—do—	12-3-1989	—do—
5.	The Uttar Pradesh Zila parishads (Alpkalik Vya-washa, (Dwitiya Sanshodhan) Adhyadesh, 1988	31-12-1988	—do—	4-3-1989	—do—
6.	The Uttar Pradesh Cooperative Societies (Amendment) Ordinance, 1989	7-1-1989	—do—	12-3-1989	—do—
7.	The Motor Vehicles (Uttar Pradesh Amendment) Ordinance, 1989	—do—	—do—	19-3-1989	—do—

WEST BENGAL

	8-12-1988	6-3-1989	10-4-1989	Replaced by Legislation
1. The West Bengal Homoeopathic System of Medicine (Amendment) Ordinance, 1988				
2. The Calcutta Homoeopathic Medical College and Hospital (Taking Over of Management and Subsequent Acquisition) (Second Amendment) Ordinance, 1988	31-12-1988	—do—	—do—	—
3. The D.N.De. Homoeopathic Medical College and Hospital (Taking Over of Management and Subsequent Acquisition) (Second Amendment) Ordinance, 1988	—do—	—do—	—do—	—
4. The Bengal Agricultural Income-Tax (Amendment) Ordinance, 1989	25-11-1989	—do—	—do—	—

APPENDIX VII
A. PARTY POSITION IN LOK SABHA (As on 24 May 1989)

Sl. No.	Name of State/ Union Territory	Seats	Cong-I	Telugu Desam	CPI (M)	Janata Dal	Other parties	Un- at- tached	Inde- pen- dents/ Nomi- nated	Total	Vacar- cies
1	2	3	4	5	6	7	8	9	10	11	12
STATES											
1.	Andhra Pradesh	42	6	27	1	1	2(a)	1	1	39	3
2.	Assam	14	5	..	..	..	7(b)	..	..	2	..
3.	Bihar	54	45	..	..	..	3(c)	..	1	14	..
4.	Goa	2	2	..	..	..	..	..	1	51	3
5.	Gujarat	26	23	..	..	..	..	..	..	2	..
6.	Haryana	10	6	..	..	..	1(d)	..	..	26	..
7.	Himachal Pradesh	4	4	..	..	3	1(e)	..	..	10	..
8.	Jammu & Kashmir	6	3	..	..	..	..	..	..	4	..
9.	Karnataka	28	24	..	..	..	2(f)	1	..	6	..
10.	Kerala	20	12	..	..	4	..	..	..	28	..
11.	Madhya Pradesh	40	39	..	1	1	4(g)	1	..	19	1
12.	Maharashtra	48	43	..	..	..	1(h)	..	1	40	..
13.	Manipur	2	2	..	..	2	..	..	..	47	1
14.	Meghalaya	2	2	..	..	..	..	..	..	2	..
15.	Mizoram	1	—	..	..	..	..	..	..	2	..
16.	Nagaland	1	—	..	..	..	..	..	..	..	1
17.	Orissa	21	20	..	..	..	..	..	..	..	1
18.	Punjab	13	6	..	..	..	..	..	..	20	1
19.	Rajasthan	25	24	..	..	..	5(i)	2	..	13	..
20.										24*	..

21.	Sikkim	1	..	..	..	10	..	..	1	..	..	..
22.	Tamil Nadu	39	23	..	..	12(k)	1	..	36	..	..	3
23.	Tripura	2	..	2	..	..	..	..	2	..	..	2
24.	Uttar Pradesh	85	79	..	1	..	2	1	83	..	..	2
25.	West Bengal	42	16	16	..	8(f)	..	..	42	..	..	..
UNION TERRITORIES												
26.	Andaman & Nicobar	1	1	..	..	..	..	..	1	..	..	..
27.	Chandigarh	1	1	..	..	..	..	..	1	..	..	..
28.	Dadra & Nagar Haveli	1	..	..	..	..	..	1	1	..	..	..
29.	Daman & Diu	1	1	..	..	..	..	..	1	..	..	..
30.	Delhi	7	6	..	..	..	..	..	6	..	..	1
31.	Lakshadweep	1	1	..	..	..	..	..	1	..	..	..
32.	Pondicherry	1	1	..	..	..	..	..	1	..	..	..
33.	Nominated (Anglo-Indian)	2	..	..	..	..	..	2	2	..	..	..
		545	397	27	22	16	47	10	8	527*	17	17

*Excluding the Speaker.

- (e) C.P.I.(M) — 1; and B.J.P. — 1.
- (f) A.G.P. — 6; and, P.T.C.A. — 1.
- (g) C.P.I. — 2; and Janata — 1.
- (h) B.J.P. — 1.
- (i) Lok Dal — 1.
- (j) J&K National Conference — 2.
- (k) Muslim League — 2; and Kerala Cong. — 2.
- (l) Peasants and Workers Party of India — 1.
- (m) Akali Dal (Badal) — 3; and Akali Dal (Barnala) — 2.
- (n) Sikkim Sangram Parishad — 1.
- (o) D.M.K. — 2; AIADMK (I) — 7; and AIADMK (II) — 3.
- (p) C.P.I. — 3; R.S.P. — 3; and Forward Bloc — 2.

B. PARTY POSITION IN RAJYA SABHA (As on 8 June 1989)

Sl. No.	States/Union	Seats	Cong-I	Janata Dal	CPI (M)	BJP	Others	Un-attached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
	STATES									
1.	Andhra Pradesh	18	3	..	1	..	13(a)	..	17	1
2.	Arunachal Pradesh	1	1	..	..	..	..	..	1	..
3.	Assam	7	5	..	..	..	2(b)	..	7	..
4.	Bihar	22	16	2	..	2	2(c)	..	22	..
5.	Goa	1	1	..	..	..	..	..	1	..
6.	Gujarat	11	10	..	..	1	..	..	11	..
7.	Haryana	5	3	2	..	..	..	..	5	..
8.	Himachal Pradesh	3	3	..	..	..	..	..	3	..
9.	Jammu & Kashmir	4	3	..	..	..	1(d)	..	4	..
10.	Karnataka	12	3	8	..	..	1(e)	..	12	..
11.	Kerala	9	2	1	3	..	3(f)	..	9	..
12.	Madhya Pradesh	16	12	..	..	3	..	..	15	1
13.	Maharashtra	19	16	2	..	1	..	..	19	..
14.	Manipur	1	1	..	..	..	..	..	1	..
15.	Meghalaya	1	1	..	..	..	..	..	1	..
16.	Mizoram	1	1	..	..	..	..	..	1	..
17.	Nagaland	1	1	..	..	..	..	..	1	..
18.	Orissa	10	10	..	..	..	..	..	10	..
19.	Punjab	7	3	..	..	..	..	..	4	3
20.	Rajasthan	10	7	1	..	1	1(g)	1	10	..
21.	Sikkim	1	..	..	..	..	1(h)	..	1	..
22.	Tamil Nadu	18	3	..	..	..	15(i)	..	18	..
23.	Tripura	1	..	..	1	..	..	..	1	..

24. Uttar Pradesh	34	23	7	..	..	10	1	32	2
25. West Bengal	16	1	..	11	..	4(k)	..	16	—
UNION TERRITORIES									
26. Delhi	3	3	..	..	..	..	..	3	..
27. Pondicherry	1	1	..	..	..	..	..	1	..
28. Nominated	12	6	..	..	..	..	5	11	1
	245	139	23	16	6	44	7	237	8

(e) Telugu Desam — 13.

(b) Asom Gana Parishad — 2.

(c) CPI — 1; and Lok Dal — 1.

(d) National Conference — 1.

(e) Janata — 1.

(f) Kerala Congress — 1; Muslim League — 1; and CPI — 1.

(g) Akali Dal — 1.

(h) Sikkim Sangram Parishad — 1.

(i) AIADMK (I) — 6; AIADMK (II) — 4; and DMK — 5.

(j) Janata — 1.

(k) Forward Bloc — 1; RSP — 2; and CPI — 1.

C. PARTY POSITION IN STATE LEGISLATURES

State / Union Territory	Seats	Cong.(I)	Janata	Lok Del	BJP	Cong.(S)	CP(M)	CPI	Other Parties	Ind.	Total Vacancies		
											6	7	8	9	10	11	12	13
1	2	3	4	5	6	7	8	9	10	11	12	13	13
Andhra Pradesh L.A. (As on 1.1.1969)	265	50	3	..	8	..	11	10	201(a)	7	250	6	6
Arunachal Pradesh L.A. (As on 1.4.1969)	33	30	..	..	..	..	..	..	2(b)	..	32	1	1
Assam L.A. (As on 1.10.1968)	128	23	..	..	4	2	2	..	92(c)	3	124	2	2
Bihar L.A. (As on )	..	..	..	..	..	..	..	..	..	..	..	..	..
Bihar L.C. (As on )	..	..	..	..	..	..	..	..	..	..	..	..	..
Goa L.A. (As on 1.4.1969)	31	20	..	..	..	..	..	..	9(d)	2	31	..	..
Gujarat L.A. (As on 31.3.1969)	182	145	13	..	12	..	..	..	..	8	178	4	4
Haryana L.A. (As on 1.4.1969)	90	4	60(e)	..	17	..	1	1	..	6	60*	..	..
Himachal Pradesh L.A. (As on 15.4.1969)	68	57	..	1	7	..	..	..	1(f)	2	68	..	..

Jammu & Kashmir L.A. (As on 1.1.1969)	76	26	..	..	2	..	..	..	45(g)	4	77	1
Jammu & Kashmir L.G. (As on 1.4.1969)	36	12	..	..	..	..	..	..	18(h)	..	30	6
Karnataka L.A. (As on 13.2.1969)	225	65	139(i)	..	2	..	2	4	30	6	222*	2
Karnataka L.C. (As on 5.4.1969)	75	16	43(k)	..	6	..	..	..	..	7	72*	2
Kerala L.A. (As on 1.4.1969)	141	33	7(i)	1	..	..	37	16	35(m)	10	139*	1
Madhya Pradesh L.A. (As on 31.3.1969)	321	248	5	..	58	..	..	..	1(n)	5	317*	3
Maharashtra L.A. (As on 9.6.1969)	299	212	21	..	16	2	2	2	14(o)	20	269	..
Maharashtra L.C. (As on 9.6.1969)	78	41	2	..	6	..	..	..	8(p)	9	66	12
Manipur L.A. (As on 1.1.1969)	60	49	..	..	..	..	..	1	2(q)	7	69	1
Madhya Pradesh L.A. (As on 1.4.1969)	60	21	..	..	..	..	..	..	28(r)	9	59*	1
Mizoram L.A. (As on 1.4.1969)	40	24	..	..	..	..	..	..	15(e)	..	39*	..
Nagaland L.A. (As on 1.4.1969)	60	36	..	..	..	..	..	..	24(t)	..	60	..

	1	2	3	4	5	6	7	8	9	10	11	12	13
Orissa L.A. (As on )	..	..	..	..	..	..	..	..	..	..	..	..	..
Punjab L.A. (As on )	..	..	..	..	..	..	..	..	..	..	..	..	..
Rajasthan L.A. (As on 1.4.1969)	200	114	10	27	37	..	1	113	..	9	198	2	2
Siolim L.A. (As on 1.10.1969)	32	1	..	..	..	..	..	30(u)	1	32	..	..	..
Tamil Nadu L.A. (As on )	..	..	..	..	..	..	..	..	..	..	..	..	..
Tripura L.A. (As on 1.4.1969)	60	25	..	..	..	..	25	..	9(v)	..	59	1	1
Uttar Pradesh L.A. (As on 1.4.1969)	428	284	72	30	15	..	2	6	5(w)	26	420	6	6
Uttar Pradesh L.C. (As on 6.4.1969)	108	28	5	4	3	..	..	2	11(x)	4	57	51	51
West Bengal L.A. (As on 1.4.1969)	295	39	..	..	..	..	188	11	58(y)	..	294	1	1
UNION TERRITORIES													
Delhi Metropolitan Council (As on 31.3.1969)	61	36	1	1	18	..	..	..	..	2	86	3	3

Pondichery L.A. 33ⁿ 19 1 9(z) 1 30 3
 (As on 31.12.1968)

NOTES

*Excluding the Speaker

- (a) Telugu Desam Party — 196; Majlis Ittehad-Ul-Muslimeen — 4; and Marxist Communist Party of India — 1.
- (b) Peoples Party of Arunachal Pradesh — 2.
- (c) Asom Gana Parishad — 72; United Minority Front — 17; and Plains Tribal Council of Assam — 3.
- (d) Maharashtrawadi Gomentak Party — 8; and Goa Congress — 1.
- (e) Janata Dal — 60.
- (f) Unattached — 1.
- (g) National Conference — 41; and Muslim United Front — 4.
- (h) National Conference — 17; and Awami National Conference — 6.
- (i) Janata Dal-111; and Janata Party — 27.
- (j) Maharashtra Etkaran Samiti — 3.
- (k) Janata Dal — 35; and Janata Party — 8.
- (l) Janata Dal — 7.
- (m) Muslim League — 15; Indian Congress Socialist (Sarat Chandra Sinha) — 6; Kerala Congress — 5; Revolutionary Socialist Party — 5; and Kerala Congress (Mani Group) — 4.

- (n) Nominated — 1.
- (o) Peasants and Workers Party — 13; and Bharatiya Congress Party — 1.
- (p) Peasants and Workers Party — 3; Bharatiya Congress Party — 3; and Shiv Sena — 2.
- (q) Manipur People's Party — 1; and KNA — 1.
- (r) Hills People Union — 13; and Hills People Union(B) — 6; Hills State People's Democratic Party — 5; Public Demands Implementation Convention — 2; and All India Hill Leaders Conference — 2.
- (s) Mizo National Front — 14; and People's Conference — 1.
- (t) Nagaland People's Council — 24.
- (u) Siddim Sangram Parishad — 30.
- (v) Tripura Upejati Juba Samiti — 7; and RSP — 2.
- (w) Congress(J) (Bhalla Group) — 3; and Congress(J) (Indrani Group) — 2.
- (x) Rashtriya Shikshak Dal — 3; Shikshak Dal — 7; and Nirdaliya Vidheyak Dal — 1.
- (y) Forward Bloc — 27; Revolutionary Socialist Party — 18; West Bengal Socialist Party — 4; Revolutionary Communist Party of India — 1; Forward Bloc (Marxist) — 2; Democratic Socialist Party — 2; Socialist Unity Centre of India — 2; Muslim League — 1; and Nominated — 1.
- (z) All India Anna Dravida Munnetra Kazhagam — 3; Dravida Munnetra Kazhagam — 5; and Pondicherry Manila Makkal Munnal — 1.

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