

THE JOURNAL OF PARLIAMENTARY INFORMATION

**UNVEILING OF THE PORTRAIT OF
SHRI GOPINATH BORDOLOI**

**INDIAN CONSTITUTION AND NATIONAL
INTEGRATION**

—Syed Muzaffar Husain Burney

**INDIAN CONSTITUTION AND DEVELOPMENT
PLANNING**

—Dr. V.K.R.V. Rao

LEADER OF THE OPPOSITION IN LOK SABHA

—LARRDIS



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Editor: K.C. Rastogi

The Journal of Parliamentary Information, a quarterly publication brought out by the Lok Sabha Secretariat, aims at the dissemination of authoritative information about the practices and procedures that are continuously being evolved in Indian and foreign Legislatures. The *Journal* also purports to serve as an authentic recorder of important parliamentary events and activities and provides a useful forum to members of Parliament and State Legislatures and other experts for the expression of their views and opinions thereby contributing to the development and strengthening of parliamentary democracy in the country.

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EDITORIAL NOTE

A life-size portrait of Lokapriya Gopinath Bordoloi, a great freedom-fighter, a dedicated Gandhian socialist and the first Chief Minister of Assam, was unveiled by the President, Shri R. Venkataraman in the Central Hall of Parliament House on 10 January 1991. We pay our humble tributes to the memory of this outstanding son of our motherland in his birth centenary year by covering this event as a prominent feature in this issue of the Journal.

The Indian society, despite having a variety of languages, customs, dresses, food habits and diverse ways of living, is a fine example of 'unity in diversity'. However, the question of national integration has become a burning issue today in view of divisive and separatist forces growing around us and posing a threat to our unity and integrity. In his article, "Indian Constitution and National Integration", Shri Syed Muzaffar Husain Burney, Chairman, Minorities Commission and former Governor, observes that never since Independence has the country experienced such a grave threat to its integrity as it does today. He warns that the threatening forces of disruption, which if allowed to range unabated, would wreck the country. Dwelling at length on the relevant constitutional provisions, which provide the basis for forging national integration, Shri Burney observes in conclusion that "the sanctity of the Indian Constitution rests with the proximity of its ideals to the needs of the people and the future of our Constitution will depend almost entirely on the extent to which these ideals are achieved towards building a fully united and strong nation".

This issue includes another article on "Indian Constitution and Development Planning" by Dr. V.K.R.V. Rao, former Union Minister, which traces the historical background to the idea of planning in India leading to its formal and official implementation with the appointment of Planning Commission in March 1950. The author observes that while the country's social and economic problems were highlighted specifically in the Constitution in Chapters on Fundamental Rights and Directive Principles of State Policy, there was no specific mention of the role the Planning Commission was to play in the matter. He notes that even in the absence of any such provision about 'Planning' in the Constitution, "the Union Government were able to make it a very important instrument for influencing, if not also interfering, with the State Governments."

The Leader of Opposition in Lok Sabha occupies an important position in our parliamentary system. The office of the Leader of the Opposition shot into prominence recently when for the first time at the Centre, a

'minority' government was formed with outside support of a party having the largest numerical strength, viz., Congress (I). There was a contest for the office between Congress (I), the largest party in the House supporting the Government from outside and the Bharatiya Janata Party (BJP), which though second numerically was the largest party in Opposition to the Government. The Speaker Lok Sabha, ultimately recognised Shri L.K. Advani, Leader of the BJP as the Leader of the Opposition in Lok Sabha with effect from 24 December 1990 in terms of Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977. This issue carries a feature, "Leader of Opposition in Lok Sabha", giving background to the emergence of this prestigious office in India.

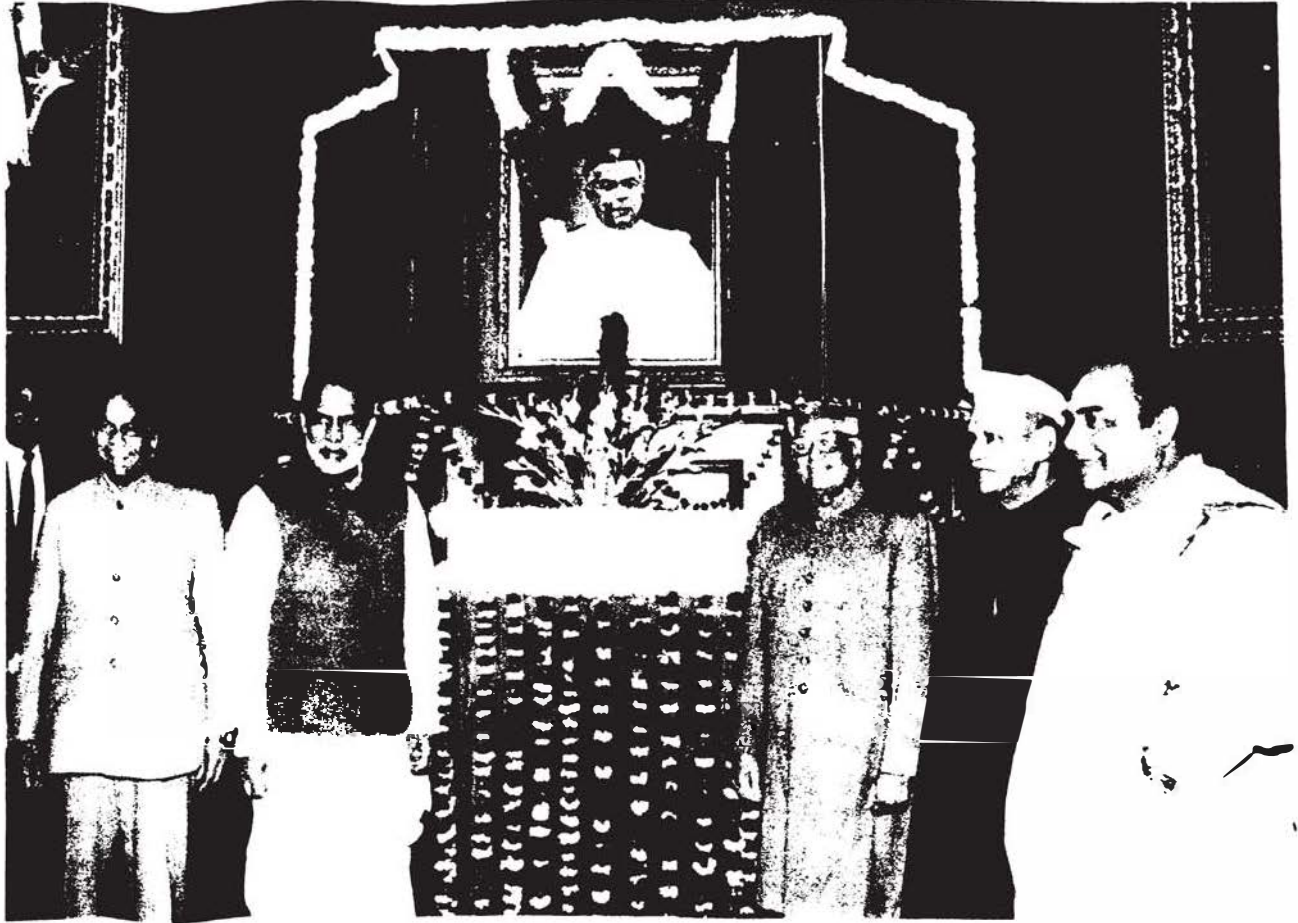
On 11 January 1991, the Speaker, Lok Sabha gave a momentous decision on the issue of disqualification of certain members under the Anti-Defection Law. We reproduce this order in full under the feature, "Rulings/Observations by Presiding Officers of Parliament".

We felicitate Sarvashri Balodhadra Tamuly and Laxman Sonopant Joshi *alias* Anna Joshi on their election as Deputy Speaker of the Legislative Assemblies of Assam and Maharashtra respectively.

This issue carries the other regular features, viz. parliamentary records, parliamentary events and activities, privilege issues, procedural matters, parliamentary and constitutional developments, a brief resume of sessions of Lok Sabha and State Legislatures and recent literature of parliamentary interest.

In view of our constant endeavour to make this periodical more useful and informative, we welcome suggestions for its further improvement. We also look forward to practice and problem oriented non-partisan articles in the field of parliamentary institutions and procedures from Members of Parliament and State legislatures, scholars and others.

—K.C. Rastogi



Standing from left to right, after unveiling the portrait of Shri Gopinath Bordoloi, are Speaker, Lok Sabha, Shri Rabi Ray, Prime Minister, Shri Chandra Shekhar, President, Shri R Venkataraman, Vice-President and Chairman, Rajya Sabha, Dr. Shanker Dayal Sharma, and former Union Minister of Steel and Mines and Law and Justice, Shri Dinesh

UNVEILING OF THE PORTRAIT OF SHRI GOPINATH BORDOLOI

A life-size portrait of Shri Gopinath Bordoloi, a great freedom fighter and the first Chief Minister of Assam, was unveiled by the President Shri R. Venkataraman at a solemn function held on 10 January 1991 in the Central Hall of Parliament House. The function was *inter alia* attended by the Prime Minister, Shri Chandra Shekhar, Union Ministers, members of Parliament and other dignitaries.

The portrait was presented to Shri Rabi Ray, Speaker, Lok Sabha by Shri Dinesh Goswami, former Union Minister of Steel and Mines and Law and Justice on behalf of the members of Lokapriya Bordoloi Centenary Celebration Committee.

The addresses delivered on the occasion by the President, Shri R. Venkataraman; Vice-President and Chairman, Rajya Sabha, Dr. Shanker Dayal Sharma; Speaker, Lok Sabha, Shri Rabi Ray; and the donor Shri Dinesh Goswami, are reproduced below.

—Editor

SPEECH BY SHRI DINESH GOSWAMI, FORMER UNION MINISTER OF STEEL AND MINES AND LAW AND JUSTICE

For the Members of Lokapriya Bordoloi Centenary Celebration Committee, which has a privilege of donating this portrait, it is a great day of satisfaction and pride. India was lucky that during its freedom struggle there were leaders of great stature in all parts of the country to galvanise people and thereafter to take the reins of administration to give shape to the destiny of our motherland. Lokpriya Bordoloi gave to us energies for the freedom struggle and dedicated himself for the building of modern India.

We, in Assam, are greatly indebted to him because it is to his effort that our State could retain its identity by opposing the grouping plan of the Cabinet Mission. He realised the importance of unity in the minds of men for unity, integrity and development of this region. He made constant efforts to bring all people together. I do remember that in my school days, it is through his efforts that the hills' and plains' fairs were organised for creating a sense of belonging amongst different people.

Sir, we are passing through the difficult and troubled times when there are divisions appearing between men to men. Let us hope that his works and deeds at the present moment will provide the guiding spirit to the people of the country and more particularly to the younger generation.

On behalf of the Committee, I express my sincere thanks to you, Rashtrapatiji, for kindly consenting to unveil this portrait. I also thank Up-Rashtrapatiji for his presence here and for giving his consent to speak a few words. I am particularly thankful to the Hon. Speaker for permitting this portrait to be unveiled in the historic Central Hall of Parliament. I am thankful to all the Members of the Council of Ministers, the Members of Parliament and for all those who are present here for making this solemn occasion a success. Thank you.

ADDRESS BY SHRI RABI RAY, SPEAKER, LOK SABHA

It is a matter of deep satisfaction and pleasure that the portrait of Lokapriya Gopinath Bordoloi—a great patriot and freedom fighter, a dedicated Gandhian socialist and the first Chief Minister of Assam—is being unveiled today. This is a humble tribute to the memory of an outstanding son of Mother India, whose birth centenary we observe this year.

Born on 6 June 1890, at Roha in Nowgong district of Central Assam in an enlightened middle class family, Gopinath was blessed with a healthy and intense nationalist fervour. After his early education at the Cotton Collegiate School, Guwahati, he graduated from the Scottish Church College, Calcutta, with honours in History in 1911. He then obtained a Master's Degree in History in 1914 with top position in Calcutta University. Gopinath took up his first job as a Headmaster of Sonaram High School at Guwahati. It was this experience which gave him an abiding interest in education, for the improvement of which he did so much in his later life. In 1917 he started his legal practice after completing his law degree course.

Lokapriya Bordoloi has an unique place of honour among the makers of modern Assam. He was one of the rare personalities of that fine generation of Indians who pledged themselves to the cause of constructive nationalism. He served this noble cause as the unwavering disciple of Mahatma Gandhi. He gave up his legal practice in 1921 and stepped into the national movement to dedicate himself completely to Gandhiji's ideals in his native province of Assam. In this he had his mentor's support, trust and blessings. The country was fortunate indeed to have Gopinath Bordoloi in active politics in Assam in those crucial years prior to, and immediately after, 1947.

From the very outset of his involvement in the national movement, Bordoloi emerged as a man of courage, with a deep commitment to the goal of freedom for the nation, and the progress of Assam and her people. Thanks to the untiring work of Bordoloi and his young colleagues, Assam played a significant role in the freedom movement.

For Lokapriya Bordoloi, politics, for a nation striving to be free, acquired the positive meaning of active participation in educational and constructive national work. Besides being a staunch believer in the basic system of

education his special interest was promotion of higher education. In the field of education his contributions are memorable. He was the chief architect of the first university in North-East India. Besides, he was also instrumental in establishing in that region, colleges in medical, engineering, agricultural and veterinary sciences.

Gopinath Bordoloi held progressive views on all matters of social and economic development of Assam. The establishment of High Court at Guwahati was a result of his pursuit of justice and fairplay. As Leader of the Opposition in the Assam Legislature before 1937, he was stringent in his criticism of the Budget which was designed at keeping Assam economically backward. The first Congress Ministry headed by him in 1938-39, made significant achievements in several fields. Opium trade was prohibited. The Agricultural Income Tax Bill to tax the profits of the tea industry was passed in the face of stiff opposition from the European members. Taxing the rich was matched by reduction of taxes on the poor.

The contribution of Bordoloi in preserving the tribal way of life is also noteworthy. The Sixth Schedule of the Constitution, making provisions for the administration of the Tribal Areas in the North-Eastern region was framed on the recommendations of the Constitution sub-committee under his chairmanship. Protection of tribal lands, grazing reserves and forests was undertaken in order to preserve the valuable forest resources of the country.

Bordoloi will be remembered for his remarkable contribution to the development of Assam as an autonomous state of the nation. He had staunchly opposed the Cabinet Mission proposal, in 1946, of grouping Assam with Bengal. He maintained that the dignity and welfare of one province could not be surrendered to the mercy of another. Gandhiji, who had absolute confidence in Bordoloi's loyalty to the country, had no hesitation in supporting this stand.

A rare spirit of humanity, and fellow-feeling for all sections of the population, marked his personal life and political career. His interest in comparative religions was translated into a firm belief in the principles of universal peace, brother-hood, truth, non-violence and service to society. A true friend of the tribal people of Assam, he had implicit faith in the capacity of all Assamese people to live in amity and peace. For the well-being of Assam and the nation, let us solemnly pledge to vindicate that faith.

May I say in conclusion that, this beautiful portrait of Gopinath Bordoloi will adorn the distinguished Freedom Fighters' Gallery in the Parliamentary Museum and Archives, presently located in the Parliament House Annexe.

ADDRESS BY DR. SHANKER DAYAL SHARMA, VICE-PRESIDENT AND CHAIRMAN, RAJYA SABHA

I deem it an honour to be present here on the occasion of the unveiling of the portrait of Lokpriya Gopinath Bordoloi by the President of India.

Bordoloi personified the remarkable cultural ethos of Assam and deeply-felt aspirations of the people of Assam. Bordoloi was a dearly loved leader amongst all the people of undivided Assam. The respect and affection with which he was held by the public had grown over long years of close and intense personal interaction between Gopinathji and the people and problems of Assam. He identified himself completely with Assam and the needs of the State. He had mingled with and become one with the common-folk in the villages, hamlets and towns even in areas difficult to reach. He had first hand information of the requirements of the people and possessed the ability to organize social action alongwith party initiatives. The Naga leader phizo's admiration for Bordoloi is well known (he had acknowledged Bordoloi as a "Friend of the Nagas"). Recalling the personality, perceptions and leadership of this outstanding patriot, bears a continuing relevance today.

Gopinathji was acutely aware of the formidable complexity and dimensions of social, economic and political problems which had kept the people of Assam trapped for centuries in poverty, ignorance and despair. He was aware that the people of Assam, though exceptionally talented, gifted with the highest aptitudes, in a land richly endowed with natural resources, were poor and suffered greatly. Bordoloi represented the urges and aspirations of the masses for peace, social justice and progress.

He appreciated, unerringly, that the problems and challenges that confronted Assam, comprise only the assamese facets of a sub-continental crisis that gripped the entire country. He saw that the causes of poverty, Ignorance and backwardness in Assam, as in the rest of India, were one and the same. He recognized that the very complexity and size of these problems meant that effective solutions could be organized only on the basis of national unity and the power of concerted nation-wide effort. Such an approach was to him not only a matter of political ideology, but of indispensable and urgent need.

It was, therefore, natural for Gopinathji to integrate the urge for freedom in Assam with the nation-wide struggle under the leadership of Mahatma Gandhi. Gandhiji selected Lokpriya Gopinath Bordoloi as the first satyagrahi in Assam, and in turn, Bordoloi's devotion to all aspects of Gandhian thoughts, was total. His commitment to Gandhiji's call of rural reconstruction and promotion of Khadi and village industries was reflected in the Gauhati Session of the Indian National Congress in 1926—even the material for tents was made of Khadi. Gopinathji fully appreciated the value of rural industrialization in the context of the needs of economic

growth in Assam and the tradition of cottage and village industries amongst the people.

Gopinath Bordoloi's leadership of the freedom struggle in Assam gave a larger dimension to the entire movement for Independence in India. A province in one corner of the sub-continent had come into the mainstream of national politics. His vision, dynamism and popular leadership contributed significantly to the totality of the nation's efforts to free itself from the foreign yoke and to emerge as a sovereign, independent nation wedded to the ideals of democracy, secularism and social justice. At the time of the Partition of India, Gopinathji's understanding of the inner wishes of the people of Assam, his firm resolve, vision and leadership, account in great measure for Assam's position in the Union of India, and Assam's Statehood.

The experience of success during the struggle for freedom resulting from nation-wide action by people from different provinces, was clear proof of Gopinathji's perception that Assam's problems could be successfully tackled only by the people of Assam working in an atmosphere of national unity and Centre-State and inter-state cooperation.

He was conscious of the fact that the requirement of the masses of India comprise a vast market encouraging sustainable socio-economic growth in Assam. The infrastructure in Assam that Gopinathji strove to develop was designed to draw upon the national economy for building Assam and contributing also to national wealth which again would create further potential for Assam's development. It was a model for synergetic growth. He realized that a closed economy confining Assam within itself would only constrict and retard Assam's potential for prosperity and security.

With far-sighted vision Gopinathji initiated the building of important institutions in all the key sectors of growth in Assam. He promoted primary, secondary and higher education, established agricultural and engineering colleges, Gauhati university, institutions for technical training and industrial development. It was Gopinathji who established the first Hindi Sabha in Assam. He developed a cadre of workers committed to the task of reviving and re-constructing Assam's socio-economic life.

In a crucial sector of public life—the identity of the people of Assam, their culture, literature, dance, music and arts — Gopinath Bordoloi made a very important contribution. He was fully aware of, and justly proud of, the beauty, richness and ancient origins of Assam's cultural heritage and its intimate, living links with the ethos of Indian culture. (Gopinathji himself was an accomplished exponent of Assam's fine music and folk dance-forms.) He gave every assistance to the growth of Assam's language, literature and culture and encouraged interaction with, and the enrichment of, the larger national cultural atmosphere.

It is this approach of cherishing, preserving and nourishing local cultural heritage and coördinating harmoniously with kindred culture in the rest of the country that can strengthen the overall positive features of Indian society. Gopinathji's leadership in this respect was very significant and salutary.

Such a great individual one who suffered personal hardship in the struggle for freedom, a leader who rendered historic service not only for the freedom of Assam but the creation of conditions of growth and well-being for the people of Assam, who contributed so richly to political and economic life and to cultural and literary processes, and, yet who always remained modest, simple and true to the great mission of national reconstruction such a person Lokpriya Gopinath Bordoloi belongs to that band of outstanding Indians whom the nation will always remember with respect and gratitude.

I have, therefore, great pleasure in being here today and in paying respectful homage to Lokpriya Gopinath Bordoloi, and in expressing the hope that the values and tasks that engrossed this great patriot and nation-builder would find greater and greater support from the people of Assam as well as the people of other states in our country for their own good, the national good, and for safeguarding the gains of our freedom.

ADDRESS BY SHRI R. VENKATARAMAN, PRESIDENT OF INDIA

It gives me great pleasure to unveil the portrait of Lokapriya Gopinath Bordoloi, a great and noble son of India.

Bordoloi belongs to the generation of patriots from all over the country who plunged themselves into the struggle for the freedom of the motherland. The first salvo on behalf of freedom was, as you are all aware, fired in 1857. This was followed by a series of political struggles in which different methodologies were employed by patriots to achieve the goal. Revolutionaries, who believed in the path of violence, and liberals, who believed in the evolution of democratic institutions, made their own distinctive contributions to the struggle.

It was in the second decade in the century that the movement for political freedom was transformed into a national mass struggle under Gandhiji's leadership. The Gandhian movement combined the uncompromising courage of the radicals with the intellectual sophistication of the liberals. It thus appealed to a wide range of Indians throughout the length and breadth of our vast land. Ordinary men and women were transformed into heroes of freedom struggle and organisers, spokesmen and leaders of the movement. What made these initiatives different from the earlier ones was that they included not just the political emancipation of the country but its social and economic renaissance as well.

Gopinath Bordoloi personified Assam's contribution to this nation-wide phenomenon. He was to Assam what Sardar Patel was to Gujarat; Rajendra Prasad to Bihar; Rajaji to Madras and Govind Ballabh Pant to

the United Provinces. In fact in the lexicon of the Gandhian struggle, Bordoloi and Assam were synonymous and interchangeable terms. If Assam's opinion on any national matter was to be sought, the Congress Working Committee would turn to one person alone — Gopinath Bordoloi. Even more significantly, the people of Assam reposed utmost faith and confidence in their leader — Gopinath Bordoloi.

Like almost all the stalwarts of the freedom struggle, Gopinath Bordoloi studied the Law but proceeded thereafter to become not a prosperous lawyer, but a legally-trained soldier in the national cause. Attending the Calcutta Session of the Congress in 1920 which was presided over by Lala Lajpat Rai, he gave up his legal practice to join the non-cooperation movement in 1921. From that point onwards there was no looking back. Bordoloi's personal integrity, discipline and austerity had made him a Gandhian even before he met Gandhiji. Here was a case of kindred souls coming together, recognising mutually cherished qualities in each other and becoming friends and colleagues for life. The great saint Sankara Deva had already turned Bordoloi's personality Godwards and so Bordoloi and Gandhiji were also partners in a spiritual sense. Bordoloi was attracted not just to the political ideals of the Mahatma but equally to those constructive programmes for social emancipation of the weak and underprivileged. Bordoloi rapidly gained the confidence, trust and respect of the people of Assam, irrespective of whether they were from the plains or tribals. They listened to him as to an elder brother who had no axe of his own to grind and whose interest in them was entirely selfless. He became friend, philosopher and guide to all of them. Even the Naga rebel leader Phizo acknowledged that "Bordoloi was a friend of the Nagas".

When Congress accepted office for the first time under the scheme of Provincial Autonomy in 1937, Bordoloi was the automatic choice for the office of Premier in Assam. His tenure was marked by a beginning of several schemes for the betterment of the people of Assam, transcending all boundaries of caste and creed. Education received the particular attention of Bordoloi's Government. He undertook a major reform of the educational system, establishing the Kamarup Academy and the Baruah College at Guwahati. It was due to his untiring efforts that Assam also acquired, at this time, an agricultural college, a medical college and a veterinary college apart from technical institutions.

Rashtrabhasha Prachar received an exceptional fillip during his stewardship of the State, as did the Gandhian programme of prohibition, especially, of opium. Bordoloi made the transition from a revolutionary to an administrator with remarkable ease. His tenure as Assam's Premier won him the appreciation of not only Gandhiji and Jawaharlalji but of that critical judge of men, Sardar Vallabhbhai Patel. There was, in fact, much in common between these two stalwarts. Bordoloi, like Sardar Patel, never spared slackness or lack of commitment in others. But, most of all, he was unsparing with himself. He worked himself to the extremities of personal

endurance. Not surprisingly the State administration earned a very good name for itself and Assam prospered but Bordoloi's own health suffered in the process.

Office, for Bordoloi, was not an end in itself; it was a means. And so when, at the commencement of the Second World War Congress resigned from office in the Provinces, Bordoloi re-transferred his energy once again to the national movement. He was chosen by Gandhiji in 1941 to be the first individual satyagrahi in Assam and his role in the Quit India Movement of 1942 became something of a local legend.

Bordoloi's indelible contribution lies in the crucial role he played on the eve of Independence when he put up a stiff resistance to what was called the "Grouping Plan" initiated by the Cabinet Mission led by Sir Stafford Cripps. The late Sarat Chandra Bose and Syama Prasad Mookerjee appreciated Bordoloi's opposition to this Plan. The matter was then put before Gandhiji who appreciated the position and gave Bordoloi his moral support. Bordoloi launched a state-wide agitation against the grouping policy with great courage and foresight. This very timely action of Bordoloi saved Assam from becoming a helpless pawn on the pre-partition chess board of Indian politics. We can confidently say today that if Assam remained on this side of the boundaries drawn in 1947, the primary credit for that goes to Lokapriya Gopinath Bordoloi.

But great as this achievement of Bordoloi was, his real and most abiding achievement went beyond this. As Chief Minister of Assam after Independence, Bordoloi regarded *all* the people of his State as his, while his own natural family remained in obscurity. He thereby won the cordial affection and confidence of people with different backgrounds and persuasions like the late A.Z. Phizo and J.J. Nichols-Roy. For him, Assam was a mini-India with many faiths, languages and ethnic backgrounds. He saw that each one of the various segments of Assam's people must possess both a sense of identity as also of identification: identity as individuals and as groups; and identification with a larger entity: Assam and India. For Bordoloi an Assamese was not a true Assamese if he could not feel for the Khasi, the Mizo, the Bodo or the Naga. Equally, an Indian was not a true Indian if he could not feel for Assam. A tree exists not just in its roots but in its trunk and every branch, flower and leaf. If the branch is injured, the root is pained; if the root is cut, the branch cannot survive. Bordoloi knew this. It behoves all of us to carry this message to the nooks and corners of our vast country.

Bordoloi cared deeply for individuals and helped them to grow. Among his younger colleagues were Bisnuram Medhi, B.P. Chaliha, M.M. Chowdhuri, S.C. Sinha, D.K. Borooah. All of them became Chief Ministers, or Union Ministers, Governors and party Presidents. One of them, the late Fakhruddin Ali Ahmed Saheb became President of India.

Bordoloi, in that sense, was an alchemist. He was a leader who developed leadership in others.

As we celebrate Bordoloi's centenary let us do more than honour the memory of a well-beloved leader; let us honour the vision which he cherished; let us honour his faith in national integration and unity by following his example. We do not have Gopinath Bordoloi in our midst today, but there is a Bordoloi in every son and daughter of Assam. We must seek the Bordoloi in every Assamese. Similarly, every Assamese must discover in other Indians the spontaneous understanding and appreciation which Bordoloi found among his colleagues in the rest of India. In a fitting tribute to Bordoloi and to his work for unity, Sardar Patel observed:

The State has yet to consolidate this unity and cement its bonds. It has yet to infuse into the different elements...a spirit of oneness and loyalty to its common ideals. None of us was more fitted to achieve this difficult task than Gopinath Bordoloi. But alas, fate has removed him at a time when the state needed him most. I can only hope that his successor, and his colleagues will follow the path on which he trod and, inspired by his example, will devote themselves to his unfinished tasks with unity and faith.

This unfinished task has, in recent times, acquired urgency. May the portrait being unveiled today inspire the present and succeeding generations to devote themselves to the cause of national integrity and unity.

INDIAN CONSTITUTION AND NATIONAL INTEGRATION

SYED MUZAFFAR HUSAIN BURNEY

The question of national integration is a difficult and complex one. At present, divisive and separatist forces are growing around us and posing a threat to the unity and integrity of the country. Communalism has once again raised its ugly head. A series of communal conflicts have sullied the country's record. It is often seen in our political conduct that parties make religious affiliation as the determinant norm for political allegiance. Never before since Independence has the country experienced such a grave threat to its integrity as it does today: Yesterday the aggressor was an imperialist; today it is the threatening forces of disruption, which if allowed to rage unabated, would wreck the country. The signals can no longer be ignored.

One way of dealing with the question is to pontificate, but pontification cannot really help us to comprehend the problem. The question we have to grapple with in all seriousness is how the sentiments of unity and solidarity can be fostered to inspire all classes of people living in this country. How can we generate a feeling among our people that they belong to one nation and how can they cultivate a spirit of unity and kinship among themselves, like the Japanese whose greatest asset is the team spirit which animates them to serve their nation?

In our study of national integration and unity, the word, 'nation' needs explanation. Nationality is a mental attitude, a subjective group feeling. It is a state of mind, a tendency or an act of consciousness which, as Hans Kohn affirms, makes a 'group of individuals feel themselves to be one'. The most important component in nationality or nationalism is a sentiment of psychological unity which binds people together. Recently, the historians have emphasised the psychological character of nationalism. It has, however, to be admitted that there are objective conditions, which foster the spirit of nationalism such as common language, territory, heritage of the past with its memories, religions, institutions, common decent, political entity, customs, etc. John Stuart Mill, in his perceptive essay on Representative Government, defines nationality as follows:

A portion of mankind may be said to constitute a nationality if they are united among themselves by common sympathies which do not exist between them and any others— which make them co-operate with each other more

willingly than with other people, desire to be under the same government, and desire that it should be government by themselves or a portion of themselves exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language and community of religion greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is identity of political antecedents; the possession of a national history and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past.¹

The rise of nationalism in India has some unique features which should not be lost sight of: A people divided by caste, religion, language, inhabiting a vast country with a large variety of flora and fauna and leading a sequestered life being handicapped by inadequate means of transport and communications, had joined together to fight for India's freedom. The Indian National Congress founded in 1885 by its very name including the word 'National' became a medium for these national aspirations among the disunited populace. People from all over the country professing different faiths, speaking numerous languages, wearing a variety of clothes, representing several ideologies and classes joined together to consolidate the Congress and to fight for independence. Indian nationalism was thus the product of the interaction between the objective and subjective forces and factors which gradually evolved in the historical process during the period of our struggle for freedom. During the British rule, the Indian people had been brought together under a centralized administration. The common experience of subjugation under the State apparatus created a consciousness that their rights, social and political, were being thwarted by a foreign power for its gains and this led to the awakening of their national spirit in due course. People in this period launched their struggle not as Hindus, Muslims, Christians or Sikhs or as those belonging to some other community, but as Indians. They preached *Swadeshi*, spoke in their mother tongue and wore a common dress. They brought within the fold of their struggle--high and low, rich and poor, doctors, lawyers, teachers, peasants and labourers--all together. Jallianwala Bagh is a vivid and memorable symbol of the ardent spirit of nationalism which had emerged during the freedom movement. Non-cooperation also is another heart-warming example of the Hindu-Muslim-Sikh-Christian fraternization. Despite the growth of communal forces, the national struggle maintained its pitch until new India emerged which made its 'tryst with destiny' at the midnight hour of 15 August 1947.

Cultural fusion or homogeneity can serve as a strong basis for national integration. But, cultural fusion or common national sentiment, a product of common culture and experience, is a slow process. The experts who have studied the growth of nationalism have rightly pointed out that more than cultural fusion or homogeneity, a real potential factor for activating the

¹John Stuart Mill: *Utilitarianism Liberty and Representative Government*. London, J.M. Dent and Sons Ltd., 1948, pp. 359-360.

process of national integration is to protect the interests of the people, and it is this protection of their interests which develops their loyalty to the country. People give loyalty to the institutions which protect them and political allegiance throughout history has been regarded as something given reciprocally in return for protection of interests.

Karl W. Deutsch, a noted authority on the study of Nationality, states that he and his colleagues found, while studying cases of successful amalgamation of diverse groups into a single nation, that it was 'apparently important for each of the participating territories or populations to gain some valued services or opportunities'.²

For the purpose of national integration this factor of common interest, particularly of people's economic well-being, is of crucial importance. There is a close correlation between common interest and democratic spirit. Hans Kohn has pointed out that the rise of democracy represents an 'admission of masses to certain civic privileges and expectation of property relationship—that is, to a stake in society'. He has gone to the extent of suggesting that until democracy gave the people the protection of their interests, they were incapable of nationalism. There are other non-material factors that generate national consciousness. But, if the State protects the interests of culturally disparate groups in its population, only then it becomes possible for it to command the nationalistic loyalty of such groups and bring them in the mainstream to play their constructive role in the reconstruction of society.

In history, mainly two courses have been adopted for bringing about national unity in a country when it is threatened by disruptive and divisive forces. One is that of Bismarck who, by his consummate statecraft, used the sword to build up a strong military monarchy in Prussia, and the other that of Cavour who unified Italy largely by popular movements based on a series of plebiscites to be strengthened and sustained by Garibaldi and Mazzini later. The post-Bismarck period showed that Bismarck had made a wrong turning for which Germany had to pay a heavy price. Fortunately, India did not adopt Bismarck's way but chose the parliamentary system of Government based on adult franchise. The challenge before us today is to carry forward this process of unifying the country through the democratic method.

Above all, our Constitution provided the basis of national cohesion and became an instrument of peaceful socio-economic and political revolution with a view to effectively balancing conflicting interests in Indian society. Thereby, it endeavoured to secure the satisfaction of the maximum number of currents in our society with the minimum of frictions. The framers of the Constitution were well aware of the societal tensions and cross-currents and provided adequate safeguards for preservation of the social fabric. Protective discrimination as envisaged in the Constitution is primarily to ensure the maintenance of a social equilibrium and to serve as an effective instrument of socio-economic change. The provisions of the Constitution thus enabled the Government to promulgate measures

² See David M. Potter: *The Historian's Use of Nationalism and Vice Versa*, in Alexander V. Riasanovsky and Barnes Riznik (ed): *Generalizations in Historical Writing*. Pennsylvania University of Pennsylvania Press, 1963, p. 136.

relating to the benefit of the backward communities so as to bring them at par with the rest of the society. It is not only an effective instrument of socio-economic justice but also an appropriate action to forge national integration.

The social and cultural fibre of the nation remained bound together by an underlying concept of a composite culture. The Constitution contained provisions for preservation of language and cultural identity of minorities and thereby strengthened the forces of national integration.

Our Constitution is a living symbol of our national unity. Single citizenship, independent judiciary, fundamental rights and directive principles, all promote and safeguard national unity. The Union Services also provide a vital integrating link. The planning machinery at the union level also promotes and strengthens a process of development involving cooperation and harmonious functioning of various States. The Constitution enshrines within itself the noble ideals of secularism, socialism, freedom and equality which serve as a firm basis for our national integration. While article 15 prohibits discrimination on the basis of caste, religion, race, sex or place of birth, article 16 ensures that there is no discrimination for public appointment on any of the above-mentioned grounds. Articles 25 and 26 guarantee the rights of freedom to profess, practise and propagate any religion and the freedom to manage religious affairs. While article 29 provides a guarantee to any section of the society having a distinct language, script or culture of its own and the right to conserve them, article 30 gives to all minorities, whether based on religion or language, the right to establish and administer educational institutions of their choice. Article 347 contains special provisions for declaration of any language spoken by a substantial portion of the population of a State to be officially recognised throughout that State or any part thereof. Article 350A calls upon every State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups within the State. This is followed by article 350B under which a Special Officer for Linguistic Minorities shall be appointed to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution.

The above provisions make it clear that our Constitution is a charter of secularism and national unity. It is indeed a pity that these noble sentiments so clearly embodied in the Constitution which should have given a stimulus to integration in national life are not known to the majority of the people living in this country. It is, therefore, of paramount importance that at least in our schools and universities the basic principles of our Constitution ought to be explained and expounded to our coming generations so that they may adopt a secular, national, healthy and positive outlook in their dealings and become worthy citizens of this great country.

Any Constitution, no matter how well-conceived and drafted, faces its true test in its acceptance by the people and acquires its strength from the various integrating forces. The sanctity of the Indian Constitution rests with the proximity of its ideals to the needs of the people and the future of our Constitution will depend almost entirely on the extent to which these ideals are achieved towards building a fully united and strong nation.

3

INDIAN CONSTITUTION AND DEVELOPMENT PLANNING

DR. V.K.R.V. RAO

Long before India attained independence and our Constitution was finalised, Pandit Jawaharlal Nehru mooted the concept of planning, even prior to his getting the formal authority which could enable him to introduce planning into the Indian economy. He reached this stage in his thinking primarily because of his increasing realisation of social and economic objectives which should be behind the achievement of political freedom. It was at his instance, that the All India Congress Committee passed a resolution at its Lahore Session in 1929 emphasising the need for making revolutionary changes in the economic and social structure in order to remove gross inequalities so that the poverty and misery of the Indian people could be eliminated. This was followed up in 1931 at the Karachi Congress session, by a resolution on Fundamental Rights and Economic Programme, which *inter alia* included therein "control by the State of key industries and ownership of mineral resources". Pandit Nehru described the resolution as a step in the socialist direction. He was, however, convinced right from the beginning that the problem of Indian poverty could not be solved except by a massive increase in production, which could be done only through the application of science to industry and through large-scale industrialisation. His ideology, which was also taking shape during the inter-war years found its first categorical expression in his presidential address to the Lucknow session of the Congress in 1936. He said, "I am convinced that the only key to the solution of the world's problems and of India's problems lies in socialism, and when I use this word, I do so not in a vague humanitarian way but in the scientific, economic sense I see no way of ending the poverty, the vast unemployment, the degradation and the subjection of the Indian people except through socialism." In the same address, he expressed his admiration for the Russian experiment and especially the use it made of planning for economic development. This was followed in 1938 with the setting up of a National Planning Committee by the then Congress President, Shri Subhas Chandra Bose, with Pandit Jawaharlal Nehru as its Chairman.

Pandit Nehru took his work as Chairman seriously, and prepared a number of notes for the Committee. He emphasised the role of big industries in planning, but balanced his thesis by dwelling on the importance of cottage and small industries for the promotion of employment. The coordination it required could be achieved only through

planning by the State. When Pandit Nehru achieved power by joining the Interim Government as its Vice Chairman, one of his first major acts was to set up an Advisory Planning Board to advise on the machinery of planning that should be set up for economic development. The Economic Programme Committee of the Congress which functioned in 1947-48 under his Chairmanship made a recommendation in favour of setting up a permanent Planning Commission. In January 1950, the Congress Working Committee passed a resolution recommending the setting up of the Planning Commission, and soon thereafter, the Finance Minister announced its appointment in March 1950. Thus, from the beginning of the idea to its formal and official implementation, it was Pandit Nehru who was behind the introduction of planning into the Indian economy.

The word 'planning', however, does not appear in any one of the clauses of the Constitution, and there is neither a mention of it in the Union List nor in the State List, but the Concurrent List refers to social and economic planning. This is surprising because it was presumably Pandit Nehru himself who rewrote a considerable portion of the draft of the Government of India Resolution setting out the terms of reference of the Planning Commission. In the process, he had established a direct link between the work of the Commission and the Fundamental Rights and the Directive Principles of State Policy embodied in the Constitution. Thus, from the beginning, social and economic justice, full employment, public ownership or regulation of material resources and avoidance of concentration of wealth and economic power in private hands came to be a part of our national planning objectives. Speaking before the Associated Chambers of Commerce in December, 1953, Pandit Nehru declared, "This approach is an attempt to look at our great country, with its manifold activities as a whole, and to find out what our resources are, what our activities are, and how best to use them without waste". Initiating the debate on the Second Plan in the Lok Sabha in May, 1956, he again referred to what planning meant and said, "The essence of planning is to find the best way to utilise all resources — of man power, of money, and so on. We want to arrive at a stage when we can assess accurately what the next stage is going to be, visualise our problems in advance and take appropriate action before events force our hands. That is, after all, the object of planning.... There is no other way but planning for an under-developed country like ours".

Logically, therefore, just as the Constitution contained the social and economic doctrines formulated by the Congress party during the struggle for national independence, there should have been detailed and specific clauses in the Constitution about planning as a way of attaining India's economic objectives. In fact, there should have been room in the Constitution for a section or a whole clause stipulating the role of planning for achieving its declared objectives. It appears that the Constitution makers did not want to give detailed importance to social and economic

planning since it was included neither in the preamble nor in the Directive Principles of State Policy. They just let it rest as an item (item 20) in the Concurrent List for the Union and State Governments formally coming into existence under the new Constitution to decide on as to how to share or what institution(s) to create for social and economic planning. It is also strange that while the country's economic problems were included in the chapter on Fundamental Rights and Directive Principles of State Policy, the Constitution made no mention of the role the Planning Commission was to play in the matter.

The Directive Principles of State Policy embodied in Part IV of the Constitution, which stipulate positive guidelines for the action on the part of the State to be taken, are more clear in their economic content as against Fundamental Rights. For example, article 38 provides that the State shall promote the welfare of the people by securing for them an effective social order in which justice—social, economic and political, shall inform all the institutions of national life. Directives on certain policies to be followed by the State are even more specific in their commitment. For example, article 39 calls upon the State to direct its policies towards securing for its citizens, both men and women, the right to an adequate means of livelihood; that the ownership and control of the material resources of the community would be so distributed as best to subserve the common good; and that the operation of the economic system would not result in the concentration of wealth and means of production to the common detriment; that there should be equal pay for equal work for both men and women; that the health and strength of workers, both men and women and of tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; and that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 41 is very positive in regard to the State's social and economic commitment to the people by directing the State, within the limits of its economic capacity and development, to make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of underserved want. Article 42 calls upon the State to make provision for securing just and humane conditions of work and for maternity relief. While article 43 directs the State to make suitable legislation for securing a living wage for workers, agricultural, industrial, or otherwise and conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, and in particular, to endeavour to promote cottage industries on an individual or cooperative basis in rural areas; article 43-A asks the State to take steps for securing

the participation of workers in the management of undertakings, establishments and other organisations engaged in any industry. Article 45 directs the State to endeavour to provide for free compulsory education for children until they attained the age of 14 years, while article 46 provides for economic discrimination in favour of certain classes of people in the country, by calling upon the State to promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and all forms of exploitation. Article 47 stipulates the duty of the State to raise the level of nutrition and the standard of living and to improve public health, besides endeavouring to bring about prohibition of intoxicating drinks and drugs which are injurious to health. Article 48 calls upon the State to organise agriculture and animal husbandry on modern scientific lines, article 48-A asks the State to endeavour to protect the environment and to safeguard forests and the wild life of the country.

Thus, the Constitution provides for a number of economic and social objectives as part of the programmes and policies that the State should follow.

As stated earlier, the Constitution did not make a specific provision for creation of the Planning Commission for execution of the economic and social goals set in the Constitution. The Government of India, therefore, set up by a resolution, the Planning Commission on 15 March, 1950. According to the resolution, the purpose behind appointing the Planning Commission was to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production and offering opportunities to all for employment in the service of the community, in consonance with Fundamental Rights, in furtherance of Directive Principles of State Policy as well as the declared objectives of the Government.

The Planning Commission was thus asked to make an assessment of the material, capital and human resources (including technical personnel) of the country and look into the possibility of augmenting such other resources as are found to be deficient in relation to the country's requirements and formulate a plan for their most effective and balanced utilisation. The Commission was also expected to define the stages in which the Plan should be carried out and propose the allocation of resources for due completion of each stage, indicating the factors, which were tending to retard economic development, and determine the conditions which, in view of the current social and political situation, should be established for the successful implementation of the Plan. The Commission was also entrusted with the task of determining the nature of the machinery which would be necessary for securing the successful implementation of the Plan in all its aspects at each stage and to make an appraisal from time to time of the progress achieved and recommend the

adjustments of policy and measures which might be necessary in view of such an appraisal. Finally, the Commission was supposed to make such interim or ancillary recommendations as might appear to it to be appropriate either for facilitating the discharge of the duties assigned to it, or, on a consideration of the prevailing economic conditions, current policies, measures and development programmes or an examination of such specific problems as might be referred to it for advice by the Union or the State Governments. Thus, a machinery was set up which would cover both the Union and the State Governments and make programmes for the country's economic and social development. But, neither did the Constitution specifically provide for the creation of such an organisation nor was the Planning Commission brought into existence by a special legislation. It was just the result of a Government resolution approved by the Union Cabinet. It was also perhaps not referred to the State Governments. The Planning Commission however, consulted the Union Ministries and the State Governments in order to obtain the views of their representatives before finalising the plans. Thus, the role of the Government was set out for implementing programmes for social and economic development as enshrined in the Constitution.

As obviously, planning on the lines indicated to the Commission by the Government resolution referred to above, includes not only the subjects included in the Union List, but also the subjects in the State and Concurrent lists, it would have been better either to have had it included in the Constitution as a specific clause relating to the Planning Commission and its work. Alternatively, the Union Government could have had consultations with the State Governments regarding the setting up of the Planning Commission and deciding on the programmes of work to be assigned to them. That this was not done, contained the seeds of future conflicts regarding the programmes set out or not set out by the Planning Commission. The constitution of the Planning Commission as well as its terms of reference were wholly determined by the Union Government. The Planning Commission, in course of time, became a very powerful organ in the structure of the Government in the choice of programmes and provision of funds for projects not only of the Union Government but also of State Governments.

In the absence of any provision in the Constitution regarding the Planning Commission and other details concerning its membership and working, the Union Government was able to make the Planning Commission a very important instrument for influencing, if not also interfering, with the State Governments. Thus, the terms of reference of the Planning Commission, its membership and its programmes for development were all left to the Union Government, the Planning Commission's authority being ensured by the fact that the Prime Minister was its Chairman, and its membership included the finance Minister of the Government of India, and one or two other Ministers of the Union Cabinet.

As long as there was one party in power both at the Union level as well as in the States, there was no hitch in Union-State relations on account of the centralisation of planning authority, but as other party governments came into power in some States, the question of Union-State relations became very controversial, one of the complaints being the Union Government's almost complete control over the Planning Commission giving the Union Government the power and opportunity to influence the working of the State Governments in matters which had been exclusively assigned to the States. The development process would have been strengthened if the Planning Commission had been a body brought into existence under agreed Union-State discussions. There is now a demand on the part of State Governments for their being given an effective role in regard to the appointment of the Planning Commission, its membership and programmes. In view of the growing strength of non-Congress party Governments in the States, the time has now come for giving the Planning Commission a statutory form, involving Union-State consultations and discussions, while ultimately leaving it to the Union Government to take final decisions on the composition of the Planning Commission, if not also its terms of reference.

If the extension of the development process under the Constitution to the tier of local governments and Panchayat Raj institutions, both rural and urban, as was proposed earlier, would have come about, the Planning Commission would become an even more powerful body than it was so far. It would also have meant that the Union government would become more enormously powerful than before in playing a role in the areas and subjects which were, under the Constitution, placed in the State List of subjects. If this had happened it would have led to a definite hindrance in the working of the Planning Commission and the effective execution and monitoring of plan programmes of both Union and State Governments.

LEADER OF THE OPPOSITION IN LOK SABHA

LARRDIS*

The effective and successful functioning of parliamentary democracy depends to a large extent on striking the right balance between the treasury benches and members of the Opposition. The Opposition keeps a constant watch on the actions and policies of the Government and by highlighting the acts of omission and commissions of the Government, it keeps them on their toes in adopting the right course of action. As Benjamin Disraeli said way back in 1844, "no government can be long secure without formidable Opposition". Thus, for the success of a parliamentary democracy, the Opposition has to play a very crucial role by keeping a check on any arbitrary action of the Executive.

In the British House of Commons, the recognised Opposition has been accorded the status of "His Majesty's Loyal Opposition". The Opposition has been so named since the members constituting it are as important and as loyal as those who govern the affairs of the country. The Leader of the Opposition has thus a prominent position in the British parliamentary system which is based on mutual trust between the Opposition and the Government.

In Britain, the Prime Minister and the Leader of the Opposition try to meet each other frequently to discuss both national and international problems. In the British scheme of things, the task of the Leader of the Opposition is all the more challenging since he has to maintain a 'Shadow Cabinet' ready to form the Government in case the party in power resigns or is defeated on the floor of the House.

POSITION IN INDIA

The Indian Parliamentary system, which has benefited a good deal from the Westminster experience, has bestowed an equally prestigious position on the Leader of the Opposition. One of the significant achievements in the process of development of parliamentary norms and conventions in India is that the role of the Opposition has been formally recognised and given a statutory status in our political system.

Prior to the sixth general elections to Lok Sabha, held in 1977, except for a brief spell of one year (December 1969 — December 1970), there had been no official 'Opposition' in Lok Sabha, since no party could

* Prepared by the Library and Reference, Research, Documentation and Information Service (LARRDIS).

muster the requisite strength for achieving the status of a political party as required under Direction 121(1) of the Directions by the Speaker, Lok Sabha¹. In November 1969, consequent upon a split in the then-ruling Congress Party, the group of members dissociating themselves from that party was recognised as the official Opposition party in the Parliament as it satisfied the requisite criteria² for obtaining such recognition. The Parliamentary Party of the breakaway group was called Congress Party (Opposition), and its Leader, Dr. Ram Subhag Singh, was designated as the Leader of the Opposition on 17 December 1969. That was the first instance since Independence when Lok Sabha had a recognised Opposition Party with its Leader as the Leader of the Opposition. As the Leader of the Opposition, Dr. Ram Subhag Singh was given a room in Parliament House but was extended no other privileges. It, however, needs to be emphasised that he did not function as a Leader of the collective Opposition.³

After the sixth general elections to the Lok Sabha, the Janata Party came to power. This was the first occasion since Independence when the Congress Party was not in a position to form the Government. Yet, with a strength of 153 members, it was still the single largest among the Opposition parties in Lok Sabha. Consequently, the Congress parliamentary Party was recognised as the Opposition Party in Lok Sabha, and its leader, Shri Yashwantrao B. Chavan, as the Leader of the Opposition in the House.

Taking into consideration the importance of the role of Leader of the Opposition in a Parliamentary democracy, it was considered necessary that the Leaders of Opposition in the House of the People and the Council of States should be accorded statutory recognition and given salary and certain other facilities and amenities to enable them to discharge effectively their functions in Parliament. With this objective in view, the

¹ Direction 121 of the Directions by the Speaker, Lok Sabha stipulates that in recognising a Parliamentary Party or group, the Speaker shall take into consideration the following principles:—

- (i) An association of members who propose to form a parliamentary party —
 - (a) shall have announced at the time of the general elections a distinct ideology and programme of parliamentary work on which they have been returned to the House;
 - (b) shall have an organisation both inside and outside the House; and
 - (c) shall have at least a strength equal to the quorum fixed to constitute a sitting of the House, that is one-tenth of the total number of members of the House.
- (ii) An association of members to form a Parliamentary group shall satisfy the conditions specified in part (a) and (b) of clause (i) and shall have at least a strength of 30 members.

² The breakaway group, with a strength of 60 members, was the single largest party in the House in Opposition to the Government.

³ See M.N. Kaul & S.L. Shastri, *Practice and Procedure of Parliament* 4th Ed., (Lok Sabha Secretariat, New Delhi) 1991, p. 132.

Salary and ~~Allowances~~ of Leaders of Opposition in Parliament Act, 1977 was added to the statute book. This Act bestowed on the Leaders of the Opposition in Parliament the status and facilities enjoyed by a Union Cabinet Minister.

Section 2 of the Salary and Allowances of Leaders of the Opposition in Parliament Act, 1977, define the "Leader of the Opposition", in relation to either House of Parliament, as a member of the Council of States or the House of People, as the case may be, who is for the time being, the Leader in that House of the Party in Opposition to the Government having the greatest numerical strength and recognised as such by the Presiding Officers of the ~~respective Houses~~. The Explanation to the said Section, however, clarifies that where there are two or more parties in Opposition to the Government in the Council of States or in the House of People having the same numerical strength, the respective Presiding Officers may recognise any one of the leaders of such parties as the Leader of the Opposition for the purpose of Section 2 and such recognition would be final and conclusive.

SALARY AND ALLOWANCES

Each Leader of the Opposition, so long as he continues as such, is entitled to receive a salary of Rs. 1,500/- per month during the term of office and allowance at the rate of Rs. 150/- per day during any period of residence on duty. He is also paid a sumptuary allowance of Rs. 1,000/- per month and such constituency allowance and amenities as are entitled to a member of Parliament.

RESIDENCE

The Leader of the Opposition, is entitled, without payment of rent, to the use of a furnished residence, so long as he continues as such Leader and for a period of one month immediately after he ceases to be in position.

TRAVELLING ALLOWANCES

The Leader of the Opposition gets travelling allowances for himself and family for assuming Office in Delhi as also on relinquishing Office if the place of residence is outside Delhi. He also gets travelling and daily allowances for tours undertaken by him in the discharge of his duties as Leader of Opposition. Besides, he and any one member of his family accompanying him are entitled to travelling allowances in respect of not more than six return journeys performed, during each year within India at the same rates at which travelling allowances are payable to such Leader.

Conveyance Allowance

The Leader of the Opposition is entitled to a conveyance allowance of Rs. 3000/- per month. Besides, he may be paid by way of repayable advance, Rs. 50,000/- or the actual price of the conveyance, whichever is

less for the purchase of a motor car under rules to be appropriately framed.

The Leader of the Opposition, in fact, enjoys more privileges than a Cabinet Minister. For example, certain conventions have developed in our Parliamentary system entitling the Leader of the Opposition in Lok Sabha to sit in the front row left to the Chair next to the seat of the Deputy Speaker. Besides, he enjoys certain privileges on ceremonial occasions like escorting the Speaker-elect to the rostrum and being provided a seat on the front row at the time of the President's Address to both Houses of Parliament.⁴

OPPOSITION IN THE SEVENTH AND EIGHTH LOK SABHAS

The Seventh and Eighth Lok Sabhas again witnessed the absence of any recognised Opposition Party. In the Seventh Lok Sabha, only the ruling party viz. the Congress (I) with a strength of 351 members, qualified for recognition as a Parliamentary Party, there being no other Party with a strength equal to the quorum fixed to constitute a sitting of the House i.e. 1/10th of the total number of members in the House.

In the Eighth Lok Sabha again, the Congress(I) Party with 398 members emerged as the largest party and was recognised as a Parliamentary Party. No other party could merit recognition as an Opposition Party.

LEADER OF OPPOSITION IN THE NINTH LOK SABHA

The Ninth Lok Sabha was historic in many ways. The Congress(I), the single largest party with a strength of 198 members, did not stake its claim to form a Government following which a National Front Government, headed by Janata Dal leader, Shri Vishwanath Pratap Singh, and supported by the Bharatiya Janata Party and four Left parties, was sworn in. Immediately after the constitution of the Ninth Lok Sabha, the Congress(I) was recognised as the Opposition Party with its Leader, Shri Rajiv Gandhi, as the Leader of the Opposition. The National Front Government, however, fell in November 1990, following the withdrawal of support by the Bharatiya Janata Party and its consequent defeat in the Lok Sabha.

On 10 November 1990, Shri Chandra Shekhar, the Leader of Janata Dal(S) — the breakaway group of Janata Dal — assumed the office of the Prime Minister with the support of the Congress(I). There was considerable debate then on the next Leader of Opposition in Lok Sabha with the Congress(I) and the BJP, with a strength of 194 and 68 members, respectively, in the House, vying for the position.

In a letter addressed to the Secretary-General, Lok Sabha on 7 December 1990, Congress(I) Chief Whip, Prof. P.J. Kurien, argued that the

⁴Ibid, p. 133

Congress(I) did not cease to be in the Opposition simply because it did not allow the Chandra Shekhar Government to fall. He contended that the phrase, "the party in Opposition to the Government" has not been defined in the Act of 1977, and that there was no specific provision in the Constitution which referred to the Leader of the Opposition or the party in Opposition. He pointed out that throughout the constitutional history of parliamentary democracy and in all treatises by eminent jurists, the phrase, "Party in Opposition" had been used in contradistinction to the phrase "party in power" or "the governing party". Referring to established constitutional conventions in a parliamentary democracy, Prof. Kurien observed that in a multi-party system with a 'hung Parliament', if a party assisted another party to form a Minority Government, it did not cease to be a party in Opposition. He added that while it was the constitutional function of the Party in Opposition to criticise the Government and to remain a vigilant critic of Ministers, it was certainly not the constitutional duty of a party in Opposition to oppose everything the Government did at all times and in all circumstances. He also noted that there had been instances in British constitutional history when the Leader of the Opposition had declined to form the Government and instead suggested an alternative to the sovereign.

Prof. Kurien also argued that by declining to form the Government and assuring the President instead to support Shri Chandra Shekhar if he was invited to form a minority Government, Congress(I) Leader Shri Rajiv Gandhi had only discharged his constitutional duty as the Leader of the Opposition in the national interest. He further observed that the Bharatiya Janata Party and the left Parties were not denied their right to be known as Opposition parties on the ground that they had promised support to the V.P. Singh Government. If the same principle was applied there was no reason why Congress(I) should not be regarded as a party in Opposition to the Government. He concluded that if so regarded, the other condition of greatest numerical strength was also satisfied by the Congress(I).

The Bharatiya Janata Party which was the second largest party in the House also staked its claim to be recognised as the main Opposition Party. On 26 November, the party Chief Whip, Shri L.N. Pandey, in a letter to the Speaker, Lok Sabha, requested him to give his party the status of the main Opposition party and recognise its Leader, Shri L.K. Advani as the Leader of the Opposition in Lok Sabha. He argued that since the Congress(I) was supporting the Government and the Janata Dal led by Shri V.P. Singh had less than the required number of members, his party, with 86 members, should be recognised as the main Opposition party.

The crucial question to which the Speaker, Shri Rabi Ray, therefore, had to address himself was, whether considering the circumstances in which a minority government had come to power with the support of the largest party in the House, such a party could still claim to be an Opposition Party. In fact, in a communique issued by the President's

Secretariat on 9 November 1990 a day before the swearing-in ceremony held on 10 November 1990, it was clarified that the Congress(I) Party had "offered unconditional support" to the government, thereby ensuring that the minority government would be enjoying a comfortable majority on the floor of the House.

After considering all aspects of the matter, the Speaker informed the House on 27 December 1990 of his decision to recognise Shri L.K. Advani, Leader of the Bharatiya Janata Party, as the Leader of the Opposition in Lok Sabha with effect from 24 December 1990, in terms of Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977. Accordingly, Shri Rajiv Gandhi, Leader, Congress(I) Parliamentary Party, ceased to be the Leader of the Opposition from that date.

PARLIAMENTARY RECORDS

The Houses of Parliament and State Legislatures bear witness to various events and instances. Some of these instances create history while some set new records by breaking the old ones. Continuing this feature, we present here some happenings in the Gujarat Legislative Assembly, which we hope, would be found interesting by our readers. We would welcome any such record-making instances from our readers as well. All contributions would be suitably acknowledged.

—Editor

STATE LEGISLATURES

GUJARAT LEGISLATIVE ASSEMBLY

Largest number of resignations of MLAs in a Session

The largest number of resignations by MLAs in any one Session was 98 during the Fourth Legislative Assembly.

Longest ever sitting of the House

It was for 7 hours and 12 minutes on 12 August 1975 in the First Session of the Fifth Legislative Assembly.

Longest reply ever given

It was for 1 hour and 45 minutes by Finance Minister, Shri Sanat Mehta on 29 August 1960 during the Sixth Legislative Assembly.

Longest speech made by a Member

The longest speech ever made by a member was for 3 hours and 40 minutes on 14 and 15 December 1965 by Shri Babubhai Vaidya who spoke on Gujarat Ayurvedic University Bill.

Longest debate on an issue

The longest-ever debate that took place on an issue was on the Confidence Motion during the Second Legislative Assembly and it lasted for three days on 9, 10 and 11 September 1963.

Person remaining Minister for the shortest duration

Shri Purushottam Ranchhoddas Patel remained a Minister for the shortest duration from 8 April 1971 to 13 May 1971 during the Third Legislative Assembly.

Shortest sitting of the House on a day

The shortest-ever sitting of the House on a day was held just for one minute from 1200 hours to 1201 hours on 31 March 1971 during the Tenth Session of the Third Legislative Assembly.

Shortest-ever inning by a member

The shortest-ever inning by a member was of Shri Harilal Jogi who was elected on 12 May 1984 and expired on 19 February 1985.

Maximum number of demands for grants guillotined during any year

The maximum number of demands for grants ever guillotined was for the year 1968-69 during the Third Session of the Third Legislative Assembly.

Maximum number of legislative measures passed by an Assembly

The maximum number of legislative measures passed was during the Second Legislative Assembly—177 in all.

Maximum number of laws passed in a Session

30 laws were passed during the Second Session of the Sixth Legislative Assembly.

Maximum number of notices of Questions received and admitted

(a) Maximum number of notices of Starred Questions received and admitted were 32,346 and 14,865, respectively, during the Seventh Legislative Assembly.

(b) Maximum number of notices of Unstarred Questions received and admitted were 9,681 and 4,631, respectively, during the Seventh Legislative Assembly.

(c) Maximum number of notices of Short Notice Questions received and admitted were 2,636 and 449, respectively, during the Third Legislative Assembly.

Maximum attendance in the Public Gallery on a single day

Maximum number of visitors who witnessed the proceedings of the House on a single day was 3,267 on 30 June 1990.

Maximum number of members in an Assembly, who, during their entire term, never participated in a debate

There were 24 members in the First Legislative Assembly who never participated in a debate during their entire term.

Minimum strength the House ever had on a single day

There were 152 members out of the Assembly's total strength of 181 present on 5 July 1990.

First occasion of expunction of the speech of the Chief Minister/Leader of the House from the proceedings

For the first time, on 3 September 1986, the speech of the Chief Minister, Shri Amarsinh Chaudhary, was expunged from the proceedings of the House.

First-ever occasion when a member was bodily lifted/removed from the House

On 22 July 1988, 21 members protesting against the introduction of 'turnover tax' were bodily lifted and removed from the House.

First Government without a majority in the Assembly

The Ninth Ministry in the State under the leadership of Shri B.J. Patel, which was formed on 18 June 1975, did not command a majority in the Assembly.

First Private Member's Bill passed into a law

The first Private Member's Bill passed into a law was the Bombay Court Fee (Gujarat Amendment) Bill, 1961, introduced by Shri Ramniklal Maniar.

First instance of a former Chief Minister sitting as a Leader of the Opposition

Former Chief Minister, Shri B.J. Patel took over as Leader of Opposition after Shri Madhavsinh Solanki was appointed Chief Minister on 24 December 1976.

First Speaker who faced a no-confidence motion in the House

On 19 February 1976, Shri Kundanlal Dholakia became the first Speaker to have faced a no-confidence motion.

Demise of the largest number of sitting members during the term of an Assembly

Eight sitting MLAs passed away during the Sixth Legislative Assembly.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

84th Inter-Parliamentary Conference: The 84th Inter-Parliamentary Conference was held in Punta Del Este (Uruguay) from 15 to 20 October 1990. The Indian Delegation to the Conference was led by Shri Rabi Ray, Speaker, Lok Sabha. Other members of the Delegation were Dr. (Shrimati) Najma Heptulla, Deputy Chairman, Rajya Sabha and Sarvashri A. Ashokraj, P.R. Kumaramangalam, Bal Gopal Mishra, Shankar Dayal Singh, Vishvjit P. Singh and Professor Prem Kumar Dhumal, 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) eliminating colonialism and its consequences by strengthening co-operation between developed and developing countries and exploring different models of regional co-operation;
- (b) Literacy and education as essential factors in the liberation of women and men to promote their participation in democratic life and as necessary instruments for development;
- (c) Support of Parliaments to the United Nations resolutions condemning the annexation of Kuwait by Iraq, and the search for means likely to re-establish peace in the Arab-Persian Gulf (Placed on the Agenda as supplementary item);
- (d) Support for United Nations Security Council resolution 672 concerning the violence against Palestinian civilians in the Holy Places of Islam on 8 October 1990 and the need to adopt appropriate measures to protect the Palestinian People (Placed on the Agenda as emergency supplementary item).

Besides, the Conference devoted three sittings to the "General Debate on the political, economic and social situation in the world" in which 93 speakers took part.

Birth Anniversary Celebrations of Dr. Rajendra Prasad

On the occasion of the birth anniversary celebrations of late Dr. Rajendra Prasad, the first President of India, a meeting of members of Parliament was held on 10 January 1991 in the Parliament House Annexe under the auspices of the Indian Parliamentary Group.

The meeting was presided over by Shri Rabi Ray, Speaker, Lok Sabha,

Dr.(Shrimati) Najma Heptullah, Deputy Chairman, Rajya Sabha, Professor N.G. Ranga, Dr. Shankar Dayal Singh, Shri Yadavendra Dutt (all Members of Parliament) and Shri Balraj Madhok, former Member of Parliament spoke on the occasion and paid rich tributes to Dr. Rajendra Prasad.

Release of Monograph on Dr. Rajendra Prasad: A monograph on Dr. Rajendra Prasad, (both in Hindi and English) highlighting his services to the nation as a great parliamentarian was released by the Speaker on the occasion. The monograph was prepared by the Lok Sabha Secretariat, under the "Eminent Parliamentarians Monograph Series", to recall the valuable contributions made by Dr. Rajendra Prasad to our national and parliamentary life.

Release of Monographs on other eminent Parliamentarians: Four other Monographs (both in Hindi and English), brought out by the Lok Sabha Secretariat under the "Eminent Parliamentarians Monograph Series" on the lives and works of Pandit Nilakantha Das, Shri Panampilli Govinda Menon, Shri Bhupesh Gupta and Sheikh Mohammad Abdullah, were also released by the Speaker on the occasion.

All these monographs are also being brought out in the mother tongue of the respective parliamentarians, in case it is other than Hindi or English.

Release of the Book "Practice and Procedure of Parliament": Shri Rabi Ray, Speaker, Lok Sabha released the book, Kaul and Shakhder's *Practice and Procedure of Parliament*, (Fourth Edition) (English Version) on 21 January 1991 at a function in the Parliament House Annexe, attended by Shri Shivraj V. Patil, Deputy Speaker, Lok Sabha, several Union Ministers, members of Parliament, former members of Parliament and senior officers of Lok Sabha and Rajya Sabha Secretariats.

PARLIAMENTARY DELEGATIONS VISITING INDIA

Argentina: On the invitation of the Parliament of India, a ten-member, Argentine parliamentary delegation led by Mr. Alberto J. Rodriguez Saa, Senator, visited India from 19 to 28 November 1990. The delegation called on the Speaker, Lok Sabha on 19 November. A meeting between the delegation and members of our Parliament was held on the same day. The Speaker, Lok Sabha, hosted a banquet in honour of the delegation the same evening. The delegation called on the Vice-President and Chairman, Rajya Sabha on 20 November, and the Deputy Prime Minister on the following day. Besides Delhi, the delegation also visited some places of cultural, historical and industrial interests in Faridabad, Agra, Bangalore, Mysore and Bombay.

Republic of Korea: In response to an invitation from the Parliament of India, an eleven-member parliamentary delegation led by His Excellency, Mr. Jyun Kyu Park, Speaker of the National Assembly of the Republic of Korea (South Korea) visited India from 6 to 11 January 1991. The Delegation called on Dr. Shanker Dayal Sharma, Vice-President and

Chairman, Rajya Sabha, Prime Minister, Shri Chandra Shekhar, Shri Rabi Ray, Speaker, Lok Sabha, and Shri Devi Lal, Deputy Prime Minister and Minister of Agriculture and Tourism, on 7 January. The Speaker, Lok Sabha hosted a banquet in their honour on the same day. Shri Satya Prakash Malaviya, Minister of Parliamentary Affairs and Petroleum and Chemicals also hosted a dinner in their honour on 8 January. Besides Delhi, the delegation visited Agra and Bombay.

INDIAN PARLIAMENTARY DELEGATION GOING ABROAD

Columbia: On the invitation of the Parliament of Columbia, an Indian parliamentary delegation led by Shri Rabi Ray, Speaker, Lok Sabha, visited Columbia from 7 to 12 October 1990. Other members of the delegation were Sarvashri A. Asokaraj, P.R. Kumaramangalam, Bal Gopal Mishra, Shankar Dayal Singh, Vishjit P. Singh and Professor Prem Kumar Dhumal, all members of Parliament. Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha, was Secretary to the delegation.

VISIT OF NAURU'S PRESIDENT TO PARLIAMENT OF INDIA

His Excellency, Mr. Bernard Dowiyogo, President of the Republic of Nauru who had been on an official visit to India from 30 December 1990 to 3 January 1991, witnessed the proceedings of Lok Sabha on 2 January 1991 from the Distinguished Visitors' Gallery. The Speaker, Lok Sabha made a reference to his presence and conveyed greetings to the Parliament and the friendly people of the Republic of Nauru.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 October 1990 to 31 December 1990, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat:

Sixth Training Programme in Legislative Drafting: The Sixth Training Programme in Legislative Drafting was organised from 21 November 1990 to 15 February 1991. It was attended by 12 participants, including ten foreign participants from Afro-Asian and Pacific countries.

The Programme was formally inaugurated by Shri Fall S. Nariman, Senior Advocate of the Supreme Court on 23 November 1990. The participants were also addressed by Shrimati Rama Devi, acting Chief Election Commissioner of India; Shri K.C. Rastogi, Secretary-General, Lok Sabha; Shri P.M. Bakshi, Member, Law Commission; Shri T.U. Mehta, former Chief Justice, Himachal Pradesh; Shri B.K. Sharma, Additional Secretary, Legislative Department; Shri Y.P. Sud, Joint Secretary, Legislative Department; Shri P. Murugan, National Consultant, Ministry of Health; Shri Jagdishwar Narayan, former Consultant, Legislative Department and Shri T.S. Ahluwalia, Director, Lok Sabha Secretariat.

The Programme was designed to meet the long-felt need of equipping

the parliamentary officials with basic concepts, skills and techniques required for drafting a legislation so that they can render assistance to the private members when called upon to do so.

Appreciation Courses for Probationers/Officers of All India and Central Services: The following Appreciation Courses were organised by the Bureau for Probationers of P&T Accounts and Finance Service and Indian Postal Service from 22 to 26 October 1990; for Officers of the Indian Audit and Accounts Department from 19 to 23 November 1990; for Probationers of Indian Customs and Central Excise Service and Indian Railways Service of Engineers from 3 to 7 December 1990; for Indian Police Service Probationers from 10 to 14 December 1990; and for Probationers of Indian Railways Service of Engineers and Indian Railways Service of Signal Engineers from 24 to 28 December 1990.

Attachment programme for foreign participants attending an International Training Programme on "Audit of Rural Development" organised by the Office of C&AG of India: At the request of the Office of the Comptroller and Auditor General of India, an Attachment Programme for foreign participants from various developing countries of Asia and Africa attending an International Training Programme on "Audit of Rural Development" was organised by the Bureau from 15 to 17 October 1990, to enable them to study the working of the Parliament and parliamentary processes and procedures. The Programme, which was attended by 36 participants including the officers of Indian Audit Department, was inaugurated by Professor Madhu Dandavate, MP.

Attachment Programme for an Officer of Pradesh Council, Andaman and Nicobar Islands: At the request of the Pradesh Council, Andaman and Nicobar Islands, an Attachment Programme for Shri Sriram, Committee Officer, Pradesh Council, Andaman and Nicobar Islands, was organised from 29 October to 9 November 1990 to enable him to study the working of the Committees in Lok Sabha.

Study Visits: At the request of various training and educational Institutions in the Capital and outside, the Bureau organised six study visits for, among others, the Secretary and two Joint Secretaries of Nepal Legislative Assembly to study the working of Indian parliamentary system.

PRIVILEGE ISSUES

LOK SABHA

Notice to the Speaker from the High Court of Delhi in connection with a writ petition: On 27 December 1990, the Speaker (Shri Rabi Ray) informed the House that on 7 December 1990, a notice was received from the Registrar of the High Court of Delhi requiring him to arrange to show cause in connection with a civil writ petition, which *inter alia*, sought to challenge the validity and constitutionality of paragraphs 6 and 7 of the Tenth Schedule to the Constitution (Fifty-Second Amendment) Act, 1985. The Speaker observed that as per well-established practice and conventions of the House, he had decided not to respond to the notice. He added that he had passed on the relevant papers to the Minister of Law and Justice for taking such action as he might deem fit to apprise the High Court of the correct constitutional position and the well-established conventions of the House.

STATE LEGISLATURES

GUJARAT LEGISLATIVE ASSEMBLY

Alleged contempt of the House by members by taking unauthorised persons in the Members' Lounge: The Speaker, Gujarat Legislative Assembly, in consultation with the Whips of various Parties in the House, prescribed certain norms for admitting persons, other than members in the Members' Lounge on the second floor of the Legislative Assembly Building. The members were apprised of the same *vide* Bulletin Part II, dated 17 January 1987. The Speaker, however, noticed that norms prescribed by him were frequently violated and certain members took unauthorised persons with them in the Members' Lounge ignoring the security staff on duty deployed there.

On 17 March 1987, the Speaker brought to the notice of the House the non-cooperation of certain members in following the norms prescribed by him for admission to the Members' Lounge and sought the consent of the House to treat the said arrangement as an 'Order of the House'. As the House agreed, the arrangement for regulating entry in the Members' Lounge was treated as an 'Order of the House'. The Speaker, thereupon, observed that obstructions to the security staff in their duty shall be treated as contempt of the House.

On 8 February 1989, an officer of the security staff through the Sergeant-at-Arms, made a written complaint to the Secretary of the Legislative Assembly that 13 members had taken with them unauthorised

persons in the Members' Lounge, though the member of the Security staff on duty at the Lounge tried to prevent them. Before instituting any further proceedings in the matter, the Speaker decided to know what those 13 members had to say regarding the complaint against them and asked them to send their explanations in the matter to the Secretariat. Eleven members had sent their explanations to the Secretariat, out of which the Speaker accepted fully or partially the explanations sent by ten members. The Speaker did not accept the explanation given by one member. Two members did not send their explanations, nor did they reply to the Secretariat. As the said three members had ignored the Order of the House by taking with them unauthorised persons in the Members' Lounge and as two of them had disregarded the Speaker's Order also by not sending any explanation or reply to the letters written as per the direction of the Speaker, a *prima facie* case of contempt of the House was established against the three members.

On 13 June 1989, the Speaker referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after considering the relevant documents and hearing in person the concerned members, in their Third Report presented to the House on 26 September 1989, *inter alia* held that the Members' Lounge was kept near the House with the main purpose of enabling the members to come out from the formal atmosphere of the House and to exchange their views freely among themselves. If persons other than the members used the Lounge and when members coming there did not find a place to sit, the very purpose of providing the Lounge was defeated. Such a cut in the members' amenities in the Legislative Assembly building itself could not be tolerated. In these circumstances, to put restrictions on the entry of unauthorised persons in the Members' Lounge was inevitable in the interests of members and, therefore, the Speaker had put such restrictions. The Committee expressed their unhappiness inasmuch as the Speaker had to bring this matter before the House as the members did not cooperate on this aspect and ultimately the House had assented to the restrictions on the entry of unauthorised persons in the Lounge. The Committee added that it was the duty of every member to maintain the dignity of the Speaker's status and abide by the orders of the House and expected that every member would take due care in this regard. In conclusion, the Committee noted that in the instant case, all the three members had expressed their regrets before them and that this was the first instance of its kind. As such they recommended the House not to proceed any further in the matter.

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

Publication of expunged proceedings of the House by a newspaper:
On 1 March 1989, Shri Jaspal Singh, a member, while speaking during discussion on the Statutory Resolution for the disapproval of the Bombay

Police (Gujarat Amendment) Ordinance, 1988 made certain objectionable remarks against the former Chief Minister of Gujarat, which were immediately expunged from the proceedings of the House by the Speaker. However, those remarks were published as a news item in the *Lok Satta* in its issue dated 2 March 1989. The Speaker directed that the Editor of the *Lok Satta* be asked to submit his explanation in the matter as it was a *prima facie* case of breach of privilege. Accordingly, the matter was brought to the notice of the Editor of the said newspaper on 17 March 1989 and he was asked to submit a written explanation as to what he had to say in the matter. When no explanation was received from him, he was again asked to do so on 18 April 1989. Even then, no explanation was received from him.

Since the Editor of the *Lok Satta* had not furnished any explanation, the Speaker referred the matter to the Committee of Privileges for examination, investigation and report on 20 May 1989.

The Committee of Privileges after considering the written explanation submitted by the Editor of *Lok Satta* in their Second Report presented to the House on 26 September 1989, *inter alia* reported that in the instant case, the following questions arose for consideration of the Committee:

- (i) Did the publication of words expunged from the proceedings of the House constitute a breach of privilege?
- (ii) If so, could the Editor of the *Lok Satta* be said to have committed a breach of privilege of the House?
- (iii) If yes, what action should be taken against the person who had committed contempt of the House?

The Committee observed that as per the provision contained in article 194(3) of the Constitution of India, the powers and privileges of the State Legislatures, their members and their committees, were to be such as might be defined by the Legislatures by law and, until so defined, were to be those enjoyed by that House and its members and its committees immediately before the coming into force of section 26 of the Constitution (Forty-Fourth Amendment) Act, 1978. The Committee further observed that according to this provision, State Legislatures, its members and its committees enjoyed the same powers and privileges as were enjoyed by the House of Commons, its members and its committees at the time when the Constitution of India came into force. Thus, privileges of the Gujarat Legislative Assembly were analogous to those of the House of Commons in quality and quantity. Quoting from Erskine May (18 Edition, p. 141), the Committee noted that in the instant case, the condition prevailing in the House of Commons was as under:

Analogous to the publication of libels upon either House is the publication of false or perverted or of partial and injurious reports of debates or proceedings of either House or committees of either House or misrepresentation of the speeches of particular members. But as the

House of Commons have repeatedly made orders forbidding the publication of the debates or other proceedings of their House or any Committee thereof which, though not renewed in any subsequent session are considered to be still in force, it has been ruled that an alleged misrepresentation is not in itself a proper matter for the consideration of the House, the right course being to call attention to the report as an infringement of the orders of the House, and then to complain of the misrepresentation as an aggravation of the offence.

In the light of the above extract, the Committee observed that the House of Commons had a privilege to forbid publication of debates or proceedings of the House or its committees and this privilege was reiterated frequently by issuing orders in protection of the same. However, in practice, the House did not take any action against publication of a correct and impartial report of the debates of the House or its committees and the House protected such a report. But, if the proceedings of the House were published in a distorted, partial and harmful manner, the House treated it as a breach of its basic privilege of preventing publication of its proceedings and such distorted publication of the proceedings of the House was treated as an aggravation of the offence of the breach of privilege. The Committee considered that the words, being expunged in the House at that very moment, did not form part of the official proceedings of the House and, therefore, their publication amounted to the distorted publication of the proceedings of the House. Such an incident might have occurred in the House of Commons. But the Committee could not obtain its details. However, such an incident of publication of the words expunged in the House of Lords in Great Britain had occurred and it was treated as a breach of privilege. The Committee added that they had no reason to believe that an incident, which the House of Lords had treated as a breach of privilege, would not be treated so by the House of Commons.

Then, quoting from page 226 of the *Practice and Procedure of Parliament* (Third Edition) by Kaul and Shakhder, the Committee observed that they had also asserted that publication of the words which were expunged by the Speaker on the spot from the proceedings of the House constituted a breach of privilege of the House. The Committee also felt that the following interpretation regarding the breach of privilege caused by publication of the words expunged from the proceedings of the House, made by the Supreme Court in the *M.S.M. Sharma vs. Sri Krishan Sinha* (Searchlight case) was of great importance:

The effect in law of the order of the Speaker to expunge a portion of the speech of a member may be as if that portion had not been spoken. A report of the whole speech in such circumstances, though factually correct, may, in law, be regarded as perverted and unfaithful report of a speech, i.e. including the expunged portions in derogation to the orders of the Speaker passed in the House may, prima facie, be regarded as

constituting a breach of the privilege of the House arising out of the publication of the offending news-item.

Taking into consideration the provision contained in article 194 of the Constitution of India, position as obtaining in the Parliaments of U.K. and India and the interpretation made by the Supreme court of India in its judgement in the *Search light* case, the committee concluded with regard to question No. 1 that publication of the words expunged at the same moment from the proceedings of the House constituted a breach of the privilege of the House.

The Committee further observed that the news in the *Lok Satta* covering publication of the words expunged from the proceedings of the House, itself had reported the Speaker's ruling that the allegations made in the House would not be included in the proceedings of the House. Thus, *Lok Satta*, was fully aware of the fact that those words had been expunged from the proceedings of the House and even then it had given publicity to such words. Hence, regarding question No. 2 the Committee concluded that the Editor of the daily *Lok Satta*, had committed a breach of privilege as he had published in the *Lok Satta*, the words which were expunged from the proceedings of the House.

Before considering the action to be recommended to the House against the Editor of the daily *Lok Satta*, for a breach of privilege of the House, the Committee referred to the following explanation submitted to them by the Editor of *Lok Satta*:

As you are aware, the *Lok Satta* is a responsible newspaper and it has never committed such a mistake in the past nor it would have an intention to do so. However, as the rules of Gujarat Legislative Assembly have been violated inadvertently by somebody, we express our regret for the same and we assure you that we shall observe the rules strictly in future.

The Committee noted that the Editor of the daily *Lok Satta* having admitted his mistake and regretted for it, had assured of the strict observance of the rules in future. However, the Committee regretted that despite two written requests made in the initial stage to the Editor of the *Lok Satta* to submit his explanation in the matter, he had no courtesy of sending a reply. They felt that if he had shown a gesture of respect for the House in the beginning, it would have been a matter of dignity for the newspaper.

The Committee observed that still there was a lack of adequate knowledge about the parliamentary privileges among the people of our country and hence there was a possibility of a breach of privilege being committed knowingly or unknowingly while deciding about the form and contents and the time of publishing the proceedings of the House or its committees. They felt that when this happened it was necessary to find out whether the breach of privilege had been committed deliberately or through some misunderstanding. The Committee ruled that if a breach of

privilege was committed by somebody's misunderstanding and on being subsequently informed, if he realized his mistake and expressed regret for the same, the House should take a liberal view in such circumstances.

In the instant case, the Committee recommended that keeping in view the dignity of the House no action be taken against the Editor of the Lok Satta, as he had expressed regret for the mistake and assured to take adequate care in this regard in future.

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

FOREIGN LEGISLATURES

NEW ZEALAND

HOUSE OF REPRESENTATIVES

Premature publication of the proceedings of the Parliamentary Select Committee by a newspaper: On 17 February 1989, the Secretary to the Finance and Expenditure Committee received a submission from the Mayor of Waitemata, Mr. Tim Shadbolt. On 20 February 1989, an article appeared in *The New Zealand Herald* reporting the contents of the Mayor's submission to the Finance and Expenditure Committee. It appeared that that newspaper had an access to a copy of the Mayor's submission. On 21 February 1989, the Finance and Expenditure Committee met and resolved, "to reject and return Mr. Shadbolt's submission on the grounds that it is late, largely irrelevant, offensive and possibly defamatory". The Committee also resolved to write to the Speaker to raise a matter of privilege in relation to the publication of parts of Mr. Shadbolt's submission prior to its release by the Committee.

With regard to a matter of privilege raised by the Chairman of the Finance and Expenditure Committee, the Speaker ruled on the same day that a question of privilege was involved and the matter stood referred to the Privileges Committee.

The Committee of Privileges, after considering the relevant documents, in their Report No. 1. ISD, laid on the Table of the House, *inter alia*, reported that in considering the issue, they noted two relevant precedents. The first precedent concerned the report in 1977 of a Special Committee which inquired into an alleged premature publication of tax measures in the forthcoming Budget statement. The report¹ of the special committee noted:

The committee has examined the authors of the article. Claiming a convention of privilege under the code of ethics of professional journalists, they refused to divulge the source of the material complained of. It is a matter of great regret that the effect of this refusal may be to leave some suspicion on wide groups of individuals. The committee can

¹Journal of the House of Representatives (New Zealand), 3 August 1977.

see no prospect of eliciting further information in regard to the source of the material and accordingly recommends that no further action be taken.

The second precedent concerned the prior publication in *The Dominion* of a submission to the Justice and Law Reform Committee made by the New Zealand Education Boards' Association. The Privileges Committee report² of 15 November 1988 noted:

The Committee agreed that a breach of privilege had occurred pursuant to Standing Order 342. The proceedings of the Justice and Law Reform Committee had been divulged contrary to Standing Order 340 in circumstances in which none of the exceptions set out in Standing Order 341 applied. The Committee having received the explanation of the Acting General Manager of the Wellington Education Board and his apology agreed to recommend to the House that no further action be taken.

The Committee then drew the attention of the House to *Standing Order 340—Proceedings not to be published or divulged*. This Standing Order states:

The proceedings or the report of any Select Committee, or any summary of such proceedings or report shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of such committee has been presented to the House....

The Committee then referred to the exceptions to non-publication of proceedings as contained in Standing Order 341, which, *inter alia* include:

The written submission presented to a Select Committee when the committee has given its permission that those submissions may be released for publication....

The Committee stressed that submissions to parliamentary select committees become part of the proceedings of the select committee concerned upon receipt by, or on behalf of, that committee. Once submissions were in the hands of the Secretary of a parliamentary select committee, they were then confidential to the committee, until they decided to release the submission under Standing Order 341(c), or until they reported the matter to the House.

The Privileges Committee agreed that a technical breach of privilege had occurred in the instant case. The proceedings of the Finance and Expenditure Committee had been published in the *The New Zealand Herald* contrary to Standing Order 340 in the circumstances in which none of the exceptions set out in Standing Order 341 applied.

The Committee having received an unqualified apology from *The New Zealand Herald* and with no prospect of eliciting who was responsible for divulging the information to the newspaper, recommended to the House

²*Ibid.* 15 November 1988.

that no further action be taken. Accordingly, no further action was taken by the House in the matter.

Alleged making of public reference to a matter of privilege by a member before the Speaker has ruled on it: On 18 August 1989, Mr W.R. Peters, a member from Tauranga, issued a media statement which reads *inter alia* as follows:

...The extraordinary admission of DDB Needham Managing Director, Mr. David Birrell, that this company and Needham Consulting were not separate companies had rocked the credibility of Deputy Prime Minister Helen Clark.... Clearly, the Minister has misled the House. She has repeatedly affirmed the fiction that the two companies—DDB Needham and Needham Consulting—were separate... He (Mr. Peters) possesses clear proof that the Minister was informed that this was not true over eight weeks ago... 'I certainly intend to take this matter up with the Speaker of the House to ensure that breach of privilege charges are laid'.

The Deputy Prime Minister, Hon. Helen Clark raised the matter with the Speaker on the ground that it amounted to a libel on her as a member of Parliament. She claimed that the juxtaposition of the two statements, "the Minister has misled the House" and "I certainly intend to take this matter with the Speaker of the House to ensure that breach of privilege charges are laid" constituted a suggestion that she had lied to the House.

On 23 August 1989, the Speaker ruled that a question of privilege was involved in the media statement and the matter stood referred to the Privileges Committee.

The Committee of Privileges, in their Report No. 1, 15E laid on the Table of the House, *inter alia* reported that to accuse a member of lying to the House could be held to be itself a breach of privilege. The Committee, had, therefore given careful consideration to the media statement issued by Mr. Peters. They added that the statement clearly did not make any such express charge. Indeed, Mr. Peters used a phrase that was an accepted form of debate, 'the Minister has misled the House'. They added that they could not find that the addition of the reference to raising a matter of privilege with the Speaker could convert the earlier innocent phrase into a breach of privilege, given the high standard of proof that had become accepted as being necessary to establish a breach of privilege. However, the Committee felt that a further matter which engaged their attention was the propriety of Mr. Peters referring to the fact of his intention to raise a matter of privilege with the Speaker.

The Committee observed that the procedure for matters of privilege being raised with the Speaker off the floor of the House was introduced ten years ago. The rules were silent as to the effect of a member mentioning inside or outside the House the fact that he or she intended to, or had raised, a matter with the Speaker. The Committee, therefore, gave consideration to the position in this regard.

The Committee were quite clear that it was not of itself a breach of privilege to refer to the raising of a matter of privilege outside the prescribed procedure. The House, in 1979, did not make it so, and, while it was open to the House to hold any conduct to be a contempt, the Committee were satisfied that they did not intend to do so in every such case.

Having said that, the Committee believed that there were circumstances in which such an extraneous reference could amount to a breach of privilege. For example, if a member said that another member had lied to the House and he intended to raise the matter as a breach of privilege with the Speaker, the reference to raising a matter of privilege would become part of a possible breach of privilege by that member. In general, however, the Committee admitted that to refer to one's intention to raise a matter of privilege did not constitute a breach of privilege.

On the other hand, the Committee observed, there would seem to be stronger grounds for holding that a member who commented on matter which had been raised with the Speaker and was currently under consideration might be in contempt. The instant case was not of that nature, so it was unnecessary to go into the matter in detail, but the Committee were not prepared to rule out the possibility of a breach of privilege if a member flagrantly insulted the Chair by raising publicly a matter which the member had already privately put into the hands of the Speaker. The Committee noted that on 16 June 1988, the Speaker had given the following strong ruling³ deprecating the practice of members referring publicly to privilege matters before they had been determined:

The 1979 reforms were designed to remove such allegations from the public domain until the Speaker had had a chance to scrutinise them. This new practice undermines that objective.

The Committee fully endorsed the above view and observed that it was most undesirable that members should refer to matters of privilege before the Speaker had ruled on them. The Committee further observed that the Speaker had perhaps raised the problem with the Standing Orders Committee, which had not yet reported to the House. The Committee were, therefore, content to leave the general question of such references to be dealt with when that Committee reported.

For the reasons given above, the Committee found that no breach of privilege or contempt had occurred in the instant case.

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

Alleged casting of reflections on member in a Newsletter: In the August/September 1989 issue of its Newsletter, *Project Waitangi* carried

³Hansard, Vol. 489, p. 4436.

an item, *Project Waitangi Challenges Polls*, stating that:

It seems inconceivable that in 1989, John Terris, M.P., who is also a Minister in the Anglican church, should describe Maori people as 'primitive'. His statement that a very small group of activists and academics are dreaming up agendas at weekend seminars to "take the culture of a primitive people and to make it my culture" is not only completely untrue, but is thoroughly racist.

The article was related to comments made by Mr. John Terris M.P. during the Budget debate on 22 August 1989.

In raising a matter of privilege with the Speaker, Mr. Terris claimed that the publication of a description of his reference "as thoroughly racist" constituted a libel on him in his capacity as a member of Parliament. Quoting from *Erskine May* (20 Edition, p. 159), Mr. Terris stated:

.....the House of Commons resolved that to print or publish any libel reflecting upon any Member of the House for or relating to his service therein, was a high violation of the rights and privileges of the House.

On 4 October 1989, the Speaker ruled that a question of privilege was involved and the matter stood referred to the Privileges Committee.

The Committee of Privileges in their Report No. I.15E laid on the Table of the House, *inter alia* reported that in considering the instant issue, the Committee came across a previous privilege case that involved an allegation of racism. That was the *New Zealand Statesman* case in 1967 when that publication alleged that the Speaker was willing to permit interjections based on racial prejudice.⁴

The Committee also noted the views expressed in *Erskine May* concerning the rights and privileges of the House, and felt that they balanced these interests against the wider public interest of ensuring full and frank reporting of parliamentary business in the media.

The Committee observed that they were conscious of the need to ensure robust and free debate in the House. They agreed that while in some cases descriptions of members in the media could amount to contempt, in the instant case, no contempt had been committed.

The Committee ruled that the statement in *Project Waitangi's* Newsletter was not defamatory of the member in a way that related to his services in the House and, therefore, there was no contempt of the House.

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

⁴*Journal of the House of Representatives*, 1967, p. 249.

PROCEDURAL MATTERS

LOK SABHA

Precedence of the motion expressing confidence in Council of Ministers over no-confidence motion: The Fourth Session of Ninth Lok Sabha was convened for one day, on 7 November 1990, in pursuance of a directive by the President to enable the Prime Minister (Shri Vishwanath Pratap Singh) to seek a vote of confidence of the House following withdrawal of BJP support to the Government on 23 October 1990. The notice of a motion expressing confidence in the Council of Ministers given by the Prime Minister dated 25 October 1990 was admitted and published in Bulletin Part II dated 29 October 1990 (Para No. 843) and also included in advance in the List of Business for 7 November 1990.

Professor P.J. Kurien and six other members, in a joint letter, dated 5 November 1990, addressed to the Speaker stated that as per practice, a motion expressing no-confidence in the Council of Ministers ought to have been given preference over the Government motion as there was no specific rule for 'confidence motion' and the same was dealt with under rule 184 of the Rules of Procedure and Conduct of Business in Lok Sabha.

It was, however, held that since Lok Sabha had been summoned for specific purpose viz. to enable Shri Vishwanath Pratap Singh to prove his majority on the floor of the House, no other business could be transacted before its disposal. Besides, under the rules, Government business got precedence over items of business tabled by private members.

The confidence motion moved by the Prime Minister on 7 November, 1990, was negatived after division. The motion of no-confidence was not brought before the House.

Necessity of specifying the Prime Minister's name in the motion expressing confidence in the Council of Ministers: The following motion was included in the List of Business dated 16 November 1990 in the name of Prime Minister (Shri Chandra Shekhar):

That this House expresses its confidence in the Council of Ministers.

Before the item was taken up, a member (Shri K.P. Unnikrishnan), supported by other members, raised a point of order challenging the constitutional validity of the motion on the ground that it did not indicate as to who headed the Council of Ministers. Ruling the point out of order, the Speaker, *inter alia* observed that the motion was in order and it was not necessary to name the Prime Minister in the motion.

Prime Minister's discretion about the size of Council of Ministers: On 16 November, 1990, before the motion, "That this House expresses its confidence in the Council of Ministers", listed in the name of Prime Minister (Shri Chandra Shekhar) was taken up, a member (Shri K.P. Unnikrishnan) supported by other members, raised a point of order that the motion was not specific as there was no mention therein as to who headed the Council of Ministers, which according to him was 'non-existent' as on that day.

Ruling out the point of order, the Speaker observed that there was no provision in the Constitution about the size of the Council of Ministers. This was a matter for the Prime Minister to decide. It was not for the Chair to interpret the Constitution.

Bringing or playing of cassettes or tape recorders in the House: On 27 December, 1990, while participating in the debate on the Adjournment Motion on the communal situation in the country, Professor Saif-ud-Din Soz came to the pit of the House and left on the Table of the House two audio cassettes, which were allegedly provocative in nature. The Deputy Speaker who was in the Chair, did not permit him to do so and observed as follows:

If you want to produce something, you have to follow the rules. You take them back...The member should not bring or play cassettes or tape recorders in the House.

*The Council of Ministers on that day consisted of only the Prime Minister and the Deputy Prime Minister.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 October to 31 December 1990)

Events covered in this feature are based primarily on reports appearing in the daily newspapers and, as such, Lok Sabha Secretariat does not accept any responsibility for their accuracy, authenticity or veracity.

—Editor

INDIA

DEVELOPMENTS AT THE CENTRE

Elections/Nominations to Rajya Sabha: Shri Ranjit Singh who was elected from Haryana and Sarvashri Prakash Yashwant Ambedkar and Bhupinder Singh Mann, who were nominated to Rajya Sabha took oath on 1 October. Former Chief Minister of Assam, Shri Hiteawar Sakhia of Congress (I), who had contested in a biennial election to Rajya Sabha held in June 1989, was declared elected on 7 November by the Guwahati High Court, setting aside the election of Shri Amritlal Basumatary of Congress(S).

Death of Rajya Sabha Member: Congress (I) member and Vice-President of Orissa Unit of Congress (I), Shri Basudeb Mahapatra passed away on 28 October in New Delhi. He was 62.

New Chief Justice: Justice Ranganath Mishra was sworn in as Chief Justice of India by the President, Shri R. Venkataraman on 6 October.

Resignation of Ministers/Members: Shrimati Maneka Gandhi, Minister of State for Environment and Forests and Shri Bhakta Charan Das, Deputy Minister for Sports and Youth Affairs, tendered their resignations from the Council of Ministers on 26 and 31 October, respectively, because of "failure of the Government to handle various issues". Shri Jagdeep Dhankar, Deputy Minister for Parliamentary Affairs, also resigned on 3 November in protest against the "National Front's resolution not to have any understanding with the B.J.P. or the Congress (I)". Shri Subodh Kant Sahay, Minister of State for Home Affairs, and Shrimati Usha Singh, Deputy Minister for Women and Child Welfare, tendered their resignations on 4 November, in protest against the "Government's mishandling of the country's affairs". Two other Ministers—Sarvashri Janeshwar Mishra, Minister for Communications and Manubhai Kotadia, Minister of State for Water Resources, also resigned on 5 November. Lok Sabha Speaker, Shri Rabi Ray, accepted the resignations of Sarvashri Simranjit Singh Mann

and G.S. Saini of Akali Dal (Mann) and Janata Dal, respectively, on 12 November.

New Government: Consequent upon the resignation of Prime Minister, Shri Vishwanath Pratap Singh, on 7 November, following defeat of his Government on a confidence motion in Lok Sabha with 356 members voting against the motion, 151 in favour and six members abstaining, Shri Chandra Shekhar, and Shri Devi Lal were sworn in as Prime Minister and Deputy Prime Minister, respectively, on 10 November. The new government was supported from outside by Congress (I). Later, Janata Dal (S) Government, headed by Prime Minister, Shri Chandra Shekhar won the vote of confidence in Lok Sabha on 16 November 1990 with 280 members voting in favour and 214 voting against the motion. Prime Minister, Shri Chandra Shekhar expanded his Council of Ministers on 21 November by inducting 13 Cabinet Ministers, three Ministers of State (Independent Charge); 12 Ministers of State and four Deputy Ministers.

The Ministers and their portfolios were:

Cabinet Ministers: Chandra Shekhar (Prime Minister): Defence, Home Affairs, Atomic Energy, Science and Technology, Ocean Development, Personnel, Public Grievances and Pension, Electronics, Space, Information and Broadcasting, Industry, Labour, Welfare, Planning and Programme Implementation, and other subjects not allocated to any other Cabinet Minister or Minister of State (Independent Charge); Shri Devi Lal (Deputy Prime Minister): Agriculture and Tourism; Shri Vidya Charan Shukla: External Affairs; Dr. Subramanian Swamy: Commerce with additional charge of Law and Justice; Shri Yashwant Sinha: Finance; Shri Janeshwar Mishra: Railways; Shri Rajmangal Pande: Human Resource Development; Shri Hukumdeo Narayan Yadav: Textiles and Food Processing Industries; Shri Kalyan Singh Kalvi: Energy; Shri Manubhai Kotadia: Water Resources with additional charge of Surface Transport; Shri Daulat Ram Saran: Urban Development; Shri Ashok Kumar Sen: Steel and Mines; Rao Birendra Singh: Food and Civil Supplies; Shri Satya Prakash Malaviya: Petroleum and Chemicals and Parliamentary Affairs; Dr. Shakeelur Rehman: Health and Family Welfare.

Ministers of State (Independent Charge): Shrimati Maneka Gandhi: Environment and Forests; Dr. Sanjay Singh: Communications; Shri Harmohan Dhawan: Civil Aviation.

Ministers of State: Shri Subodh Kant Sahay: Home Affairs and Information and Broadcasting; Shri Bhakta Charan Das: Railways; Shri Bhagey Gobardhan: Human Resource Development; Shrimati Usha Singh: Tourism; Shri Sarwar Hussain: Food & Civil Supplies; Shri Rajni Lal Suman: Labour and Welfare; Shri Jayantilal Virchandbhai Shah: Agriculture and Cooperation; Shri Babanrao Dhakane: Energy; Shri Kamal Morarka: Prime Minister's office; Shri Basavaraj Patil: Steel & Mines; Shri Lalit Vijay Singh: Defence; Shri Ram Bahadur Singh: Rural Development.

Deputy Ministers: Shri Digvijay Singh: Finance; Shri Dasal Chowdhary: Health and Family Welfare; Shri Shantilal Purushottamdas Patel: Commerce; and Shri Jai Prakash: Petroleum and Chemicals.

AROUND THE STATES

ANDHRA PRADESH

New Government: Shri Janardhan Reddy was sworn in as the new Chief Minister by Governor, Shri Krishna Kant on 17 December, consequent upon resignation of Dr. Chenna Reddy, from the post on 15 December, owning moral responsibility for the communal riots in the State.

Later, on 22 December, the Chief Minister, expanded his Ministry by inducting 17 new Ministers, eleven of Cabinet rank and the rest as Ministers of State. The new Ministers and their portfolios were:

*Cabinet Ministers: Shri Maganti Ravindra Nath Chowdary**; Shri P. Ramachandra Reddy: Major Industries; Shri Paladugu Venkata Rao: Civil Supply; Shri P. Janardhana Reddy: Labour and Employment and Housing; Shri J.C. Diwakar Reddy: Agriculture; Shri P. Sambasiva Raju: Transport; Shri D.L. Ravindra Reddy: Minor Irrigation and Power; Shri S. Santosh Reddy: Roads and Buildings; Shri G. Kuthuhalamma: Medical and Health; Shri Sangeetam Venkat Reddy: Animal Husbandry and Fisheries; and Shrimati M. Lakshmi Devi: Social Welfare.*

Ministers of State: Shri K. Bhim Rao: Tribal Welfare, Printing and Stationery; Shri Mohammed Jani: Sugar Industries, Farmers and Export Promotion; Shri J. Chittaranjan Das: Backward Classes and Welfare; Shri Pantham Padmanabham: Endowment; Shri M. Chandrasekhar: Forest; and Shri Jalagan Prasada Rao: Small Scale Industries.

ASSAM

Disqualification of MLAs: Eight MLAs who were elected to the Legislative Assembly on United Minorities Front (UMF) tickets in 1985 and had subsequently joined the Congress(I) were disqualified under the anti-defection law on 10 October. They were Sarvashri Santi Ranjan Gupta, Sheikh Saman Ail, Yusuf Ali Ahmed, Arthendu Kumar Dey, Afzalur Rehman, Gopinath Das, Maulana Abdul Jalil Ragibi and Abdul Husain Sarkar.

Election of Deputy Speaker: Shri Balabhadra Tamuly of Assam Gana Parishad was elected Deputy Speaker of the State Legislative Assembly on 23 October.

President's rule: President's rule was imposed in Assam on

*He was asked to hold additional charge of Communications on 8 December.

**Shri Maganti Ravindra Nath Chowdary collapsed and expired in the House soon after being sworn.

28 November and the entire State was declared a disturbed area. The Legislative Assembly was kept under suspended animation.

BIHAR

Winning of Trust Vote: Chief Minister, Shri Laloo Prasad Yadav won the vote of confidence in the Legislative Assembly on 22 November 1990 with 202 votes in favour and 108 against. While the 71-member Congress(I) group, alongwith 29 members of BJP and eight unattached Janata Dal rebels, voted against the motion, the Janata Dal Ministry was supported by its own 117 members, the 38-member leftist group, 19 members of the Jharkhand Mukti Morcha and 28 Independents.

GOA

Resignation of Chief Minister: Chief Minister, Dr. Luis Proto Barbosa resigned on 10 December before the start of the State Assembly Session which was specially convened to allow him to seek a vote of confidence.

Consequently President's rule was imposed in the State on 14 December and the Legislative Assembly was kept under suspended animation.

GUJARAT

Resignation of Minister: Environment Minister, Shri Pravinsinh Jadeja, who was divested of his portfolio by Chief Minister Shri Chhimanbhai Patel on 15 October resigned from the Ministry on 16 October.

CM wins Confidence vote: Chief Minister, Shri Chhimanbhai Patel, leader of the minority Janata Dal Ministry, won a vote of confidence in the State Assembly on 1 November in a one-day special session by securing 111 votes in favour, which included support of the 32-member Congress(I) group and 11 Independents.

After having won the vote of confidence, the Chief Minister, expanded his Ministry later, on 12 November, by inducting seven new Cabinet Ministers and two Ministers of State.

The new Ministers and their portfolios were:

Cabinet Ministers: Shri Babubhai Patel: Narmada Development; Shri Liladhar Waghela: Panchayats and Rural Housing; Shri Shashikant Lalhani: Industries, Law and Judiciary; Shri Narhari Amin: Urban Development and Urban Housing, Youth Affairs, Cultural Activities and Sports; Shri Karamsi Makwana: Prohibition, Excise and Transport; Shri Thakorebhai Naik: Civil Supplies, Water Supply and Labour; and Shri Babubhai Vasanwala: Health, Family Welfare and Cottage Industries.

Ministers of State: Shri Probodhkant Pandya: Education and Home; Shri Madhubhai Bhuya: Energy, Agriculture, Animal Husbandry and Rural Development.

New Governor: Dr. Swarup Singh sworn in as the new Governor of

Gujarat on 21 December, by Chief Justice of Gujarat High Court, Shri Gyanendra Narayan Roy.

HARYANA

Cabinet expansion: Chief Minister, Shri Hukam Singh, expanded his Cabinet on 14 November by inducting four Cabinet Ministers and six Ministers of State.

The Ministers and their portfolios were:

Cabinet Ministers: Shri Om Prakash Bhardwaj: Health and Family Welfare; Shri Sachdev Tyagi: Revenue, Rehabilitation and Consolidation; Shri Balbir Singh Saini: Labour and Employment; and Shri Dharambir Singh: Forest and Wildlife.

Ministers of State: Shri Kulbir Singh Malik: Animal Husbandry; Shri Tek Chand Nain*: Science and Technology and Administration of Justice; Shri Surinder Madan: Technical Education and Electronics; Shri Mange Ram: Cultural Affairs and Civil Aviation; Shri Jagpal Singh Choudhary: Election; And Shri Jai Singh Rana: Housing.

HIMACHAL PRADESH

New Governor: Shri Virendra Verma was sworn in as the new Governor of the State on 19 December by the Chief Justice of Himachal Pradesh High Court, Shri P.C. Balakrishna Menon at Raj Bhavan.

KARNATAKA

Change of Government: The President, Shri R. Venkataraman issued a Proclamation on 10 October imposing President's rule in the State keeping the State Assembly under suspended animation, in view of the resignations tendered by four Ministers—Sarvashri S. Bangarappa (Agriculture), K.H. Patil (Revenue), K.J. George (Transport), and M. Veerappa Moily (Law)—in protest against Chief Minister Shri Virendra Patil's defiance of Congress(I) high commands decision asking him to step down.

Shri S. Bangarappa, who was later sworn in as the new Chief Minister of the State by Governor Shri Bhanu Pratap Singh on 17 October, inducted six Ministers in his Cabinet on 20 October.

After winning the vote of confidence in the State Assembly on 25 October, the new Chief Minister expanded his Ministry by inducting five Cabinet Ministers and five Ministers of State on 18 November.

The Ministers and their portfolios were as follows:

Cabinet Ministers: Shri S. Bangarappa (Chief Minister): Cabinet Affairs,

* Shri Tek Chand Nain later submitted his resignation to the Chief Minister, on 20 November and the same was accepted by the Governor, Shri Dhanik Lal Mandal.

Personnel and Administrative Reforms, Ecology and Environment, Science and Technology, Housing and Urban Development, Finance, Planning, Institutional Finance and Statistics, Commerce and Industries, Cooperation, Information, Education, Transport, Agriculture and Horticulture, Directorate of Kannada and Culture, Animal Husbandry and Fisheries, Public Works and Command Area Development and Energy Department; Shri Azeez Sait: Forest and Rural Development along with the Panchayati Raj System; Shri K.S. Nagarathnamma: Health and Family Welfare; Shri K.H. Patil: Revenue and Labour; Shri Puttaswamy Gowda: Social Welfare; Shri M. Veerappa Moily: Law and Parliamentary Affairs and Youth Service; Shri B. Basavalingappa: Rural Development and Panchayati Raj and Animal Husbandry; Shri Dharam Singh: Home (excluding Excise and Intelligence); Shri Mallikarjuna Kharge: Revenue (excluding Works); Shri B. Shivanna: Law and Social Welfare; Shri K.J. George: Housing and Urban Development (excluding Bangalore Development Authority).

Ministers of State: Shri Shivamurthy: Excise; Shri Mallikarjuna Prasanna: Minor Irrigation; Shri B. Muniyappa: Sericulture; Shri S. Ramesh: Youth Services, Sports, Kannada and Culture; Shri Nazir Ahmed: Small Scale Industries.

Bye-election result: Congress(I) nominee, Shri M.B. Patil, won the Tlkota Assembly seat in Bijapur district in a bye-election held on 16 December.

KERALA

New Governor: Shri B. Rachiah was sworn in as Governor of Kerala on 21 December by Chief Justice of Kerala High Court, Shri V.S. Mallesham.

MADHYA PRADESH

Ministerial Changes: Shri Kallash Joshi was sworn in as a Minister on 15 October and was allocated the portfolios of Commerce, Industry and Energy on 25 October. Shri Kallash Chawla, earlier holding charge of Commerce and Industry, was allocated Mineral Resources Department. Shri Madhukar Hame was inducted as Minister of State with the charge of Revenue Department on 14 December, thus increasing the strength of the Council of Ministers to 42.

MAHARASHTRA

New Deputy Speaker: Shri Laxman Sonopant Joshi alias Shri Anna Joshi (BJP) was elected Deputy Speaker of the Legislative Assembly on 20 December. Shri Joshi defeated his Janata Dal rival, Shri Dada Jadhavrao.

MEGHALAYA

Death of former Chief Minister: Shri Williamson A. Sangma, former Chief Minister, passed away on 25 October in New Delhi. He was 72.

New Minister: Shri Chesterfield W. Mark was inducted in the Ministry led by Shri B.B. Lynthoh of Meghalaya United Parliamentary Party as a Minister of State on 8 December, thus increasing the strength of Ministry to 25.

NAGALAND

Expansion of Ministry: Chief Minister, Shri Vamuzo expanded his Ministry by inducting eight Cabinet Ministers and four Ministers of State on 6 December.

The new Ministers *inter alia* included Sarvashri Chubatamjen Ao, T.M. Lotha, Tokheho Sema, J.K. Sangtam, Lakhimong, Nokzenketha (all Cabinet rank); Setrichu, Zeliang, Kiko Konyak, and Joshua (Ministers of State).

Confidence Vote for C.M.: Chief Minister Shri Vamuzo won the vote of confidence in a one-day special session of the Legislative Assembly on 18 December. Of the 60-member House only 45 members were eligible to attend the session as 15 members had been disqualified earlier on 16 December by the Speaker under the anti defection law. The disqualified members included ten Nagaland People's Council (NPC) legislators who had withdrawn their support to the Vamuzo Ministry and had announced the formation of NPC (Original) and five of Congress (I) who had decided to quit their party. In the voting on the motion of confidence, all the 22 members of the ruling NPC supported it, while the opposition Congress(I) which had 19 legislators, besides 3 'unattached' members, boycotted the sitting of the House.

PONDICHERY

New Lt. Governor: Dr. Harswarup Singh was appointed as the Lt. Governor of Pondicherry on 14 December in place of Shrimati Chandrawati, who had earlier resigned on 13 December.

CM Resigns: Chief Minister, Shri D. Ramachandran submitted his resignation to the Lt. Governor on 27 December without putting to trial his strength in the Assembly.

PUNJAB

New Governor: General O.P. Malhotra was appointed Governor of the State on 14 December in place of Shri Virendra Verma, who was shifted to Himachal Pradesh.

RAJASTHAN

Winning of Trust Vote: Chief Minister, Shri Bhairon Singh Shekhawat won the vote of confidence in the State Assembly on 8 November with 116 members voting in favour of the motion and 80 against it. While the breakaway Janata Dal legislators and some independents voted for the Government, Congress (I) and the Janata Dal were among the opponents.

Earlier, on 27 October, Governor, Shri D.P. Chattopadhyay accepted the resignations of ten Janata Dal Ministers submitted by them on 26 October. Of them seven were of Cabinet rank and three Ministers of State. The Cabinet Ministers were: Sarvashri Nathi Singh (Revenue); Sampat Ram (Home); Digvijay Singh (Agriculture); Chandra Bhan (Transport); Sumitra Singh (Energy); Kedar (Planning); and Shrimati Madan Kaur (Forest). The Ministers of State were: Sarvashri Fateh Singh; Rameshwar Dayal Yadav and Gopal Singh Khandela.

After winning the vote of confidence, the Chief Minister, expanded his Council of Ministers on 24 November with the induction of seven Cabinet Ministers, seven Ministers of State and three Deputy Ministers, thus raising its strength to 37.

The portfolios of the new Ministers announced by the Chief Minister on 25 November 1990, were as follows: *Cabinet Ministers:* Shri Bhairon Singh Shekhawat (Chief Minister) : *Personnel and Reforms, Political, General Administration, Anti-corruption, Finance, Taxation, College Education and University and Technical Education and Public Grievances;* Shri Digvijay Singh: *Home (Special Branch), Home, Defence and Civil Defence, Integrated Department and Parliamentary Affairs;* Shri Sampat Singh : *Agriculture;* Shri Bhanwar Lal Sharma: *Indira Gandhi Nahar Project;* Shri Jagmal Singh Yadav : *Transport;* Shri Ganga Ram Choudhary : *Revenue (Revenue and Land Reforms), Colonisation;* Shri Lal Chand Dudhi : *Forest;* and Shri Ram Narayan Vishnoi : *Energy.*

Ministers of State : Shri Nafis Ahmed Khan : *Election, Rajasthan State Motor Garage, Linguistic Minorities;* Shri Umaid Singh : *Dairy Development; Printing and Stationery, Command Area Development;* Shri Babulal Khanda : *Labour and Employment, Energy and Non-Conventional Sources of Energy;* Shri Ratan Lal Jat: *Women and Child Development, College and University Education;* Shri Jagat Singh Diama : *Science and Technology, State Lottery and Small Savings, Rehabilitation, Devasthan;* Shri Mandhata Singh: *State Insurance, Underground Water, Agriculture, Social Scheme and Integrated and Rural Development;* Shri Madan Mohan Singhal: *Planning, Economic and Statistics.*

Deputy Ministers. Shri Ram Pratap Kasania: *Agriculture;* Shri Mishri Lal Choudhary: *Revenue, Land Reforms and Colonisation;* Shri Dungar Ram Panwar: *Indira Gandhi Nahar Project.*

UTTAR PRADESH

Winning of Vote of Confidence: Chief Minister—Shri Mulayam Singh Yadav won the vote of confidence in the legislative Assembly on 20 November with 224 members voting in favour of the motion and 147 against it. While 100 members of Janata Dal, 93 members of Congress (I), 13 MLAs of the Bahujan Samaj Party (BSP) and 18 Independents supported the motion, the Janata Dal members owing allegiance to former Prime Minister, Shri Vishwanath Pratap Singh and the BJP opposed the same. In all, 407 members of the House, with an effective strength of 422, attended the special session. However, only 370 members participated in the voting.

Earlier, on 10 November, five Ministers had tendered their resignations to Governor Shri B. Satyanarayan Reddy, following a split in the Janata Dal at the national level. They were: Sarvashri Reoti Raman Singh, Sachidanand Vajpayee, Diwakar Vikram Singh, Mukhtar Anis and Mohammad Aslan Khan.

After having won the vote of confidence, the Chief Minister expanded his Ministry by inducting 18 Cabinet Ministers, 22 Ministers of State and six Deputy Ministers on 20 December, thus increasing the strength of the Ministry to 55.

The Ministers and their portfolios were:

Cabinet Ministers: Shri Ashok Vajpayee: *Madhyamik Shiksha*; Shri Om Prakash Shrivastava: *Medical Education*; Shri Gauri Shankar Bhaiya: *Rural Development and Rural Engineering Service*; Shri Chandra Pal Singh: *Dairy Development*; Shri Janardhan Prasad Ojha: *Labour and Employment*; Shri Jamuna Prasad Bose: *Animal Husbandry*; Shri Balram Yadav: *Area Development and Panchayati Raj*; Shri Babu Ram Yadav: *Irrigation*; Shri Bhagwati Singh: *Youth Welfare*; Shri Mata Prasad Pandey: *Health*; Shri Rama Shankar Kaushik: *Higher Education*; Shri Ramesh Chandra Srivastava: *Planning and 20-Point Programme*; Shri Rajendra Tripathi: *Forest and Environment*; Shri Ram Govind Chaudhary: *Horticulture*; Shri Ravindra Nath Tiwari: *Food and Civil Supplies*; Shri Shankar Singh: *Agriculture*; Shri Sardar Singh: *Cultural Affairs and Sports*; Shri Harish Kumar Gangawar: *Jails, Home Guards and Political Pension*.

Ministers of State: Shri Achal Singh: *Irrigation*; Shri Kripa Shankar Arya: *Sugarcane Development*; Shri Amir Alam Khan: *Transport*; Shri Gaya Prasad Verma: *Cooperatives*; Shri Deep Chand Shankar: *Labour*; Shri Daulat Ram: *Forest*; Shri Dharam Pal: *Panchayati Raj*; Shri Dharam Singh Baliyan: *Urban Development*; Shri Swami Nem Pal: *Rural Development*; Shri Parmai Lal: *Minor Irrigation*; Shri Paras Nath Yadav: *Madhyamik Shiksha*; Shri Bahadur Singh: *Finance*; Shri Margoob Ahmad Lari: *Tourism*; Shri Rakesh Dhar Tripathi: *Higher Education*; Shri Ram Dular Singh: *Agriculture*; Shri Ram Pal Singh: *Health*; Shri Rudra Prasad: *Food*

and Civil Supplies; Shri Shafikur Rehman Burk: Area Development; Shri Shamendra Tyagi: Justice; Shri Sharda Nand Anchal: PWD; Shri Sant Baksh Rawat: Revenue; Shri Syed Liaqat Hussain: Small Industries.

Deputy Ministers: Shri Ashok Kumar Singh: Medical Education; Shri Devi Prasad: Agriculture; Shri Naresh Uttam: Forest; Shri Ramvati Bind: Fisheries; Shri Ram Murti Singh: Harijan and Social Welfare; and Shri Ram Karan Arya: Home Guards.

WEST BENGAL

Death of MLA: GPI(M) M.L.A., Shri Manindra Verma passed away in Calcutta on 29 October. He was 59.

UNION TERRITORIES

DELHI

New Lt. Governor: Shri Markandeya Singh was sworn in as the Lt. Governor of Delhi on 17 December by Chief Justice of Delhi High Court, Shri M.C. Jain in place of Air Marshal Arjan Singh, who had submitted his resignation to President Shri R. Venkataraman earlier on 10 December.

DEVELOPMENTS ABROAD

ARGENTINA

Declaration of emergency: President Carlos Menem declared a state of emergency on 3 December after a group of rebel soldiers occupied the army headquarters and two other military buildings in Buenos Aires.

BANGLADESH

New Minister: On 21 October, President H.M. Ershad appointed former Opposition leader, Mr. Abul Hasanat as a Minister to look after the Ministry of Works.

New Acting President: Chief Justice Mr. Shahabuddin Ahmed was sworn in as the new acting President on 6 December, in the place of General H.M. Ershad, who resigned earlier on 4 December, following demonstrations by the Opposition demanding his resignation.

BULGARIA

Resignation of Prime Minister: Prime Minister Andrei Lukanov resigned on 29 November following a general strike in the country.

CHINA

Reshuffle of portfolios: Vice-President Tao Siju was given Public Security portfolio in place of Mr. Wang Fang. Foreign Economic Relations and Trade portfolio was allotted to Mr. Li Lanqing in place of Mr. Zheng Tuobin on 28 December.

CZECHOSLOVAKIA

New Defence Minister: On 19 October, President Vaclav Havel appointed Mr. Lubos Dobrovsky as new Defence Minister replacing Gen. Miroslav Vacek.

DENMARK

Election results: Social Democratic Party secured a majority by winning 37.7 per cent of the total votes in general elections. Prime Minister Mr. Paul Schlüter announced his decision to form a two-party coalition Government of Social Democrats and Popular Socialists.

EGYPT

Assassination of Speaker: Mr. Rifaat al-Mahgoub, Speaker, People's Assembly was shot dead by two gunmen on 12 October.

FRANCE

Vote of No-Confidence defeated: A vote of no-confidence against Prime Minister, Mr. Michel Rocard, was defeated in the National Assembly on 20 November. The motion could muster 284 votes, five short of the absolute majority of 298 votes, required to topple him.

GERMANY

Re-election of Chancellor: Chancellor, Mr. Helmut Kohl was re-elected to the office on 2 December for another term of four years in the first all-German elections.

HAI TI

Presidential election: Mr. Jean Bertrand Aristide was declared as the first freely-elected President of the country by the Electoral Council on 24 December.

IRAQ

Ministerial changes: President, Mr. Saddam Hussein dismissed Oil Minister, Mr. Abdul Rahim al-Chalabi on 29 October for giving wrong information which ultimately led to rationing of petrol in the country.

Later, on 12 December, the President replaced Defence Minister Mr. Abdul Jabbar Khalil Shanshal with Mr. Saadi Taha Abbas.

ISRAEL

No-Confidence Motion defeated: On 5 November, Prime Minister Yitzhak Shamir defeated a no-confidence motion in the Knesset (Parliament). He again defeated a motion of no-confidence in Parliament on 27 November.

IRELAND

Trust Vote Won: Prime Minister Charles Haughey won a vote of confidence in Parliament on 1 November.

New President: Ms. Mary Robinson, a left-winger, was elected the first woman President of Ireland on 9 November defeating Mr. Brian Henihan of the ruling conservative, the Fianna Fail party.

IVORY COAST

President's Election Victory: On 29 October, President, Mr. Felix Houphouet Boigny won a majority in the first multi-party elections, held since 1960.

Election results: On 26 November, the governing Democratic Party defeated the Opposition Ivorian Popular Front in the country's first multi-party general elections by winning 165 out of 175 seats.

JAPAN

Cabinet reshuffle: Prime Minister Mr. Toshiki Kaifu reshuffled his Cabinet on 29 December while retaining Foreign Minister, Mr. Taro Nakayama, Finance Minister, Mr. Ryutaro Hashimoto and the Chief Cabinet Secretary, Mr. Misoji Sakamoto. While Mr. Eichi Nakao was given the portfolio of International Trade and Industry in place of Mr. Kabun Muto, Defence Agency portfolio was given to Mr. Yukihiko in place of Mr. Yojo Ishikawa.

LEBANON

New Prime Minister: Mr. Omar Karami was appointed Prime Minister by President, Mr. Elias Hrawi on 21 December in place of Mr. Salim al-Hoss, who had earlier tendered the resignation of his Cabinet on 19 December.

LIBERIA

New President: Mr. Amos Sawyer was sworn in as interim President on 23 November, succeeding President Samuel Doe.

LIBYA

New Prime Minister and Foreign Minister: On 8 October, Mr. Abu Zayd Umar Durdah was appointed the Prime Minister replacing Mr. Umar Mustofa al-Muntasir, who became the Secretary for Economic Planning. Mr. Ibrahim Muhammad al-Eishare was appointed new Foreign Minister replacing Mr. Jadallah Azzu al-Talhi who became the Secretary for the Strategic Industries.

MALAYSIA

New Prime Minister: Prime Minister Mr. Mahathir Mohammed and 25 Ministers of his Cabinet took their oath of office before the King, Sultan Azlan Muhibuddin Shah on 27 October, after Prime Minister, Mr. Mahathir Mohammed's National Front won a two-thirds majority in the elections to

the 180-member Parliament on 22 October. In the election, the United Malays National Organisation-dominated Front won 127 seats, while the "Spirit of 46"—led Opposition secured 49 seats. The remaining four seats were won by independent candidates.

NEPAL

New Constitution: King Birendra of Nepal promulgated a new Constitution on 9 November which stands for a multi-party democracy and reduces the King's position to that of a constitutional monarch. The highlights of the new Constitution are: guarantee of fundamental rights, parliamentary government, multi-party system, a constitutional monarchy and an independent judiciary. The executive power has been vested jointly in the King and the Council of Ministers and legislative power is vested in a bicameral Parliament. Freedom of expression and of the Press, freedom of peaceful assembly, of association and of movement have all been guaranteed.

NEW ZEALAND

Election results: The Opposition National Party won the general elections on 27 October by defeating the Labour Party, led by Prime Minister Mike Moore.

NORWAY

New Prime Minister: Ms. Gro Brundtland, Leader of Labour Party, became Prime Minister on 3 November, consequent upon the resignation of the coalition Government, headed by Mr. Jan Syse, Leader of Conservative Party on 29 October. Mr. Syse's Government resigned as he did not agree with the country's position in talks between the EEC and the six-nation European Free Trade Association (EFTA) in the creation of a Joint Economic Region.

PAKISTAN

Election results: In the fifth general elections to the Pakistan National Assembly, Islami Jamhoori Ittehad (IJI) won a simple majority on 25 October. It obtained 105 seats out of the 206 Muslim seats, whereas PPP-led People's Democratic Alliance got only 45 seats. Results of elections to ten minority seats would be declared later, while elections to one Muslim seat was countermanded following the murder of an IJI candidate.

New Speaker: Mr. Gohar Ayub Khan, IJI nominee, was elected the New Speaker of National Assembly on 4 November.

New Prime Minister: Mr. Mohammed Nawaz Sharif, IJI Chief and former Punjab Chief Minister was sworn in as the eleventh Prime Minister of Pakistan on 6 November. Later, on 8 November, the Prime Minister, won a unanimous vote of confidence in the National Assembly.

POLAND

New President: Mr. Lech Walesa, Leader of the Solidarity Party was elected President of the country on 9 December. He got 73.25 per cent votes against his rival Mr. Stanislaw Tyminski, who got only 26.75 per cent. Mr. Walesa took the oath of office on 22 December.

New Prime Minister: Mr. Jan Krzysztof Bielecki was nominated as Prime Minister on 30 December by President Walesa.

SINGAPORE

New Prime Minister: Mr. Chok Tong was sworn in as the new Prime Minister by President, Mr. Wee Kim Wee on 28 November after the resignation of the former Prime Minister, Mr. Lee Kuan Yew on 26 November.

REPUBLIC OF KOREA (SOUTH KOREA)

New Prime Minister: On 27 December, President, Mr. Roh Tae Woe appointed a new Prime Minister, Mr. Ro Jai Bong in succession to Mr. Kang Young-Hoon. Mr. Choi Ho-Joong was assigned National Unification portfolio after being divested of the charge of the Foreign Ministry, which was given to Mr. Lee Sang-ock.

Earlier, on 8 October, the President, Mr. Roh Tae Woe had removed his Defence Minister, Mr. Lee Sang Hoon and Lt. General, Mr. Cho Nam Pung, Commander of Defence Security Command, over alleged meddling in politics.

SURINAM

Resignation of President: President Ramsewak Shankar tendered his resignation on 28 December following a bloodless coup by the Army.

TANZANIA

New Prime Minister: Mr. John Malecela was appointed as the new Prime Minister and First Vice-President on 11 November.

THAILAND

Re-appointment of Prime Minister: Prime Minister, General Chatichai Choonhavan was reappointed to head a new Government on 9 December, one day after his resignation.

TURKEY

Resignation of Minister: Defence Minister Safa Giray resigned on 18 October.

U.A.E.

Death of Prime Minister: Prime Minister and the Vice-President, Mr. Rashid Bin Said Al-Maktoum, passed away on 7 October.

New Prime Minister: Mr. Sheikh Maktoum Bin Rashid, ruler of Dubai,

who was appointed new Prime Minister and Vice-President of UAE on 22 October, formed a new 24-member Cabinet on 22 November.

UNITED KINGDOM

Resignation of Deputy Prime Minister: Sir Geoffrey Howe, Deputy Prime Minister resigned on 1 November, following disagreement with the Government's policy towards Europe.

New Prime Minister: Mr. John Major was sworn in as the new Prime Minister on 28 November replacing Mrs. Margaret Thatcher. Mrs. Margaret Thatcher's Government had earlier defeated a vote of no-confidence in the House of Commons by 367 votes to 247 on 23 November. She had announced her decision to resign as the leader of the ruling Conservative party on the previous day in order to avoid a rift in her party.

USSR

Ministerial Changes: Mr. Andrei Kozyrev was appointed as the Foreign Minister on 11 October. Mr. Grigory Yaulinsky, Deputy Prime Minister of Russian Republic, tendered his resignation to the Parliament on 18 October, while Mr. Boris Karlovich Pugo was appointed as the new Interior Minister on 3 December to replace Mr. Vadim Bakatin, who was sacked by President Mikhail Gorbachev for his failure to curb crime.

New Vice President: Mr. Gennady Yanayev, a conservative Politburo member and former trade union chief was elected Soviet Union's Vice-President on 27 December.

ZAMBIA

Cabinet reshuffle: President, Mr. Kenneth Kaunda reshuffled his Cabinet on 2 November by appointing General Benjamin Mibenge and Mr. Haswell Mwale, Foreign Minister and Ambassador on Special Duties, respectively.

RULINGS/OBSERVATIONS BY PRESIDING OFFICERS OF PARLIAMENT

On 11 January 1991, the Speaker, Lok Sabha gave a momentous decision under the Tenth Schedule of the Constitution and the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985. Consequent upon the split in the original Janata Dal Party, Janata Dal(S) was recognised a political party with 54 members in the House. Further, in exercise of powers conferred upon him under paragraph 6 of the Tenth Schedule and the Rules thereunder, the Speaker disqualified seven members for being members of Lok Sabha in terms of paragraph 2(1)(b) of the said Schedule. The members so disqualified were Sarvashri Basavraj Patil, Hemendra Singh Banera, Vidya Charan Shukla, Sarwar Hussain, Bhagey Gobardhan, Devananda Amat and Dr. Bengali Singh. Another member, Dr. Shakeelur Rehman incurred disqualification for being a member of Lok Sabha in terms of paragraph 2(1)(a) of the said Schedule. All the aforesaid eight members, five of whom are Members of the Union Council of Ministers, ceased to be members of Lok Sabha with immediate effect and their seats were declared as having fallen vacant.

We reproduce here the detailed text of the Speaker's decision.

—Editor

LOK SABHA

SPEAKER'S DECISION REGARDING RECOGNITION OF THE SPLIT IN JANATA DAL AND DISQUALIFICATION OF MEMBERS UNDER TENTH SCHEDULE TO THE CONSTITUTION AND THE MEMBERS OF LOK SABHA (DISQUALIFICATION ON GROUND OF DEFECTION) RULES, 1985

In the matter of the petition filed by Shri Santosh Bhartiya against Smt. Usha Sinha and 29 other Members listed at Annexure I and the petition filed by Shri Satya Pal Malik against the aforementioned 30 Members both praying for the disqualification under the Tenth Schedule of the Constitution and the Members of the Lok Sabha (Disqualification on ground of defection) Rules 1985

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In the matter of the petition filed by Shri Sukhdeo Paswan against Shri V.C. Shukla and six other Members listed at Annexure II under Tenth Schedule of the Constitution and the Members of Lok Sabha (Disqualification on ground of Defection) Rules, 1985

&

In the matter of the petition filed by Shri Devendra Prasad Yadav

Rulings/Observations by Presiding Officers

against Shri Shakeelur Rehman under the Tenth Schedule of the Constitution and the Members of Lok Sabha (Disqualification on ground of Defection) Rules, 1985

&

In the matter of expulsion of Shri Chandra Sekhar and 24 other Members from Janata Dal given at Annexure III followed by their declaration as unattached Members

&

In the matter of request of Shri Chandra Sekhar dated 6th November, 1990 for recognition of Janata Dal(S) as a political party.

The facts of the above cases in brief are that on the 6th November, 1990, I received a letter jointly sent by Sarvashri Chandra Sekhar, Devi Lal, Chand Ram and Hukum Deo Narain Yadav, MPs and one Member of Rajya Sabha, informing me that Janata Dal had split at all levels in every State and that following the split, 58 Members *vide* Annexure IV along with some Members of Rajya Sabha had constituted a group representing the break-away faction of Janata Dal and that they had adopted the name of Janata Dal (S).

Earlier on the 5th November, 1990, I had received a letter from Shri Vishwanath Pratap Singh, Leader of Janata Dal in Parliament informing me that 25 Members of Lok Sabha belonging to Janata Dal *vide* Annexure III have been expelled from the party for anti-party activities and were no longer Members of the Janata Dal Legislature Party in Lok Sabha. On receipt of this information, in conformity with the well-established Parliamentary usage and practice and keeping in view that the matter was of party discipline between the Leader and its Members, I had decided to declare the said 25 Members as 'Unattached' for the purpose of their functioning in the House, allotment of seats, freedom from the Party Whip, etc. These Members were informed of my decision the same evening.

On the 6th November, 1990 at 1700 hours, I received a letter from Shri Vishwanath Pratap Singh claiming that 25 Members of the Janata Dal having already been expelled, the residual strength of the claimed split group came to only 33, which is less than 1/3rd of the residual strength of the Janata Dal in Lok Sabha *i.e.* 115 and, therefore, the splinter group should not be recognised. The said communications received from Shri Chandra Sekhar and Shri Vishwanath Pratap Singh about the split were sent to each other for enabling them to furnish additional comments, if any. Shri Chandra Sekhar in a reply dated the 6th November and received on the 7th November furnished his further comments.

On 7th & 8th November, 1990 two petitions were received under Rule 6 of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985 (hereinafter referred to as Disqualification Rules, 1985) from Shri Santosh Bharatiya & Shri Satya Pal Malik, respectively against 30

Members *vide* Annexure I. Out of the 30 Members, Shri Gurdial Singh Saini resigned from Lok Sabha w.e.f. the 9th November, 1990. On being satisfied that the petitions were in order, the petitions were forwarded to the Respondents and their comments have been received. The Respondents had also requested for personal hearing for which an opportunity was given on the 7th January, 1991.

On the 23rd November, 1990, I received 7 petitions from Shri Sukhdeo Paswan under Disqualification Rules 1985. The list of Respondents is at Annexure II. On being satisfied that the petitions were in order, they were forwarded to the Respondents and the comments of the Members have since been received. The Members had also requested for personal hearing and accordingly an opportunity was granted to them on the 7th January, 1991.

On the 14th December, 1990, I received a petition from Shri Devendra Prasad Yadav, MP praying for disqualification of Dr. Shakeelur Rehman, MP on the ground that the latter had voluntarily given up membership of Janata Dal. The petition was referred to Dr. Rehman for his comments, and as per his request an opportunity for personal hearing was also granted to him on the 7th January, 1991.

The issues to be decided by me are as follows:—

- (i) Whether a split took place in the original Janata Dal in terms of Paragraph 3 of the Tenth Schedule.
- (ii) Whether the expulsion of 25 Members by Shri Vishwanath Pratap Singh on the 5th November, 1990 and their being treated as unattached by me has any legal effect on the plea of split.
- (iii) Whether any of the Respondents have incurred any disqualification under Tenth Schedule of the Constitution.

Regarding issues (i) & (ii) the contentions of four petitioners under the Disqualification Rules and of Shri Vishwanath Pratap Singh may be summarised as follows:—

- (a) 25 Members were expelled on the 5th November, 1990 and the fact of expulsion was promptly intimated to the Speaker. The expulsion has occurred prior to any alleged split.
- (b) The remaining Members claiming a split do not constitute 1/3rd of the remaining strength of the Janata Dal namely 115 and therefore are liable to be disqualified.
- (c) It is claimed by the Respondents variously that a split took place at 10.30 AM on the 5th November, 1990 and even if it is admitted for the sake of argument that the split did occur, it had to be deemed to have occurred on the 5th November and Members defecting after the 5th, that is those not covered in the

list of 58 Members and voting against the whip on 7th November or 16th November cannot in any case be covered by the split.

- (d) The first condition of a split required under Para 3 of Tenth Schedule, namely, that any split in the Legislature Party has to arise as a result of a split in the original political party has not been fulfilled because Shri Chandra Sekhar himself is reported to have said in the Hindu of Delhi edition dated 6th November, 1990 that only the Parliamentary party had split and not the Janata Dal.

The arguments of the Respondents can be summarised as follows:—

- (a) That at 9.30 AM on 5th November, 1990 there was a split in the Janata Dal on the organisation side in a meeting held at No. 2 Willingdon Crescent, New Delhi. Following this, a meeting of MPs was held and the Parliamentary Party split at 10.30 AM that very day.
- (b) The Tenth Schedule does not recognise expulsion on account of anti-party activities outside the House.
- (c) The expulsion of 25 Members by Shri Vishwanath Pratap Singh is illegal and is mala fide directed at countermanding a genuine split.
- (d) That Shri Vishwanath Pratap Singh, Leader of Janata Dal in Parliament in a speech on the 7th November, 1990 gave a call of conscience vote to Members of Parliament and thereby the whip issued by the party stood annulled and rescinded.
- (e) In a letter dated the 14th November, 1990 Shri Harmohan Dhawan purported to be the Chief Whip of the splinter group claimed that 65 Members belonging to Janata Dal had joined JD (S) though the letter did not carry signatures of individual Members.
- (f) That Rajya Sabha and Election Commission have recognised Janata Dal (S) as a separate political party.

4. Of the 30 Members *vide* Annexure I against whom petitions for disqualification are considered Shri Gurdial Singh Saini has resigned and the name of Shri Basavraj Patil does not appear in the list of 58 Members which was submitted to me by Shri Chandra Sekhar on 6th November, 1990. Since the case against the 28 Members is, more or less, similar, they can be discussed together. The case against them is that they had been elected as Members of Janata Dal. That they voted against a whip issued by the Whip of the Janata Dal followed by another whip issued by the Leader of the Janata Dal on the 4th November, 1990, that they had voted contrary to directions from whips, and that such contravention is evident from voting recorded by Lok Sabha Secretariat. That the split cannot be recognised for reasons already mentioned in para 3 *supra* and that therefore they are liable to be disqualified under Paragraph 2 of the

Tenth Schedule, not having been protected under paragraph 3. In defence, each of the Respondents has stated that there was a split prior to expulsion and that following split they constituted another group namely JD (S). That the expulsion of 25 Members should not be taken note of and therefore the split satisfied the criterion stipulated in paragraph 3 of the Tenth Schedule. That in as much as Shri Vishwanath Pratap Singh had given a call for conscience vote on the 7th November, the whip was not binding on the Members.

5. It is admitted by both parties that a whip was issued by the Janata Dal for the Confidence Motion on the 7th November, 1990. It is admitted by both parties that the Respondents have voted against the Motion of Confidence on 7th November. In support of the claim for split, the Respondents have enclosed copies of minutes of General Body, Meeting purported to have been held at 9.30 AM on 5th November, 1990, Minutes of meeting of Janata Dal Members of Parliament held at 10.30 AM same day and the copies of press reports. The press reports do not indicate the time of the purported split. While the letter of Shri Vishwanath Pratap Singh was received by the undersigned on 5th November at 1.45 PM, the claim of split by Shri Chandra Sekhar was received only on the 6th November at 1.10 PM. Respondents have referred to news of split being broadcast by official media. The copies of news bulletin not having been presented before me, as far as evidence on the basis of press reports is concerned, there is nothing to show that split occurred prior to the expulsion or prior to the receipt of the letter informing the expulsion of 25 Members by Shri Vishwanath Pratap Singh. On the other hand, Shri Vishwanath Pratap Singh has argued that in view of a claim made by Shri Chandra Sekhar in the 'The Hindu' dated 6th November, 1990, that only the Parliamentary Party had split and not the Janata Dal, an essential condition for recognition of split under Paragraph 3 has not been fulfilled. In view of inadequate evidence, I do not wish to go into the legality of expulsion just as I do not want to go into the legality of the meeting of the splinter group namely as to whether or not such meeting was held as per party Constitution. Shri Chandra Sekhar in his letter dated the 4th December, 1990, and received by Lok Sabha Secretariat on the same day, has annexed Form III purportedly signed by 63 Members under the Disqualification Rules, 1985. These forms have also been referred to in the petitions of the respondents, and copy thereof enclosed. Rule 4 of the Disqualification Rules 1985 provides for intimation to the Speaker by a Member regarding *inter alia* change of party status immediately. It is not understood why these forms were not submitted to the undersigned on the 5th November or immediately thereafter when the split is claimed to have taken place. The word 'immediately' has to be contrasted with the requirement of 30 days prescribed under rule 3 of the Disqualification Rule and therefore it has to be presumed that information in Form III has to be submitted more promptly than a leader is required to furnish the

information in Form I. It has been argued during personal hearing that a Respondent may not be in headquarters and therefore may not be able to send the Form III immediately. While this general claim has been made, no individual Respondent had made any prayer for specific dispensation on this account and therefore the claim may not be accepted *per se*. There is also no explanation as to why the information was not submitted to the Speaker. It is claimed by the Respondents that the above 28 Members were present on the 5th in Delhi at the meeting which resulted in the alleged split but there is no explanation whatsoever as to why these forms were not submitted. This being the only evidence presented by the respondents referring to the timing of split, I hold that the respondents have not been able to establish beyond reasonable doubt that the split occurred prior to expulsion. In absence of information in Form III, I have to rely on the only other information available, namely, the letter dated 6th November, 1990 of Shri Chandra Sekhar signed by 58 Members. Here also certain discrepancies are noticed. While the list submitted by Shri Chandra Sekhar on 6th November contained 58 names, two of the Members who had appended their signatures to the list namely Shri Ram Naresh Singh and Shri Mandhata Singh wrote saying that they owed allegiance to Janata Dal led by Shri Vishwanath Pratap Singh. Shri Harmohan Dhawan purported to be the Chief Whip of the Janata Dal(S), wrote to me on the 14th November, 1990 that 64 Members were with the splinter group. In the list submitted by Shri Chandra Sekhar on the 4th December, 1990 there were 63 names. The petitioners have also referred to the appeal made by Shri Vishwanath Pratap Singh on the 7th November during his speech on Lok Sabha on that day. I have carefully perused the whole speech. On a close reading of the speech I hold that the appeal of Shri Vishwanath Pratap Singh as contained in his speech delivered in the House on the 7th November is an appeal bordering on the rhetoric and would not amount to overriding a specific written direction which is recognised widely and universally as a standard mode of direction in the functioning of political parties. As I have discussed already, the fact that Form III though dated 5th November, was not submitted to me immediately thereafter and in fact was not submitted to me at all but was apparently submitted to Shri Chandra Sekhar who collected it and submitted it to me leads me to conclude that the averment made therein cannot be taken on fact value.

6. The petitioner has also stated that the Chairman, Rajya Sabha has already recognised the formation and recognition of Janata Dal (Samajvadi) in the Rajya Sabha. As per established Parliament traditions, I should not go into that plea. The petitioner has also enclosed a copy of the order of Election Commission dated the 27th December, 1990 recognising JD(S) as a political party. I have carefully

considered the notification referred to. The notification recognised JD(S) with effect from 27th December, 1990 and does not throw any light on the status of the party on 5th November or on 7th November or on 16th November.

7. While from the above, it will be clearly seen that there is no evidence to show that the split occurred prior to expulsion, since there are claims and counterclaims about timing of the splits *vis-a-vis* timing of expulsion and since both the actions of expulsion and the meeting of the splinter group have been challenged, I hold that the benefit of doubt should go to the Respondents, who would become disqualified in the event of my not recognising the split to have taken place prior to the expulsion.

There is a widely held view including that of common man, and a view which I share in many respects, that the existing law on defection suffers from several lacunae in regard to substantive matters as well as procedures. While there can be no two opinions that in a democratic system, freedom of dissent has to be an essential ingredient, it has also to be accepted that it should be open and honest. If dissent is honest, it should be ventilated and canvassed openly and need not be clandestine and secretive. Equally important is that honest dissent involves sacrifice and not even remotely motivated with self-aggrandisement. The present goings on in the country are indeed deeply disturbing and distressing and if the situation is allowed to drift, people will lose their faith in the very system. Our country won freedom with enormous sacrifice of millions of our people — known and unknown — and foundation of a free India was laid with moral values and political ethics preached and practised by the Father of the Nation. And I quote from Gandhiji, "If you must dissent, you should take care that your opinions voice your inner-most convictions and are not intended merely as a convenient party try." Those values alone can sustain our hardwon freedom and lend strength to our goal for an egalitarian society, free from any discrimination based on caste, creed, sex, etc. and equality and wellbeing for all. Without taking religion in the usual sense, certain moral fabric is essential for every society to survive and keep it strong. If our ambitions and greed for power overtake the national interest and the interest of the people, surely the future is dark. I do not wish to be a prophet of dooms, in fact, I am an incorrigible optimist, and I have great faith in our people who have tremendous resilience to tide over any kind of gravest crisis and it is the will of our people which has always guided us over the ages. I therefore, appeal to this Honourable House of which I am a humble servant and through this House to all concerned to ponder over the situation and address themselves to the main and the only question as to how to keep the torch of our long cherished values of freedom and dignity shining and take the country on its march towards peace, prosperity and happiness.

At the moment, I am bound by the law as it obtains today and I am trying to interpret it and apply it to the present issues before me to the

beat of my ability and in the best interest of the country. As I have said, in the event of my not recognising the split to have taken place prior to expulsion, these 28 members will stand disqualified, and any benefit of doubt, therefore has to go in their favour. As such, the petitions for disqualification against the aforementioned 28 members are dismissed.

8. As regards the petition against Shri Basavraj Patil, it is observed that his name did not figure in the list furnished by Shri Chandra Sekhar on the 6th November, 1990. According to the records of Lok Sabha Secretariat and as admitted by both parties, Shri Patil voted against the Motion of Confidence against party whip on the 7th November. In view of my discussions in para 5 above, in as much as the name of Shri Patil does not appear in the list of 58 members submitted by Shri Chandra Sekhar, I cannot hold that he was part of the splinter group, which came into existence on the 5th November, 90. The claim that he belonged to JD(S) on the 7th November, 1990, does not hold good. As he did not belong to JD(S) on the 7th November, 1990, he cannot claim to have escaped directions of Janata Dal Party on that day. As he cannot be held to have joined the splinter group on 5th November, 1990, his declaration under Form III cannot be taken on face value and is clearly an after-thought. The appeal made by Shri Vishwanath Paratap Singh on 7th on the floor of the House cannot be said to override a specific written direction by the party *vide* my observations at Para 5 *supra*. In view of the above, I hold that Shri Basavraj Patil has become disqualified under Paragraph 2(1)(b) of the Tenth Schedule and Rule 8(1)(b) of the Disqualification Rules.

9. As regards the case of Shri Hemendra Singh Banera, it is observed that his name was included in the list of 58 members furnished by Shri Chandra Sekhar. However, Shri Banera handed over two letters on 7th November, 1990, one to Lok Sabha Secretariat, and one to me personally. In both the letters, he had stated that he was abiding by the whip of the leader of the Janata Dal and was voting in favour of the Motion moved by Shri Vishwanath Pratap Singh. He also stated that other correspondence bearing his name or signature has to be treated as cancelled. As he made this claim on the 7th November, it will be presumed that the signature appended to the letter of Shri Chandra Sekhar dated the 5th November was withdrawn and rescinded. In view of what I have already discussed, the process of split is presumed to have closed on the 5th November and therefore anyone subsequently joining the splinter group of Janata Dal shall not be covered by the split for the purpose of Paragraph 3 of the Tenth Schedule. In any case, it is neither his claim nor the claim of anybody else that there was a second split. Shri Banera, therefore, cannot seek any protection under paragraph 3. His contention that there were discussions about reunion of the party, while may be morally sound or otherwise, have no relevance whatsoever for the purpose of Tenth Schedule. I therefore, hold that Shri Banera has incurred disqualification

under Paragraph 2 of the tenth Schedule read with Rule 8(1) (b) of the Disqualification Rules.

10. Two members, namely, Shri Mandhata Singh and Shri Ram Nareeh Singh whose names appear in the list of 58 Members submitted by Shri Chandra Sekhar on 6th November, 1990 met me on 7th, and submitted in writing that they owed allegiance to Janata Dal and that they are going to vote in favour of the Motion on 7th November, 1990 as per the whip issued by Janata Dal. In view of their averments they cannot be said to have belonged to JD(S) faction.

11. In view of the discussions above, I recognise Janata Dal (S) as a distinct party consisting of 54 Members as at Annexure VI, arising out of a split in Janata Dal on 5th November, 1990. From the time of such split that is with effect from the 5th November, 1990, I hold under Paragraph 3(b) of the Tenth Schedule that these 54 Members shall belong to Janata Dal (S), which will be deemed to be their original political party for the purpose of sub-Paragraph (1) of Paragraph 2 of the Tenth Schedule.

12. Shri Sukhdeo Paswan has filed a petition against among others, Shri Manavendra Singh. The case against Shri Manavendra Singh is that he voted in support of the Motion of Confidence on 7th November, 1990 in accordance with the whip of Janata Dal, but contravened the whip on 16th November, 1990. From office records I observe that Shri Manavendra Singh was absent on 7th November, 90; and therefore the averments made in the petition of Shri Paswan was not correct to this extent. Shri Manavendra Singh has already been recognised to belong to JD (S) *vide* my observation at para 11 *supra*. He thus came to the discipline of JD(S) with effect from the 5th November, 1990, and was not subject to the whip of Janata Dal thereafter. Thus being the position, I dismiss the petition as Shri Manavendra Singh.

13. Five of the petitioners against whom Shri Sukhdeo Paswan has filed similar petitions and who have submitted similar responses are Shri Vidya Charan Shukla, Dr. Bengali Singh, Shri Sarwar Hussain, Shri Bhagey Govardhan and Shri Devananda Amat. The allegation against them is that the respondents had been Members of Janata Dal Legislature Party, that in obedience to the whip of the Janata Dal the respondents had voted for the Motion of confidence on the 7th November, 1990, that the respondents did not join the splinter group on the 5th November 1990, or on the 7th November, 1990, that it claimed by the splinter group that the split was over on the 5th November 1990 and in any case on the 7th November, 1990, that a three-line whip was issued to all the members including the respondents directing the Members to vote against the Motion of Confidence moved by the Prime Minister Shri Chandra Sekhar and that the respondents voted against the whip that the voting against the whip has not been condoned by the party, that the respondents are not covered by Paragraph 3 of the Tenth Schedule and each of the

respondents is, therefore, liable to be disqualified under Para 2(1) (a) and 2(1) (b) of the Tenth Schedule. In reply, the respondents have stated that on the 5th November, 1990, the party had split, both at the organisational and the legislature levels, that the split took place on 5th November, 1990, that it had more than 1/3rd of the strength of Janata dal, that no notice should be taken of the expulsion, that including 63 Members they have signed Form III claiming party affiliation to JD(S) at 10.30 AM on the 5th November, 1990, that after the aforesaid split on the 5th November leaders of both the groups had started negotiation for coming together again for reuniting the party, that it was in this atmosphere that the respondents voted in favour of Shri Vishwanath Pratap Singh on 7th November, 1990, that having been outside the jurisdiction of Janata Dal with effect from 5th November, 1990, the whip of the Janata Dal was not binding on them either on 7-11-1990 or on 16-11-1990.

I observe that these five respondents are not in the list of 54 Members who have been recognised to constitute JD(S). There is one factual error in the petition against Dr. Bengali Singh. While the petition states that Dr. Bengali Singh voted in support of the Motion on 7th November, 1990, in fact he was absent on that day as the record would show. However, this does not have any material effect on the cause of action, namely, that he had voted against the whip on the 16th November, 1990. His abstention on 7-11-1990 which also amounts to violation of party whip does not seem to have been condoned. In view of what has already been discussed, the split is presumed to have taken place on 5-11-90 constituting of 54 Members. This split has to be only one-time affair, as even a cursory reading of the Tenth Schedule would show. The declaration in Form III purported to have been signed on 5th November cannot be relied upon as the same was not submitted immediately, and in any case was not submitted by the Member before me. The fact that four respondents had voted in accordance with the whip on 7th November further proves that the Form III furnished by the respondents is an afterthought. The other respondent Dr. Bengali Singh had made certain claims regarding his voting on the 7th November, which having self-contradictions need not be gone into. In any case these five respondents did not figure in the list submitted by Shri Chandra Sekhar on the 6th November, 1990 and this has not been explained by the respondent. The plea that there were hopes of rapprochement between the two factions, while could have moral ramifications have no implications as far as the proceedings under the Tenth Schedule is concerned. The five respondents, therefore, did not belong to JD(S) on the 5th November, 1990, the day on which the split came into being and as they do not constitute 1/3rd of the residual strength of Janata Dal they are not protected under Paragraph 3. I, therefore, hold that Shri Vidya Charan Shukla, Dr. Bengali Singh, Shri Sarwar Hussain,

Shri Bhagey Govardhan and Shri Devananda Amat stand disqualified under Paragraph 2 of the Tenth Schedule read with Rule 8(1)(b) of the Disqualification Rules, 1985.

14. In respect of Dr. Shakeelur Rehman, the petition alleges that on 21st November he was sworn in as a member of the Council of Ministers in Shri Chandra Sekhar's government, and that this is tantamount to giving up membership voluntarily for the purpose of Paragraph 2(1)(a) of the Tenth Schedule. It is admitted that Dr. Shakeelur Rehman was a member of Janata Dal. His name appears in the list submitted by Shri Chandra Sekhar on 4th December, 1990 and Form III purported to have been signed by him on 5th November, 90 is enclosed in the letter of Shri Chandra Sekhar. Dr. Rehman has thus given up membership of his party, namely, Janata Dal in the meaning of paragraph 2(a) of the Tenth Schedule. In his defence, as also in the oral submissions, it is pleaded that there were some discussions which indicated a possibility of restoration of *Status quo ante*, that keeping this in view he had voted on 7-11-90 and 16-11-90 in favour of Shri Vishwanath Pratap Singh but had decided to join the Government subsequently. As discussed supra, the split is recognised with effect from the 5th November, 1990 and split for the purpose of the Tenth Schedule is only a one time affairs, and cannot be an on-going or continuous process or phenomenon. The Form III purportedly signed on the 5th November, 1990 is clearly an after-thought, keeping in view the circumstances, namely, that the Respondent was not in the list of members submitted by Shri Chandra Sekhar on 6-11-1990, and also on 16-11-1990, that the alleged revised Form III was not submitted to me on or immediately after 5-11-90 and that his name does not appear in the list dated 14th November, 1990 submitted by Shri Harmohan Dhawan. The Plea that on 7-11-1990 and 16-11-1990 he belonged to JD(S) and therefore subject to whip of JD(S) and not that of JD, is clearly an afterthought for the same reason. It has been stated during personal hearing that once a Member makes a 'claim' about his party status, the 'claim' should be accepted, and that this should be the end of the matter. Even conceding for the sake of argument that a claim validly made could be accepted at face value, it is observed that the claim made here is not validly made in as much as (i) claim has not been made before the Speaker as required under the Disqualification Rules 1985 (ii) claim has not been made immediately, as required under the Disqualification Rules. Therefore the claim is an afterthought, As such, while Dr. Rehman is liable to be disqualified under Para 2(1)(a), he cannot have the protection of a split under para 3 of the Tenth Schedule. I, therefore, declare that Dr. Shakeelur Rehman has become disqualified under the Tenth Schedule and Rule 8(1)(b) of the Disqualification Rules.

ORDER

15. In exercise of the powers conferred upon me by the Tenth Schedule to the Constitution and the Members of Lok Sabha (Disqualification on ground of Defection) Rules 1985, I, Rabi Ray, Speaker, Lok Sabha, hereby order that since 54 Members whose names I would state hereafter constitute a faction which has arisen as a result of the split in the original Janta Dal Party and such group consists of not less than 1/3rd of the Members of the original party, this faction shall be deemed to be a new political party in terms of Para 3 of the Tenth Schedule and that these 54 Members shall be treated as Members of the Janata Dal (S) which would be their original party hereafter for the purpose of Paragraph 3 of the Tenth Schedule.

1. Shri Bal Gopal Mishra
2. Shri Babanrao Dhakane
3. Shri Baga Ram Chauhan
4. Shri Bhakt Charan Das
5. Shri Bhagwan Das Rathor
6. Shri Chandra Sekhar
7. Shri Chand Ram
8. Shri Desai Choudhary
9. Shri Daulat Ram Saran
10. Shri Devi Lal
11. Shri Dhanraj Singh
12. Shri Dharmesh Prasad Verma
13. Shri Harmohan Dhawan
14. Shri Het Ram
15. Shri Hukumdeo Narayan Yadav
16. Shri Jagdeep Dhankhar
17. Shri Jai Prakash
18. Shri Kalpnath Sonkar
19. Shri Kalyan Singh Kalvi
20. Shri Kapil Dev Shastri
21. Shri Lalit Vijay Singh
22. Smt. Maneka Gandhi
23. Shri Nakul Naik
24. Shri Rajmangal Pandey
25. Shri Ram Bahadur Singh
26. Shri Rajmangal Mishra
27. Shri Ramjee Lal Yadav
28. Shri Ramji Lal Suman
29. Shri Yuvraj
30. Shri Mangaraj Mallik
31. Shri Manvendra Singh
32. Shri A.N. Singh Deo
33. Shri Rao Birendra Singh

34. Shri Janeshwar Misra
35. Shri Brij Bhusan Tiwari
36. Shri Subodh Kant Sahay
37. Smt. Usha Sinha
38. Shri Chhotey Singh Yadav
39. Shri Ram Singh Shakya
40. Shri Ram Sevak Bhatia
41. Shri Udai Pratap Singh
42. Shri Keshari Lal
43. Shri Ram Sagar (Barabanki)
44. Shri Baleshwar Yadav
45. Shri Ram Prashad Choudhary
46. Shri Prabhatsinh Chauhan
47. Shri G.K. Shekhade
48. Shri Manubhai Kotadia
49. Shri Balvant Manvar
50. Shri Arjun Bhai Patel
51. Shri M.M. Patel
52. Shri Shantilal Purushottamdas Patel
53. Shri N.J. Rathawa
54. Shri Jayantilal Vir Shah

16. In exercise of powers conferred upon me under Paragraph 6 of the Tenth Schedule to the Constitution of India and the Rules thereunder, I, Rabi Ray, Speaker, Lok Sabha, hereby declare that the following 7 Members of Lok Sabha have incurred disqualification for being members of Lok Sabha in terms of Paragraph 2(1) (b) of the said Schedule:—

1. Shri Basavraj Patil
2. Shri Hemendra Singh Banera
3. Shri Vidya Charan Shukla
4. Dr. Bengali Singh
5. Shri Sarwar Hussain
6. Shri Bhagey Gobardhan
7. Shri Devananda Amat.

Accordingly, the aforesaid Members have ceased to be Members of Lok Sabha with immediate effect, and their seats shall thereupon fall vacant.

17. In exercise of powers conferred upon me under Paragraph 6 of the Tenth Schedule of the Constitution of India and the Rules thereunder, I, Rabi Ray, Speaker, Lok Sabha, hereby declare that Dr. Shakeelur

*According to paragraph 2(1) (b) of the Tenth Schedule to the Constitution a member of a House belonging to any political party shall be disqualified for being a member of the House "if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention."

Rehman, Member, Lok Sabha has incurred disqualification for being a Member of Lok Sabha in terms of Paragraph 2(1) (a)** of the said Schedule. Accordingly, Dr. Shakeelur Rehman has ceased to be a Member of Lok Sabha with immediate effect, and his seat shall thereupon fall vacant.

Copies of this order be forwarded to the petitioners, the members in relation to whom the petitions are made and to the Leaders of the Janata Dal and Janata Dal (S).

ANNEXURE—1

1. Smt. Usha Sinha
2. Shri Janeshwar Mishra
3. Shri Basavraj Patil
4. Shri Ramji Lal Yadav
5. Shri Ram Bahadur Singh
6. Shri Rao Birendra Singh
7. Shri Brij Bhushan Tiwari
8. Shri Hukumdeo Narayan Yadav
9. Shri Ram Sewak Bhatia
10. Shri Ram Prasad Chaudhary
11. Shri Chhotey Singh Yadav
12. Shri Ram Singh Shakya
13. Shri Rajmangal Pandey
14. Shri Shantilal Patel
15. Shri Nakul Naik
16. Shri Jagdeep Dhankar
17. Shri G.S. Saini
18. Shri Yuvraj
19. Shri Balvant Manwar
20. Shri A.N. Singh Deo
21. Shri Baleshwar Yadav
22. Shri Udai Pratap Singh
23. Shri Ram Sagar
24. Shri Bega Ram Chauhan
25. Shri Dasai Choudhary
26. Shri Daulat Ram Saran
27. Shri Devi Lal
28. Shri Dhanraj Singh
29. Shri Keshari Lal
30. Shri Mangaraj Malik

** Paragraph 2(1) (a) of the Tenth Schedule provides that a member of a House belonging to any political party shall be disqualified for being a member of the House "if he has voluntarily given up his membership of such political party.

ANNEXURE—II

1. Shri V. C. Shukla
2. Shri Bengali Singh
3. Shri Sarvar Husain
4. Shri Bhagey Gobardhan
5. Shri Manvendra Singh
6. Shri Hemendra Singh Benera
7. Shri D. Amat

ANNEXURE—III

1. Shri Chand Ram
2. Shri Chandra Sekhar
3. Shri Prabhatsinh H. Chauhan
4. Shri Bhakta Charan Das
5. Shri Babanrao Dhakane
6. Shri Harmohan Dhawan
7. Smt. Maneka Gandhi
8. Shri Het Ram
9. Shri Jai Prakash
10. Shri Kalyan Singh Kalvi
11. Shri Manubhai Kotadia
12. Shri Bal Gopal Mishra
13. Shri Rajmangal Mishra
14. Shri Arjunbhai Patel
15. Shri M.M. Patel
16. Shri N.J. Rathawa
17. Dr. Bhagwan Das Rathor
18. Shri Subodh Kanta Sahay
19. Shri Jayantilal Virchand Shah
20. Shri Kapil Dev Shastri
21. Shri G.K. Shekhada
22. Shri L.V. Singh
23. Shri Kalpnath Sonkar
24. Shri Ramjital Suman
25. Shri Dharmesh Prasad Verma

ANNEXURE—IV

1. Shri Bal Gopal Mishra
2. Shri Babanrao Dhakane
3. Shri Bagat Ram Chauhan
4. Shri Bhakt Charan Das
5. Shri Bhagwan Das Rathor
6. Shri Chandra Sekhar
7. Shri Chand Ram
8. Shri Dasai Choudhary

9. Shri Daulat Ram Saran
10. Shri Devi Lal
11. Shri Dhanraj Singh
12. Shri Dharmesh Prasad Verma
13. Shri Harmohan Dhawan
14. Shri Het Ram
15. Shri Hukumdeo Narayan Yadav
16. Shri Jagdeep Dhankar
17. Shri Jaiprakash
18. Shri Kalpnath Sonkar
19. Shri Kalyan Singh Kalvi
20. Shri Kapil Dev Shastri
21. Shri Lalit Vijay Singh
22. Smt. Maneka Gandhi
23. Shri Nakul Naik
24. Shri Rajmangal Pandey
25. Shri Ram Bahadur Singh
26. Shri Ram Naresh Singh
27. Shri Rajmangal Mishra
28. Shri Ramjee Lal Yadav
29. Shri Ramji Lal Suman
30. Shri Gurdial Singh Saini
31. Shri Yuvraj
32. Shri Mangaraj Malik
33. Shri Manvendra Singh
34. Shri A.N. Singh Deo
35. Shri Rao Birendra Singh
36. Shri Janeshwar Misra
37. Shri Brij Bhusan Tiwari
38. Shri Subodh Kant Sahay
39. Smt. Usha Sinha
40. Shri Chhotey Singh Yadav
41. Shri Ram Singh Shakya
42. Shri Ram Sevak Bhatia
43. Shri Udai Pratap Singh
44. Shri Keshari Lal
45. Shri Ram Sagar
46. Shri Baleshwar Yadav
47. Shri Ram Prashad Chaudhary
48. Shri Prabhatsinh Chauhan
49. Shri G.K. Shekhade
50. Shri Manubhai Kotadia
51. Shri Balvant Manvar
52. Shri Arjunbhai Patel
53. Shri M.M. Patel
54. Shri Shantilal Purushottamdas Patel

55. Shri N.J. Rathawa
56. Shri Jayantilal Vir Shah
57. Shri Hemendra Singh Banera
58. Shri Mandhata Singh

ANNEXURE—V

1. Smt. Usha Sinha
2. Shri Janeshwar Mishra
3. Shri Ramji Lal Yadav
4. Shri Ram Bahadur Singh
5. Shri Rao Birendra Singh
6. Shri Brij Bhushan Tiwari
7. Shri Hukumdeo Narayan Yadav
8. Shri Ram Sewak Bhatia
9. Shri Ram Prasad Chaudhary
10. Shri Chhotey Singh Yadav
11. Shri Ram Singh Shakya
12. Shri Rajmangal Pandey
13. Shri Shantilal Patel
14. Shri Nakul Naik
15. Shri Jagdeep Dhankar
16. Shri Yuvraj
17. Shri Balwant Manwar
18. Shri A.N. Singh Deo
19. Shri Baleshwar Yadav
20. Shri Udai Pratap Singh
21. Shri Ram Sagar
22. Shri Bega Ram Chauhan
23. Shri Dasai Choudhary
24. Shri Daulat Ram Saran
25. Shri Devi Lal
26. Shri Dhanraj Singh
27. Shri Keshari Lal
28. Shri Mangaraj Malik

ANNEXURE—VI

1. Shri Bai Gopal Mishra
2. Shri Babanrao Dhakane
3. Shri Bega Ram Chauhan
4. Shri Bhakt Charan Das
5. Shri Bhagwan Das Rathor
6. Shri Chandra Shekhar
7. Shri Chand Ram
8. Shri Dasai Choudhary
9. Shri Daulat Ram Saran
10. Shri Devi Lal

11. Shri Dhanraj Singh
12. Shri Dharmesh Prasad Verma
13. Shri Harmohan Dhawan
14. Shri Het Ram
15. Shri Hukumdeo Narayan Yadav
16. Shri Jagdeep Dhankar
17. Shri Jai Prakash
18. Shri Kalpnath Sonkar
19. Shri Kalyan Singh Kalvi
20. Shri Kapil Dev Shastri
21. Shri Lalit Vijay Singh
22. Smt. Maneka Gandhi
23. Shri Naku Naik
24. Shri Rajmangal Pandey
25. Shri Ram Bahadur Singh
26. Shri Rajmangal Mishra
27. Shri Ramjee Lal Yadav
28. Shri Ramji Lal Suman
29. Shri Yuvraj
30. Shri Mangaraj Malik
31. Shri Manvendra Singh
32. Shri A.N. Singh Deo
33. Shri Rao Birendra Singh
34. Shri Janeshwar Misra
35. Shri Brij Bhusan Tiwari
36. Shri Subodh Kant Sahay
37. Smt. Usha Sinha
38. Shri Chhotey Singh Yadav
39. Shri Ram Singh Shakya
40. Shri Ram Sevak Bhatia
41. Shri Udai Pratap Singh
42. Shri Keshari Lal
43. Shri Ram Sagar
44. Shri Baleshwar Yadav
45. Shri Ram Prashad Choudhary
46. Shri Prabhatsinh Chauhan
47. Shri G.K. Shekhade
48. Shri Manubhai Kotadia
49. Shri Balvant Manvar
50. Shri Arjunbhai Patel
51. Shri M.M. Patel
52. Shri Shantilal Purushottamdas Patel
53. Shri N.J. Rathawa
54. Shri Jayantilal Vir Shah

SESSIONAL REVIEW

In the preceding issue of this *Journal*, we carried a lead feature on the "Recent Changes in Union Government", covering the political and related parliamentary developments, particularly the crucial Fourth and Fifth one-day special sessions of the Ninth Lok Sabha. In each of these sessions, a Motion of Confidence in the Council of Ministers was brought before the House. These were memorable sessions in the annals of Parliament, for in the course of ten days two Governments turned to the floor of the House for its verdict on the legitimacy of their positions. In the Fourth Session the verdict went against Shri Vishwanath Pratap Singh's Government on the motion seeking a vote of Confidence and it lost power, while Shri Chandra Shekhar's newly formed Government was sanctified by the verdict on a similar motion in the Fifth Session. In view of the significance of these developments, we dealt with them in detail in the aforesaid feature, however, without covering the discussions which took place in the House during the two sessions. In this issue, we present a resume, of the discussions in our regular feature: Sessional Review.

— Editor

NINTH LOK SABHA

FOURTH SESSION

The Fourth Session of Ninth Lok Sabha which met on 7 November 1990 for discussing the motion of confidence in the Council of Ministers, concluded its business on the same day. A brief resume, of the discussion held on the motion is given below:

Moving the motion that "this House expresses its Confidence in the Council of Ministers", Prime Minister, Shri Vishwanath Pratap Singh said that his Government had made a decision about their fate when the BJP passed a resolution about withdrawal of support to the Government in case their *Rath Yatra* or *Kar Seva* was stopped. If the Government had made an agreement with the BJP on this issue, they would have survived. But, when the choice before the Government was for opting either for power or principle, they thought it better to opt for the latter. According to the Prime Minister, when all efforts to end the Ram Janam Bhoomi-Babri Masjid controversy failed, the Government thought it necessary to promulgate an Ordinance. A big controversy was being raised about the Ordinance and, therefore, the Government withdrew it. It was suggested that the matter could be resolved through dialogue and the decision of the court might be accepted by both the parties, but one party was not prepared to accept the verdict of the court. If the dispute was resolved through mutual dialogue, it would be the biggest example of national

integration, he added. One of the good suggestions was to enact some legislation with a view to maintaining the *status quo*, so that no dispute would be raised in future. There should be a debate on this fundamental issue.

The Prime Minister also observed that the Government had started a struggle against a system which had been in existence for thousands of years in order to ameliorate the lot of the backward classes in accordance with the recommendations of the Mandal Commission. He maintained that unless the backward classes entered into the power structure, their problems would not be solved. Regarding Government's acceptance of support of BJP and leftist parties for ten to eleven months, the Prime Minister clarified that they were told that Ram Janam Bhoomi was a movement of VHP and not that of BJP. Even then, the Government continued to hold dialogue with the people. He added that political honesty demanded that the parties which were pulling down the Government, must also accept the responsibility of running it, otherwise it would be political opportunism and against the mandate of the people. If responsibility of running the Government was given to a splinter group, it would lack sanctity and legitimacy. He appealed to the members to vote according to their conscience, irrespective of party affiliations, keeping in view the interests of the depressed and exploited sections of the society and with a view to safeguarding secularism, the Constitution and the unity of the country.

Opposing the motion, Shri Chandra Shekhar commented that if the Prime Minister had tendered his resignation instead of talking about principles, that would have been much better and would have saved the pride of the nation. Professor Vijay Kumar Malhotra held that the Government had one eye on continuing in power and the other on the vote bank, during the mid-term elections. Shri Devi Lal, who also opposed the motion, apprehended that attempts were being made to create tension in the country, so that Prime Minister, Shri Vishwanath Pratap Singh, was in a position to win the elections

Supporting the motion, Shri Somanth Chatterjee felt that a vote against the motion was a vote against secularism and for the disintegration of the country, Shri Indrajit Gupta appealed to Congress(I), which was committed to secularism, not to be seen in the company of BJP, voting together to bring down the Government.

Intervening in the discussion, the Minister of Finance, Shri Madhu Dandavate noted that the cardinal principles of secular democracy were being destroyed. He added that the National Front had decided that the Babri Masjid should not be demolished and at the same time the Hindu sentiments to have a temple dedicated to Lord Rama, should be respected.

Participating in the discussion, the Minister of Textiles and Minister of Food Processing Industries, Shri Sharad Yadav assured that if the caste system was abolished and an amendment to this effect was made in the Constitution, the Government would apologise to the people and withdraw the Mandal Commission Report.

Opposing the motion, Shri R. Muthiah recounted the Government's miserable failures on the issues of secularism, unity and integrity of the country and upliftment of the backward classes. Kumari Uma Bharati accused the Union Government and the Uttar Pradesh Government of dividing Hindus and Muslims for political reasons.

Participating in the discussion, the Leader of the Opposition in Lok Sabha, Shri Rajiv Gandhi observed that the Government had provoked communalism to raise its head by deliberately dividing the society. The Prime Minister had tried to cheat the Babri Masjid Committee while issuing the Ordinance. He added that the Kashmir Valley was in turmoil. Terrorism had spread to almost every district of Punjab. There was continued harassment and intimidation of linguistic and religious minorities in Assam. In spite of good monsoons, prices were sky-rocketing, he concluded.

Opposing the motion, Shri L.K. Advani felt that if the Government had not intervened in the Ayodhya matter, the leaders of Hindus and Muslims could have solved the problem by mutual discussions. Had the Government given their resignation immediately after withdrawal of support by BJP on 23 October 1990, the country could have been saved from a blood bath, he asserted.

Intervening in the discussion, the Minister of Railways, Shri George Fernandes maintained that the Government had tried their level best to solve the problems during the past eleven months. The Government had brought about their end by their own actions in introducing the recommendations of the Mandal Commission and failing to maintain communal harmony in the country.

Participating in the discussion, Shri Nani Bhattacharya expressed the view that neither a mid-term poll nor the assumption of power by the defectors would be in the interest of the country. Shri Chitta Basu called upon the Congress(!) to spell out their stand regarding Ram Janam Bhoomi and Babri Masjid dispute. Professor Saif-ud-din Soz pointed out that the Government had no policy on Kashmir. Kumari Mayawati held that the Prime Minister was solely responsible for the worsening situation in Uttar Pradesh.

Intervening in the discussion, the Minister of Energy and Civil Aviation, Shri Arif Mohd. Khan maintained that the Government had tried to follow the principles of secularism and national unity and for this the Government would not mind even losing power.

Participating in the discussion, Shri Ibrahim Sulaiman Salt said that his party (Muslim League) wanted a peaceful solution to the Babri Masjid-

Ram Janam Bhoomi problem without demolition of the mosque. Shri Vamanrao Mahadik felt that justice was not being done to Hindus. Shri Chand Ram indicated that on the implementation of the Mandal Commission Report and on the Ram-Janam Bhoomi issue, the Prime Minister had created a vote bank for himself. Shri A.K. Roy held that dissolution of Parliament would be more proper than dissolution of values. Shri Ram Dhan recalled that events of 1979 were happening again.

Replying to the discussion, Shri Vishwanath Pratap Singh said that Kar Seva could be performed on the undisputed place with the consent of both the parties. As regards the Ordinance, it was withdrawn since both Vishwa Hindu Parishad and Babri Masjid Action Committee had expressed their unwillingness to accept it. The Prime Minister reiterated that a Bill should be brought in the House to maintain status quo in respect of all the religious places in the country, taking into account a certain definite date, so that no dispute arose in future. The Prime Minister maintained that the Government's decision to implement the Mandal Commission Report was a step in the right direction. He contented that the National Front Government had covered almost all the items in their manifesto and had already brought forward 51 Bills for that purpose. As regards the Bofors issue, he would request the President of India to keep all the relevant papers in his safe custody so that they might be made available, when the need arose.

In the voting on the motion the House was divided as follows: Ayes 151; Noes 356; and Abstentions 6. Accordingly, the motion was negated.

FIFTH SESSION

The Fifth Session of the Ninth Lok Sabha, also a one-day Session, was convened specially to discuss the Motion of Confidence in the Council of Ministers, on 16 November 1990. A brief resume of the discussion held on the motion is given below:

Moving the motion that "this House expresses its confidence in the Council of Ministers", Prime Minister, Shri Chandra Shekhar said that although he had opposed the then Prime Minister Shri Vishwanath Pratap Singh, he had no hand in pulling down his Government, which had collapsed as a result of internal differences. Referring to the state of the economy, the Prime Minister said that the situation had worsened during the previous eleven months. The only way to salvage the national economy, he felt, was to seek the cooperation of the people. The Prime Minister added that apart from the Congress(I), he had also sought support from all others because the question of the very survival of the country has arisen. The need of the hour was to create goodwill among the people. He urged all to unite on the question of removal of poverty, communalism and casteism from the country, so that the hurt feelings of the people could be assuaged and a new India could be built up.

Participating in the discussion, Professor Madhu Dandavate observed

that the new Government was flouting the promises given to the electorate that they would fight the policies of the past Congress Government. In view of the news that had appeared in a section of the Press that there seemed to be some pressure from the Congress(I) regarding withdrawal of cases arising out of the Bofors gun deal he urged the Prime Minister to give a categorical assurance that no such withdrawal would be allowed. Regarding the question of the new legislature party, Professor Dandavate pointed out that there was a rule according to which when a new legislature party was formed, the details could be given a period of one month. But when one tried to break one's own party and caused a split in that, that defection was also brought into the ambit of the rule and the continuous process of defection for one month could not be carried on.

Prime Minister, Shri Chandra Shekhar intervened to assure the House that so far as Bofors was concerned, the law would take its own course and nobody would be spared, if found guilty.

Supporting the motion, Shri Kadambur M.R. Janarthanan said that readiness for negotiations by the new Prime Minister had infused a new hope in the minds of the people.

Opposing the motion, Shri L.K. Advani said that the formation of the Government was in violation of the popular mandate since the mandate was positively against Congress (I). Referring to the Bofors issue, he said that the Prime Minister must view the whole thing with an absolutely open mind. Referring to the happenings in Ayodhya on 30 October and 2 November 1990, he observed that the then Union Government were guilty of criminal mishandling of the issue and the Uttar Pradesh Government were guilty of the worst type of atrocities. He urged the new Government to attend to the situation in Tamil Nadu as well as in Assam immediately.

Intervening in the discussion, the Deputy Prime Minister Shri Devi Lal noted that the recommendations of the Mandal Commission were not implemented with good intentions. He was not against the Mandal Commission, on the other hand, he wanted to ensure one job for one family.

Opposing the motion, Shri Sornath Chatterjee said that combinations of persons and parties with no common policies and programmes would solve none of the basic problems facing the country. This Government had, according to him, no political and constitutional basis and no mandate from the people.

Supporting the motion, Shri Vasant Sathe said that no party had been given a clear mandate by the people, but the single largest party was the Congress(I). Right from the beginning, the Congress(I) had asserted that it did not have the mandate to form the Government, on its own. He added that in the prevailing conditions, free and fair elections could not take place.

Opposing the motion, Shrimati Geeta Mukherjee stated that the new Government did not enjoy the people's mandate and it was formed by unscrupulous defectors. Participating in the discussion, Shrimati Rajinder Kaur Bulara stated that her party would remain neutral because Shri Chandra Shekhar had taken the support of the Congress(I). While Shri Nani Bhattacharya asked the Prime Minister to explain the circumstances for not forming the Council of Ministers, Shri Chitta Basu called the Government, a "Government by proxy". Professor Saif-ud-din Soz noted that the main cause for the downfall of the previous Government was that internally the Janata Dal was divided into various groups. Shri Ibrahim Sulaiman Saif appealed to BJP and Vishwa Hindu Parishad to sit round a table and try to solve the very sensitive and provocative issue of Babri Masjid-Ramjanambhoomi. Kumari Mayawati urged the Prime Minister not to follow the path of Shri Vishwanath Pratap Singh but to do something real for the upliftment of scheduled castes, scheduled tribes, other backward classes and minorities. Shri Vamanrao Mahadik asked the Government to spell out how it proposed to break the caste barriers which were causing turmoil in the country. Shri A.K. Roy accused the BJP and the Congress(I) for having a secret understanding between each other.

Replying to the discussion, Shri Chandra Shekhar called for creating a new political climate in the country which could be initiated by understanding each other's aspirations. As far as priorities were concerned, every child had the right to get from the society, clean drinking water, necessary calories to develop as a healthy citizen, elementary education, primary health services and on growing up as a citizen, he needed absence of discrimination on the basis of caste, creed and religion. These five points could be taken as Government's manifesto, he added. To achieve this goal, many changes would have to be made in the approach towards the economic and social problems. The Prime Minister added that the toiling masses, the peasantry and the workers needed to be assured that poverty would be shared by those who were the privileged in the society. Regarding Industrial Policy, he said that the Government could not hope to be bailed out by forces outside. He would not however, completely rule out the importance of outside help and support in as much as the Government would have to invite new and modern technology in critical areas. The Government would have to open up those areas for those who can do better.

He asserted that the Government would make no compromises on the question of dignity of the scheduled castes, scheduled tribes and other backward and oppressed sections. About minorities, it was the responsibility of the nation, and more so, of the majority community to ensure that there was no fear in their minds. As for building a temple in the birth place of Lord Rama, the Prime Minister appealed to the religious leaders of both the Hindu and Muslim communities to sit together and try to find a solution and not to politicise the issue. About Bofors, he assured

the House that nothing would be done against anybody out of personal vendetta. As regards the situation in Kashmir, Assam, Tamil Nadu and Punjab, the Prime Minister assured the House that no compromises would be made on the integrity and sovereignty of the nation. About defections Shri Chandra Shekhar said that when the anti-defection law was passed, it contained a moral that if one-third of the people opted out of a party, it would not be treated as defection. He maintained that the society would stagnate if dissent and protest were not permitted.

In the voting on the motion, the House divided as: Ayes 280; Noes 214; and Abstentions 11. Accordingly, the motion was adopted.

STATE LEGISLATURES

MADHYA PRADESH LEGISLATIVE ASSEMBLY*

The Ninth Madhya Pradesh Legislative Assembly commenced its Third Session on 17 December 1990 and was adjourned *sine die* on 21 December 1990.

Obituary references: On the first day of the Session, obituary references were made to late Shri C.M. Poonacha, former Governor of the State, Shri Kamapati Tripathi, former Union Minister, Justice Sabya Sachi Mukherjee, Chief Justice of the Supreme Court, Shri R.V.S. Peri Shastri, Chief Election Commissioner, Shri P.C. Sen, former Chief Minister of West Bengal, Captain W.S. Sangma, former Chief Minister of Meghalaya, Shrimati Vijay Laxmi Pandit, first woman Ambassador of India at the UN, nine former member of the State Legislative Assembly, two famous poets and journalists and a leading theologian, Qazi Wajid-ul-Husaini, Shahar Quzi of Bhopal.

MANIPUR LEGISLATIVE ASSEMBLY**

The Fifth Manipur Legislative Assembly commenced its Second Session on 28 August 1990 and was adjourned *sine die* on 31 August 1990.

Legislative Business: During the Session, three Bills, (a) the Salaries and Allowances of Ministers (Manipur) (Seventh Amendment) Bill, 1990; (b) the Salaries and Allowances of Members of the Legislative Assembly (Manipur) (thirteenth Amendment) Bill, 1990; and (c) the Manipur Sales Tax Bill, 1990 were introduced on 28 August 1990 were passed by the House on 31 August, 1990.

Obituary reference: On the first day of the Session, an obituary reference was made on the demise of Ch. Rajmohon Singh, former member of the Manipur Legislative Assembly.

* Material contributed by Madhya Pradesh Legislative Assembly Secretariat.

** Material contributed by Manipur Legislative Assembly Secretariat.

UTTAR PRADESH LEGISLATIVE COUNCIL*

The Uttar Pradesh Legislative Council which commenced its Budget Session on 14 June 1990 was adjourned *sine die* on 27 July 1990.

Financial Business: The Budget for the financial year 1990-91 was presented in the House on 15 June and general discussion thereon was held for as many as 13 days. The House passed the Uttar Pradesh Appropriation (Second Supplementary 1989-90) Bill, 1990 and the Uttar Pradesh Appropriation (Vote on Account) Bill, 1990. These Bills had earlier been passed by the Uttar Pradesh Legislative Assembly.

Election of Chairman: Shri Shiv Prasad Gupta, who had been appointed Chairman *pro tem* of the House earlier on 7 March 1990, following the demise of the sitting Chairman, Shri Jagdish Chandra Dixit, was later unanimously elected its Chairman on 5 July 1990.

Obituary references: On the opening day, i.e. 14 June 1990, the House condoled the death of a sitting member, Shri Adhir Dubey, and a former member, Shri Pratap Narain Tiwari.

UNION TERRITORIES

PONDICHERY LEGISLATIVE ASSEMBLY**

The Pondicherry Legislative Assmebly which commenced its Second Session on 18 October 1990, was adjourned *sine die* on 22 October 1990.

Financial Business: On 22 October 1990, Chief Minister Shri D. Ramachandran, presented the Demands for Excess Grants for the years 1983-84, 1984-85, 1985-86 and 1987-88, which were voted in full. The motion for consideration and passing of the Appropriation (No. III) Bill, 1990, moved by the Chief Minister was adopted and the Bill was passed.

Obituary references: Obituary references were made to the passing away of Shri Vanmeri Nadeyi Purushothaman, former Deputy Speaker of the Assembly and Shri Kona Prabhakar Rao, former Lt. Governor of Pondicherry on 18 and 22 October, 1990, respectively.

*Material contributed by Uttar Pradesh Legislative Council Secretariat.

**Material contributed by Pondicherry Legislative Assembly Secretariat.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE FOURTH AND FIFTH SESSIONS OF THE NINTH LOK SABHA

1. PERIOD OF THE SESSION	7 November, 1990 (4th session) and 16 November, 1990 (5th session)
2. NUMBER OF SITTINGS HELD	1 in each session
3. TOTAL NUMBER OF SITTING HOURS	11 hours and 25 minutes (4th Session) and 7 hours and 09 minutes (5th session)
4. NUMBER OF DIVISIONS HELD	1 (in each session)
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the session	— Nil
(ii) Introduced	— Nil
(iii) Laid on the Table as passed by Rajya Sabha	— Nil
(iv) Returned by Rajya Sabha with any amendment and laid on the Table	— Nil
(v) Referred to Select Committee	— Nil
(vi) Referred to Joint Committee	— Nil
(vii) Reported by Select Committee	— Nil
(viii) Reported by Joint Committee	— Nil
(ix) Discussed	— Nil
(x) Passed	— Nil
(xi) Withdrawn	— Nil
(xii) Negative	— Nil
(xiii) Part-discussed	— Nil
(xiv) Discussion postponed	— Nil
(xv) Returned by Rajya Sabha without any recommendation	— Nil
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	— Nil
(xvii) Pending at the end of the session	— Nil
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the session	— Nil
(ii) Introduced	— Nil
(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	— Nil
(viii) Passed	— Nil
(ix) Withdrawn	— Nil
(x) Negatived	— Nil
(xi) Circulated for eliciting opinion	— Nil
(xii) Part-discussed	— Nil
(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	— Nil

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193		
(Matters of Urgent Public Importance)		
(i) Notices received		— 1 (4th session)
(ii) Admitted		— Nil
(iii) Discussion held		— Nil
(iv) Part discussed		— Nil
8. NUMBER OF STATEMENTS MADE UNDER RULE 197		
(Calling attention to matters of urgent Public Importance)		
Statement made by Minister		— Nil
		— Nil
9. MOTION OF NO CONFIDENCE IN COUNCIL OF MINISTERS		
(i) Notices received		18 (4th session)
(ii) Admitted and discussed		— Nil
(iii) Barred		— Nil
10. HALF-AN-HOUR DISCUSSIONS HELD		— Nil
11. STATUTORY RESOLUTIONS		
(i) Notices received		— Nil
(ii) Admitted		— Nil
(iii) Moved		— Nil
(iv) Adopted		— Nil
(v) Negatived		— Nil
(vi) Withdrawn		— Nil
12. GOVERNMENT RESOLUTIONS		
(i) Notices received		— Nil
(ii) Admitted		— Nil
(iii) Moved		— Nil
(iv) Adopted		— Nil
13. PRIVATE MEMBERS' RESOLUTIONS		
(i) Received		— Nil
(ii) Admitted		— Nil
(iii) Discussed		— Nil
(iv) Adopted		— Nil
(v) Negatived		— Nil
(vi) Withdrawn		— Nil
(vii) Part-discussed		— Nil
(viii) Discussions postponed		— Nil
14. GOVERNMENT MOTIONS		
(i) Notices received		1 (in each session)
(ii) Admitted		1 (in each session)
(iii) Discussed		1 (in each session)
(iv) Adopted		Nil (4th session)
(v) Part-discussed		1 (5th session)
(vi) Negative		Nil (in each session)
		1 (4th session)
		Nil (5th session)

15. PRIVATE MEMBERS' MOTIONS

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

16. MOTION REGARDING MODIFICATION OF STATUTORY RULE

(i) Received	— Nil
(ii) Admitted	— Nil
(iii) Moved	— Nil
(iv) Discussed	— Nil
(v) Adopted	— Nil
(vi) Negative	— 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 SESSIONS — 4,966
(4th session)
— 2,892
(5th session)

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

20. NUMBER OF ADJOURNMENT MOTIONS:

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

21. TOTAL NUMBER OF QUESTIONS ADMITTED:

(i) Starred	— Nil
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	— Nil
(iii) Short-Notice Questions	— Nil

22. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during period 1 October to 31 December, 1990.	No. of reports presented to the House during the Session.
1	2	3	4
(i)	Business Advisory Committee	1	1
(ii)	Committee on Absence of Members	—	—
(iii)	Committee on Public Undertakings	12	—
(iv)	Committee on Papers laid on the Table	1	1
(v)	Committee on Petitions	1	1
(vi)	Committee on Private Members Bills and Resolutions	1	1
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	5	—
(viii)	Committee of Privileges	2	—
(ix)	Committee on Government Assurances	7	—
(x)	Committee on Subordinate Legislation	6	—
(xi)	Estimates Committee	—	—
(xii)	General Purposes Committee	—	—
(xiii)	House Committee	1	—
	(a) Accommodation Sub-Committee	2	—
	(b) Sub-Committee on Amenities	1	—
	(c) Sub-Committee on Furnishing	—	—
(xiv)	Public Accounts Committee	10	—
(xv)	Railway Convention Committee	2	—
(xvi)	Rules Committee	—	—

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		4	—
(iii) Joint Committee on Railways Bill, 1988		—	—
SUBJECT COMMITTEES			
(i) Subject Committee on Environment and Forests		2	—
(ii) Subject Committee on Agriculture		—	—
(iii) Subject Committee on Science and Technology		—	—
23. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE		NH	
24. PETITIONS PRESENTED		NH	
25. NUMBER OF NEW MEMBERS SWORN WITH DATE		NH	

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND FIFTY-SIXTH SESSION OF RAJYA SABHA

1. PERIOD OF THE SESSION	27 December 1990 to 11 January 1991
2. NUMBER OF SITTINGS HELD	10
3. TOTAL NUMBER OF SITTING HOURS	68 hours and 16 minutes
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
(i) Pending at the Commencement of the Session	20
(ii) Introduced	3
(iii) Laid on the Table as passed by Lok Sabha	11
(iv) Returned by Lok Sabha with an amendment	1
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	2
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	13
(x) Passed	13
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-Discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	4
(xv) Discussion Postponed	Nil
(xvi) Pending at the end of the Session	21
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	46
(ii) Introduced	9
(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	1+7=8*
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/Death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	47

* Sarvashr: Satya Prakash Malaviya and Kamal Morarka withdrew 6 and 1 Bills respectively, as both being appointed Ministers, could not move their Private Members' Bills.

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 178 (Matters of urgent public importance).	
(i) Notices received	141
(ii) Admitted	18
(iii) Discussions held	1
8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling-Attention to Matters of Urgent Public Importance). Statements made by Ministers	1
9. HALF-AN-HOUR DISCUSSIONS HELD	Nil
10. STATUTORY RESOLUTIONS	
(i) Notices received	8
(ii) Admitted	4
(iii) Moved	4
(iv) Adopted	2
(v) Negatived	Nil
(vi) Withdrawn	2
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	4
(ii) Admitted	4
(iii) Discussed	1*
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	106
(ii) Admitted	148**
(iii) Moved	1
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil

* Discussion was not concluded.

** This includes 44 notices of Short Duration Discussion on different subjects which were admitted as No-Day-Yet Named Motions.

15.	MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
	(i) Received	1
	(ii) Admitted	1
	(iii) Moved	1
	(iv) Adopted	1
	(v) Negatived	1
	(vi) Withdrawn	NII
	(vii) Part-discussed	NII
16.	NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY DURING THE SESSION	1
17.	TOTAL NUMBER OF VISITORS' PASSES ISSUED	1,878
18.	TOTAL NUMBER OF PERSONS VISITED	2,315
19.	MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	221 on 10 January 1991
20.	MAXIMUM NO. OF PERSONS VISITED ON ANY SINGLE DAY AND DATED ON WHICH VISITED	329 on 10 January 1991
21.	TOTAL NUMBER OF QUESTIONS ADMITTED	
	(i) Starred	179
	(ii) Unstarred	1,588
	(iii) Short-Notice Questions	NII
22.	DISCUSSION ON THE WORKING OF THE MINISTRIES	NII
23.	WORKING OF PARLIAMENTARY COMMITTEES	

Name of Committee	No. of sittings held during the period from 1 October 1990 to 31 December 1990	No. of Reports presented during the 156th Session
(i) Business Advisory Committee	3	NII
(ii) Committee on Subordinate Legislation	8	1
(iii) Committee on Petitions	9	NII
(iv) Committee of Privileges	NII	NII
(v) Committee on Rules	NII	NII
(vi) Committee on Government Assurances	17	NII
(vii) Committee on Papers Laid on the Table	8	NII
(viii) Joint Committee on the Acquired Immuno Deficiency Syndrome (AIDS) Prevention Bill, 1989.	NII	NII

24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	1
25.	PETITIONS PRESENTED	NII

26. NAME OF NEW MEMBERS SWORN WITH DATES

Nil

27. OBITUARY REFERENCES

Sl. No.	Name	Sitting Members/ Ex-Members
1.	Shri Kamalpati Tripathi	Ex-Member
2.	Shri Sasanka Sekhar Sanyal	-do-
3.	Shri S. Ranganathan	-do-
4.	Shri G. Varadraj	-do-
5.	Shri Jagannath Prasad Aganwal	-do-
6.	Shri A.C. Glibart	-do-
7.	Shri Surendra Mohanty	-do-
8.	Shri Basudeb Mahapatra	Sitting Member
9.	Mouana Abdul Latif	Ex-Member

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1990

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.	—	—	—	—	710(59)	—	50(1)
ARUNACHAL PRADESH L.A.*	—	—	—	—	—	—	—
ASSAM L.A.@	—	—	—	—	—	—	—
BIHAR L.A.**	—	—	—	—	—	—	—
BIHAR L.C.**	—	—	—	—	—	—	—
GUJARAT L.A.	1.11.90	1	—	—	—	230(156)	—
GOA L.A.	10.12.90	†	—	—	—	—	—
HARYANA L.A. •	—	—	—	—	—	—	—
HIMACHAL PRADESH L.A.**	—	—	—	—	—	—	—
JAMMU & KASHMIR L.A.@@	—	—	—	—	—	—	—

JAMMU & KASHMIR L.C.*	—	19	11(9)	—	4	1,366(265) (a)	—	(815)	—	13(9)
KARNATAKA L.A.**	25.10.90:									
	19.11.90 to									
	30.11.90 &									
	17.12.90 to									
	27.12.90									
KARNATAKA L.C.	21.11.90 to	13	11(9)	—	—	621(241)	—	560(471)	—	30(9)
	30.11.90 &									
	20.12.90 to									
	28.12.90									
	17.12.90 to	10	13(12)	—	—	6,365(701)(b)	—	(3599)	—	2(1)
	2.1.91									
KERALA L.A.	17.12.90 to	4	6	—	—	657(251)	—	236(159)	—	3
MADHYA PRADESH L.A.	21.12.90									
	3.12.90 to	14	7(6)	—	16	6,529(730)	—	625	—	208(17)
	20.12.90									
MAHARASHTRA L.A.	3.12.90 to	14	5(8)	—	2	2,536(458)	—	184(44)	—	81(12)
	20.12.90									
MAHARASHTRA L.C.	—	—	—	—	—	—	—	—	—	—
MANIPUR L.A.*	26.11.90 to	11	1(1)	—	—	33(33)	—	16(16)	—	(2)
MEGHALAYA L.A.	7.12.90									
MIZORAM L.A.**	—	—	—	—	—	—	—	—	—	—
NAGALAND L.A.	18.12.90	1	—	—	—	—	—	—	—	—

*Information not received from the State Legislature.

**The material received from State Legislature contained nil information..

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.

1	2	3	4	5	6	7	8
ORISSA L.A.*	—	—	—	—	—	—	—
PUNJAB L.A.	—	—	—	—	—	—	—
RAJASTHAN L.A.	8.11.90	1	—	—	—	—	—
SIKKIM L.A.*	—	—	—	—	—	—	—
TAMIL NADU L.A.	—	—	—	—	595(99)	(178)(c)	—
TRIPURA L.A.**	—	—	—	—	—	—	—
UTTAR PRADESH L.A.	18.11.90 to 20.11.90	2	—	—	1,035(234)(d)	382(1,066)(e)	204(f)
UTTAR PRADESH L.C.	—	—	—	—	1093(1140)(g)	49(53)(h)	47
WEST BENGAL L.A.*	—	—	—	—	—	—	—
UNION TERRITORIES							
DELHI METROPOLITAN COUNCIL †	—	—	—	—	—	—	—
PONICHERRY L.A.	18.10.90 to 22.10.90 and 27.12.90	4	5(5)	—	—	—	—

NOTES

* President's rule was imposed in the State on 11.5.1987 and the Assembly stands dissolved since that day.

† Delhi Metropolitan Council was dissolved on 13.1.1990.

(a) The figure 1,386 indicates the total number of Notices received.

- (b) The figure 6,395 indicates the total number of Notices for Starred and Unstarred Questions received.
- (c) The figure 178 includes Notices for some Starred Questions admitted as Unstarred.
- (d) The figure 1,035 includes Notices for 663 Starred Questions admitted as Unstarred.
- (e) The figure 1,066 includes Notices for 663 Starred Questions admitted as Unstarred and Notices for 123 Short Notice Questions admitted as Unstarred.
- (f) The figure 204 includes Notices for 40 and 123 Short Notice Questions admitted as Starred and Unstarred Questions respectively.
- (g) The figure 1,140 includes Notices for 47 Short Notice Questions admitted as Starred Questions.
- (h) The figure 53 includes Notices for 4 Starred Questions admitted as Unstarred Questions.

Gujarat L.A.	2	1	—	—	1	—	7	6	—	—	—	3	—	1	19(e)
Goa L.A.	—	1	—	—	1	—	—	3	—	—	9(1)	1	—	—	—
Haryana L.A.	—	12	—	4	20	19	9	16	—	—	3	15	22	13	—
Himachal Pradesh L.A.	—	5	1	—	10	4	11	12	—	—	—	—	11	1	30(f)
Jammu & Kashmir L.A. @	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	6	6(1)	6(1)	4(2)	3	5(3)	5(1)	5(1)	5(1)	6(1)	3	—	10	—	4(2)(d)
Karnataka L.C.	4	5(1)	4(1)	4(4)	3	5(3)	5(1)	5(1)	5(1)	6(1)	3	—	10	—	4(2)(d)
Kerala L.A.	2(2)	11	14	14(2)	7(1)	15(3)	16(1)	14(1)	—	—	7	11(13)	17	1	22(7)(e)
Madhya Pradesh L.A.	1(1)	4(3)	6(3)	1(1)	—	5	9(1)	2(1)	—	—	2	110(1)(0)	—	1	18(f)
Maharashtra L.A.	3(2)	12(1)	—	3(3)	—	16(2)	7	33(L)	17(1)	—	3	1	6(1)	—	4(2)(d)
Maharashtra L.C.	2	—	—	3(3)	—	16(2)	7	33(n)	17(1)	—	3	1	6(1)	—	4(2)(d)
Manipur L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	1	—	—	—	7	—	3	—	—	6(3)	—	3	2	1	—
Mizoram L.A.	—	1	1	—	—	—	—	4	—	—	5	5	13	—	—
Nagaland L.A.	—	—	—	—	—	—	—	2	—	—	—	—	4	—	—
Orissa L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab L.A.S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A.	—	23	27	—	25	24	23	44(p)	51	—	21	24	23	25	—
Sikkim L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.	—	12	8	—	—	14	3	—	14	—	2	—	11	—	4(b)
Tripura L.A.	—	—	1	—	1	2	2	3(r)	1	—	—	—	—	—	—
Uttar Pradesh L.A.	1(1)	10	1	—	—	6	10	10	3	—	—	2	3	—	8(f)
Uttar Pradesh L.C.	—	17	12	—	6	—	—	—	—	—	—	—	—	—	60(f)
West Bengal L.A.	—	7	6	—	4	7	5	6	9	—	5	1	9	—	61(f)
UNION TERRITORIES	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Delhi Metropolitan Council £	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pondicherry L.A.	1	—	—	—	—	—	—	26	—	—	—	—	26(1)	—	—

@ Dissolved on 19.2.1980

\$ Dissolved on 11.5.1987

£ Dissolved on 13.1.1980

Notes: Figure in the brackets indicate the number of reports presented to the House.

(a) Committee on Welfare of Scheduled Castes & Scheduled Tribes

- (c) Questions and Calling Attention Committee-29 sittings; Zila Panchayat and Zila Parishad Committee-83 sittings; Air Pollution Control Committee-164 sittings; and Nivedan Committee-101 sittings.
- (d) Questions and Calling Attention Committee-10 sittings; Committee on Members' Amenities-18 sittings; Committee on Zila Parishad and Panchayati Raj-21 sittings; Committee on Control of Leprosy Expansion-14 sittings; Committee on Welfare of Handicapped-13 sittings; Committee on Implementation-11 sittings; Committee on Skum Development and Town Development-11 sittings; Subarn Rekha Dam Probe Committee-10 sittings; Committee on Pollution Control-10 sitting Weaver's Welfare Committee-12 sittings; and Committee on Athletic Development-16 sittings.
- (e) Committee on Welfare of Socially and Educationally Backward Classes-5 sittings; Members' Allowances Rules Committee-1 sittings; Committee on Panchayati Raj-4 sittings; Committee on MLA's Hostel-2 sittings; and Committee on the Papers Laid on the Table of the House-1 sitting.
- (f) Committee on Papers Laid on the Table of the House-3 sittings; Committee on Implementation of Official Language-2 sittings; Committee on Forests, Environment and Allied Matters-11 sittings; Committee on Agriculture, Horticulture and Allied Matters-9 sittings; and Committee on Tourism and Allied Matters-8 sittings.
- (g) Backward Classes Committee-4 sittings and 2 reports.
- (h) Backward Classes Committee-4 sittings and 2 reports.
- (i) Subject Committee(ii)-1 sitting and 1 report; Subject Committee (iii)-2 sittings; Subject Committee(iv)-1 sitting; Subject Committee (v)-2 sittings; Subject Committee(vii)-1 sitting and 1 report; Subject Committee (viii)-8 sittings and 1 report; Subject Committee(ix)-2 sittings; Subject Committee (x)-5 sittings and 4 reports.
- (j) The figure 10 includes 7 sittings of Sub-Committees.
- (k) Committee to Examine the Papers Laid on the Table-2 sittings; Questions and References Committee-3 sittings; and Women and Children Welfare Committee-10 sittings.
- (l) Committee on Welfare of Scheduled Castes-19 sittings; and Committee on Welfare of Scheduled Tribes-14 sittings.
- (m) Catering Committee-11 sittings; Employment Guarantee Scheme Committee-4 sittings; Panchayati Raj Committee-24 sittings and 2 reports; and Vimukta Jatis, Nomadi Tribes Welfare Committee-5 sittings.
- (n) Committee on Welfare of Scheduled Castes-19 sittings; and Committee on Welfare of Scheduled Tribes-14 sittings.
- (o) Catering Committee-11 sittings; Employment Guarantee Scheme Committee-4 sittings; Panchayati Raj Committee-24 sittings and 2 reports; and Vimukta Jatis, Nomadic Tribes Welfare Committee-5 sittings.
- (p) Committee on Welfare of Scheduled Castes-17 sittings; and Committee on Welfare of Scheduled Tribes-27 sittings.
- (q) Committee on Papers Laid on the Table-4 sittings.
- (r) Committee on Welfare of Scheduled Castes-1 sitting; and Committee on Welfare of Scheduled Tribes-2 sitting.
- (s) Parliamentary Research, Reference and Studies Committee-1/sitting; Questions and References Committee-4 sittings; and Committee on New Sound control system of the Uttar Pradesh legislative Assembly 3 sittings.
- (t) Committee on Financial and Administration Delays-17 sittings; Questions and References Committee-13 sittings; Committee on completion of Rulings-6 sittings; Committee on Parliamentary Studies-7 sittings; Parliamentary and Social Goodwill Committee-8 sittings; and Rules Revision Committee-8 sittings.
- (u) Committee on Health and Family Welfare-7 sittings; Committee on Environment-6 sittings; Subject Committee on Panchayats-6 sittings; Subject Committee on Education-9 sittings; Ad-hoc Committee on the Question of subject Committees-6 sittings; Subject Committee on Transport-5 sittings; Subject Committee on Irrigation and Waterways-8 sittings; Subject Committee on Welfare-4 sittings.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1990

S.No.	Title of the Bill	Date of assent by the President
1.	The Constitution (Sixty-seventh Amendment) Bill, 1990.	4.10.1990

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1990

STATES

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Land Revenue (Amendment) Bill, 1990.
2. The Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments etc.) Bill, 1990.
3. The Karnataka Appropriation (No. 3) Bill, 1990.
4. The Karnataka Contract Carriages (Acquisition) (Amendment) Bill, 1990.
5. The Karnataka Land Reforms (Second Amendment) Bill, 1990.
6. The Karnataka Inams Laws (Amendment) Bill, 1990.
7. The Karnataka Prevention of Fragmentation and Holdings (Repeal) Bill, 1990.
8. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1990.
9. The Karnataka Ministers Salaries and Allowances (Amendment) Bill, 1990.
10. The Karnataka Municipal Corporation (Amendment) Bill, 1990.

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Appropriation (No. 3) Bill, 1990.
2. The Karnataka Prevention of Fragmentation and Consolidation of Holdings (Repeal) Bill, 1990.
3. The Karnataka Inams Abolition Laws (Amendment) Bill, 1990.
4. The Karnataka Land Revenue (Amendment) Bill, 1990.
5. The Karnataka Land Reforms (Second Amendment) Bill, 1990.
6. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1990.
7. The Karnataka Ministers' Salaries and Allowances (Amendment) Bill, 1990.
8. The Karnataka Contract Carriage (Acquisition) (Amendment) Bill, 1990.
9. The Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointment etc.) Bill, 1990.

Appendices

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Building Tax (Amendment) Bill, 1990.
- * 2. The Kerala State Housing Board (Amendment) Bill, 1990.
- * 3. The Kerala Public Men's Corruption (Investigations and Inquiries) Amendment Bill, 1990.
- * 4. The Travancore-Cochin Hindu Religious Institutions (Fourth Amendment) Bill, 1990.
- * 5. The Payment of Salaries and Allowances (Amendment) Bill, 1990.
- * 6. The Kerala Court-fees and Suits Valuation (Amendment) Bill, 1990.
- * 7. The Kerala Appropriation Bill, 1991.
- * 8. The Kerala Appropriation (No. 2) Bill, 1991.
- * 9. The Kerala Appropriation (No.. 3) Bill, 1991.
- *10. The Kerala Appropriation (No.. 4) Bill, 1991.
- *11. The Kerala Appropriation (No. 5,) Bill, 1991.
- *12. The Kerala Appropriation (No.. 6) Bill, 1991.

MADHYA PRADESH LEGISLATIVE ASSEMBLY

- *1. Bharatiya Stamp (Madhya Pradesh Tritiya Sanshodhan Vidheyak, 1990.
2. Bharat Bhavan Nyas (Sanshodhan) Vidheyak, 1990.
3. Madhya Pradesh Viniyog (No. 4) Vidheyak, 1990.
4. Madhya Pradesh Viniyog (No. 5) Vidheyak, 1990.
5. Madhya Pradesh Rajya Surakcha Vidheyak, 1990.
6. Madhya Pradesh Manoranjan Shulk Tatha Vigyapankar 1990 (Sanshodhan) Vidheyak, 1990.

MAHARASHTRA LEGISLATIVE ASSEMBLY

- *1. The City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Bill, 1990.
- *2. The Bombay Municipal Corporation (Amendment) Bill, 1990.
- *3. The Maharashtra Zilla Parishads and Panchayat Samities and Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections (Amendment) Bill, 1990.
- *4. The Bombay Municipal Corporation and Provincial Municipal Corporations (Amendment) Bill, 1990.
- *5. The Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Durations) Bill, 1990.
- *6. The Maharashtra (Third Supplementary) Appropriation Bill, 1990.
- *7. The Maharashtra Ministers' Salaries and Allowances (Amendment) Bill, 1990.

* Awaiting assent

- *8. The Leader of Opposition of Maharashtra Legislature Salaries and Allowances (Amendment) Bill, 1990.
- *9. The Maharashtra Legislative Council (Chairman and Deputy Chairman) and Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Bill, 1990.
- *10. The Maharashtra Legislature Member's Salaries and Allowances (Amendment) Bill, 1990.
- *11. The Maharashtra Co-operative Societies (Amendment) Bill, 1990.
- *12. The Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment)-Bill, 1990.
- *13. The Maharashtra Project Affected Persons Rehabilitation (Second Amendment) Bill, 1990.
- *14. The North Maharashtra University (Amendment) Bill, 1990.
- *15. The North Maharashtra Legislature Members' Pension (Amendment) Bill, 1990.

MAHARASHTRA LEGISLATIVE COUNCIL

- *1. The Maharashtra Minister's Salaries and Allowances (Amendment) Bill, 1990.
- *2. The Leaders of Opposition in Maharashtra Legislature Salaries and Allowances (Amendment) Bill, 1990.
- *3. The Maharashtra Legislative Council (Chairman and Deputy Chairman) and Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Bill, 1990.
- *4. The Maharashtra Legislature Member's Salaries and Allowances (Amendment) Bill, 1990.
- *5. The Maharashtra Co-operative Societies (Amendment) Bill, 1990.
- *6. The Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Bill, 1990.
- *7. The Maharashtra Project Affected Persons Rehabilitation (Second Amendment) Bill, 1990.
- *8. The North Maharashtra University (Amendment) Bill, 1990.
- *9. The Maharashtra Legislature Members' Pensions (Amendment) Bill, 1990

MEGHALAYA LEGISLATIVE ASSEMBLY

- **1. The Meghalaya Appropriation (No. 11) Bill, 1990.
- **2. The Meghalaya Transfer of Land (Regulation) (Amendment) Bill, 1990.
- **3. The Meghalaya Preventive Detention Bill, 1990.

*Awaiting assent

**Referred to Select Committee..

PONDICHERRY LEGISLATIVE ASSEMBLY

1. The Appropriation (No. III) Bill, 1990.
2. The Pondicherry General Sales Tax (Amendment) Bill, 1990.
3. The Pondicherry Motor Vehicles Taxation (Amendment) Bill, 1990.
4. The Pondicherry Revenue Recovery (Amendment) Bill, 1990.
5. The Pondicherry Co-operative Societies (Appointment of Special Officers) Bill, 1990.

APPENDIX VI

ORDINANCES ISSUED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1990

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

1.	The Finance (Amendment) Ordinance, 1990	15.10.90	7.11.90	15.10.90	Withdrawn under article 123(2) (b) of the Constitution
2.	The Reserve Bank of India (Amendment) Ordinance, 1990	-do-	-do-	-	Replaced by Legislation.
3.	The Finance (Second Amendment) Ordinance, 1990	-do-	-do-	-	-do-
4.	The Ram Janmabhoomi-Babri Masjid (Acquisition of Area) Ordinance, 1990	19.10.90	-do-	23.10.90	Withdrawn by another Ordinance vide S.I.No. 5.
5.	The Ram Janmabhoomi-Babri Masjid (Acquisition of Area) Withdrawal Ordinance, 1990	23.10.90			Withdrawal Ordinance.

by
Replaced
Legislation

7.1.91

17.12.90

6. The Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1990*

**STATE GOVERNMENTS
ANDHRA PRADESH**

- | | | | | |
|----|---|---|-----------|--------------------------|
| 1. | A.P. Abolition of the Posts of Village Assistants Ordinance, 1990 | — | 4.11.1990 | Replaced by Legislation. |
| 2. | The A.P. Municipal Laws (Amendment) Ordinance, 1990 | — | 5.2.1990 | -do- |
| 3. | The A.P. Payment of Salaries and Pensions and Removal of Disqualification (Amendment) Ordinance, 1990 | — | 6.12.1990 | -do- |
| 4. | The A.P. Co-operative Societies (Second Amendment) Ordinance, 1990 | — | 6.12.1990 | -do- |
| 5. | The A.P. Krishna, Godavari and Pannar Delta Area (Drainage Cess) (Amendment) Bill, 1990. | — | 3.12.1990 | -do- |

GUJARAT

- | | | | | |
|----|--|------------|---|---|
| 1. | The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Ordinance, 1990. | 24.12.1990 | — | — |
| 2. | The Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Ordinance, 1990. | -do- | — | — |

* Promulgated by the Governor of Jammu and Kashmir under article 1(2)(a) of the Constitution of Jammu and Kashmir. The State was under President's rule.

1	2	3	4	5	6
		HIMACHAL PRADESH			
1.	The Himachal Pradesh Municipal (Amendment) Ordinance, 1990	4.12.1990	—	—	—
		KERALA			
1.	The Travancore Cochin Hindu Religious Institutions (Amendment) Ordinance, 1990	18.10.90	17.12.90	—	Replaced by Legislation
2.	The Kerala State Housing Board (Amendment) Ordinance, 1990	2.11.90	-do-	—	-do-
3.	The Kerala Building Tax (Amendment) Ordinance, 1990	-do-	-do-	—	-do-
4.	The Kerala Court Fees and Suits Valuation (Amendment) Ordinance, 1990.	28.11.90	-do-	—	-do-
		MAHARASHTRA			
1.	The City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1990	17.9.1990	3.12.90	11.12.90	Replaced by Legislation

2.	The Nagpur University (Amendment) Ordinance, 1990	1.10.90	-do-	13.1.1991	Replaced by Legislation
3.	The Bombay Municipal Corporation (Amendment) Ordinance, 1990	8.10.90	-do-	10.12.90	Replaced by Legislation
4.	The Maharashtra Zilla Parishads and Panchayats Samitis and the Dissolution of Osmanabad and Parbhani-Zilla Parishads and Temporary Postponement of Election (Amendment) Ordinance, 1990	14.11.90	-do-	-do-	-do-
5.	The Buryay Municipal Corporation and Provincial Municipal Corporations (Amendment) Ordinance, 1990	-do-	-do-	-do-	-do-
TAMIL NADU					
1.	The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) (Amendment) Ordinance, 1990	2.10.1990	19.1.1991	--	--
2.	The Tamil Nadu Motor Vehicles (Special Provisions) Repeal Ordinance 1990	8.10.90	-do-	--	Replaced by Legislation.
3.	The Tamil Nadu Agricultural University (Amendment) Ordinance, 1990	24.10.90	-do-	--	-do-
4.	The Tamil Nadu Motor Vehicles Taxation (Second Amendment) Ordinance, 1990	25.10.90	-do-	--	-do-
5.	The Tamil Nadu Agricultural produce Markets Laws (Amendment) Ordinance, 1990	1.12.90	--	--	-do-

1	2	3	4	5	6
6.	The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Ordinance, 1990	09.12.1990	.do.	—	.do.
7.	The Dr. M.G.R. Medical University Tamil Nadu (Amendment) Ordinance, 1990	.do.	.do.	—	.do.
8.	The Pechayappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Second Amendment Ordinance, 1990.	19.12.1990	.do.	—	.do.
UTTAR PRADESH					
1.	The Uttar Pradesh Entertainments and Betting Tax (Second Amendment) Ordinance, 1990	—	29.10.90	—	—
2.	The Uttar Pradesh Sales Tax (Amendment and Validation) (Third) Ordinance, 1990	—	3.11.90	—	—
3.	The Uttar Pradesh Public Services (Reservation for Backward Classes) (Amendment) Ordinance, 1990	—	12.11.90	—	—
4.	The Uttar Pradesh Civil Laws (Amendment) Ordinance, 1990	—	21.12.90	—	—
5.	The Land Acquisition (Uttar Pradesh Amendment and Validation) Ordinance, 1990	—	27.12.90	—	—
6.	The Uttar Pradesh Krishi Utpadan, Mandi Samitis (Apekshik Vywasstha Sanshodhan) Adyadesh, 1990.	—	31.12.90	—	—

7.	The Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1990	-	-do-	-
8.	The Uttar Pradesh Zila Parishad (Alphabetical Vyavastha) (Tribya Sanshodhan) Adyadesh 1990	-	-do-	-
WEST BENGAL				
1.	The West Bengal Taxation Laws (Second Amendment) Ordinance, 1990	-	-	-

APPENDIX VII
A. PARTY POSITION IN LOK SABHA (AS ON 13.3.1991)

Sl. No.	Name of State / Union Territory	Seats	Cong. (I)	BJP	Janata Dal	Janata Dal (S)	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
STATES												
1.	Andhra Pradesh	42	36	—	—	—	—	—	3(a)	—	41	1
2.	Assam	14	—	—	—	—	—	—	—	—	2	—
3.	Assam	14	—	—	—	—	—	—	—	—	—	14
4.	Bihar	54	4	9	20	10	1	4	5(b)	—	53	1
5.	Goa	2	1	—	—	—	—	—	1(c)	—	2	—
6.	Gujarat	28	2	12	2	9	—	—	—	—	25	1
7.	Haryana	10	4	—	—	4	—	—	—	—	6	2
8.	Himachal Pradesh	4	1	3	—	—	—	—	—	—	4	—
9.	Jammu and Kashmir	6	2	—	—	—	—	—	3(d)	1	6	—
10.	Karnataka	28	27	—	—	—	—	—	—	—	27	1
11.	Kerala	20	14	—	—	—	2	—	—	—	20	—
12.	Madhya Pradesh	40	8	27	3	—	—	—	4(e)	1	39	1
13.	Maharashtra	48	28	10	4	1	—	1	3(f)	1	48	—
14.	Manipur	2	2	—	—	—	—	—	—	—	2	—
15.	Meghalaya	2	2	—	—	—	—	—	—	—	2	—
16.	Mizoram	1	1	—	—	—	—	—	—	—	1	—
17.	Nagaland	1	1	—	—	—	—	—	—	—	1	—
18.	Orissa	21	3	—	8	5	1	1	—	—	18*	2
19.	Punjab	13	2	—	1	—	—	—	5(g)	3	11	2
20.	Rajasthan	25	—	13	3	8	1	—	—	—	23	2

24. Uttar Pradesh	34	17	6	—	2	6	2(k)	1	34	—
25. West Bengal	16	—	—	11	—	1	4(f)	—	16	—
UNKON TERRITORIES										
26. Delhi	3	—	—	—	—	—	—	—	—	3
27. Pondicherry	1	1	—	—	—	—	—	—	1	—
Notified	12	4	—	—	—	—	—	6	12	—
	245	105	25	17	17	16	46	10	236	6

Notes :-

- (a) Telugu Desam — 10.
- (b) Asom Gana Parishad—5; and Indian Congress (S) — 1.
- (c) C.P.I.— 1; and Lok Dal — 1.
- (d) National Conference — 2.
- (e) Muslim League—1; and CPI — 1.
- (f) Shiv Sena — 1.
- (g) Hill States People's Democratic Party — 1.
- (h) Akas Dal — 1.
- (i) Sikkim Sangram Parishad — 1.
- (j) AADMK—4; and DMK — 10.
- (k) Janata Party—1; and CPI — 1.
- (l) Revolutionary Socialist Party—2; CPI — 1; and Forward Bloc — 1.

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong.(I)	Janata Del	Lok Del	BJP	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh L.A. (As on 10-10-1990)	285	179	1	—	5	6	6	68(a)	5	283	2
Assam L.A. (As on 1-7-1990)	60	37	11	—	—	—	—	1(b)	11	60	—
Assam L.A. @	—	—	—	—	—	—	—	—	—	—	—
Bihar L.A. (As on 18-1-1991)	324	71	117	—	39	6	22	39(c)	30	324	—
Bihar L.C. (As on 1-1-1991)	96	35	11	—	3	1	6	1(d)	2	59*	36
Goa L.A. (As on 1-1-1991)	40	13	—	—	—	—	—	22(e)	2	37	3
Gujarat L.A. (As on 1-1-1991)	182	32	70	—	67	—	—	2(f)	10	181	1
Haryana L.A. (As on 1-1-1991)	90	5	13	—	15	1	1	44(g)	6	85*	4
Himachal Pradesh L.A. (As on 11-1-1991)	69	9	3	—	46	—	1	8(h)	1	68	—

	2	3	4	5	6	7	8	9	10	11	12
Orissa L.A. (As on 1-7-1960)	147	10	123	—	2	1	5	—	6	147	—
Punjab L.A.\$	—	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A. (As on 1-10-1960)	200	50	56	—	85	1	—	—	9	200	—
Sikkim L.A. (As on 1-1-1960)	32	—	—	—	—	—	—	32(i)	—	32	—
Tamil Nadu L.A. (As on 31-12-1960)	235	26	6	—	—	15	3	161(u)	2	233*	1
Tripura L.A. (As on 1-1-1961)	60	25	—	—	—	25	—	10(v)	—	60	—
Uttar Pradesh L.A. (As on 1-1-1961)	426	94	86	—	55	2	6	136(w)	40	423	3
Uttar Pradesh L.C. (As on 1-1-1961)	108	37	5	1	6	—	—	47(x)	12	108	—
West Bengal L.A. (As on 1-1-1961)	295	38	—	—	—	164	10	56(y)	—	290	5

UNION TERRITORIES

Delhi Metropolitan Council ²	—	—	—	—	—	—	—	—	—
Pondicherry L.A.	33	11	1	—	—	2	16(2)	1	33
(As on 31-12-1990)									

Notes:

*Excluding the Speaker.

@ President's Rule was imposed in the State from 28.11.1990 and the Assembly has been kept under suspended animation since that day.

@@ Dissolved on 19.2.1990

\$ Dissolved on 11.5.1987

£ Dissolved on 13.1.1990

(a) Tejgu Desam Party-74; All India Majlis-e-Itehad-ul Muslimeen-4; Marxist Communist Party of India-1; and Democratic People Front-10.

(b) Janata Party-1.

(c) Jharkhand Mukti Morcha-19; Indian People's Front-7; Socialist Party (Lohia)-1; Jharkhand Party-1; Marxist Co-ordination-2; Nominates-1; and Unattached Janata Dal-8.

(d) Jharkhand Mukti Morcha-1

(e) Maharashtrawadi Gomantak Party-16; Goan People's Party Supporting Shri R.D. Khalap, Maharashtrawadi Gomantak Party Leader-3; and Goan People's Party-3

(f) Lok Swaraj Manch-1; and Yuva Vikas Party-1.

(g) Janata Dal (S)-41; and Others-3.

(h) Janata Dal (S)-8.

(i) National Conference-17; and Awami National Conference-7.

(j) Janata Party (JP)-2; Rakta Sanga-2; Muslim League-1; AIADMK-1 and Nominated-1.

(k) Janata Party-8.

(l) Muslim League-15; Indian National Congress (Socialist-Serat Chandra Sinha)-6; Revolutionary Socialist Party-6; Kerala Congress-4 and Kerala Congress(M)-4.

(m) Janata Dal (S)-11; Bahujan Samaj Party-2; Nominated-1; and Kramikuri Samajwadi-1.

(n) Shiv Sena-52; Peasants and Workers' Party-8; Congress(S) Legislature Party-1; Republican Party of India (KHOBRAGADE - Muslim) League-1 and Nominated-1.

- (o) Peasant's and Workers' Party-3; Shiv Sena-4; Republican Party of India (Gwal Group)-1; Republican Party of India-1 and Unattached-2.
 (p) Manipur People's Party-10; Congress(S)-6; Kisan National Assembly-2; and National People's Party-1.
 (q) Meghalaya United Parliamentary Front-2; United Meghalaya Parliamentary Party-25; and Unattached-1.
 (r) Mizo National Front-13; Mizo National Front (D)-2; and Democratic Party-1.
 (s) Nagaland People's Council-23; and Democratic Party-1.
 (t) Siddim Sangram Parishad-32.
 (u) Dravida Munnetra Kazhagam-143; All India Dravida Munnetra Kazhagam-29; All India Anna Dravida Munnetra Kazhagam (Janaki M.G. Ramachandran Group)-1; Indian Union Muslim League(L)-4; Tamil Nadu Forward Bloc-1; Indian Farmers and Toilers Party-1; United Communist Party of India-1; and Nominated-1.
 (v) Tripura Upejati Juba Samiti-6; and Revolutionary Socialist Party-2.
 (w) Janata Dal(S) 121; Shoshit Samaj Dal-1; Bahujan Samaj Party-13; All India Hindu Mahasabha-1; Unattached-1; and Nominated-1.
 (x) Janata Dal (S)-32; Unattached-7; and Shikshak Dal (Non Political)-8.
 (y) All India Forward Bloc-27; Revolutionary Socialist Party-19; West Bengal Socialist Party-3; Forward Bloc (Marxist)-2; Democratic Socialist Party-2; Revolutionary Communist Party of India-1; Socialist Unity Centre of India-2; Muslim League-1; and Nominated-1.
 (z) Dravida Munnetra Kazhagam-12; Janata Dal (S)-3; and All India Anna Dravida Munnetra Kazhagam-3.

**Decision regarding their party affiliations is pending before the Speaker.

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