

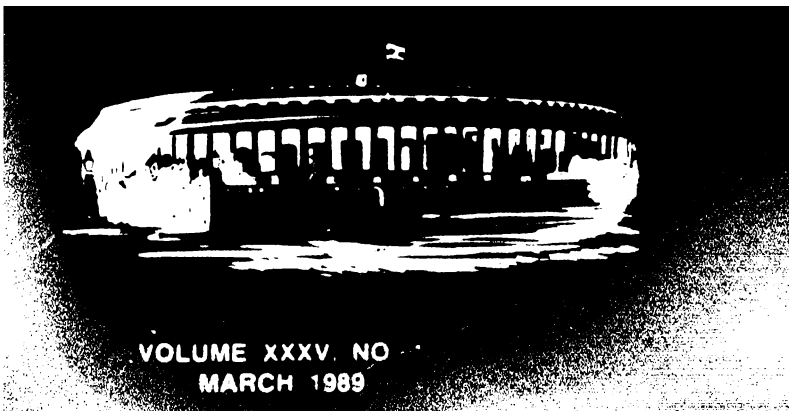
THE JOURNAL OF PARLIAMENTARY INFORMATION

JAWAHARLAL NEHRU AND SOCIALISM

— P. V. Narasimha Rao

THE ANTI-DEFECTION LAW — PREMISES,
PROVISIONS AND PROBLEMS

— Dr. Subhash C. Kashvap



THE JOURNAL OF PARLIAMENTARY INFORMATION

Editor : DR. SUBHASH C. KASHYAP

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.

The Editor would welcome articles on constitutional, parliamentary and legal subjects for publication in the *Journal*. A modest, token honorarium is payable for articles etc. accepted for publication in the *Journal*. The articles should be type-written on only one side of the paper.

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EDITORIAL NOTE

The philosophy of socialism has been one of the greatest contributions of this century to mankind. However, to most people, socialist ideology conjures up visions of only rigid political theories and doctrinaire economic systems. In the first article of this issue titled "Jawaharlal Nehru and Socialism", Shri P.V. Narasimha Rao, Minister of External Affairs observes that Shri Jawaharlal Nehru was a refreshing exception to such a dogma since "he was too full of political realism to put dynamic political processes into the strait-jacket of theory." According to Shri Rao, Shri Nehru "clearly recognised that India must find for itself its own road to socialism, which would be influenced by the peculiarities of its own historical experiences and the genius of its race". He notes that Nehru's greatness lay in his dynamic concept of socialism which was a "blend of ideology and idealism with pragmatism" since "he did neither preach a peasant or proletarian revolution for which our society was ill-prepared, nor did he flirt with utopian concepts of a classless society or a completely State-controlled economy. His commitment to the democratic path was equally absolute". In practice, his philosophy was truly reflected in the adoption of the principle of "socialistic pattern of society" as a national policy. In the context of our march towards the twenty-first century, Shri Rao concludes that the need of the hour is to look for a person "who is able to maintain the continuity of the Nehruvian line in order to suit and reinterpret it in order to fit into the 21st century".

The other article in this issue on "The Anti-Defection Law—Premises, Provisions and Problems" points out at the outset that the phenomenon of defection is not unique to India, as it was not something altogether unknown to the older democracies like Great Britain, Australia, Canada and U.S.A. The article discusses in detail the Anti-Defection law and the rules made thereunder, besides the grounds on which the law has been questioned. Dealing in particular with the practical problems faced in the implementation of the law, the author concludes that "notwithstanding the alleged shortcomings and flaws pointed out by the critics, jurists and constitutional experts and the practical problems that have arisen or are foreseen as likely to arise in future in the implementation of the Act/Rules made thereunder, there is no denying the fact that the enactment was the first step in the right direction and that it has been largely successful in achieving its aims and objects".

Functions in connection with the Birth Centenary of the first Speaker of Lok Sabha, Shri G.V. Mavalankar were held in November 1988. A feature on these events has been included in this issue.

The Diamond Jubilee celebrations of the Lok Sabha Secretariat, at official as well as at staff levels, were spread over September 1988—January 1989. We cover details of all the connected functions in a feature, "Diamond Jubilee Celebrations of Lok Sabha Secretariat".

We extend our heartiest felicitations to Dr. Najma Heptulla on her election as Deputy Chairman of Rajya Sabha and assuming the august office for a second time on 17 November 1988. We also include in this issue a feature on her election.

We congratulate Sarvashri T. Devendra Singh, Thamizkudimagan, T.N. Ngullie and Hiphei on their election as Speakers of the legislative assemblies of Manipur, Tamil Nadu, Nagaland and Mizoram, respectively. Our congratulations to Shri P. Duraiswami too on his election as the Deputy Speaker of the Tamil Nadu Legislative Assembly.

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

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

—*Subhash C. Kashyap*

JAWAHARLAL NEHRU AND SOCIALISM*

P. V. NARASIMHA RAO

To most people, socialist ideology or philosophy conjures up visions of rigid political theories and doctrinaire economic systems. Even in recent years some nations have been kept apart by the belief that different socio-political systems cannot co-exist with a socialist ideology. Pandit Jawaharlal Nehru was a refreshing exception to this dogma. As a man, who put an indelible stamp on every important political movement for Indian independence and was deeply involved in the Government of independent India for nearly two decades, he was too full of political realism to put dynamic political processes into the strait-jacket of theory. He was certainly inspired by the ideas of Marx and Lenin and his writings showed that he was profoundly moved by the revolution in Russia. However, he clearly recognised that India must find for itself its own road to socialism, which would be influenced by the peculiarities of its own historical experiences and the genius of its race.

It would be no exaggeration to say that the adoption of socialism as a coherent objective of the Indian National Congress was Panditji's achievement. Immediately after taking over the Presidentship of the Indian National Congress in 1929, Panditji declared at the Lahore Congress:

I must frankly confess that I am a socialist and a republican and am no believer in kings and princes, or in the order which produces the modern kings of industry.....we must realise that the philosophy of socialism has gradually permeated the entire structure of society the world over....India will have to go that way too if she seeks to end her poverty and inequality.....

* Adapted from the Address delivered by the author, on 14 November 1968, at the meeting organised by the Indian Parliamentary Group at New Delhi on the 99th Birth Anniversary of Shri Jawaharlal Nehru, first Prime Minister of India.

It was his lead that resulted in the socialist economic programme adopted by the Congress party at the Karachi session two year later. The political and economic programmes of the Congress were shaped by Panditji's conviction that in the existing international situation the struggle for national liberation of the colonial peoples must be influenced by socialist ideas and ideals. This is a theme that recurs in his speeches and writings during the independence movement. For him, *Swaraj* and socialism were joint objectives of the movement. It was his firm conviction that India could not have the one without the other.

As long as the country was under foreign rule, Nehru realised that nationalism would inevitably have to take precedence. Nehru's idea of socialist development in India could really take root in the country's political life only after independence, when in December 1954, the Lok Sabha passed a resolution declaring that the object of the country's economic policy should be a socialistic pattern of society. This was followed in January 1955 by a similar resolution at Avadi session of the Congress. Now, a very significant factor which needs attention is that it was not the Indian National Congress from where socialism emanated as a creed, but it was from our Parliament that it first emanated and was later adopted by the Congress. So, the socialism suitable to our circumstances is not an ideology of any political party, but it is the basic tenet of the nation itself as was evidenced by the Parliament accepting it before any other party, particularly the ruling party. Therefore, when we talk of socialism in the Indian context, we have to understand that in the context of our Parliament having adopted the socialistic pattern of society before the ruling party did.

Panditji's concept of socialism did not adopt a doctrinaire approach. He called himself a socialist since he accepted that socialist principles were common to all, but he retained the right to vary their application in the light of his own judgement of the conditions in which he had to apply such principles. This explains why he frequently refused to provide a definitive description of socialism or for the socialistic pattern which he advocated. At the National Development Council meeting in November 1954, he clarified this approach:

The picture I have in mind is definitely and absolutely a socialistic picture of society; I am not using the word in a dogmatic sense at all. I mean largely that the means of production should be socially owned and controlled for the benefit of society as a whole.....

This is a very pregnant statement that he made: "I mean largely that the means of production should be socially owned and controlled",—this is one part, and "for the benefit of society as a whole"—is another. If the means of production today have been nationalised or have been taken under public

control, the question which, according to Panditji has to be asked is: whether this control and this public ownership is being used for the benefit of the society as a whole? This is the most important question. We are not really addressing ourselves to this question to which we ought to. Probably today there is a new fermentation in the thinking of our Government and the Governments elsewhere, including the Soviet Union, where public ownership and public control is being very closely scrutinised on the touchstone of its being or not being for the benefit of all the people or the society as a whole. This is the *kasauti* (yardstick) which we have to place in front of us and judge every economic activity that is going on in our country against this *kasauti*.

At the same time Pandit Nehru was clear about the role that socialism would have to play in our country and of the objectives of a socialistic pattern of society. He declared in his presidential address in April 1936 that "Socialism is something even more than an economic doctrine; it is a philosophy of life." This is the desideratum; this is the real reason why he wanted socialism, not as a doctrine which he liked; not as something which was being adopted by another country which he admired, but he wanted socialism because of the conditions he specifically found then and we find in India. That is what he says:

I see no way of ending the poverty, the vast unemployment, the degradation and the subjection of the Indian people except through socialism. That involves vast and revolutionary changes in our political and social structure, the ending of vested interests in land and industry, as well as the feudal and autocratic Indian States system. That means the ending of private property, except in a restricted sense, and the replacement of the present profit-system by a higher ideal of cooperative service. It means ultimately a change in our instincts and habits and desires.

So, it was not just an economic doctrine he was propounding, but it was a new philosophy and a new basis for the reorganisation of society. That is what socialism was to him.

It was in this blend of ideology and idealism with pragmatism that Nehru's greatness lay. He did neither preach a peasant or proletarian revolution for which our society was ill-prepared, nor did he flirt with utopian concepts of a classless society or a completely state-controlled economy. His commitment to the democratic path was equally absolute. This is the dynamic concept of socialism which was enunciated by Panditji.

In fact, Panditji also inherited this concept from our own tradition. In this context, it may be pertinent to mention an instance when some sort of

running battle was going on between the Indian National Congress and the Muslim League on certain basic issues. One Muslim League leader made fun of Panditji by calling his socialism a brand of his own and that he was all the while oscillating between Moscow and Benaras. Today, while retrospectively, I think what he said was exactly what was the situation then and what really was subsumed by Panditji's socialism. He never cut himself adrift of the country's tradition and its rediscovery. All of his works clearly demonstrate his characteristics as a great historian, a great statesman, a great liberator, a great person with scientific temperament and, above all, a great writer. He was great in anything that he touched. A person cannot imbibe all these traits without a sense of history and tradition. If he looked at socialism, it was from the angle of an Indian with a 5,000-year-old philosophy behind him to fall back upon.

In the society which developed in India in ancient periods, the King's duties were so prescribed that there was no distance between him and the people. So, some kind of socialism, egalitarianism and equality built into our system from times immemorial is truly reflected in Panditji's socialism which is typically based on Indian ethos and rooted in our own traditions, not something taken from the Communist Manifesto of 1848. He, too, referred to it many times at public meetings and at the meetings of the Congress Legislature Parties.

There is no doubt also that his ideas of democratic socialism enriched the political consciousness of other nations struggling for national liberation in the post-war years. I recall a particular speech made by him in one of our meetings at Hyderabad, in which he tried to explain democratic socialism. He said there can be no democracy without socialism and *vice versa*. According to him, democratic socialism was like a coin, which had two sides — one that of socialism and the other of democracy. He said one cannot exist without the other and he went on to explain like a teacher and we were just spell-bound listening to him how he tried to derive one from the other. In fact, those are the teachings which none of us will ever forget. We were very lucky to be part of such audiences which Panditji addressed time and again and we had the benefit of his ideas coming direct from him and not from secondary sources.

In a world that glorifies political personalities during their life-time and belittles their achievements after their death, the legacy of Panditji's socialist ideas has possibly suffered some neglect. Visions and ideals, however, fortunately have a longevity greater than that of human beings. Our good fortune has been that Panditji was there to introduce us to some visions and ideals during the formative stages of our national consciousness. Even if sometimes they are not traced back to him, they are part of our political culture and social ethos. Quite often in the process of national development, our political culture or social trends have reflected the

values that we have inherited from Panditji, for example, the Directive Principles of State Policy framed by the makers of our Constitution contain the Nehruvian ideals of socialism to guide Government policies. However, how much they are guiding is a separate issue. We all know the *Golaknath* case. We are very well aware of the later developments and the kind of conflict between Fundamental Rights on the one hand and Directive Principles on the other and how they were sought to be reconciled. Whether they have reconciled or not, the fact remains that they were part of the same Constitution and because of some other exigencies they have been given different values perhaps in a value system which seems to be a little different from Panditji's value system. So, what has emanated from Panditji has taken different forms. It is for us, his torch-bearers — if we call ourselves so — to think of what is to be done in the present context. If Panditji interpreted Gandhiji someone has to interpret Panditji as he had interpreted Gandhiji. Implementation of one of his programmes in all vigour is different from interpreting it. In changing circumstances it is a totally different thing. Today the greatest Gandhian I can think of is Nehru. Now, who can be called the greatest Nehruite is still to be decided. History will decide it. Shrimati Indira Gandhi was there but her life was a life of struggle. It was not a life of precept. On the other hand Panditji's was not a life of struggle, since he became leader very early in life, even much before becoming Prime Minister. That is the difference between the two. Indiraji in a way interpreted and implemented Panditji. But, in the context of our march towards the 21st century or on the eve of the 21st century, how Panditji is to be interpreted is something which is a challenge to the younger generation. I am trying to interpret but I don't think I have succeeded. And I am sure no one from my generation will succeed hundred per cent in interpreting and grasping the significance of the 21st century. So, we require someone who can understand the significance of 21st century, and who is then able to maintain the continuity of Pandit Jawaharlal Nehru. Let us see, if we have a historic personality emerging who can do this. In this lies the future of India and perhaps the future of mankind.

The force of conceptual ideas cannot be judged by short term achievements. Nehru did not promise us socialism in a short span of few years. He perceived it as a goal capable of achievement, but over a length of time. He gave us an aim to strive for.

"I cannot say", he said once, "when socialism will come to India. But, that it will come, I am certain. It will come not because I or half a dozen others want it to come. Nor will it stop because 'big business' do not want it to come". In his one of the most pithy statements, he says: "I do not know when it is going to come, but I am sure, it is going to come because as it has become part of our ethos and what we have called in our

language *Yuga Dharma*." Socialism has become the *Yuga Dharma* of India today. It has to take roots. It is taking roots and it has to manifest itself in every walk of life of the people in the years to come.

Now, we need a person who understands the 21st century and is able to maintain the continuity of the Nehruvian line in order to suit and reinterpret it in order to fit into the 21st century. This is the need of the hour in India today. India does not merely need great *pundits* who will simply tell us what the books contain or what the texts contain. There are many like that. India is not in need of those total opium-eaters, who will go on giving us all kinds of imaginary words and ideas. India is in need of interpreters and *vyakhyatas*. Panditji was one of the great *vyakhyatas* of Indian political, social and literary scene and today we need some leader, who has to interpret Panditji in the same way as he interpreted Gandhiji.

THE ANTI-DEFECTION LAW—PREMISES, PROVISIONS AND PROBLEMS

SUBHASH C. KASHYAP

Defection: Meaning and Background: Defection may be defined as abandonment of loyalty, duty or principle, or of one's leader or cause. In parliamentary political life, the term has come to connote change of party affiliation or allegiance by a member of a legislature. The traditional term for the latter has, however, been *floor crossing* which had its origins in the British House of Commons where a legislator was supposed to have changed his party allegiance when he crossed the floor and moved from the Government to the Opposition side or *vice versa*. The phenomenon of defection was not something altogether unknown to the older democracies like Great Britain. Political stalwarts like William Gladstone, Joseph Chamberlain, Winston Churchill and Ramsay MacDonald were known to have changed their party allegiance at one time or another—some of them even more than once. Likewise in Australia, Canada and the U.S.A. there had been instances of politicians defecting from one party to another. Indian politics itself had seen defections right from the pre-Independence Central Legislative Assembly days.¹

The year 1967 ushered in an unprecedented era of political instability and horsetrading preceding and following the formation of coalition Governments in several States. The formation of such coalition Governments was most often a marriage of convenience. They were constituted of heterogeneous elements—political parties coming together to share power often having no ideological similarity. Several State Governments fell like the proverbial nine pins in quick succession. The fall was usually brought about by dissatisfied and disgruntled legislators who, it was widely believed, could not be accommodated as Ministers and the like or otherwise lucratively recompensed. They

¹Webster's Dictionary; Oxford Dictionary; and Subhash C. Kashyap. *The Politics of Power*, New Delhi, 1974, pp. 41-66.

changed their party affiliations and were welcomed with open arms by other political parties which, though in minority, cherished the dream of forming Government on the strength of such synthetic majority. This gave rise to a very unhealthy trend whereby legislators were lured away from their political parties with a view to toppling the existing Governments and forming new ones with different permutations and combinations. Between the fourth and the fifth general elections in 1967 and 1972 from among the 4,000 odd members of the Lok Sabha and the Legislative Assemblies in the States and the Union Territories, there were nearly 2,000 cases of defection and counter-defection. By the end of March 1971, approximately 50 per cent of the legislators had changed their party affiliations and several of them did so more than once—still some of them as many as five times. One MLA was found to have defected five times to be a Minister for only five days. For sometimes, on an average, almost one State Government was falling each month due to changes in party affiliations by members. In the case of State Assemblies alone, as much as 50.5 per cent of the total number of legislators changed their political affiliations at least once. The percentage would be even more alarming if such States were left out where Governments happened to be more stable and changes of political affiliations or defections from parties remained very infrequent. That the lure of office played a dominant part in this "political horsetrading" was obvious from the fact that out of 210 defecting legislators of the various States during the first year of "defection politics", 116 were included in the Councils of Ministers in the Governments which they helped to form.²

The Constitution (Fifty-Second Amendment) Act, 1985: Concerned over the malaise of political defections in national life, the Lok Sabha adopted a non-official resolution on 8 December 1967 urging the appointment of a high level Committee. In pursuance thereof, a Committee of constitutional experts and representatives of political parties was set up in March 1968 under the Chairmanship of the then Home Minister, Shri Y. B. Chavan to consider the problem of legislators changing their allegiance from one party to another and their frequent crossing of the floor, in all its aspects and to make recommendations in that regard. The report of the Committee was laid on the Table on 28 February 1969. In order to give effect to the recommendations of the Committee, the Government introduced a Constitution Amendment Bill in Lok Sabha on 16 May 1973. The Statement of Objects and Reasons appended to the Bill stated:

When the Report of the Committee on Defections was considered it was felt that the recommendation that a defector should be rendered ineligible for

²Kashyap, *op. cit.*, pp. 1-40; S. Agarwal, *Anti-Defection Law in India, The Parliamentarian* January, 1986.

certain offices of profit for a stipulated period would not provide an adequate solution and that it would be more appropriate to amend the Constitution with a view to disqualifying a defector from his continued membership of the legislature.³

The Constitution Amendment Bill was referred to a Joint Committee of the two Houses. However, before the Committee could complete its deliberations, the Lok Sabha was dissolved and the Bill lapsed. Another Bill on the subject was introduced in the next Lok Sabha on 28 August 1978, but it was opposed at the stage of introduction itself both by some Ruling party members and the Opposition as certain features of the Bill did not satisfy them. After some discussion, the motion for introduction of the Bill was withdrawn by leave of the House.

Immediately after the general elections held in December 1984, the President of India said in his Address to both Houses of Parliament assembled together on 17 January 1985 that the Government intended to introduce in that session a Bill to outlaw defections. In fulfilment of that assurance, the Government introduced the Constitution (Fifty-second Amendment) Bill in the Lok Sabha on 24 January 1985. The Statement of Objects and Reasons appended to the Bill stated:

The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundations of our democracy and the principles which sustain it. With this object, an assurance was given in the Address by the President to Parliament that the Government intended to introduce in the current session of Parliament an anti-defection Bill. The Bill is meant for out-lawing defection and fulfilling the above assurance.

In order to bring about a national consensus on the Bill, the Prime Minister held prolonged consultations with the leaders of Opposition groups. The Government acceded to the demand of dropping a controversial clause from the Bill relating to disqualification of a member on his expulsion from his political party for his conduct outside the House. The Bill was passed by Lok Sabha and Rajya Sabha on 30 and 31 January 1985, respectively. It received the President's assent on 15 February 1985. The Act came into force with effect from 1 March 1985 after issue of the necessary notification in the Official Gazette.

The Constitution (Fifty-Second Amendment) Act, 1985, amended articles 101, 102, 190 and 191 of the Constitution regarding vacation of seats and disqualification from membership of Parliament and the State Legislatures and added a new schedule (Tenth Schedule) to the

³The Constitution (Thirty-Second Amendment) Bill, 1973.

Constitution setting out certain provisions as to disqualification on grounds of defection. The Tenth Schedule *inter alia* provides that:

- (i) an elected member of Parliament or a State Legislature, who has been elected as a candidate set up by a political party and nominated member of Parliament or a State Legislature who is a member of a political party at the time he takes his seat would be disqualified on the ground of defection if he voluntarily relinquishes his membership of such political party or votes or abstains from voting in the House contrary to any direction of such party;
- (ii) an independent member of Parliament or a State Legislature will be disqualified if he joins any political party after his election;
- (iii) a nominated member of Parliament or a State Legislature who is not a member of a political party at the time of his nomination and who has not become a member of any political party before the expiry of six months from the date on which he takes his seat shall be disqualified if he joins any political party after the expiry of the said period of six months;
- (iv) no disqualification would be incurred in cases where split in a party or merger of a party in another is claimed provided that in the event of a split in the legislature party at least one-third of its members decide to quit the party and in case of a merger the decision is supported by not less than two-thirds of the members of the party concerned;
- (v) no disqualification is incurred by a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or of the Legislative Assembly of a State or to the office of the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State, if he severs his connections with his political party;
- (vi) the question as to whether a member of a House of Parliament or State Legislature has become subject to disqualification will be determined by the Chairman as the Speaker of the respective House; where the question is with reference to the Chairman or the Speaker himself it will be decided by a member of the concerned House elected by it in that behalf;
- (vii) the Chairman or the Speaker of a House has been empowered to make rules for giving effect to the provisions of the Schedule. The rules are required to be laid before the House and are subject to modifications/disapproval by the House;

- (viii) all proceedings in relation to any question as to disqualification of a member of a House under the Schedule will be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212; and
- (ix) notwithstanding anything in the Constitution, no court will have any jurisdiction in respect of any matter connected with the disqualification of a member of a House.

Anti-Defection Rules: The Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985, as framed by the Speaker under paragraph 8 (vii above) of the Tenth Schedule were laid on the Table of the House on 16 December 1985 and came into force with effect from 18 March 1986. The Rules cast a responsibility on the leaders of legislature parties in the House to furnish to the Speaker within 30 days after the first sitting of the House or within 30 days after the formation of such legislature party as the case may be, a statement containing the names of members of such legislature party, a copy of the rules and regulations/constitution of the political party concerned and where such legislature party has a separate set of rules and regulations/constitution, a copy of such rules and regulations/constitution. The leader of the legislature party is also required to inform the Speaker about the changes that take place in the strength of the party or in its rules, regulations, constitution, etc. Duty is also cast on the leader of the legislature party or the person authorised by him in that behalf to communicate to the Speaker any instances of a member of the party voting or abstaining from voting in the House contrary to any direction issued by such political party without obtaining the prior permission of such party, person or authority.

The Rules further lay down that every member must individually furnish to the Speaker a statement giving details of his party affiliation as on the date of election/nomination.

Paragraph 8(3) of the Tenth Schedule provides that any wilful contravention by any person of the provisions of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985, may amount to breach of privilege of the House and will be dealt with as such.

The Rules further provide that no reference of any question as to whether a member has become subject to disqualification shall be made except by a petition in relation to such member made in writing to the Speaker by any other member. The petition so received may either be considered by the Speaker himself or might be referred by him to the Committee of Privileges for a preliminary inquiry so as to enable him to determine the question.

Constitutionality of the Anti-Defection Law: The Constitution (Fifty-Second Amendment) Act, 1985 which has since popularly come to be known as the Anti-Defection law has been questioned on several grounds, viz. that it is violative of the basic structure of the Constitution, that it is beyond the competence of Parliament and that it gives preference to expediency over principles. Even before the Anti-Defection law was passed by Parliament, serious doubts were expressed in regard to its constitutionality and advisability. Also, it was apprehended that legislative measures alone may not be an effective remedy against the malady of defections. Thus, treatises on the politics of defection published in 1969 and 1974⁴ pointed out a number of politico — constitutional and legal grounds on which an anti-defection law could be questioned. The questions raised then included:

- (i) Whether the people voted for party programmes and policies or for persons and, if for the latter, whether party bonds could be given constitutional recognition and protection?
- (ii) Whether there was an unbreakable bond between the members and the political party on whose symbol they contested the election? Whether the basic relationship was between the party and the member or between the member and the constituency people whom he represented?
- (iii) Whether it was fair to make a distinction between defection by individuals and defection by groups merely because the latter might follow or might for the sake of convenience be called a split of a party or merger of parties particularly when motivations behind splits and mergers or group defections may not often be very different from those for individual defections? Whether an individual defector should be punished while defectors in a group could go scot free under the garb of a party split?
- (iv) Whether there was any justification for not accepting the Chavan Committee recommendation for debarring defectors from occupying Ministerial offices? Was it not conceivable that in certain situations while a defector might become liable to be disqualified for membership, he might quite constitutionally and legally become or continue to be a Minister for at least six months or till the next election in case of dissolution of the popular House?
- (v) Whether the disqualification provision did not militate against the basic freedoms of association, opinion and expression — including the freedom of changing association, opinion etc. — guaranteed under the Fundamental Rights Chapter of the Constitution? Also what happened

⁴ Subhash C. Kashyap, *Politics of Defection*, New Delhi, 1969; and *Politics of Power*, *op. cit.*; Preface.

to the most fundamental parliamentary privilege of members guaranteed under articles 105 and 194 of the Constitution, namely that of freedom of speech and expression in the Houses of legislatures? Would any legislation — even constitutional amendment — which restricted the freedom of choice or bound the vote of a legislator not amount to tampering with the fundamentals of the Constitution and become an affront to democratic norms?

- (vi) Would disqualifying legislators on grounds of defection not open floodgates of litigation (even if the jurisdiction of courts was sought to be barred) and create a situation where legislators themselves might have to look to the Courts for protection of their rights *vis a vis* legislatures?

Paragraph 7 of the Tenth Schedule which bars the jurisdiction of the courts has been struck down as being *ultra vires* of the Constitution by the High Court of Punjab and Haryana and an appeal against this order has been preferred by the Government in the Supreme Court which is at present *sub judice*. Several writ petitions challenging the validity and constitutionality of the 1985 enactment have since been filed in the Supreme Court and various High Courts. The Supreme Court has, on the request of the Government, withdrawn and transferred to itself all the writ petitions pending before various High Courts as it was felt by the Government that substantial questions of law were involved in them. These are, at present, *sub judice* and may not, therefore, be commented upon. The basic issues raised in these petitions, however, may be summarised as follows :

- (i) The words *defection* and *dissent* are not synonymous. They carry separate and distinct meanings. Defiance of party direction or whip may be expression of *dissent* but not *defection*. It is well known that UK, Canada, Australia and New Zealand where parliamentary democracies similar to India exist, members, sometime vote in defiance of the party whip or direction and they are not penalised. In fact, in all these countries dissent has played an important part. There is no question in Britain or in any of the other three countries mentioned above of unseating the dissenting member. Mere non-compliance with a party directive can never be considered to be political defection because such a member has neither changed sides nor crossed the floor; he continues to remain a member of his party.
- (ii) In India, the electorate is not called upon to choose between the political parties; we have accepted the Westminster model under which a member of the legislature is supposed to represent primarily the State or the nation as a whole depending upon whether he is a member of the State Assembly or the Lok Sabha. So it cannot be denied that a representative's prime loyalty is to the electorate and the

nation and, since he has been elected on the basis of a party manifesto, he also owes allegiance to the fundamental policies and programmes set out in his party's manifesto. In the case of a conflict between the action of the leadership or the bosses of his party in the legislature and the interests of the people and nation, or in the event of the leadership violating the pledges given to the people, what is the duty of the member concerned? Is it not his right to serve the interests of the people? Is it not his duty to abide by the party manifesto?

- (iii) If votes are not going to be altered by speeches, what is the use of parliamentary democracy? Debates and discussions are often helpful in swaying the voting pattern in legislatures. For example, the Indian Independence Bill, 1947, was opposed by the Conservative Party of England. Since the Labour Government had a big majority, the Bill passed through all the stages in the Commons easily. But in the House of Lords, there was a Conservative majority. The Conservatives could have defeated the Bill. It was, however, Conservative Lord Halifax's speech that changed the mood of the Lords and the Bill was passed.
- (iv) The quintessence of parliamentary democracy is the continuous and day-to-day answerability of the Government to Parliament, enforced through the doctrine of collective responsibility enshrined in articles 75 and 113 as well as the freedom of speech and vote under articles 105 and 194 given to members. This accountability has been done away with by the Fifty-second Amendment Act. All that the Executive has to do now is to issue a whip to the members.
- (v) Under the Constitution, Parliament is required to exercise its powers in certain matters which are quasi-judicial in nature, e.g. under article 61 (relating to the impeachment of the President of India), article 124(4) (relating to removal of Supreme Court Judges), article 148(1) (relating to removal of Comptroller and Auditor General), article 217(1)(b) (relating to removal of a Judge of a High Court), and article 324(5) (relating to removal of the Chief Election Commissioner). The proceedings in Parliament of such quasi-judicial nature may be influenced by the issue of a party whip under the Fifty-second Amendment Act which is against the rule of natural justice.
- (vi) Paragraph 3 of the Tenth Schedule has recognised the political phenomenon of splits in parties, but it has laid down that a split will be recognised only if one-third of the members of the legislature party of a House join the new party. There is no nexus between numbers and the fact of a split. The split is a complex phenomenon. It occurs because of differences over policy and programmes, organisational principles, functioning and alignment of social forces within a political party; an element of personality and temperamental incompatibility is also not wholly absent. There is nothing sacrosanct about the figure one-third.

The Anti-Defection Law

A history of some of the party splits in India would show that constitutional and legal constraints would do more harm than good. They would destroy the natural growth and fluidity of the system. To absolutely freeze a party system by stifling dissent is fraught with greater danger and might threaten the healthy growth of Indian democracy. Paragraph 3 of the Tenth Schedule relating to splits is, therefore, not based on any rational or intelligible differentia, violates the principles of equality and the basic constitutional structure and is therefore void.

- (vii) Sub-para(2) of paragraph 2 of the Tenth Schedule deals with an independent member who has not been set up by a political party. Under this sub-para, an independent member will be disqualified if he joins any political party after his election as a member of the legislature. But under sub-para(3) of paragraph 2 of the said Schedule, a nominated member is allowed to join a political party within six months of his nomination as a member. An independent member's freedom to join a party is fettered although he is master of himself and owes his election to no political party. On the contrary the ruling party picks and chooses persons for nomination and in a way puts them under obligation. Such members are, therefore, likely to join the ruling party. Both these provisions are vitiated by an inbuilt irrationality and bias and are therefore violative of article 14.
- (viii) The original article 102 which has been amended by the Fifty-second Amendment Act provided for disqualification of members on the concepts such as conflict of duty (office of profit), corrupt election practices (to ensure free and fair elections), moral turpitude and so on. The inclusion of the Tenth Schedule in articles 102 and 191 violates the principle of *ejusdem generis* in so far as there is absolutely no nexus between the vices, infirmities, incapacities, defects, conflict of duty and corrupt election practices and the subject matter of the Tenth Schedule. None of the matters covered by the original articles 102 and 191 had anything to do with what a legislator lawfully did in a House of legislature under articles 105 and 194.
- (ix) Paragraphs 6(2) and 7 kill judicial review by treating the disqualification proceeding under the said Schedule as a proceeding in legislature under articles 122 and 212 of the Constitution and by barring the jurisdiction of courts in respect of any matter connected with the disqualification of a member. The power of judicial review is the most potent weapon in the hands of the Judiciary for maintenance of rule of law. The provisions, therefore, are invalid, bad in law and destructive of the basic structure of the Constitution.
- (x) Proviso to clause (2) of article 368 of the Constitution provides that if an amendment to the Constitution seeks to make any change in Chapter IV of Part V (relating to the Union Judiciary) or Chapter V of

Part VI (relating to the High Courts in the States), the amendment is required to be ratified by the legislatures of not less than one-half of the States by the resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent. Though the Fifty-second Amendment Act did not seek to make any change in either Chapter IV of Part V or Chapter V of Part VI, it in effect erodes and abrogates the powers of the Union Judiciary and the High Courts by barring their jurisdiction. The Constitution Amendment Bill, therefore, ought to have been ratified in terms of proviso to clause (2) of article 368 of the Constitution before it could have been presented to the President for his assent, which has not been done. The entire Constitution (Fifty-second Amendment) Act, 1985, is, therefore, *ab initio* constitutionally invalid.

Paragraph 7 of the Tenth Schedule regarding bar of jurisdiction of Courts has been declared unconstitutional by a full bench of the Punjab and Haryana High Court. An appeal against the order is at present pending before the Supreme Court.

The case of Disqualification: The only case of disqualification of a member of Lok Sabha pertains to a Congress (I) member from Mizoram, Shri Lalduhoma. On 24 November 1988, the Speaker (Dr. Bal Ram Jakhar) informed the House that on 21 July 1988, a member (Shri Ram Pyare Panika) had filed a petition before him under paragraph 6 of Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985 praying that Shri Lalduhoma, another member be declared to have become subject to disqualification in terms of provisions of Tenth Schedule to Constitution. The petition was referred by the Speaker to the Committee of Privileges under rule 7(4) of aforesaid rules to make a preliminary inquiry and submit the report to him. After the Committee of Privileges had submitted their report to him on 14 October 1988, he gave an opportunity to Shri Lalduhoma to present his case in person before him on 15 November 1988. Taking into account all facts and circumstances of the case, report of the Committee and submissions made by Shri Lalduhoma and in accordance with provisions of Tenth Schedule, the Speaker decided that Shri Lalduhoma had incurred disqualification in terms of paragraph 2(1)(a) of the said Schedule for being a member of Lok Sabha by voluntarily giving up membership of Congress(I), his original political party. Accordingly, Shri Lalduhoma ceased to be a member of Lok Sabha with immediate effect.

Practical problems faced in implementation: The various issues mentioned above will be debated before the Supreme Court and its judgement awaited with interest. Meanwhile, no comments either way can be made in the matter. Reference may, however, be made to certain practical problems in the implementation of the Constitution (Fifty-second Amendment) Act that have surfaced in recent months.

The Congress(S) Legislature party in the Eighth Lok Sabha initially consisted of four members, viz. Sarvashri K.P. Unnikrishnan, Kishore Chandra S. Deo, Sudarshan Das and Sahabrao Patil Dongaonkar. Shri Sharad Pawar, President of All India Congress (S) and Shri A.G. Kulkarni, a member of Rajya Sabha in their separate letters dated 30 November 1986 informed the Speaker about the expulsion* of Sarvashri K.P. Unnikrishnan and V. Kishore Chandra S. Deo from the primary membership of the Congress(S) party. After receipt of the above communications, Shri Sarat Chandra Sinha who claimed to have been elected as provisional President of the Congress(S) party forwarded to the Speaker a copy of the resolution adopted by the Congress Working Committee (S) on 29 November 1986 suspending Sarvashri A.G. Kulkarni and Shri Suresh Kalmadi from the primary membership of the party and revoking the suspension** of Sarvashri K.P. Unnikrishnan and Shri Kishore Chandra S. Deo. The Speaker, after considering the matter, decided to treat Sarvashri K.P. Unnikrishnan and Shri V. Kishore Chandra S. Deo as *unattached* in the House, as the communication regarding their expulsion was received first from Sarvashri A.G. Kulkarni and Sharad Pawar in their capacity as office bearers of the party. Shri Unnikrishnan, however, challenged the decision of the Speaker contending that the Speaker was not empowered to declare a member elected on a party symbol and who continues to be a member of that party, as *unattached* member.

In another case Shri Gokul Saikia, a member of the AGP party was expelled from that party for complete disregard of the party discipline. The fact of expulsion was communicated to the Speaker by the Leader and Chief Whip of the AGP legislature party. After having the comments of Shri Gokul Saikia, the Speaker declared him as *unattached* member.

In the case of Akali Dal party, the legislature party originally consisted of seven members. However, the strength of the party was reduced to five consequent on the expulsion of Bhai Shaminder Singh and Shri Mewa Singh Gill from the party. Intimation regarding their expulsion was given to the Speaker by Shri Surjit Singh Barnala, President of the party. After getting the comments of the expelled members, they were treated as *unattached*. Thereafter, a split in the party was claimed and the split so claimed was recognised by the Speaker because 3 out of the remaining 5 members who had claimed split in the party satisfied the requirements of

*Sarvashri Sharad Pawar and A.G. Kulkarni had stated that the CWC(S) had in its meeting held on 29 November 1986 decided unanimously to *expel* Sarvashri K.P. Unnikrishnan and V. Kishore Chandra S. Deo from the primary membership of the party.

**Shri Sarat Chandra Sinha had informed that the CWC(S) had in its meeting held on 29 November 1986 revoked the illegal and unconstitutional *suspension* of Sarvashri K.P. Unnikrishnan and V. Kishore Chandra S. Deo.

para 3 of the Tenth Schedule. As a consequence of the split, two new Akali Dal legislature groups were recognised, viz. Akali Dal (Badal) consisting of three members and Akali Dal (Barnala) consisting of two members.

The main question that arose in this case was that of leadership of the legislature party/group, whether the Speaker should accept the advice tendered to him by the leader of the original political party or accept the contention of the dissenting members of the party/group provided they constituted a majority of the total number of members of the legislature party.

In order to leave no scope for doubt, Speaker referred some of these matters to the Attorney-General of India for opinion. The following were the questions raised and the opinions thereon :

Q. Whether it would not be desirable to lay down the definition of a political party and also to specify the conditions for recognition as such in the Anti-Defection Rules?

Para 1(b) of the Tenth Schedule defines "legislature party" and para 1(c) of the said Schedule defines "original political party". The Constitution (Fifty-second Amendment) Act, 1985 which added the Tenth Schedule to the Constitution does not contemplate recognition of separate group as a political party as such. Para 3 of the said Schedule however provides that disqualification on ground of defection will not apply in cases of splits provided that the group representing a faction which has arisen as a result of the split in the original political party consists of not less than one-third of the members of such legislature party and that from the time of the split this faction will be deemed to be a "political party" for the purposes of para 2(1) and "original political party" for the purposes of para 3. Thus, it would be open for the Speaker to accord recognition to a group if the group satisfies the conditions for recognition. It would be advisable to define a political party and also to specify the conditions for recognition so as to put the position beyond doubt in the Rules regarding disqualification on ground of defection.

Q. Before the coming into force of the Fifty-second Amendment Act, 1985 and the rules framed thereunder, it was an established practice in Lok Sabha that if a member of a political party was expelled from his party, he was treated as unattached in the House. The Fifty-second Amendment Act and the rules framed thereunder do not provide for a situation where a member is expelled from his political party for his activities outside the House. The Act and the rules do

not stipulate the existence of an unattached member. In such a situation whether the Speaker is empowered to declare a member who has been expelled from his party for his activities outside the House, as unattached?

Direction 120 of the Directions by the Speaker provides that the Speaker may recognise an association of members as a parliamentary party or group for the purpose of functioning in the House and his decision shall be final. Under Direction 121, an association of members who propose to form a parliamentary party should have a strength equal to the quorum fixed to constitute a sitting of the House. An association of members who propose to form a parliamentary group should have at least a strength of 30 members. If the above requirement is not satisfied, the Speaker may declare such member(s) as *unattached*.

The position remains unchanged even after the Constitution (Fifty-second Amendment) Act, 1985 came into force. Neither the said Act nor the rules framed thereunder provide for the existence of an *unattached* member. So if member(s) elected to a legislature on a party ticket is/are expelled from that party for anti-party activities or otherwise and a communication to that effect has been received, it will have to be seen whether the provisions of para 3 of the Tenth Schedule are attracted, if only a claim to function as a separate group has been made. Para 3 provides that if a member makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original party and such group consists of not less than one-third of the members of such legislature party, such members do not incur disqualification under para 2. If such members meet the above requirement, *i.e.*, they constitute one-third of the strength of the original legislature party, they will be treated as members belonging to a separate party. If the above requirement is not met, the Speaker has to see whether the provisions of Directions 120 and 121 are attracted. If not, the Speaker may treat them as *unattached*.

Q. *Whether in case of dispute regarding leadership of a legislature party/group the Speaker should accept the advice tendered to him by the leader of the original political party or accept the contention of the dissenting members of the party/group provided the latter constitute a majority of the total number of members of the concerned legislature party and if so whether the rules need some modification to take care of such a situation?*

Under rule 2(f) of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985, "leader" in relation to a legislature party means a member of the party chosen by it as its leader and includes

any other member of the party authorised by the party to act in the absence of the leader as, or to discharge the functions of the leader of the party for the purposes of the rules.

Once there is a dispute, the authority who has jurisdiction to resolve that dispute has to act in a quasi-judicial character complying with the norms of fair-play. In a democracy it is the rule of the majority. So if a dispute is raised regarding the leadership of a legislature party/group, the Speaker has to afford an opportunity to the contestants to place the materials and evidence on which each side places reliance. The person elected as leader by the group which constitutes the majority of the total number of members of the concerned legislature party should be the one who should be recognised as the leader of the legislature party. If majority of the party supports the person who is already leader of the parliamentary party and if they happen to command a majority no further question will arise. But, if they do not command a majority of the legislature party, the Speaker will have to decide on the facts of each case. In case of dispute regarding leadership, it is the voice of the majority of the concerned legislature party that will have to be accepted.

It is worthwhile considering amending the definition of the term "leader" in the rules to put the matter beyond doubt.

Q Whether a member who is declared "unattached" by the Speaker consequent upon his expulsion from the original political party is free to form a new party or join another party without incurring disqualification?

The Tenth Schedule introduced by the Fifty-second Amendment Act provides for disqualification on ground of defection in para 2. None of these provisions provides that upon expulsion from the original political party, a member who is declared unattached incurs any disqualification notwithstanding the fact that he forms a new party or joins another party. However, on that ground alone an expelled member who forms a new party or joins another party cannot be held not to incur disqualification in terms of the Constitution (Fifty-second Amendment) Act.

It is true that an expelled member ceases to be a member of that party to which he belonged but that is for the purpose of party discipline. In the interest of democracy the matter should be approached from a broader perspective. A person belonging to a particular political party must owe allegiance to that party. He is bound by the discipline of that party. Not only is there a moral and political compulsion but so long as he belongs to

that party, he has a duty to see that nothing he does prejudices in any manner that effective functioning of that party as a political party.

The provisions for disqualification have to be strictly construed. A member cannot voluntarily give up membership of his political party except under peril of incurring constitutional disqualification under para 2(a) of the Tenth Schedule. It may be possible to interpret the relevant provisions that an expelled member of a party, who does not incur disqualification because he did not voluntarily give up membership of his original political party though he suffers expulsion, cannot any more belong to the political party from which he was expelled. So, unless he can bring himself within the scope of a split of the original political party which group consists of not less than one third of the members of such legislature party, he cannot belong to any other party. While he can, therefore, continue to be a member but is declared unattached, he cannot on the basis of the expulsion from the original political party form a new party or join a new party without incurring disqualification. An elected member of a House who has been elected otherwise than as a candidate set up by any political party, *i.e.* who was elected as an independent candidate, will incur disqualification for being a member of the House if he joins any political party after such an election. If so, an expelled member from a political party cannot stand on a better footing than an independent member. While he will not incur disqualification as he has not voluntarily given up his membership but has been expelled, he will nevertheless incur disqualification if when functioning as an unattached member he forms a new party or joins another party. However, it is not as if the contrary position cannot be argued at all.

In a recent development in Nagaland, 13 members belonging to Congress(I) Legislature Party claimed a split in the legislature party. They conveyed to the Speaker, Nagaland Legislative Assembly their decision to break away from the Congress(I) Party and to form a new party, namely, Congress Regional Nagaland. The Speaker recognised the split and the new party. The Governor, however, did not accept the decision of the Speaker holding that there was no split in the original political party as envisaged in paragraph 3 of the Tenth Schedule.

The basic question that arises is — what precisely constitutes a split in the original political party? For recognising a split in the legislature party, whether it is not a condition precedent that the political party represented by the member should first split? In case members belonging to a particular political party claim a split in the legislature party — but there is no split in the political party outside the House — whether such split can be recognised? If yes, who is to decide whether the split is genuine or not — the Speaker or the Governor?

Though para 1(c) of the Tenth Schedule defines "original political party", neither the Tenth Schedule nor the rules framed thereunder provide a clear answer to the above points. In order to leave no scope for similar crisis erupting in future, the Fifty-second Amendment Act may need to be amended suitably to cover these points as well.

Diverse decisions of Speakers at the State level: The President while addressing the Conference of Governors held in October 1988 expressed his anxiety for "the democratic structure of the State" if "wrong or ill-considered decision" were given under the provisions of the Anti-Defection law. The matter needed serious consideration.

The observations of the President were probably made in the context of developments in Nagaland and Mizoram which brought into sharp focus the role and responsibility of the Governor of the State *vis a vis* the powers and privileges of the Presiding Officer of the legislature of that State in cases of defections arising out of splits in legislature parties.

In Mizoram Legislative Assembly, the Mizo National Front Government which consisted of 25 legislators was reduced to minority following the withdrawal of support by a group of legislators belonging to MNF who claimed to have a strength of nine members, *i.e.*, more than one-third of the total membership of the legislature party required for a valid split under the Tenth Schedule to the Constitution. The Speaker issued show cause notices to the said nine members and suspended them from the membership of the House. The validity of this order of the Speaker was questioned by the Governor who asked the Speaker to clarify "Constitutional points behind his action at the earliest". The decision of the Mizoram Speaker was thus quite different from that of the Nagaland Speaker.

In both the cases, there was a split in the legislature party in power in the State. However, whereas the Speaker, Nagaland Legislative Assembly recognised the split, the Speaker, Mizoram Legislative Assembly did not. The Governors of both the States did not agree with and questioned the decisions of the respective Speakers.

Perhaps at the root of such different or even contradictory decisions there may be some ambiguity of the language of paragraph 3 of the Tenth Schedule which provides that a member of a House shall not be disqualified on the ground that he has voluntarily given up his membership of his original political party if he makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party. This provision, it seems, can be interpreted in two

different ways. One interpretation may be that under it a split in the original political party of a member is a condition precedent for the Speaker to recognise a split in the legislature party. If that be the correct constitutional position, the Speaker has to satisfy himself that a split in the original political party of a member has actually taken place before recognising the split in the legislature party. But, another, perhaps as feasible interpretation may be that it is not the job of the Speaker under the Tenth Schedule to decide whether a split in the original political party has taken place or not. Whenever any claim is made by a member of the House that he and any other members of his legislature party constitute a group representing a faction which has arisen as a result of the split in his original political party, all that the Speaker is required to do is to ascertain whether the group (member and his companions) consists of not less than one-third of the members of the legislature party. If this requirement is met, the Speaker is bound to hold that the member concerned shall not be disqualified.

Paragraph 6(2) of the Tenth Schedule, however, provides that "all proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 121." Article 122 of the Constitution provides that the validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure. Paragraph 7 of the Tenth Schedule also *bars the jurisdiction of courts* in respect of any matter connected with the disqualification of a member of a House under the Tenth Schedule. It is thus abundantly clear that under the Tenth Schedule the Speaker has been empowered to take decisions on questions as to disqualification on ground of defection and his decision is not subject even to the jurisdiction of courts.

Rule 7(7) of the Member of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985, provides that the procedure which shall be followed by the Speaker for determining any question as to disqualification on ground of defection, shall be so far as may be, the same as the procedure for inquiry and determination by the Committee of Privileges and the Speaker shall not come to any finding that a member has become subject to disqualification without affording a reasonable opportunity to such member to represent his case and to be heard in person. It is, therefore, clear that ample provision has been made in the Rules for the Presiding-Officer to follow rules of natural justice while deciding cases of disqualification on ground of defection. In such a situation if diverse and contradictory decisions are at all given by Speakers, it is a matter of interpretation of law and appreciation of facts. The anti-Defection Law is in its infancy and such stray infirmities and diversities of interpretations and

decisions are quite conceivable and understandable. As a matter of fact, on numerous occasions various High Courts also give diverse and contradictory decisions. Similarly, different judges of a bench of the Supreme Court have given and are within their rights to give divergent interpretations and differing judgements.

There is no doubt that in matters of the Anti Defection law, uniformity in decisions will strengthen parliamentary institutions and would be most desirable. As suggested by the President, therefore, the next Presiding Officers Conference may like to consider discussing all these issues. Amendment of the Tenth Schedule may also be considered to make the provision of paragraph 3 unambiguous. Also, an important matter which might need consideration could be of the position of members who continue to be members of original political party on the symbol of which they were returned to Parliament while majority of 2/3rd or more members of that party claim a merger and join a new party which they claim, is formed out of the merger. The remaining members can not and do not claim a split because they are less than 1/3rd. Their contention may simply be that they have not defected and remain where they were. In such a situation it may have to be examined whether the provisions of the 1989 amendment to the Representation of the People Act would or would not have relevance. The Amendment seeks to define "political party" as "an association or a body of individual citizens of India registered with the Election Commission as a political party under section 29-A". Section 29-A lays down the procedure for registration of political parties. On the other hand, para 4 of the Tenth Schedule provides *inter alia* that a member shall not be disqualified on grounds of defection if his original political party merges with another political party and he claims that he and any other members of his original political party "have not accepted the merger and opted to function as a separate group" and from the time of such merger such group shall be deemed to be his political party and original political party. The question would be whether this position would be reconcilable in a situation where the original political party may have dissolved itself both inside and outside the legislature and merged with another party - old or newly formed or in a situation where one or more members may claim to have not accepted merger and remained in the original political party in the House while the original party may not any more exist as a political party outside. These are moot questions and may have to be settled by the Presiding officers as they arise.

Tasks Ahead: Notwithstanding the alleged shortcomings and flaws pointed out by the critics, jurists and constitutional experts and the practical problems that have arisen or are foreseen as likely to arise in future in the implementation of the Act/Rules made thereunder, there is no denying the fact that the enactment was the first step in the right

direction and that it has been largely successful in achieving its aims and objects.

While the Anti-Defection law seeks to curb the evil of defection by legislators, it leaves scope for realignment of forces in the House by way of merger of two or more legislature parties or split in an existing party as part of the process of reaching ideological polarisation. The Prime Minister himself said in Parliament during discussion on the Constitution (Fifty-second Amendment) Bill, 1985, that the Bill was only a "first step towards cleansing our public life. We will be taking other steps...."

BIRTH CENTENARY CELEBRATIONS OF SHRI G. V. MAVALANKAR

On the occasion of the birth centenary celebrations of late Shri G. V. Mavalankar, first Speaker of Lok Sabha, a meeting of members of both the Houses of Parliament was held on 26 November 1988 in the Central Hall, Parliament House, under the auspices of the Indian Parliamentary Group.

The President, on arrival at Parliament House, was received by Dr. Shanker Dayal Sharma, Vice-President and Chairman, Rajya Sabha, Prime Minister Shri Rajiv Gandhi, Dr. Bal Ram Jakhær, Speaker, Lok Sabha, Shri H.K.L. Bhagat, Minister of parliamentary Affairs, Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha and Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha. The President was then conducted to the Central Hall.

On the President reaching the dais in the Central Hall, the National Anthem, *Jana Gana Mana* was played. The President thereafter unveiled a portrait of Shri G. V. Mavalankar and honoured Shrimati Sushila Bai Mavalankar, wife of Shri Mavalankar, by presenting her a souvenir.

The Vice-President, Dr. Shanker Dayal Sharma then released a book, *Dada Saheb Mavalankar—Father of Lok Sabha*. The volume, edited by Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha profiles Shri Mavalankar's multi-splendoured career which remained eventful during our struggle for freedom as well as after attainment of independence, besides carrying contributions from renowned dignitaries, senior parliamentarians and scholars. The study, above all, contains Shri Mavalankar's own ideas on various aspects of parliamentary democracy and his important rulings as Speaker on matters of procedure.

In his address to the distinguished gathering on the occasion, President Shri R. Venkataraman said that as a Speaker of the First Lok Sabha, Mavalankarji laid a solid foundation of India's parliamentary system as "many issues came up before the House for the first time. The Constitution had to be correctly interpreted and applied to the proceedings before the House." The President recalled that Shri Mavalankar gave a liberal interpretation to the Constitution besides giving several pace setting rulings that "can rank in wisdom and fairness with any Parliament with longer existence than ours." The President advised the members of Parliament to remember that "It is not necessary, as is mistakenly supposed, that in parliamentary work, the weight of numbers or the power of lungs alone counts; so do homework and preparedness; so do meticulousness in presentation and above all high-mindedness in aim." The President concluded by saying, "Let us not give way to anything small, mean or short sighted. Let us use this noble institution of Parliament nobly. Nothing more is necessary to honour Mavalankarji's memory. But nothing less will suffice."

Prime Minister Shri Rajiv Gandhi called Shri Mavalankar as the personification of dignity and decorum, whose "mind was a paradigm of logical thought, a mind which weighed arguments in the balance of reasons, a mind which sifted empty rhetoric from hard facts." The Prime Minister regretted that the legislatures in India have not lived up to the high standards set and prescribed by Shri Mavalankar, and pointed out fundamental reasons for deterioration in parliamentary standards. He felt that the best tribute to the memory of Shri G. V. Mavalankar was the "strengthening of our democracy" since "men like Mavalankar have shown the direction which Indian democracy must take."

In his speech, Dr. Shanker Dayal Sharma, Vice-President and Chairman of the Rajya Sabha and of the Mavalankar Centenary National Committee, recounted Shri Mavalankar's historical contribution to parliamentary practice and procedure, and said that "the Business Advisory Committee was set up by him to arrange the most efficient use of legislative time." He added, "So was the Committee on Government Assurances to enforce the right of members to information from Government. Procedure for Half-an-Hour Discussion, Short Duration Discussion and Calling Attention were devised and adopted at his instance. In regard to any question relating to breach of privilege of one House by the Members or officers of the other House, the present procedure originates from the views expressed by Mavalankarji." Dr. Sharma reminded the fellow parliamentarians, in particular, that tolerance and understanding were essential for parliamentary democracy as were a sense of proportion and a sense of propriety. He added that "the elaborate procedures and practices associated with parliamentary democracy would amount to little more than meaningless

paraphernalia, if well recognised norms of parliamentary functioning are not scrupulously, and unfairly, observed."

Paying his respectful tributes to Shri Mavalankar, Dr. Bal Ram Jakhar, Speaker, Lok Sabha observed: "The country was indeed fortunate in having him as Speaker in the formative years of our democracy with fully representative parliamentary institutions making a beginning. With a deep study, profound knowledge of parliamentary practices and a firm grasp of legal matters he was able to lay down healthy conventions and it was largely due to these conventions that our Parliament today has got a definite shape and direction." The Speaker noted that Shri Mavalankar's monumental contributions to the cause of the parliamentary institutions extended beyond the shores of our country, as "many of the neighbouring democracies today look to our rules and practices for guidance."

The function concluded with the recitation of National Anthem. Thereafter the President departed.

Exhibition on "Centenary of Speaker Mavalankar and Diamond Jubilee of the Lok Sabha Secretariat": An exhibition on Centenary of Speaker Mavalankar and Diamond Jubilee of the Lok Sabha Secretariat, depicting the evolution of parliamentary institutions in India with special emphasis on photographs, papers/diaries etc. of late Shri Mavalankar was inaugurated at the Parliament House Annexe by Shri H.K.L. Bhagat, Minister of Parliamentary Affairs on 25 November 1988. The exhibition, which also contained a section indicating the growth of the Lok Sabha Secretariat continued on view till 15 January 1989.

Symposium on "Role and Functions of the Speaker": A Symposium on "Role and Functions of the Speaker" was held on 27 November 1988. Inaugurating the Symposium, Dr. Thambi Durai, Deputy Speaker of the Lok Sabha, said that Shri G.V. Mavalankar had occupied the office of the Speaker during the most crucial period of transition of Indian legislature from a colonial institution into a sovereign Parliament under the Constitution. The Deputy Speaker commended the foresight of Shri Mavalankar in constituting the Committee on Government Assurances, which was a unique institution in India. Behind it lay his "unshakeable vision and faith in the destiny of the legislature as a people's institution", he added. In his speech, Shri Shivraj V. Patil, Minister of State in the Ministry of Civil Aviation and Tourism felt that a person elected to the post of the Speaker should resign from the political party to which he was affiliated to, as it would help him in conducting the business of the House impartially.

The other dignitaries who participated in the Symposium were: Shri Rajendra Prasad Shukla, Speaker, Madhya Pradesh Legislative Assembly; Shri Natwarlal C. Shah, Speaker, Gujarat Legislative Assembly; Shri B.G. Ankar, Speaker, Karnataka Legislative Assembly; Shri Varkala Radhakshnan, Speaker, Kerala Legislative Assembly; Shri Peter G. Marbaniang, Speaker, Meghalaya Legislative Assembly; Shri Surjit Singh Minhas, Speaker, Punjab Legislative Assembly; Shri P.H. Pandian, Speaker, Tamil Nadu Legislative Assembly; Shri Jyotirmoy Nath, Speaker, Tripura Legislative Assembly; Shri B.R. Bhagat, MP and former Speaker, Lok Sabha; Dr. S. Dhillon, MP and former Speaker, Lok Sabha; Professor Narain Chand Parashar, MP and Chairman, Committee on Government Assurances; and Shri S.L. Shakhder, former Secretary-General, Lok Sabha.

Elocution Contest: As a part of the celebrations, an Elocution Contest on "Position of Parliament in the Indian Political System" was also organised earlier on 21 November 1988. Prizes were awarded to the participants who were adjudged first and second in the contest.

DIAMOND JUBILEE CELEBRATIONS OF LOK SABHA SECRETARIAT

To mark the Diamond Jubilee of the Lok Sabha Secretariat, several functions were organised. The celebrations aptly began with a variety cultural programme on 22 September 1988 at the staff level to coincide with the date sixty years ago when Pandit Motilal Nehru had moved a resolution in the Central Legislative Assembly seeking the establishment of a separate Assembly Department. This resolution, supported among others, by Lala Lajpat Rai, was unanimously adopted by the Assembly and a self-contained department known as 'Legislative Assembly Department' was constituted on 10 January 1929 under the authority and control of its Speaker.

As part of the Celebrations, following official functions were organised on the occasion:

Seminar on the "Working of the Lok Sabha Secretariat": At the suggestion of the Executive Committee of the Indian Parliamentary Group, the Bureau of Parliamentary Studies and Training organised a Seminar on the "Working of the Lok Sabha Secretariat" on 1 December 1988. It was inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha. The galaxy of distinguished participants, including former Speakers, Ministers, senior members of Parliament belonging to various political parties, cutting across their political affiliations, joined hands in paying glowing tributes to the objectivity, accuracy, promptitude and dedication to duty of the officers and staff of the Lok Sabha Secretariat.

In his inaugural address*, Dr. Bal Ram Jakhar said that some introspection on the working of the Lok Sabha Secretariat was necessary. He requested the "experts" assembled on the occasion, to make an objective assessment of the Secretariat's functioning.

*Original in Hindi.

Shri C. Madhav Reddy, M.P. who has been watching the Secretariat's functioning since 1952, observed* that "all its work is done under the guidance of the Lok Sabha Speaker in a neutral and objective way as well as in accordance with the Rules." Shri Reddy also noted that the "work here is incomparable. At least in India there is no other example."

Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Minister of Information and Broadcasting associated himself with the feelings expressed by Shri Reddy. On the honesty, sincerity and complete devotion to work of the Secretariat staff, Shri Bhagat supplemented Shri Reddy by saying that "it is not easy to fathom the quantum of work and the time required to dispose it of.... They have to deal with various types of legislative business and at the same time they have to be judicious". He wondered whether "they are three-in-one or more than that". The Minister called the Bureau of Parliamentary Studies and Training as a "milestone" in itself. He also noted that the development of "Library and Research Wing have gone a long way in helping the members of Parliament as also scholars from abroad".

Professor Madhu Dandavate, M.P. and an eminent leader on the Opposition benches, paid glowing tributes to veterans like Pandit Jawaharlal Nehru and Shri G.V. Mavalankar, who, "maintaining the separation of Legislature from Executive, tried to build up a harmonious relationship between the two" and in the process, "the Secretariat played a great role". On the "remarkable efficiency" of the Lok Sabha Secretariat, Professor Dandavate's analysis was that it was so because it "has totally got itself rid of the red-tape". He particularly commended the services of Research and Reference Divisions, which were fully "exploited" by the members. He, however, suggested micro-filming of important references and literatures. He opined in conclusion, "It is the independence, autonomy and impartiality of the Secretariat that gives us strength. We must have the capacity to exploit their impartiality to the maximum extent".

In his speech*, Shri Shyam Lal Yadav, Minister of State in the Department of Agriculture and Cooperation, termed the Lok Sabha Secretariat as "an ideal Secretariat", its culture being entirely different from other offices of the Government. He felt that "the work of employees of the Secretariat is better than other employees and officers of the Government of India which is a proof of their dedication to work, their efficiency, their hard work and their control on work." He noted that impartiality and fearlessness of the staff were because of very good traditions on the appointments, promotions, service conditions established under the control of the Speaker.

*Original in Hindi.

Shri B. R. Bhagat, M.P. and former Speaker of Lok Sabha, called it a great privilege "to be associated with this great organization for 38 years, most of the formative years and the entire adult life." On the high values that Indian Parliament has inherited, he said that it was "because of the great efforts of our Speakers—the Presiding Officers—who have presided over the Parliament since independence, the quality of this Secretariat and its managing ability on which has been built, brick by brick, the entire Parliamentary edifice". On the promptness, efficiency and dedication of the Secretariat, recounting his own experiences, Shri Bhagat said that "it is mainly because of the Secretary-General it could have been made possible. We are lucky that we have had many Secretaries-General, not only of very high competence but also of very high dedication". In view of the onerous responsibility and the complex task of the Secretary-General as head of the Secretariat, he emphatically suggested that his rank and status should not be equated with Secretaries of other Government Departments, rather it should be "comparable to the status of the judge".

Professor Saif-ud-din Soz, M.P., who had observed the proceedings in the House of Commons and the American Senate noted that "we do not lag behind" so far as our Parliament was concerned. Since he felt that "we lag behind in facilities", he made a strong plea for greater facilities and amenities to the Lok Sabha Secretariat staff.

Shri Balkavi Bairagi, M.P. quoted a saying, *Satha so Patha, Assia so Rasia* which means that when a person becomes sixty or eighty years old he gains respectability and ability and people approach him for advice. He felt that Lok Sabha Secretariat has attained the same position today.

Shri Satyendra Narayan Sinha, M.P. was in complete agreement with all the previous speakers regarding the honesty, impartiality and efficiency of the staff of the Secretariat. Shri Sinha referred* to the manner and the hard labour of the Secretariat staff working in the Committees. He gave the credit for giving the Secretariat a "new shape" to the former and present Secretaries-General. He particularly congratulated the present Secretary-General, Dr. Subhash C. Kashyap for "formulating the new schemes and keeping pace with the current development". Highlighting the importance of computers and necessity of their extensive use in Lok Sabha, Shri Sinha felt that the rulings given by the Speakers over a number of years could be fed into the computer and the required information made readily available by simply pushing a button.

Dr. G. S. Rajhans, M.P. observed* that courtesy was one of the greatest traits of the Lok Sabha Secretariat staff. He suggested that members

*Original in Hindi.

would be benefited more if the Parliament Library was kept open on Saturdays and Sundays.

Shri V. Tulsiram, M.P. fully agreed* with the views expressed by previous speakers regarding the efficiency of Lok Sabha Secretariat staff and pleaded for providing incentives to them.

Shri Som Nath Rath, M.P., recounting his own experience as the Speaker in Orissa Legislative Assembly, felt that the "Speaker has to be independent, then alone the ideals and the principles which are enunciated in the Constitution for democracy, can prevail". Since the success of the Speaker depends on how the Secretariat functions and advises him, he suggested numerous facilities to be extended to the officers and staff of the Lok Sabha Secretariat.

Expressing his entire satisfaction with the services provided by the Secretariat, Shri D.P. Yadav, M.P. requested* for more facilities to be provided to members of Parliament as well as staff of the Secretariat. He congratulated Dr. Kashyap for "the Secretariat is working smoothly and safely" under his leadership.

Shri S.L. Shakhder, Honorary Officer and former Secretary-General of Lok Sabha, noted that one of the main factors for the efficiency of the Secretariat was that all "red-tapism" has been cut out. Another peculiar trait was that the system developed here was based on trust. On the "work culture" that has evolved in the Secretariat over the years, he felt that fortunately, "the successive generations that have come to this Secretariat have imbibed the same tradition", which make a Secretariat function efficiently, promptly and in an orderly fashion. Shri Shakhder, however, cautioned that while in this age an attempt was being made to introduce more and more machines, we should be careful that "they should not entirely replace the human being" in the process.

Dr. G. S. Dhillon, M.P. and former Speaker of Lok Sabha, at the outset, commended Dr. Subhash C. Kashyap for his Monograph, *The Legislative Manager* which was precise, brief and to the point. He added that the Monograph was "a guide for work culture, how a man can rise; it is a piece of philosophy. It's about responsibility, motivation, communication, etc." Amongst his suggestions, he particularly emphasised introduction of computer system on a large scale besides live telecast of the proceedings of Parliament.

The dignitaries, who could not attend the Seminar but sent their write-ups on the occasion, included, Shri Chintamani Panigrahi, Minister of

*Original in Hindi.

State for Defence, Shri Ashutosh Law, M.P. and Chairman, Estimates Committee, Shri Indrajit Gupta, M.P. and Shri Harish Rawat, M.P.

Shri Chintamani Panigrahi opined that "the Secretariat renders service to the members of Parliament round the clock which is done with promptitude, zeal and efficiency". He was particularly impressed with the "sincere efforts of its personnel to assist members in Committee deliberations in ensuring accountability of the Executive to the Parliament". He wished that "this unique expertise which has been achieved through dedication over the years needs to be maintained, nurtured and perfected through new experiences."

Shri Ashutosh Law called the staff "very pleasant, mild-mannered and duty-conscious" who do their jobs with vigour, dedication and sincerity. He appreciated the "yeoman's service" of LARRDIS to members which keeps them abreast of latest development in various fields. He felt that the great success achieved by Lok Sabha Secretariat was due to healthy traditions and independence of the Secretariat.

A veteran parliamentarian, Shri Indrajit Gupta, M.P. congratulated the Lok Sabha Secretariat for its efficiency. He felt that its "independent status, as distinct from that of other Secretariats of the Government, has made this possible, and should be jealously guarded by all concerned. Not a breath of partiality, favouritism, prejudice, etc. must be allowed to touch it. It must, like Caesar's wife, be above suspicion."

Shri Harish Rawat, M.P., in his write-up commended "all those people who conceived the idea and set up an impartial and alert Parliament Secretariat free from Government control and dedicated to the cause of the parliamentary system under the control of the Presiding Officer and the Secretary-General of the House". He felt that the "Lok Sabha Secretariat is an integrated model of humility, efficiency, responsibility, alertness, readiness, promptness, fearlessness, objectivity and managerial art and has the capacity to mould itself with the changing times". He demanded better pay scales for all the employees and emphasised that the status of the Secretary-General should be slightly higher and not lower than the highest bureaucrat under the Central Government.

References to the Seminar were made the next day in the Lok Sabha in which Shri V. Tulsiram, Dr. Datta Samant and Shri K.S. Rao, all members of Parliament, made eloquent observations about the Secretariat and its staff.

A Monograph covering the proceedings of the Seminar and Write-ups received on the occasion, was brought out with a view to have wider dissemination of information on working of the Lok Sabha Secretariat.

Release of Special Postage Stamp: The Prime Minister, Shri Rajiv Gandhi released a special postage stamp at a function held in the Central Hall of Parliament House to mark the Diamond Jubilee. Shri Bir Bahadur Singh, Minister of Communications presented the stamp for release, to the Prime Minister.

Addressing the huge distinguished gathering on the occasion, the Prime Minister said, "we are completely committed to democracy and we believe this is the only way to govern a country such as India with its diversity in religion, language and ethnic groups." Describing Indian democracy as a global experiment", the Prime Minister said violence had no place in the system, neither inside parliament nor outside in public. Eulogising the institution of Parliament as one of the "three basic legs on which our democracy stands", the Prime Minister said, "Our democracy is rooted in the fair functioning of our Parliament and Legislatures. It is rooted in the non-interference by the Executive in the functioning of these Houses, in the conduct of Parliament". He felt that "tolerance" was the most needed virtue that had to be cultivated by one and all for preserving and promoting democracy.

Dr. Bal Ram Jakhar, Speaker, Lok Sabha, who presided over the function, paid rich tributes to his "illustrious predecessors" like Shri Bithalbai Patel and Shri G.V. Mavalankar for their contribution in strengthening the parliamentary system. According to Dr. Jakhar, Lok Sabha Secretariat, which has a history of independence and a constitutional status "cannot be equated or compared with any Secretariat in the Government or elsewhere." On providing new services and facilities to the parliamentarians, Dr. Jakhar noted that the Secretariat has launched several new projects and programmes, which include Parliamentary Museum and Archives, the Hall of National Achievements, closed circuit TV, modern sound and vote recording systems and introduction of sophisticated information technology in the Library. Dr. Jakhar also had high appreciation for the Lok Sabha Secretaries-General and staff for their sincerity, commitment and competence".

The large gathering of distinguished persons who witnessed the function, comprised several Union Ministers, members of Parliament, present and former Presiding Officers of both Houses of Parliament and Secretaries-General of Lok Sabha besides officers and staff of the Lok Sabha and Rajya Sabha Secretariats.

A Monograph entitled, "Sixty Years of Servicing the Central Legislature" by Dr. Subhash C. Kashyap, Secretary-General of Lok Sabha was also released on the occasion. The Monograph attempts at stock-taking and appraisal of the work and achievements of the Lok Sabha Secretariat and its predecessors—the Parliament Secretariat and the Legislative Assembly Department—during the last sixty years.

Other functions: To mark the occasion, other functions organised by Lok Sabha Employees Association, *inter alia* included sports, cultural programmes, treks, essay competitions and family get-togethers. A grand carnival, attended among others, by the Speaker, Lok Sabha, was held on the lawns of Parliament House Annexe on 1 January 1989. A cultural programme was also arranged in the evening of 10 January 1989 in the Mavalankar Auditorium followed by fireworks in the lawns of the Auditorium. All buildings in the Parliament House Complex were illuminated on the occasion.

A Diamond Jubilee Calendar specially designed as a souvenir, was also issued to members of Parliament; officers and staff of the Secretariat. Special First Day Cover and the Diamond Jubilee Postage Stamp and a Key-chain were presented to all staff members.

ELECTION OF DEPUTY CHAIRMAN OF RAJYA SABHA

Article 89 (2) of the Constitution of India provides that the Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof and, so often as the office of Deputy Chairman becomes vacant, the Council shall choose another member to be Deputy Chairman thereof.

Shrimati Pratibha Devisingh Patil, who was elected as Deputy Chairman of the Rajya Sabha on 18 November 1986, resigned her office with effect from 5 November 1988. The office of the Deputy Chairman having thus fallen vacant, the Chairman of Rajya Sabha under rule 7 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, fixed 18 November 1988, as the date for holding election to the said office.

Through a notice issued by the Secretary-General on 10 November 1988, all members of the Rajya Sabha were requested to give notices of motion for election of Deputy Chairman by 12 noon on 17 November 1988.

In all, seven notices of motion—six in favour of Dr. (Shrimati) Najma Heptulla and one in favour of Professor C. Lakshmana—for election to the office of Deputy Chairman were received and listed in the Order Paper. All the notices in favour of Dr. (Shrimati) Najma Heptulla were duly moved and seconded in the House.

Shri Satya Prakash Malaviya, who had given notice that Professor Lakshmana be chosen as the Deputy chairman of the Rajya Sabha, did not move his motion, when called upon to do so, as he wanted unanimity in Deputy Chairman's election.

The first motion moved by Shri P. Shiv Shanker and seconded by Shri I.M. Jacob was then put to the House and upon the motion having been

adopted. Dr. (Shrimati) Najma Heptulla was declared elected unanimously to the office of Deputy Chairman.

Congratulating Dr. Heptulla on her election as Deputy Chairman, Leader of the House, Shri P. Shiv Shanker observed:

To the office that she has been unanimously elected, she brings to bear the very rich experience of having presided over this House in the capacity of a Vice-Chairman as also in the capacity of the Deputy Chairman. Therefore, nothing much can be said about her. Tremendous encomiums were paid to her at the time when she had occupied the position in 1985 and equally, at the time when she laid down her office. She has a multi-faceted personality. She has tremendous educational qualifications. She had been doing quite a bit of social service. She had been an author. Therefore, when she occupies this position, she brings to bear her multi-faceted qualities on this office....I am sure that in the office that she occupies she would acquit her duties with great erudition and capacity.

Leaders of various parliamentary groups offered felicitations to Dr. Heptulla and assured her of their full cooperation.

Joining the Leader of the House and other members in felicitating Dr. Heptulla, the Chairman, Dr. Shanker Dayal Sharma welcomed her to the seat and observed:

I join the Leader of the House and Leaders of the various groups and others in offering my warm felicitations to Dr. Najma Heptulla on her election as the Deputy Chairman of the House. Dr. Najma Heptulla has come back to this seat after nearly three years and is bringing with her rich experience. I have no doubt that she will be able to preside over the deliberations of this House as ably and competently as she did in her last stint. During the period she was not occupying the Chair, she has been an active Member of this House and has been taking keen interest in its functioning. There is, therefore, a sort of continuity. Since she has been in touch with methods and moods of this House, I am quite sure that she will be able to soften the ruffled tempers by her tact and charm. I once again congratulate her and wish her success in office of Deputy Chairman.

Dr. (Shrimati) Najma Heptulla expressed her grateful thanks to the Prime Minister, Leader of the House, leaders of different political parties and groups and other members for their compliments on her election to the office of Deputy Chairman. She also stated that the confidence reposed in her would enable her to run the House more efficiently since the House was not run only with the help of Rule Book, but also with the

help and cooperation of all the members on the right, on the left and at the centre.

Dr. (Shrimati) Najma Heptulla—A Life Sketch: Dr. (Shrimati) Najma Heptulla, daughter of Syed Yousuf Ali was born at Bhopal on 13 April 1940. She received her education at Motilal Nehru Vigyan Mahavidyalaya. She secured first division and stood first in the University in M.Sc. (Zoology). At the young age of 22, she was awarded Ph.D. on her thesis on Cardiac Anatomy. Married to Shri Akbar Heptulla, she has three daughters.

Dr. Heptulla is basically a social worker, but takes keen interest in research in scientific fields. She has been associated with the Indian National Congress. She got Junior Fellowship of the CSIR for two years and Senior Fellowship for three years and worked in the scientist pool of the Government of India. She was selected by the Union Public Service Commission for the post of Pool Officer of the CSIR and was offered the Senior Research Fellowship of the National Council of Educational Research and Training, India. Promotion of scientific knowledge is her special interest. She has presented a number of research papers at the Indian Science Congress, and these have been published in Foreign and Indian Journals, including *Anatomical Record*, Philadelphia, USA. She regularly contributes articles on social and political issues in various newspapers and journals. Presently, she edits the prestigious English Indo-Soviet Women Magazine, *Hamari Goshthi*, which is published from USSR in Russian language. She has also authored a book, *India's Progress in Science and Technology—Continuity and Change*.

Dr. Heptulla was elected to the Rajya Sabha in July 1980 and re-elected in July 1986. She was nominated to the panel of Vice-Chairmen, Rajya Sabha in 1982. She had been a member of important parliamentary committees, namely the Committee on Petitions, Public Accounts Committee, General Purposes Committee, Joint Committee on the Marriage Laws (Amendment) Bill, Committee on Rules and Committee of Privileges. She was Deputy Chairman, Rajya Sabha from 25 January 1985 to 20 January 1986.

Dr. Heptulla has participated in various international conferences. She had been a Regional Representative from Asia Region to the CPA Executive Committee from 1985 to 1988. Besides, she was a member of the Staff and Accommodation, Finance and the Agenda Committees of the CPA.

She has travelled widely and visited many countries in Europe and other Continents, including Afghanistan, Australia, Cyprus, Egypt, Iraq, Libya, Malaysia, Romania, Saudi Arabia, Syria, Turkey, Tunisia, USA and USSR.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

80th Inter-Parliamentary Conference: The 80th Inter-Parliamentary Conference was held in Sofia (Bulgaria) from 19 to 24 September 1988. The Indian Parliamentary Delegation to the Conference was led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha and consisted of Shri K. Natwar Singh, Minister of State in the Ministry of External Affairs, Sarvashri L. K. Advani, Bipin Pal Das, C. Madhav Reddy, Tariq Anwar, S.N. Sinha and Shrimati Meira Kumar, members of Parliament. Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was Secretary to the Delegation.

The Conference discussed and adopted resolutions on the following subjects:

(a) Action by Parliaments in developing international cooperation in the humanitarian field and in bringing national legislation into line with international human rights norms, principles and instruments.

(b) The contribution of Parliaments to the implementation of the United Nations resolutions on the granting of independence to colonial territories, and to the elimination of colonialism, racism and apartheid.

(c) The popular uprising in the Arab territories occupied by Israel (placed on the agenda as a supplementary item).

(d) Support for talks towards achieving a comprehensive, just and lasting peace between Iran and Iraq on the basis of the implementation of UN Security Council Resolution 598 (1987) (placed on the agenda as an 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 as many as 94 speakers took the floor.

54th Conference of Presiding Officers of Legislative Bodies In India: The 54th Conference of Presiding Officers of Legislative Bodies in India was

held in Dispur (Guwahati) on 20 and 21 January 1989. Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Chairman of the Conference, presided. The Conference hosted by the Assam Legislative Assembly was attended by almost all the Presiding Officers of the Legislative Bodies in India as also the Deputy Chairman, Rajya Sabha.

The Conference discussed the following points on the Agenda:

1. Consideration and adoption of the Report of the Committee of Presiding Officers on "All India Presiding Officers Forum".

2. Whether Parliamentary Questions should be allowed regarding the working of Public Undertakings, in order to make their functioning more effective?

3. What option is there for a Presiding Officer when a motion for suspension of a Member is not moved in spite of the fact that he has been named by the Chair for such defiance?

4. Necessity to codify the privileges granted under Article 105 and 194 of the Constitution.

5. If a member of a legislature resigns his seat by writing under his hand addressed to the Presiding Officer and his seat thereupon is declared vacant by an order:

(a) can such an Order be questioned in a Court of Law, and

(b) if a Court entertains an application questioning such order and issues notice to the Presiding Officer, what course of action should the Presiding Officer take?

6. Independence of Legislature Secretariats as contemplated under Article 187 of the Constitution of India.

The Conference, preceded by 35th Conference of Secretaries of Legislative Bodies in India on 19 January 1989, was presided over by Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha. The Secretaries of State/Union Territory Legislatures participated in the discussions.

The Conference of Presiding Officers was followed by a Symposium on "Budget Committees in Parliament and State Legislatures" on 22 January 1989 which was inaugurated by Shri Prafulla Kumar Mahanta, Chief Minister of Assam. Dr. Bal Ram Jakhar, Speaker, Lok Sabha presided and delivered the opening Address. The Deputy Chairman, Rajya Sabha, the Presiding Officers of Legislative Bodies in India as also the members of Parliament from Assam and members of Assam Legislative Assembly participated in the Symposium.

Sixth Conference of Chairmen of Estimates Committees of Parliament and State Legislatures: The Sixth Conference of Chairmen of Estimates

committees of Parliament and State Legislatures in India was held in New Delhi on 17 and 18 December 1988. The Conference was inaugurated by Mrs. (Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha. It was followed by an address by Shri Asutosh Law, Chairman of the Estimates Committee of Lok Sabha and Chairman of the conference.

Besides the Chairman of Estimates Committee of Lok Sabha, 19 Chairmen of the Estimates Committees of State/Union Territory Legislatures attended the Conference.

The Conference discussed the following points pertaining to various aspects of the Estimates Committee :

1. Scope, functions and powers of the Committee —
 - (i) Need to enlarge scope of functioning of the Committee on Estimates to make it more effective in discharging its functions;
 - (ii) Need to co-ordinate the activities of the Estimates Committee of Parliament and State Legislature Committees.
2. What should be the approach of the Committee on Estimates of State Legislatures in examining the development schemes coming under Centrally sponsored Schemes, Central Sector Schemes and other schemes undertaken by the Central Government or any subsidiary company of Government of India for the development of the State, particularly where —
 - (i) the work is being undertaken by the State Government on agency basis;
 - (ii) a part of the work of a State Sector project is being undertaken by a subsidiary or any other agency of the Central Government and there is delay in progress of work by that agency resulting in heavy escalation of prices and consequential higher burden on the resources of the State;
 - (iii) a State Government project is being financed by the Central government on loan basis and there is delay in the release of the fund by the Central Government resulting in escalation of prices and consequential more severe constraints on the State exchequer;
 - (iv) a part of the work is being undertaken by the Central Government and the other part of the work by the State Government but the delay on the part of the Central Government agencies results in escalation of the estimates of the work undertaken by the State Government; and
 - (v) where delay in the execution of a Central project impedes the developmental projects under the State Sector, and results in non-accrual of estimated benefits both from Central and State projects, besides causing escalation of price.
3. Scope and extent of examination of estimates of a department.

4. Powers and authority of Chairman of the Committee, particularly in respect of examination of records/files of a department.
5. Relation between Estimates Committee and the Executive Departments.
6. Scope and extent of taking penal action against the Officer/Officers for wilful default and delay in furnishing information and particulars, or for furnishing false and misleading information and particulars to the Committee.
7. Binding on the concerned Department in regard to the compliance with the implementation of the recommendation of the Committee.
8. Need for rationalisation of the form in which Budget Estimates are presented to the Legislature.
9. Whether it is permissible and proper on the part of Government to revise the form and contents of the Budget Estimates without prior approval of the Estimates Committee.
10. Introduction of Zero-Base Budgeting-Relevance for Indian States.
11. Review of Rules regarding internal working of Estimates Committee in force in various States.
12. Amenities and facilities to the Chairman of the Committee for the smooth and effective functioning of the Committee.
13. Whether it should not be obligatory on the part of Government to have discussion with the Chairman in case an important recommendation is not acted upon.
14. Timely response by Government machinery to the suggestions made by the Estimates Committee from time to time.
15. Safeguards to be provided to the Committee to counteract demonstrations/violence of any kind while undertaking field visits.
16. Desirability to fix the term of office of Financial Committees for a period of three to five years instead of one year to complete the examination of the subjects.
17. Need to provide office rooms with necessary staff for the Chairmen of Financial Committees in the Assembly Secretariat in order to discharge their duties properly and the chairmen should also get TA and DA for the purpose of attending their official duties from time to time.

The Chairman of the Estimates Committee of Lok Sabha and Chairman of the Conference made concluding observations on 18 December 1988.

Birth Centenary of Maulana Azad: The Birth Centenary Celebrations of Maulana Abul Kalam Azad began with the screening of a documentary film on the Life of Maulana Azad on 10 November 1988 in Parliament House Annexe (Auditorium), New Delhi. The film was shown by the Films Division and the Directorate of Field Publicity, Ministry of Information and Broadcasting.

Symposium on the theme 'Maulana Abul Kalam Azad and National Integration', under the auspices of the Indian Parliamentary Group, was held on 11 November 1988 in Parliament House Annexe, New Delhi. Dr. Inker Dayal Sharma, Vice-President of India inaugurated the Symposium. Dr. Thambi Durai, Deputy Speaker, Lok Sabha addressed from Chair. Other dignitaries who participated in the Symposium were Professor S. Nurul Hasan, Governor of West Bengal, Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting, Shri A.H. Burney, Chairman, Minorities Commission, Justice M.H. Beg, Shri M.J.H. Teleyarkhan, member, minorities Commission, and Dr. Sushil Kumar, former member of Parliament.

99th Birth Anniversary of Shri Jawaharlal Nehru: A meeting on the occasion of 99th Birth Anniversary of Shri Jawaharlal Nehru was held under the auspices of the Indian Parliamentary Group on 14 November 1988 in the Parliament House Annexe, New Delhi. Dr. Bal Ram Jakhar, Speaker, Lok Sabha presided. Shri P. V. Narasimha Rao, Minister of External Affairs addressed the gathering on "Nehru and Socialism".

To mark the occasion, painting and essay competitions for wards of the employees of Lok Sabha and Rajya Sabha Secretariats were organised on 4 and 7 November, respectively. Prizes were awarded to the participants who were adjudged first and second in the above-mentioned competitions.

PARLIAMENTARY DELEGATIONS VISITING INDIA

Austria: On the invitation of Parliament of India, a three-member Austrian Parliamentary Delegation led by Her Excellency Dr. (Mrs.) Marga Ebeneck, Second President of the *Nationalrat* visited India from 12 to 19 February 1989. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 12 February 1989 who hosted a dinner in their honour on the same day. The Delegation called on the President, Shri R. Venkatarajan, Dr. Shanker Dayal Sharma, Vice-President and Chairman, Rajya Sabha, Shri P.V. Narasimha Rao, Minister of External Affairs and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting on 13 February 1989. The Delegation also called on Shri R. Ansari, Minister of Environment and Forests on 14 February 1989. A meeting between the Delegation and our members of Parliament was also held earlier on that day. Besides Delhi, the delegates visited Agra, Bangalore and Bombay.

Cyprus: In response to an invitation from the Parliament of India, a seven member Cyprus Parliamentary Delegation led by His Excellency, Dr. Vassos Lyssarides, President of the House of Representatives of Cyprus visited India from 28 November to 6 December 1988. The Delegation called on Shri R. Venkataraman, President of India, Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha, Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting on 29 November 1988. Dr. Jakhar hosted a banquet in their honour on the same day. The Delegation called on Shri P.V. Narasimha Rao, Minister of External Affairs on 30 November 1988. Besides Delhi, the delegates visited Faridabad, Agra, Bangalore, Mysore, Goa and Bombay.

European Parliament: In response to an invitation from the Parliament of India, a 26-member European Parliamentary Delegation led by Honourable Mr. Vincenzo Giummarra, Chairman, South Asia Delegation of European Parliament visited India from 18 to 26 November 1988. The Delegation called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha, Dr. Bal Ram Jakhar, Speaker, Lok Sabha, Shri P.V. Narasimha Rao, Minister of External Affairs and Shri Dinesh Singh, Minister of Commerce on 21 November 1988. Dr. Jakhar hosted a banquet in honour of the delegates on the same day. The Delegation also called on Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting on 22 November 1988. Meetings between the delegates and members of our Parliament were held on 21 and 22 November 1988. Besides Delhi, the delegates visited Calcutta.

Malaysia: In response to an invitation from the Parliament of India, a four-member Malaysian Parliamentary Delegation led by Hon. Senator Dr. Nordin Bin Ahmad Selat visited India from 5 to 10 December 1988. The Delegation called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha and Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 5 December 1988. The Speaker, Lok Sabha hosted a banquet in their honour on the same day. This was preceded by a meeting between the visiting Delegation and members of our Parliament. The Delegation also called on Shri H.K.L. Bhagat, Minister of Parliamentary Affairs, Information and Broadcasting and Shri P.V. Narasimha Rao, Minister of External Affairs on 6 and 7 December 1988, respectively. Besides Delhi, the delegates visited Faridabad, Agra, Bhatpur and Jaipur.

People's Democratic Republic of Yemen: In response to an invitation from Parliament of India, a four-member Parliamentary Delegation from People's Democratic Republic of Yemen (South Yemen) led by his Excellency Dr. Saeed Abdul Khair Al-Noban, Member of the Presidium and Chairman of Social and Cultural Committee of the Supreme People's

Council Visited India from 22 to 30 November 1988. The Delegation called on Dr. Shanker Dayal Sharma, Vice-President and Chairman, Rajya Sabha, Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri H.K.L. Bhagat, Minister of Parliamentary affairs, Information and Broadcasting on 24 November 1988. The Speaker, Lok Sabha hosted a banquet in their honour on the same day. This was preceded by a meeting between the visiting Delegation and members of our Parliament. The Delegation called on Shri P.V. Narasimha Rao, Minister of External Affairs, Shri P. Shiv Shanker, Minister of Human Resource Development, Shri Motilal Vora, Minister of Health and Family Welfare, Shri Shyam Lal Yadav, Minister of State for Agriculture on 25 November 1988. The Delegation called on the Prime Minister Shri Rajiv Gandhi on 26 November 1988. Besides Delhi, the delegates visited Agra, Hyderabad and Bombay.

INDIAN PARLIAMENTARY DELEGATIONS GOING ABROAD

Egypt: On the invitation of the People's Assembly of the Arab Republic of Egypt, an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha visited Egypt from 22 to 26 December 1988. Besides the Leader, the Delegation consisted of Kumari Sayeeda Khatun, Shrimati Sunderwati Nawal Prabhakar, Sarvashri Ajay Biswas, Virdhi Chander Jain, Dhram Pal Singh Malik, and Virendra Verma, all members of Parliament. Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha was Secretary to the Delegation.

Syria: On the invitation of the People's Council of Syria, an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha visited Syria from 11 to 15 January 1989. Besides the leader, the Delegation consisted of Sarvashri Khurshid Ahmed Chaudhary, Satya Prakash Malaviya, Haroobhai Mehta, Santosh Kumar Singh, and Professor (Smt.) Nirmala Kumari Shaktawat, all members of Parliament. Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was Secretary to the Delegation.

Turkey: On the invitation of the Grand National Assembly of Turkey, an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha, visited Turkey from 8 to 13 November 1988. Other members of the Delegation were Dr. G. S. Rajhans, Sarvashri Arvind Kamble, Mirza Irshadbaig, K. H. Ranganath, C. Sambu and Yashwant Sinha, all members of Parliament. Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was Secretary to the Delegation.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING : REPORT OF ACTIVITIES

During the period 1 October to 31 December 1988, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

Orientation Programme for new members of Meghalaya and Tripura Legislative Assemblies: In the series of Orientation Programmes organised under the auspices of Bureau of Parliamentary Studies and Training and Indian Parliamentary Group, an Orientation Programme for new members of Meghalaya and Tripura Legislative Assemblies was organised in New Delhi from 26 to 28 October 1988. In all 33 new members of Meghalaya and Tripura Legislative Assemblies (19 from Meghalaya and 14 from Tripura), including two Cabinet Ministers and five Ministers of State of Tripura, attended the Orientation Programme. The Programme was inaugurated by Dr. M. Thambi Durai, Deputy Speaker of Lok Sabha.

Besides several Ministers and senior members of Parliament, Shri Chintamani Panigrahi, Minister of State for Defence Production and Supplies, Shrimati Sheila Dikshit, Minister of State for Parliamentary Affairs and Prime Minister's Office and Shri Purushottam Goyal, Chairman, Delhi Metropolitan Council addressed the participating members. Shri. P. Upendra, M.P. delivered the Valedictory Address. Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha answered the points raised by new members during the Question-Answer Session held on the concluding day of the Orientation Programme on 28 October 1988.

The Programme was intended to provide opportunities to new members of the two Legislative Assemblies to discuss and analyse various aspects of parliamentary processes and procedures and to familiarise themselves more closely with the operational mechanics of parliamentary institutions. The Programme, in short, endeavoured to assist the new members to face with more confidence and greater ease the onerous tasks, responsibilities and challenges of their job and become more effective legislators. The members attending the Programme took active part in the deliberations and sought clarifications on various parliamentary processes and procedures from the speakers during the discussion sessions.

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

The Programme was designed to meet the long-felt need of the foreign parliamentary officials to equip them with the basic concepts, skills and

techniques required for drafting a legislation so that they can render necessary assistance to the legislators in this regard.

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

Attachment Programmes for Officers of State Legislature Secretariats: At the request of Karnataka Legislature Secretariat, an Attachment Programme was organised for an officer of that Secretariat during October 1988 to enable him to study the working of various Divisions and Wings of Library, Reference, Research, Documentation and Information Service.

An attachment Programme for Officers of Goa Legislature Secretariat was organised in November 1988 to enable them to study the working of Editorial and Translation Service and Parliamentary Interpretation Service of Lok Sabha Secretariat.

Another Attachment Programme for two officers of Manipur Legislative Assembly Secretariat was organised during December 1988 to enable them to study the working of Administrative Branches of Lok Sabha Secretariat.

An attachment Programme for ten Parliamentary Fellows of Institute of Constitutional and Parliamentary Studies was organised from 12 to 30 December 1988 to enable them to study the working of parliamentary institution in India.

Appreciation Courses for Probationers/Officers of All India and Central Services: The following Appreciation Courses on Parliamentary processes and procedures were organised by the Bureau, viz., Twenty third Appreciation Course for officers of the rank of Director, Deputy Secretary, Under Secretary etc.— 3 to 7 October 1988; Appreciation Course for Indian Railways services of Engineers (Probationers), and Section/Desk Officers of Government of India—15 to 18, November 1988; and Appreciation Course for Probationers of Indian Railways Service of Signal Engineers and Indian Railways Mechanical Engineers—12 to 16 December 1988.

Appreciation Course for Youth Coordinators of Nehru Yuva kendras for organising Model Parliaments: Sixth Appreciation Course for Youth

Coordinators of Nehru Yuva Kendras for organising Model Parliaments was held from 5 to 9 December 1988.

Study Visits: At the request of various training and educational institutions in the Capital and elsewhere, the Bureau organised 23 Study Visits for, among others, (i) Teachers of Delhi University, (ii) Students from Burdwan University, (iii) Students and Staff of the College of Architecture, Pune; (iv) District and Sessions Judges, Additional District and Sessions Judges, Senior Superintendents of Police etc., (v) Lecturers from Jamia Millia Islamia Academic Staff College; (vi) IPS Officers undergoing training at the Intelligence Bureau; (vii) Students from American Embassy School; (viii) Education Officers attending a Pre-Induction Programme at NIEPA and (ix) Sales Tax Officers of Sales Tax Departments of various States etc.

PRIVILEGE ISSUES

LOK SABHA

Notice to the Speaker from the High Court of Delhi in connection with two petitions: On 2 November 1988, the Speaker (Dr. Bal Ram Jakhar) observed that on 23 September 1988, a notice was received from the Registrar of the High Court of Delhi requiring him to arrange to show cause in connection with Civil Miscellaneous Petition No. 4374/88 and Civil Writ Petition No. 1991/88 filed by Shri Ude Singh Dalal against the Union of India, the Speaker, Lok Sabha and Shri Hardwari Lal, M.P. The Speaker added that as per well established practice and convention of Lok Sabha, he had decided not to respond to the notice and had passed on the relevant papers to the Minister of State in the Ministry of Law and Justice for taking such action as he might deem fit to apprise the court of the correct constitutional position and the well-established conventions of the House.

Notices to the Speaker from the High Court of Bombay in connection with two writ petitions: On 2 November 1988, the Speaker (Dr. Bal Ram Jakhar) observed that on 27 July 1988, he had informed* the House about the receipt of two notices from the Deputy Registrar, High Court, Appellate Side, Bombay, requiring his appearance before the Bombay High Court on 19 July 1988, for filing of an affidavit by him or the Secretary-General, Lok Sabha, within three weeks from 28 June 1988, in connection with the Writ Petitions No. 6157/88 and 299/88 alleging that there was "a variance between the Bill (The Central Excise Tariff Bill, 1985), as passed and gazetted with regard to the rate of the excise duty on the goods-cranes-Chapter sub-heading No. 2426-00." The Speaker further observed that the relevant papers were accordingly passed on to the Minister of Law and Justice for taking such action as he might deem fit to apprise the Court of the correct constitutional position and the well-established conventions of the House.

* For summary of case, see *Privileges Digest*, October 1988, p. 12.

The Speaker noted that subsequently, the Additional Registrar, High Court, Appellate Side, Bombay, in his letter dated 6 August 1988, expressed deep regrets for the two notices addressed to him by his office reproducing the language of the usual notice addressed to the parties and requested that they be treated as cancelled.

STATE LEGISLATURES

JAMMU AND KASHMIR LEGISLATIVE COUNCIL

Alleged distortion of a member's speech in the House by All India Radio: On 3 August 1987, a member (Shri Wali Mohd. Itoo) gave notice of a question of privilege against the commentator of Radio Kashmir, Srinagar alleging that in the broadcast, on 1 August 1987, he had attributed to the member a statement delivered by him in the House on that day to the effect that he had demanded a probe in the utilization of the funds amounting to rupees fifty lakhs allotted to District Anantnag for snow clearance on the eve of the Prime Minister's visit to the valley. Shri Itoo contended that the Radio Kashmir, Srinagar, had distorted his speech with *mala fide* intentions to malign him and to tarnish his image as a member of the Council.

On the same day, the Chairman announced that he had decided to refer the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges after considering all the relevant documents and hearing in person Shri M.L. Koul, Correspondent, Radio Kashmir, Srinagar, in their Ninth Report presented to the House on 2 April 1988, *inter alia* reported that in his evidence before the Committee, Shri M.L. Koul, as a representative of the Station Director, Radio Kashmir, Srinagar deposed that the Radio Kashmir had no intention to malign the integrity of the House or the hon'ble member, Shri Wali Mohd. Itoo. Shri Koul added that it had been all along their endeavour to record the proceedings of the Legislative Council truly and faithfully. He, however, expressed regret for wrong reporting of a portion of the script of the proceedings of the House monitored by the correspondent of Radio Kashmir.

The Committee found that the Radio Kashmir, Srinagar in its broadcast on 1 August 1987, had distorted the speech delivered by Shri Itoo in the House while speaking on the Appropriation Bill.

After careful consideration of facts of the case and oral statement made by the representative of the Station Director, Radio Kashmir, before the Committee, the Committee unanimously recommended that no further action be taken by the House in the matter and the same might be dropped.

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

FOREIGN COUNTRIES

UNITED KINGDOM

HOUSE OF COMMONS

It is an abuse of Parliamentary privilege to reflect on the character and conduct of an outsider by name unless he is found guilty: On 17 March 1986, Dr. Michael Clark, a member, sought to raise a point of order and stated¹ as follows:

On a point of order, Mr. Speaker. My point of order, of which I have given prior notice, relates to the use and possible abuse of parliamentary privilege. I seek advice and a ruling on a particular instance.

It is with considerable hesitation and regret that I raise this matter, because it refers to a Conservative Member – the hon. Member for Littleborough and Saddleworth (Mr. Dickens) – who on Thursday 13 March tabled a question to the Attorney-General asking him whether he would now prosecute a doctor in my constituency in respect of a rape offence. The man was named.

At the outset, I must stress that it is not for me to comment on the man's guilt or innocence. I am content to let the law take its course. However, I feel that at best it is a breach of parliamentary convention – and possibly an abuse of parliamentary privilege – to name an individual in this way. This is a double abuse, as it is not permissible to name an accused before he is charged, and in rape cases the accused cannot be named unless found guilty.

Like other hon. Members, I wish to see all criminals, particularly, rapists, and especially child abusers, brought to justice. If any hon. member feels that the police are not being diligent or that individuals are being protected, it is right and proper that questions should be put to the Attorney-General so that he may investigate further. The hon. Member for Littleborough and Saddleworth would have been doing a public service had he put his question

¹House of Commons Deb., 17 March 1986, c. 23.

and omitted the name, but by putting the name into the question he is now denying justice.

The full details of this case are more complex than those that have come out in the newspapers, as my right hon. Friend the Member for Chelmsford (Mr. St John Stevas) may well know. The man cannot defend himself without giving more details, which would almost certainly identify the rape victim. In the absence of his defence, he is being found guilty by parliamentary privilege and newspaper headlines and he now struggles to try to prove his innocence. This is quite contrary to English law, and led to some of the outrageous comments that we had from hon. Members last Friday.

If the police have sufficient evidence against this man, he should be brought to trial. But can he now have a fair trial? I wish to make it clear again that I am not attempting to defend this man. It is not for me to judge his guilt or innocence, nor is it the duty of this Parliament, nor any Member of this Parliament to do just that. However, I ask whether justice is being done at the present time. Can it be obtained in the future if a trial should take place? Is parliamentary privilege being abused, and if so, how can it be stopped? I seek your ruling, Mr. Speaker.

Mr. Edward Leigh, another member, while raising his point of order stated² as follows:

Further to that point of order, Mr. Speaker, paragraph 3, entitled 'Personal reflections' on page 338 of 'Erskine May' states –

It is not in order in a question to reflect on the character or conduct of those persons whose conduct may only be challenged on a substantive motion...nor is it permissible to reflect on the conduct of other persons otherwise than in their official or public capacity. Moreover, a question introducing names (whether of persons or of bodies) invidiously or for advertisement or in any way not strictly necessary to render the question intelligible is not in order.

You may rule, Mr. Speaker, that the paragraph does not cover the conduct of my hon. Friend the Member for Littleborough and Saddleworth (Mr. Dicken). However, it is in your power to set a precedent, by which if, in a similar case, an hon. Member wishes to name a person who is accused but not yet charged, he should do so on the floor of the House by reference to a letter that he has sent to the Attorney-General, in which he can mention the name of the accused. Surely it is a principle of our country that a person is innocent until proved guilty, and it is a principle of the House—this is in our *sub judice* rules—that we should not supplant the role of the courts of the realm as my hon. Friend has done.

²*Ibid.*, c. 24.

Mr. John Ryman, a member, then stated³ as follows:

I wish, Mr. Speaker, to submit one further point in support of the submissions that have been made. Any hon. Member who is genuinely interested in bringing someone to justice has a perfectly easy remedy, which is to seek a private meeting with a Law Officer. Law Officers are always prepared to see hon. members at short notice to discuss a matter and then, through the Director of Public Prosecutions, to ask the police to make the necessary inquiries. If there is insufficient legally admissible evidence in the opinion of counsel advising the Director of Public Prosecutions, the Attorney-General and the Solicitor-General will tell the hon. Member. Many years ago I sought the advice of the Law Officers when a local chief constable refused to prosecute. As a result of a meeting with officials in the Law Officers' Department, the local chief constable prosecuted the case, the defendant was tried, pleaded guilty and was sentenced to a long term of imprisonment.

There is a discreet and realistic way of dealing with such matters, and I support the applications that are being made to consider this a breach of privilege.

Mr. Geoffrey Dickens, a member while clarifying his position stated⁴ as follows:

It is five years since I named someone in the House of Commons, and it was a distasteful thing to have to do. I wish to be helpful. You will appreciate Mr. Speaker, that during the past five years letters have flowed to me containing allegations and details of cases that I should look into and demanding that I name various people, some very important. I always sent the files to the Home Office, which investigated the cases for me, and in many cases to the chief constables concerned. Therefore, I was zealously guarding, not misusing, parliamentary privilege.

When I was elected to the House, I thought that I could come here and speak without fear or favour on my constituency's problems and on matters of national importance, as child abuse and child protection are. My difficulty is that people offend against children in privacy, by and large, without an audience. We are in some difficulty when the victims are little children and where the courts cannot prosecute unless there is corroboration.

May I conclude, because I see that hon. Members are getting restless, by saying that children are being abused, but that such cases do not

³*Ibid.*, c. 24.

⁴*Ibid.*, c. 25.

come to court because the Director of Public Prosecutions decided otherwise. I unreservedly apologise to the hon. Members who have criticised me, but I say to each of them that I have been fighting a national crusade to protect little children.

Thereafter, the Speaker (Mr. Bernard Weatherill) observed⁵ as follows:

“...Let me deal with this matter. I am grateful to hon. Members for giving me notice that they intended to raise the matter on points of order. The hon. member for Gainsborough and Horncastle (Mr. Leigh) is correct. ‘Erskine May’ makes it clear on page 338 that the invidious use of a person’s name in a question should be resorted to only if to do so is strictly necessary to render the question intelligible. I commend to hon. Members the device in appropriate cases of supplying the relevant Minister privately with the name of an individual who is the subject of a question, and I hope that wherever possible hon. Members will use that method of avoiding unnecessarily damaging references to individuals. I thank the hon. Member for Blyth Valley (Mr. Ryman) for raising that point.

Freedom of speech is essential to the work of Parliament. It is the responsibility of every individual Member to ensure that he uses his freedom in a way that does not needlessly damage those who do not enjoy that privilege and in a way that does not damage the good name of the House.

Remarks made in the Committees of the House are protected by privilege as part of the proceedings of Parliament: On 5 June 1986, when the members were making submissions on the statement made by the Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen) regarding the business for the next week, a member (Mr. Gerald Howarth) sought to raise a point of order and stated⁶ as follows:

“It is a genuine point of order Mr. Speaker, otherwise I would not raise it. Is it not an abuse of the House that a private Member’s motion is used effectively as a confidence motion against the Prime Minister? More importantly, you will have heard during business questions that I raised with my right hon. Friend the Leader of the House the question whether speech delivered in a Committee, purporting to make accusations against an individual, enjoys the same privilege as it enjoys on the Floor of the House. The hon. Member for Walsall, North (Mr. Winnick) knows more about such intimidation than anybody else”.

⁵*Ibid.*, c. 26

⁶*House of Commons Deb.*, 5 June 1986, c. 1097.

Mr. David Winnick, another member, then stated⁷ as follows:

In the exchanges that have occurred since I raised my point of order, I understand – if I am wrong I shall not pursue the matter—that the hon. Member for Cannock and Burntwood (Mr. Howarth) said that I knew more about intimidation than anybody else. If he made such a remark, it should be withdrawn.

The Speaker (Mr. Bernard Weatherill) thereupon observed⁸ that he did not hear that. Mr. Howarth then clarified that the hon. Member for Walsall, North, was well known in the House for his verbal intimidation of hon. Members. The Speaker, thereupon, called Mr. Howarth to order and observed⁹ that the hon. Member should withdraw the allegation in the interests of good order.

Mr. Howarth while withdrawing the allegation stated¹⁰ as follows:

As I recognise that you are a gentleman of honour and expect high standards in the House, Mr. Speaker, I shall withdraw the allegation. However, will you answer my earlier question about whether remarks made in a Committee Room enjoy the privilege of remarks made in the Chamber?

Thereafter, the Speaker (Mr. Bernard Weatherill) observed¹¹ as follows:

I make it clear that remarks made at a private meeting, and not in the Chamber, are not protected by privilege. The only remarks that are protected are those made outside the Chamber in Committees of the House as part of the proceedings of Parliament.

⁷*Ibid.*, c. 1098.

⁸*Ibid.*

⁹*Ibid.*

¹⁰*Ibid.*

¹¹*Ibid.*

PROCEDURAL MATTERS

LOK SABHA

Disqualification on ground of defection: On 24 November 1988, the Speaker (Dr. Bal Ram Jakhar) informed the House that on 21 July 1988, a member (Shri Ram Pyare Panika) had filed a petition before him under paragraph 6 of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1988 praying that Shri Lalduhoma, another member be declared to have become subject to disqualification in terms of provisions of Tenth Schedule to Constitution. The petition was referred by the Speaker to the Committee of Privileges under rule 7(4) of the aforesaid rules to make a preliminary inquiry and submit report to him. After the Committee of Privileges had submitted their report to him on 14 October 1988, he gave an opportunity to Shri Lalduhoma to present his case in person before him on 15 November 1988. Taking into account all facts and circumstances of the case, report of the Committee and submissions made by Shri Lalduhoma and in accordance with provisions of Tenth Schedule, the Speaker said he had decided that Shri Lalduhoma had incurred disqualification in terms of paragraph 2(1)(a) of the said Schedule for being a member of Lok Sabha by voluntarily giving up membership of Congress(I), his original political party. Accordingly, Shri Lalduhoma ceased to be a member of Lok Sabha with immediate effect.

Necessity of physical presence of a member to withdraw his Bill: On 25 November 1988, the motion for consideration of the Constitution (Amendment) Bill, 1986 seeking to amend article 311, by a member (Shri Suresh Kurup) was put to vote of the House as the member-in-charge of the Bill was not present in the House to reply to the debate. The motion for consideration was declared as not carried in accordance with the provisions of rule 157 of the Rules of Procedure and Conduct of Business in Lok Sabha and in accordance with the provisions of article 368 of the Constitution. A point was raised by Professor Madhu Dandavate that since Shri Kurup had given in writing that he was withdrawing his Bill and as

such his own Bill, which was the next item on the agenda, should be taken up regardless of the fact that it was substantially identical to the former Bill. This plea was not accepted by the Deputy Speaker who observed that the member who wanted to withdraw his Bill had to be physically present in the House. He further observed that consideration of Professor Dandavate's Bill was barred under rule 338 of the Rules of Procedure which provides that "a motion shall not raise a question substantially identical with one on which the House has given a decision in the same session". Professor Madhu Dandavate was accordingly not allowed to move the motion for consideration of his Bill.

Discussion on actions and decisions of the Election Commission: On 14 December 1988, immediately after the House had met, some members wanted to know the reasons for not holding the by-elections for the seats lying vacant in some of the State Legislative Assemblies and also in the Lok Sabha, along with elections to the State Legislative Assemblies of Tamil Nadu, Nagaland and Mizoram announced on the previous day. Overruling the point raised by members, the Speaker observed that the Election Commission was an autonomous body, whose decisions could not be discussed in the House.

When a member (Professor Madhu Dandavate) submitted that he had given a notice under rule 184 of the Rules of Procedure and Conduct of Business in Lok Sabha urging the Government to make a statement on the pending by-elections to Lok Sabha, the Speaker observed that the Government were not competent to comment upon the actions of the Election Commission. He asked the member to approach the Election Commission for whatever came under the purview of the Election Commission. He noted that the Election Commission was not accountable and answerable even to the Government. He felt that if the Election Commission had any grudge against the Government, they could over-ride it. They were competent to do it. He added that if they had the authority to announce elections in three States, they could have announced by-elections also and nobody could have stopped them. He concluded that "the Election Commission have the authority, power and judicious approach to do what they like," whatever be the recommendations of the Government.

STATE LEGISLATURES

KARNATAKA LEGISLATIVE ASSEMBLY

Supply of copies of notices of breach of privilege to a member against whom a notice has been brought: On 13 October 1988, the Speaker (Shri B. G. Banakar) observed that Shri M. S. Krishnan and others; Shri R.

*Material contributed by Karnataka Legislative Assembly Secretariat.

Venkataramaiah: and Shrimati K. S. Nagarathnamma, Leader of Opposition and others had given notice of breach of privilege on 3, 4 and 5 October 1988, respectively, against a member (Shri Ramakrishna Hegde) for an alleged act of tapping the telephones of the members of the Assembly.

The Speaker noted that under rule 190 of the Rules of Procedure in Karnataka Legislative Assembly, before giving consent to the raising of the matter in the House, he had permitted the movers to make their preliminary submissions. He added that while Sarvashri M. S. Krishnan and R. Venkataramaiah had made preliminary submissions relating to the motion, Shri Veerappa Moily raised the following point of order:

When a complaint against a member is brought before the House, it is essential that the member concerned should be present in the House; in case the person is not present, against whom the complaint is made, the matter may be deferred until the following sitting. Where the member complained against is present, he is heard in explanation and then *directed to withdraw from the House by the Speaker*. These are some of the practices under Rules of Procedure; practices, as expected in the Parliament, in Commonwealth Nations and our House. Therefore, it is necessary that Hon'ble Member Shri Ramakrishna Hegde should be present in the House since he is the member of this House and that the complaint is made against him.

The Speaker observed that in reply to the point of order raised by Shri Veerappa Moily, the Chief Minister (Shri S. R. Bommai) had argued against the presence in the House of the member against whom the complaint was made, when the preliminary submission was made. In Shri Bommai's opinion, explanation from the member complained was to be obtained only after the consent of the Speaker was given to the raising of matter of breach of privilege and before it was referred to the Committee of Privileges. In case, such member remained absent and did not offer his explanation, it should be presumed that he had no explanation to offer, but at that stage the presence of the member was not necessary.

The Speaker recalled that after hearing arguments for and against put forth by both sides, he had reserved his ruling to be given on 13 October 1989.

In his ruling, the Speaker observed that when a complaint of an alleged breach of privilege was made against a member of the Assembly, nowhere in the rules, it was stated that the member before making such a complaint should give notice to that effect before hand as a matter of courtesy or that the member against whom allegations were made should

be present in the House or that his presence should be secured. However, in the House of Commons, he said, when there were motions of breach of privilege against the members the practice followed was that "before making a complaint against a member it is a practice, as a matter of courtesy, to give him a notice beforehand". In India, he observed, it was a practice that when a member sought to raise a question of privilege against another member, the Speaker, before giving his consent to the raising of the matter in the House, always gave an opportunity to the member complained against to place before the Speaker or the House such facts as may be pertinent to the matter. The Speaker further observed that a member, before making complaint against another member should give notice to the latter beforehand as a matter of courtesy. But, he noted, in the instant case, copies of notices were not given to Shri Ramakrishna Hegde by the members who had given notices of question of breach of privilege against him. The Speaker added that even his office had not supplied the copies of notices to Shri Hegde, since there was no such practice till then. Shri Hegde was, therefore, not aware of the contents of the notices and the question of breach of privilege against him. He was also not informed of the discussions that took place on 7 October 1988 and as such his presence or otherwise could not be presumed during the course of preliminary submission on that day. He further noted that it was not a healthy practice to compel any member to be present or to secure his presence in the House; it should be left to the member complained against either to be present or not to be present after receiving the copies of the notice and the intimation of the date of discussion. It is only then that the Speaker after hearing the preliminary discussion and reply by the concerned member might either give consent or withhold the consent or refer to it the Committee of Privileges.

The Speaker recalled that he had come across many instances where it was helpful either for the House, or for the Speaker or for the member complaining, or for the members complained against to dispose of the notices if the member complained against had his say at the initial stage itself in the best interests of all. He also hoped that the main intention of Shri Moily was to create a healthy convention while seeking presence of the member against whom the allegations were made, in the best interests of all. Hence, with a view to give proper opportunity to Shri Ramakrishna Hegde on the principle of natural justice to have his say, it was better to keep him informed about discussions, he added.

In view of the above, the Speaker upheld the point of order raised by Shri Moily and directed the Secretary of the Legislature to send copies of the three notices of breach of privilege tabled by the members against Shri Ramakrishna Hegde and to intimate that the preliminary discussion would be taken up and continued on 14 October 1988.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 October to 31 December 1988)

INDIA

DEVELOPMENTS AT THE UNION

Rajya Sabha bye-elections: Shri Baikunthanath Sahu of Congress (I) was declared elected unopposed to the Rajya Sabha on 3 October in a bye-election from Orissa.

In another election from Maharashtra, held on 21 October, Congress (I) nominee and Union Finance Minister, Shri S. B. Chavan was declared elected unopposed to Rajya Sabha. ¹

Union Communications Minister Shri Bir Bahadur Singh and Shri Sibte Razi, both of Congress (I), were declared elected to the Rajya Sabha from Uttar Pradesh Assembly Constituency, on 17 November and 2 December, respectively. ²

Sarvashri B. N. Pande, Madan Lal Bhatia and Sat Paul Mittal were nominated to the Rajya Sabha to fill the seats of three nominated members who retired on 20 September. Meanwhile, former Assam Chief Minister Shrimati Sayeda Anwara Taimur was nominated to fill the seat vacated by Shri Ghulam Rasool Kar.³

Resignation from Rajya Sabha: Shri Narayan Datt Tiwari's resignation from Rajya Sabha was accepted on 23 October. Shri Tiwari resigned on account of his taking over as Chief Minister of Uttar Pradesh.

¹ *Hindustan Times*, 4 October, 1988; *Free Press Journal*, 22 October, 1988.

² *Indian Express*, 18 November; and *National Herald*, 3 December 1988.

³ *Statesman*, 22 November, 1988; and *National Herald*, 3 December 1988.

⁴ *Indian Express*, 26 October 1988.

Deputy Chairman of Rajya Sabha: Shrimati Najma Heptullah of Congress (I) was unanimously elected as the Deputy Chairman of the Rajya Sabha on 18 November.

Disqualification of M. P.: On 24 November, Lok Sabha Speaker Dr. Bal Ram Jakhur announced the disqualification with immediate effect, under the Anti-Defection Act, of Congress (I) member from Mizoram Shri Lalduhoma, as the member had voluntarily given up his membership of Congress (I).

New Supreme Court Judges: Five newly appointed judges to the Supreme Court were sworn in by Chief Justice Shri R. S. Pathak on 14 December. The new Judges were : Justices S. R. Pandian, T. Kochu Thommen, A. M. Ahmadi, K. N. Saikia and Kuldip Singh.

AROUND THE STATES

ANDHRA PRADESH

Resignation by MLA: Two Telugu Desam MLAs Shri V. H. Jogaiah and Shri Satyanarayana, resigned from the State Assembly on 28 and 29 December, respectively.

Death of MLA: Congress(I) MLA, Shri V. Mohana Ranga Rao and two of his followers were murdered in Vijayawada on 26 December.

ASSAM

Re-constitution of Cabinet: In a major reshuffle on 22 October, Chief Minister Shri Prafulla Kumar Mohanta, dropped 12 Ministers from his Cabinet and included seven new faces. With this, the strength of the Cabinet was reduced to 23 from the existing strength of 28. Those dropped from the Cabinet included Sarvashri Chandra Mohan Patowari, Digen Bora, Biraj Sarma, Pabindra Deka, Lalit Rajkhowa, Thaneswer Boro and Nagen Sarma. The Ministers of State who have been dropped were Sarvashri Abhijit Sarma, Pradeep Gogoi, Kamakhya Choudhury, Ramen Kalita and Dipen Tanti. The new Cabinet Ministers were Sarvashri Ganesh Kutumb, Jay Nath Sarma, Gunin Hazarika and Deba Bora. The three Ministers of State were Sarvashri Holi Ram Terang, Dilip Saikia and Durga Das Bora.¹⁰

⁵ *Times of India*, 19 November, 1988.

⁶ *Statesman*, 25 November, 1988.

⁷ *Hindu*, 15 December, 1988.

⁸ *Statesman*, 29 and 30 December 1988; and *Times of India*, 30 December 1988.

⁹ *Hindu*, 27 December 1988.

¹⁰ *Telegraph and Indian Express*, 23 October 1988.

Resignation by Minister: Minister of State for Power, Handlooms and Textiles Shri Atul Koch, resigned from the State Cabinet on 31 December.¹¹

BIHAR

Legislator's election set aside: The Ranchi Bench of Patna High Court set aside the election of BJP legislator Shri Satya Narain Audhani from the Tundi Assembly constituency and declared the Congress(I) candidate Shri Uday Kumar Sinha elected from the constituency on 7 December.¹²

Death of MLA: Congress(I) MLA, Shri Mithilesh Kumar Pandey, passed away in New Delhi on 30 December.¹³

GUJARAT

Expansion of Ministry: Three Cabinet Ministers and five Ministers of State were sworn in by Governor, Shri R. K. Trivedi on 13 December. The three new Cabinet Ministers were Sarvashri Nalin Patel, Maganbhai Solanki and Manubhai Parmar. The new Ministers of State were Sarvashri Lalit Patel, Vijubhai Jani, Karsanji Thaker, Bhikhabhai Rabri and Shrimati Noorjahan Babi.¹⁴

HARYANA

New Minister: Shri Avtar Singh Bhadana was sworn in as a Minister of State with independent charge of Local Government portfolio on 15 October.

Reallocation of portfolios: In a minor reshuffle of the portfolios on 17 October, Home Minister Shri Sampat Singh was given charge of Jail Department while Agriculture Minister Shri Tayyab Hussain was given additional charge of Waqf, which was held by Shri Azmat Khan, Minister of State for Animal Husbandry.¹⁵

KARNATAKA

Nominations to State Legislative Council: Kannada film actor, Shri Anant Nag, Shri Vidyadhara Guruji, a backward class leader from Gulbarga and Shri Siddalingaiah, a noted poet, were nominated to the State Legislative Council on 2 October.¹⁶

Death of Minister: Rural Development and Panchayati Raj Minister Shri Abdul Nazir Sab passed away on 24 October. His portfolios were allocated to Information and Tourism Minister Shri M. P. Prakash.¹⁷

¹¹ *Telegraph*, 1 January, 1989.

¹² *Hindustan Times*, 8 December, 1988.

¹³ *Telegraph*, 31 December, 1988.

¹⁴ *Times of India*, 14 December, 1988.

¹⁵ *Statesman*, 16 October, 1988, and *Hindu*, 18 October 1988.

¹⁶ *Hindu*, 3 October, 1988.

¹⁷ *Statesman*, 26 October, 1988; and *Indian Express*, 30 October, 1988.

MAHARASHTRA

Election to Legislative Council: Shri Keshavrao Rane of Congress(I) was declared elected unopposed to the State Legislative Council from the State Assembly constituency on 21 October.¹⁸

Death of MLC: BJP Member of Legislative Council, Shri Gangadhar Phadnavis, died in Nagpur on 1 November.¹⁹

Death of MLA: Shri Amanulla Motiwala, Congress(I) MLA from Aurangabad, died in Pune on 2 November.²⁰

MANIPUR

Expansion of Ministry: Chief Minister Shri R. K. Jaichandra Singh expanded his eight-month old Ministry on 2 November. He inducted three Cabinet Ministers, seven Ministers of State and upgraded a Minister of State to Cabinet rank, thus raising the strength of the Council of Ministers to 22. The Cabinet Ministers were Shri W. Angou Singh and Sarvashri Ngurdienglien and T. Chaoba Singh. Minister of State for Agriculture Shri H. T. Thungam was elevated to Cabinet rank. The Ministers of State were: Sarvashri Gaikhangan, R. V. Mingthing, Atombo Ngairangbameha, Henam Lakhon Singh, S. L. Palokhosei, Nilachandra Singh and E. Biramani Singh.²¹

Election of Speaker: Shri T. Devendra Singh was elected unopposed as the Speaker of the Manipur Assembly on 20 December. The election to the office of Speaker became necessary as the Speaker Shri W. Angou Singh was inducted into the State Cabinet.²²

ORISSA

Resignation by Governor: Governor Shri B. M. Pande tendered his resignation to President on 1 November, after completing his five-year term of office. West Bengal Governor Shri Nurul Hasan was given the additional charge as the Governor of Orissa.²³

UTTAR PRADESH

Election to Legislative Council: Chief Minister Shri Narayan Datt Tiwari was declared elected to the Legislative Council on 17 November.²⁴

¹⁸ *Free Press Journal*, 22 October, 1988.

¹⁹ *Indian Express*, 2 November, 1988.

²⁰ *Free Press Journal*, 3 November, 1988.

²¹ *Statesman*, 3 November, 1988.

²² *National Herald*, 21 December, 1988.

²³ *Indian Express*, 2 and 17 November, 1988.

²⁴ *Indian Express*, 18 November, 1988.

WEST BENGAL

Resignation by Minister: PWD Minister Shri Jatin Chakraborty resigned from the State Cabinet on 28 October following a party directive issued in view of Shri Chakraborty's "anti-Chief" Minister statements²⁵

Landslide win for Gorkha National Liberation Front: In the elections held on 13 December, the Gorkha National Liberation Front won 26 out of 28 elective seats in 42-member Darjeeling Gorkha Hill Council, while the CPI (M) won two seats. Fourteen members would be nominated by the State Government.²⁶

DEVELOPMENTS ABROAD

ALGERIA

Declaration of Emergency: President Mr. Chadli Benjedid declared a state of emergency on 6 October following riots against rising prices. All civil, administrative and security services were placed under military command with immediate effect.

Announcement of political reforms: A national referendum held on 3 November, overwhelmingly approved economic, educational and political reforms. Earlier in a televised address to the nation on 10 October, President Mr. Chadli Benjedid had agreed to reform the country's one-party system through two referendums on greater democracy. The Prime Minister would, accordingly, in future, be made responsible to the National Assembly.²⁸

New Prime Minister: President Mr. Chadli Benjedid named Mr. Kasdi Merbah as the new Prime Minister and asked him to form a Government on 5 November.

Re-election of President: President Mr. Chadli Benjedid was re-elected on 22 December for the third term winning 81 per cent of vote in the Presidential election.²⁹

²⁵ *Free Press Journal*, 29 October, 1988.

²⁶ *Telegraph*, 15 December, 1988; and *Hindu*, 17 December, 1988.

²⁷ *Statesman* 7 October 1988.

²⁸ *Hindu and Times of India*, 14 October 1988; and *Keesings Record of World Events*, Vol XXXIV, No. 11 and 12, 1988.

²⁹ *Hindu*, 7 November 1988 and *Hindustan Times*, 24 December 1988.

BANGLADESH

New Foreign Minister: President General H.M. Ershad appointed Irrigation and Education Minister Mr. Awisul Islam Mahmud as the new Foreign Minister on 10 December. He succeeded Mr. Humayun Rasheed Chowdhary who had tendered his resignation.³⁰

BURUNDI

New Prime Minister: During a Cabinet reshuffle on 20 October, President Mr. Pierre Buyoya appointed Mr. Adrien Sibomana as the Prime Minister.³¹

CANADA

General election results: Prime Minister Mr. Brian Mulroney's Conservative Party was re-elected to power in the general elections held on 21 November. In the 295-seat House of Commons, the Conservatives won 170 seats. While 82 seats went to Liberals, the Democrats won 43 seats.³²

CHILE

Cabinet reshuffle: The entire Cabinet of President Augusto Pinochet resigned on 6 October, after he was defeated in a plebiscite on extending his 15-year rule for eight more years. After President's announcement to stay on till March 1990, the Cabinet re-submitted their resignation. On 22 October, Mr. Pinochet replaced eight persons of his 16-member Cabinet, by naming eight civilian members. Mr. Carlos Caceres was appointed as Interior Minister replacing Mr. Sergio Fernandez. Mr. Hernan Errazuriz replaced Mr. Ricardo Garcia as the Foreign Minister. Mr. Miguel Poduje was moved from Housing Ministry to replace Mr. Orlaudo Poblete as Government Secretary-General.³³

³⁰ *Hindustan Times*, 11 December 1988.

³¹ *Statesman*, 21 October 1988.

³² *Times of India*, 23 November 1988; and Information obtained from Canadian High Commission.

³³ *Times of India*, 7 October 1988; *Indian Express*, 8 October 1988 and *National Herald*, 23 October 1988.

COLUMBIA

Removal of Minister: President Mr. Virgilio Barao, in an effort to avoid total confrontation between the armed forces and the leftist guerillas, removed Defence Minister Mr. Rafail Samudio Molino from his post and named Mr. Manuel Jaime Gurreis Paz in his place on 5 November.³⁴

CZECHOSLOVAKIA

New Prime Minister: Mr. Ladislav Adamec was appointed as the new Prime Minister on 11 October after the resignation of Mr. Lubomir Strougal.³⁵

FEDERAL REPUBLIC OF GERMANY

Resignation by Speaker: Bundestag President (i.e. Speaker) Mr. Phillip Jeninger resigned from his post on 11 November, following public outrage over some remarks made by him about Hitler.³⁶

FRANCE

Referendum on New Caledonia: In a referendum held on 6 December French voters gave the Socialist Government a victory by endorsing a peace plan for the South Pacific Territory of New Caledonia. In Noumea (New Caledonia), native Melanesians, supported by some French residents approved an independence plan for the Territory.³⁷

HUNGARY

New Prime Minister: The Hungarian Parliament elected on 24 November, Mr. Miklos Nemeth as Prime Minister to succeed Mr. Karoly Gros.³⁸

ISRAEL

Coalition Government formed: The right-wing Likud Bloc and Left-leaning Labour Party signed on 22 December, a coalition agreement to form a new Government with Mr. Yitzhak Shamir as Prime Minister. Mr. Shimon Peres and Mr. Yitzhak Robin were given Finance and Defence portfolios, respectively, in the new Government.³⁹

³⁴ *Hindu*, 7 November 1988.

³⁵ *Indian Express*, 11 and 13 October 1988.

³⁶ *National Herald*, 12 November 1988.

³⁷ *Hindu*, 8 November 1988.

³⁸ *National Herald*, 25 November 1988.

³⁹ *Hindu*, 23 December 1988.

JAPAN

New Finance Minister: On 24 December, Prime Minister Mr. Noboru Takeshita appointed Mr. Tatsuo Murayama as Finance Minister to replace Mr. Kichi Miyazawa who had earlier resigned under Opposition attack for the past few weeks for his involvement in a share scandal.⁴⁰

Cabinet reshuffle: Prime Minister Mr. Noboru Takeshita carried out a sweeping Cabinet reshuffle replacing most of his Ministers while inducting 15 new faces into his Cabinet on 27 December.

Besides the new Ministers, the old ones to be retained were Foreign Minister Mr. Sousuke Lino, Defence Agency Chief Mr. Kichiro Tazawa, Chief Cabinet Secretary Mr. Keizo Obuchi and the new Finance Minister, Mr. Tatsuo Murayama. However, the newly-appointed Minister for Justice, Mr. Hasegawa, submitted his resignation admitting that he had received political donations from a company which was at the centre of a major stock scandal.⁴¹

MALDIVES

Installation of President: Mr. Mamoon Abdul Gayoom embarked on his third five year term as President of Maldives on 11 November. In a referendum held in September he received an unprecedented 96.37 per cent of votes in his favour.⁴²

MEXICO

Swearing-in of President: Mr. Carlos Salinas de Gortari was sworn in as President on 2 December.⁴³

NEPAL

Cabinet reshuffle : In a major reshuffle of the Council of Ministers, 11 Ministers, including five of Cabinet rank, were

⁴⁰ *Hindustan Times*, 10, December 1988; and *Telegraph*, 25 December, 1988.

⁴¹ *National Herald*, 28 December 1988; and *Statesman*, 31 December 1988.

⁴² *Indian Express*, 12 November 1988 and *Times of India* 11 November 1988.

⁴³ *Hindustan Times*, 3 December 1988

dropped and 13 new Ministers, including three of Cabinet rank were inducted on 31 October. In the new Cabinet, Mr. Shailendra Kumar Upadhyaya was made the Foreign Minister and Mr. Bahadur Pradhan, the Finance Minister. According to a Royal Palace communique, the changes were effected at the recommendation of Prime Minister, Mr. Marich Man Singh Shrestha.⁴⁴

NEW ZEALAND

Removal of Minister: Prime Minister Mr. David Lange dropped from the Cabinet on 5 November, a senior Minister, Mr. Richard Prebble, following his refusal to accept new procedures for privatization, which the Prime Minister had drawn up for the transfer of State assets.⁴⁵

Dismissal of Minister: Prime Minister Mr. David Lange dismissed Finance Minister Mr. Roger Douglas, after the latter challenged him as the leader of the Labour party. Health Minister Mr. David Caygill was appointed the new Finance Minister.⁴⁶

PAKISTAN

Resignation by Minister: Minister for Industries, Chaudhary Shujaat Hussain resigned from the caretaker Government on 15 October.⁴⁷

Extension of Sharia Code : Acting President Mr. Ghulam Ishaq Khan extended a decree making all Pakistani laws subject to the Islamic Sharia Code on 16 October.⁴⁸

General Election results: Pakistan People's Party led by Mrs. Benazir Bhutto emerged as the single largest party in the 237-seat Pakistan National Assembly by winning 93 seats in the general elections held on 16 November. The overall results for 207 Muslim seats were as follows: Pakistan People's Party 93, Islamic Jamhoori Ittehad 54; Mujahir Qaumi Mahaz 13; Jamiat Ulema-e-Islam 8; Awami National Party 3; Pakistan Awami Ittehad 3; Baluchistan National Alliance 2; National People's Party

⁴⁴ *Hindustan Times*, 1 November 1988

⁴⁵ *Statesman*, 6 November 1988, and *Keesings Record of World Events*, Vol. 4 XXXIV, No. 11, 1988.

⁴⁶ *Hindu*, 15 December 1988

⁴⁷ *Times of India*, 16 October 1988.

⁴⁸ *Times of India*, 17 October 1988.

1; Pakistan Democratic Party 1 and Independents 27. The majority of 10 independent non-Muslim candidates elected subsequently gave their support to Pakistan People's Party. Twenty seats were reserved for women.⁴⁹

Formation of New Government: Mrs. Benazir Bhutto was sworn in as the country's eleventh Prime Minister by acting President Mr. Ghulam Ishaq Khan on 2 December. Two days later, a 17-member two tier Council of Ministers was installed with the Prime Minister keeping with herself the portfolios of Defence and Finance while Mr. Sahebzada Yakub Khan of Islamic Democratic Alliance continued to be the Foreign Minister. All other Ministers belonged to Pakistan People's Party.

Following is the list of Ministers:

Cabinet Ministers: Mr. Sahebzada Yakub Khan: *Foreign Affairs*; Mr. Mukhtar Ahmad Awan: *Labour, Manpower and Overseas Pakistanis*; Mr. Aitzaz Hasan: *Interior, Law and Justice*; Mr. Makhdoom Amin Faheen: *Communications*; Mr. Agha Tariq Khan: *Culture and Tourism*; Mr. Rao Sikandar Iqbal: *Food, Agriculture and Co-operatives*; Mr. Sayed Faisal Saleh Hayat: *Commerce, Local Government and Development*; Mr. Sayed Amir Haider Kazmi: *Health, Social Education and Social Welfare*; Mr. Jehangir Badar: *Housing, Works and Science and Technology*; Mr. Mohammad Hanif Khan: *States, Frontier Region and Kashmir Affairs*.

Ministers of State: Col. (Rtd.) Ghulam Sarwar Cheema: *Defence*; Mr. Mir Baz Mohammad Khan: *Culture and Tourism*; Mr. Raja Shahid Zafar: *Production*; Mr. Javed Jabbar: *Information and Broadcasting*; Mr. Khwaja Ahmad Tariq Rahim: *Parliamentary Affairs*; Mr. Khan Bahadur Khan: *Religious and Minorities Affairs*; Mr. Eshanul Haq Pircha: *Finance*.⁵⁰

PALESTINE

Declaration of Independent State: Palestine Liberation Organisation Chairman, Mr. Yasser Arafat declared on 15 November an independent State of Palestine in the Israeli-occupied West Bank and Gaza strip with east Jerusalem held by Israel as its capital. Several countries including India immediately announced their recognition of the new State.⁵¹

⁴⁹ *Statesman and Hindustan Times*, 18 November 1988 and *Keesing's Record of World Events*, Vol. XXXIV No. 12, 1988.

⁵⁰ *Hindustan Times*, 3 and 5 December, 1988.

⁵¹ *Times of India*, 16 November, 1988.

REPUBLIC OF KOREA (SOUTH KOREA)

Cabinet reshuffle: President Mr. Roh Tae Woo carried out a Cabinet reshuffle on 5 December, dropping all but four of the 23 Ministers. Prime Minister Mr. Lee Hyun Jee was replaced by Kang Young Hoon and Deputy Prime Minister Mr. Rah Woong Bae was replaced by Mr. Chon Soon. Foreign Minister Mr. Choi Kwang Soo was replaced by Mr. Choi Ho Joong while the Defence Minister Mr. Oh Ja Bok gave place to Mr. Lee Sang Hoon. ⁵²

SRI LANKA

Dissolution of Parliament: President Mr. Junius Jayawardene, on 20 December, dissolved Parliament and called for fresh general elections on 15 February. ⁵³

Election of President: The ruling United National Party candidate Mr. Ranasinghe Premadasa was elected President of Sri Lanka for a six-year term defeating his main rival, Mrs. Srimavo Bhandaranaike of Sri Lanka Freedom Party, in the election held on 19 December. While Mr. Premadasa polled 50.43 per cent of the votes cast, Mrs. Bhandaranaike secured 44.9 per cent and Sri Lanka Mahajana Party candidate Mr. Ossie Abeygoonsekara managed to get 4.63 per cent. ⁵⁴

SWEDEN

New Government: Prime Minister Mr. Ingvar Carlsson took office as head of a new Government on 4 October. His ruling Socialist Democrat Party was returned to power with 156 seats in the general elections held on 17 September. The seats won by other parties were: Moderate Party 66, Liberal Party 44, Centre Party 42, Greens Party 20, and Communist Left 21. ⁵⁵

SWITZERLAND

New President: The Federal Assembly named Economics Minister Mr. Jean Pascal Deluwrnaz as President for the year 1989 on 7 December. He would replace Mr. Ottostich on expiry of his one-year term of office at the end of December. ⁵⁶

⁵² *Hindu*, 6 December 1988.

⁵³ *Indian Express*, 21 December, 1988.

⁵⁴ *Hindu*, 21 December 1988.

⁵⁵ *Free Press Journal*, 20 September 1988; *Hindustan Times*, 6 October 1988; and *Keseing's Record of World Events*, Vol. XXXIV, No. 12, 1988.

⁵⁶ *Telegraph*, 8 December 1988.

UNITED STATES OF AMERICA

Presidential election results: In the elections held on 8 November, Vice-President Mr. George Bush was elected the 41st President of USA, defeating his Democratic rival Mr. Michael Dukakis, by winning 54 per cent of the popular vote and claiming as many as 426 electoral votes. Mr. Dukakis got 46 per cent of the popular vote and 112 electoral votes. Bush's running mate Mr. Dan Quayle was elected the Vice-President.

Meanwhile, Democratic party retained its control of both the Senate and the House of Representatives.

In the U.S. Senate, the Democratic party held 55 seats, as against 44 for the Republican party, with one Senate seat still in dispute. The House of Representatives had 297 Democrats as against 138 Republicans. In the State Legislatures, there would now be 28 Democratic Governors, compared to 22 Republicans.

Mr. Bush named Mr. James Baker as his Secretary of State.⁵⁷

New Cabinet: President-elect Mr. George Bush nominated Mr. John Tower as Secretary of Defence; Mr. Jack Kemp as Secretary of Housing and Urban Development; Mr. Louis Sullivan as Secretary of Health and Human Services; Mrs. Samuel Skinner as Transportation Secretary; Mr. Manuel Lujan as Secretary of the Interior; and Mrs. Elizabeth Dole as Labour Secretary.⁵⁸

UNION OF SOVIET SOCIALIST REPUBLICS

Election of President: A special session of the Supreme Soviet unanimously elected Communist Party General Secretary Mr. Mikhail Gorbachev as the President of the country in succession to Mr. Andrei Gromyko who had voluntarily retired on 30 September. The official title of the post which Mr. Gorbachev took on was the Chairman of the Presidium of the Supreme Soviet.

Supreme Soviet also elected Mr. Anatoly Lukyanov as the First Vice-President. Mrs. Alexandra Birjukova became a Deputy Prime Minister in-charge of Light Industry and Consumer Affairs. First Deputy Prime Minister

⁵⁷ *Hindu and Statesman*, 10 November 1988; and *Hindustan Times*, 11 November, 1988.

⁵⁸ *Indian Express*, 17, 21 and 24 December 1988; and *Times of India*, 24 and 25 December 1988.

Mr. Nikolai Talyain was given the rank of Deputy Prime Minister only. Mr. Vladimir Bakatin was designated as the new Interior Minister.⁵⁹

Approval of reforms: The Soviet Parliament approved President Mr. Mikhail Gorbachev's comprehensive reforms on the political and electoral system on 1 December. The reforms include more than 100 pieces of legislation. The laws adopted would streamline the structure of the State power bodies and democratise the procedure of their formation and functioning.⁶⁰

VENEZUELA

Election of President: Mr. Carlos Andres Perez of the governing Democratic Action Party was elected President in the elections held on 4 December winning 51.4 per cent of the vote. He defeated Mr. Eduardo Fernandez of the Social Christian Party which won 38.6 per cent of the vote.⁶¹

YUGOSLAVIA

Approval for changes in Constitution: The Yugoslavian Parliament unanimously approved changes in the Constitution on 23 October. The proposals, among other things, provided for Federal tax, if necessary, to finance the armed forces. Members of the Collective State Presidency would continue to be nominated by the six constituent Republics and two Autonomous Provinces. The Yugoslav Communist Party Chief would no longer be a member of the Presidency. The Federal Executive Council, a forum of senior political figures, was also done away with. The Parliament adopted 34 amendments, on 26 November to change 135 articles of the Constitution.⁶²

Resignation by Government: Prime Minister Mr. Branko Mikulic and his entire Cabinet resigned on 30 December, in the face of mounting economic problems and the Parliament's reported refusal to pass laws aimed at improving the situation.⁶³

⁵⁹ *Hindu*, 2 October and 22 October, 1988.

⁶⁰ *Hindustan Times*, 2 December, 1988.

⁶¹ *Hindu*, 6 December, 1988.

⁶² *Hindu*, 24 October and 28 November, 1988.

⁶³ *National Herald*, 31 December, 1988.

ZAMBIA

Re-election of President: Mr. Kenneth Kaunda was re-elected President for another five-year term polling over 95 per cent of vote in the Presidential and parliamentary elections held on 26 October. Mr. Kaunda appointed a new Ministry on 2 November with Mr. Kebby Musokotwane as the Prime Minister. The Ministry consisted of 16 Cabinet Ministers and 22 Ministers of State. The new Cabinet Ministers inducted were Mr. Lavu Mulimba, Mr. Otema Musuka, Mr. Bernard Fulemb, Brig. Gen. Enos Haimbe and Mrs. Alina Nyikosa.⁶⁴

⁶⁴ *Hindu*, 29 October, 1988 and *Statesman*, 3, November, 1988.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Constitution (Sixtieth Amendment) Act, 1988, providing for increase in ceiling of profession tax in certain States, wherever it exists, from two hundred and fifty rupees per annum to two thousand and five hundred rupees per annum, was passed by Lok Sabha and Rajya Sabha on 30 November and 6 December 1988, respectively, and received President's assent on 20 December 1988. The Representation of the People (Amendment) Act, 1988, seeking to make improvements in the election system in the light of experience gained from the working of the Representation of People Act, 1950 and the Representation of the People Act, 1951 by effecting suitable amendments in them, was passed by Lok Sabha and Rajya Sabha on 15 and 20 December 1988, respectively and received President's assent on 5 January 1989. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1988, providing for increase in certain allowances and facilities of members of Parliament, was passed by Lok Sabha and Rajya Sabha on 4 November 1988 and received President's assent on 8 November 1988.

We reproduce here the texts of the above Acts.

—Editor

THE CONSTITUTION (SIXTIETH AMENDMENT) ACT, 1988

An Act further to amend the Constitution of India.

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

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

2. *Amendment of article 276*: In article 276 of the Constitution, in clause (2),—

(a) for the words “two hundred and fifty rupees”, the words “two thousand and five hundred rupees” shall be substituted;

(b) the proviso shall be omitted.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1988

An Act further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

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

CHAPTER I

PRELIMINARY

1. *Short title and commencement*: (1) This Act may be called the Representation of the People (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

CHAPTER II

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

2. *Amendment of Act 43 of 1950*: In part IIA of the Representation of the People Act, 1950, after section 13C, the following section shall be inserted, namely:—

“13CC. *Chief Electoral Officers District Election Officers, etc., deemed to be on deputation to Election Commission*: The officers referred to in this Part and any other office or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the

conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission”.

CHAPTER III

AMENDMENTS OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

3. *Amendment of section 2:* In section 2 of the Representation of the People Act, 1951 (hereafter in this Chapter referred to as the principal Act), after clause (e), the following clause shall be inserted, namely:—

‘(f) “political party” means an association or a body of individual citizens of India registered with the Election commission as a political party under section 29A;’.

4. *Amendment of section 8:* In section 8 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

(1) A person convicted of an offence punishable under—

(a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred of ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code; or

(b) the Protection of Civil Rights Act, 1955 which provides for punishment for the preaching and practice of “untouchability”, and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962; or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967; or

(e) the Foreign Exchange (Regulation) Act, 1973; or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985; or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987; or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988; or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence or removal of ballot papers from polling station) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act,

Shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted for the contravention of—

(a) any law providing for the prevention of hoarding or profiteering;

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961; or

(d) any provisions of the Commission of Sati (Prevention) Act, 1987,

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(b) sub-section (3) shall be renumbered as sub-section (4) thereof, and in sub-section (4) as so renumbered, for the words, brackets and figures "in sub-section (1) and sub-section (2)", the words, brackets and figures "in sub-section (1), sub-section (2) or sub-section (3)" shall be substituted.

5. *Insertion of new section 28A:* After section 28 of the principal Act, the following section shall be inserted, namely:—

"28A. *Returning officer, presiding officer, etc., deemed to be on deputation to Election Commission:* The returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed under this Part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission"

6. *Insertion of new Part IVA:* After Part IV of the principal Act, the following Part shall be inserted, namely:—

"PART IVA

REGISTRATION OF POLITICAL PARTIES

29A. *Registration with the Commission of associations and bodies as political parties:* (1) Any association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of this Part shall make an application to the Election Commission for its registration as a political party for the purposes of this Act.

(2) Every such application shall be made,—

(a) if the association or body is in existence at the commencement of the Representation of the People (Amendment) Act, 1988, within sixty days next following such commencement;

(b) if the association or body is formed after such commencement, within thirty days next following the date of its formation.

(3) Every application under sub-section (1) shall be signed by the chief executive officer of the association or body (whether such chief executive officer is known as Secretary or by any other designation) and presented to the Secretary to the Commission or sent to such Secretary by registered post.

(4) Every such application shall contain the following particulars, namely:—

(a) the name of the association or body;

(b) the States in which its head office is situated;

(c) the address to which letters and other communications meant for it should be sent;

(d) the names of its president, secretary, treasurer and other office-bearers;

(e) the numerical strength of its members and if there are categories of its members, the numerical strength in each category;

(f) whether it has any local units; if so, at what levels;

(g) whether it is represented by any member or members in either House of Parliament or of any State Legislature; if so, the number of such member or members.

(5) The application under sub-section (1) shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever name called, and such memorandum or rules and regulations shall contain a specific provision that the association or body

shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India.

(6) The Commission may call for such other particulars as it may deem fit from the association or body.

(7) After considering all the particulars as aforesaid in its possession and any other necessary and relevant factors and after giving the representatives of the association or body reasonable opportunity of being heard, the Commission shall decide either to register the association or body as a political party for the purposes of this Part, or not so to register it; and the Commission shall communicate its decision to the association or body.

Provided that no association or body shall be registered as a political party under this sub-section unless the memorandum or rules and regulations of such association or body conform to the provisions of sub-section (5).

(8) The decision of the Commission shall be final.

(9) After an association or body has been registered as a political party as aforesaid, any change in its name, head office, office-bearers, address or in any other material matters shall be communicated to the Commission without delay."

7. *Amendment of section 33:* In section 33 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that in the case of a local authorities' constituency, graduates' constituency or teachers' constituency, the reference to "an elector of the constituency as proposer" shall be construed as a reference to "ten per cent of the electors of the constituency or ten such electors, whichever is less, as proposers".'

8. *Amendment of section 39:* In section 39 of the principal Act, in sub-section (2), in the proviso, clause (aa) shall be relettered as clause (ab) thereof, and before clause (ab) as so relettered, the following clause shall be inserted, namely:—

'(aa) the reference in the opening paragraph of sub-section (1) of section 33 to "an elector of the constituency as proposer" shall be construed as a reference to "ten per cent of the elected members or of the members of the Legislative Assembly of a State or of the members of the electoral college of a Union territory, as the case may be, or ten members concerned, whichever is less, as proposers":

Provided that where as a result of the calculation of the percentage referred to in this clause, the number of members arrived at is a fraction and if the fraction so arrived at is more than one-half it shall be counted as one, and if the fraction so arrived at is less than one-half it shall be ignored;'

9. *Amendment of section 58:* In section 58 of the principal Act,—

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

"(aa) any voting machine develops a mechanical failure during the course of the recording of votes; or";

(b) in sub-section (2), in clause (b), after the words "result of the election or that", the words "the mechanical failure of the voting machine or" shall be inserted.

10. *Insertion of new section 58A:* After section 58 of the principal Act, the following section shall be inserted, namely:—

'58A. *Adjournment of poll or countermanding of election on the ground of booth capturing:* (1) If at any election,—

(a) both capturing has taken place at a polling station or at a place fixed for the poll (hereafter in this section referred to as a place) in such a manner that the result of the poll at that polling station or place cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained,

the returning officer shall forthwith report the matter to the Election Commission.

(2) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (1) and after taking all material circumstances into account, either—

(a) declare that the poll at that polling station or place be void, appoint a day, and fix the hours for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

(b) if satisfied that in view of the large number of polling stations or places involved in booth capturing the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that constituency.

Explanation.—In this section, “booth capturing” shall have the same meaning as in section 135A.’

11. *Insertion of new section 61A:* After section 61 of the Principal Act, the following section shall be inserted, namely:—

‘61A. *Voting machines at elections:* Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Election Commission may, having regard to the circumstances of each case, specify.

Explanation. — For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.’

12. *Amendment of section 77:* In section 77 of the principal Act, in sub-section (1), *Explanation 2* shall be omitted.

13. *Amendment of section 123:* In section 123 of the principal Act,—

(a) after clause (7), and before the *Explanation*, the following clause shall be inserted, namely:—

“(8) Booth capturing by a candidate or his agent or other person.”;

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

(4) For the purposes of clause (8), “booth capturing” shall have the same meaning as in section 135A.’

14. *Amendment of section 127*: In section 127 of the principal Act, in sub-section (1), for the words “shall be punishable with fine which may extend to two hundred and fifty rupees”, the words “shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both” shall be substituted.

15. *Insertion of new section 135A*: After section 135 of the principal Act, the following section shall be inserted, namely:—

‘135A. *Offence of booth capturing*: Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine.

Explanation. — For the purposes of this section, “booth capturing” includes, among other things, all or any of the following activities, namely:—

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;

(c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.'

16. *Amendment of section 169:* In section 169 of the principal Act, in sub-section (2),—

(i) after clause (e), the following clause shall be inserted, namely:—

“(ee) the manner of giving and recording of votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used;”

(ii) after clause (g), the following clause shall be inserted, namely:—

“(gg) the procedure as to counting of votes recorded by means of voting machines;”

(iii) in clause (h), for the words “ballot boxes”, the words “ballot boxes, voting machines” shall be substituted.

**THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF
PARLIAMENT (AMENDMENT) Act, 1988**

*An Act further to amend the Salary, Allowances and Pension of Members
of Parliament Act, 1954.*

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

1. *Short title and commencement:* (1) This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 1st day of April, 1988.

2. *Amendment of section 3:* In section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), for the words "one thousand rupees" and "seventy-five rupees" the words "one thousand and five hundred rupees" and "one hundred and fifty rupees" shall, respectively, be substituted.

3. *Amendment of section 4:* In sub-section (1) of section 4 of the principal Act, in clause (c), after sub-clause (ii), the following proviso shall be inserted, namely:—

"Provided that where the spouse, if any, of a member performs such journey or part thereof by road unaccompanied by such members, the road mileage prescribed under this sub-clause shall be allowed to him for such journey or part thereof."

4. *Amendment of section 6:* In section 6 of the principal Act, for the words "first class", wherever they occur, the words "air-conditioned two-tier" shall be substituted.

5. *Amendment of section 6A:* In section 6A of the principal Act,—

(a) in sub-section (1), for the opening paragraph, the following shall be substituted, namely:—

"Without prejudice to the provisions of section 6, every member representing the Union territory of the Andaman and Nicobar Islands or the Union territory of Lakshadweep shall,—

(a) be provided with one free non-transferable pass which shall entitle him to travel at any time by the highest class by steamer to and from any part of his constituency and any other part of his constituency or the nearest part in the main land of India; and

(b) be entitled to an amount equal to the fare by air from his usual place of residence to the nearest airport in the main land of India;

(b) in sub-section (6),—

(i) in the opening portion, for the words "a free steamer pass issued to a member" the words "the facilities provided to a member" shall be substituted;

(ii) in clause (i),—

(A) for the words "lowest class", the words "highest class" shall be substituted;

(B) for the word "and", occurring at the end, the word "or" shall be substituted;

(iii) in clause (ii), for the words "once during every session", the words "at any time between the Island and the main land of India; and" shall be substituted;

(iv) after clause (ii), the following clause shall be inserted, namely :—

(iii) to an amount equal to the fare by air either for the spouse, if any, of the member or for one person to accompany the member from the usual place of residence in the Island to the nearest airport of the main land of India."

6. *Insertion of new section 6AA:* After section 6A of the principal Act, the following section shall be inserted, namely:—

"6AA. *Special facility to members from Ladakh:* (1) Without prejudice to the provisions of section 6, every member who has his ordinary place of residence in the Ladakh area of the State of Jammu and Kashmir shall be entitled to an amount equal to the fare by air for each single journey by air performed by him from any airport in Ladakh to the airport in Delhi and back at any time.

(2) In addition to the air travel provided to a member under subsection (1), he shall also be entitled to an amount equal to the fare by air for each single journey by air performed by the spouse, if any, of the member or one person to accompany such member, from any airport in Ladakh area to the airport in Delhi and back at any time."

7. *Amendment of section 6B:* In section 6B of the principal Act,—

(a) in clause (i), for the words "and first class", the words "and air-conditioned two-tier" shall be substituted;

(b) in clause (ii), for the words "first class", the words "air-conditioned two-tier" shall be substituted;

(c) in clause (iii),—

(i) in the opening paragraph,—

(1) For the words "first class", the words "air-conditioned two-tier" shall be substituted;

(2) for the portion beginning with the words "and if such journey" and ending with the words "or part thereof", the following shall be substituted, namely:—

"and if such journey or any part thereof is performed by air from any place other than the usual place of residence of the member, to Delhi and back to an amount equal to the fare by air for such journey or part thereof:

Provided that where such journey or part thereof by such spouse is performed by air from any other place, the expenditure on such journey or part thereof shall not exceed the amount payable if the journey had been performed from the usual place of residence of the member to Delhi and back:"

(ii) for the proviso, the following proviso shall be substituted, namely,—

"Provided further that where a member travels by rail in first class air-conditioned, and no person accompanies that member in that journey in air-conditioned two-tier by virtue of the free air-conditioned two-tier railway pass referred to in clause (ii), then in determining the amount payable by the member under clause (i) the amount of air-conditioned two-tier fare for such journey shall be adjusted against the difference referred to in that clause: so, however, that the member shall not be entitled to claim the balance of such air conditioned two-tier fare left after such adjustment."

8. *Amendment of section 8:* In section 8 of the principal Act, after the words "constituency allowance", the words, "office expense allowance" shall be inserted.

9. *Amendment of section 8A:* In section 8A of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1988, there shall be paid a pension of five hundred rupees per mensem to the spouse, if any, or dependant of any member who dies during his term of office as such member, for a period of five years from the date of his death."

10. *Amendment of section 8B:* In section 8B of the principal Act, for the words "twenty thousand rupees", the words "fifty thousand rupees" shall be substituted.

SESSIONAL REVIEW

LOK SABHA

TWELFTH SESSION

Lok Sabha which commenced its Twelfth Session (Winter Session) on 2 November 1988, was adjourned *sine die* on 16 December 1988. A brief resume of the important discussions held and other business transacted during this period is given below.

A. DISCUSSIONS

President's Proclamation in relation to Mizoram: Moving a Statutory Resolution on 2 November 1988, the Minister of Home Affairs, Sardar Buta Singh said that the Governor of Mizoram had reported that a situation had arisen there in which the Government of the State could not be carried on in accordance with the provisions of the Constitution of India. The Governor had accordingly recommended that the State should be placed under President's rule and the Legislative Assembly be kept under suspended animation. The Minister noted that after careful consideration of the report of the Governor and other relevant factors, the Government decided to issue a Proclamation under article 356 of the Constitution on 7 September, 1988 to dissolve the Legislative Assembly, since keeping the Assembly under suspended animation might make the situation in Mizoram more confused and encourage political parties to resort to undesirable practices.

Participating in the discussion, Shri Indrajit Gupta said that the step taken by the Government was wrong and the situation could have been rectified by announcing early elections in Mizoram. Shri Balwant Singh Ramoowalia held that the Chief Minister, Shri Laldenga should have been given a chance to prove his majority on the floor of the House.

Replying to the discussion in which nine other members* participated, Sardar Buta Singh said that the Union Government had faithfully implemented the Mizoram accord and brought Shri Laldenga to the national mainstream. But some of his decisions became so unpopular that most of his ardent followers left him, added the Minister.

Referring to the question of not allowing the Chief Minister to convene the Assembly, the Minister explained that the Governor had listened to MLAs and confirmed from the Speaker that the latter was going to disqualify eight MLAs, who had withdrawn their support to Shri Laldenga. The Governor took a decision to ensure that the provisions of the Constitution were not violated and rightly made a report to the President of India. It was the prerogative of the President to accept the recommendation of the Governor or alternatively, suspend or dissolve the Assembly in the national interest. In this case, the President had exercised his right which could not be questioned.

Regarding holding of elections in Mizoram, Sardar Buta Singh stated that the Government were not interested in continuing the President's rule a day beyond the required period.

The Statutory Resolution was adopted.

President's Proclamation in relation to Punjab: Moving a Statutory Resolution on 2 November 1988, regarding the approval of continuance in force of President's Proclamation issued in relation to the State of Punjab on 11 May, 1988, the Minister of Home Affairs, Sardar Buta Singh said that the present term of President's Rule was to expire on 10 November 1988. The Governor of Punjab, in his report to the President of India, dated 24 October 1988, had stated that the situation in Punjab was neither congenial nor conducive to the holding of any Assembly elections. He had also observed that the situation required a firm and committed administration which could in the present circumstances be provided only under President's Rule with the Union and State Governments working in total cooperation and coordination, with determined and unified control over the situation. The Governor had, therefore, recommended the extension of President's Proclamation for a period of six months with effect from 11 November 1988.

Taking part in the resumed discussion on 3 November 1988, Shri Piyus Tiraky urged the Government to come forward with a solution to bring a

*Other members who took part in the discussion were: Sarvashri E. Ayyapu Reddy, N. Tombi Singh, Sharad Dighe, Bajju Ban Riyan, Syed Shahabuddin, Yogeshwar Prasad Yogesh, Vir Sen, Bhadreswar Tanti and Dr. G. S. Rajhans.

popular Government in Punjab. Shri Balwant Singh Ramoowalia demanded punishment to persons involved in inciting riots in Delhi and the release of Jodhpur detenus.

Replying to the discussion in which 23 other members* participated, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram said that President's rule during the last year and a half, had demonstrated that the administration in Punjab was determined to fight terrorism and despite some setbacks, the administration had been able to make severe dent on terrorism and terrorist activities. But the situation had become more complicated in view of supply of sophisticated arms by Pakistan.

Dealing with political processes in Punjab, Shri Chidambaram told the House that the Prime Minister, Shri Rajiv Gandhi had taken major political initiatives by promising an early Panchayat poll, besides constituting an eight-member Ministerial Committee under the chairmanship of Shri P.V. Narasimha Rao and initiating a dialogue with the Opposition parties in Punjab. He expressed the hope that this process, backed up with wide political consultations, would help in finding a solution to the problem.

About the Jodhpur under-trials, Shri Chidambaram said that the issue was not a political one. These under-trials faced serious criminal charges including the charge of waging war. The issue, the Minister insisted, should not be used as a political card or political stick to beat the government with. About holding of elections, the Minister added, that it was not the time to do so.

The Statutory Resolution was then adopted.

Demands of Farmers and Agricultural labourers: Raising a discussion on the subject on 3 November 1988, Shri C. Janga Reddy urged the Government to provide adequate irrigation facilities, remunerative prices for the farm produce and free electricity and bank loans on easy terms to farmers.

*Other members who took part in the discussion were: Saravashri B.B. Ramaiah, R.L. Bhatia, Saifuddin Chowdhary, Naresh chandra Chaturvedi, Thampan Thomas, Zainul Basher, Sharad Dighe, Mohd. Ayub Khan, A.C. Shanmugam, Viridhi Chander Jain, Satyendra Narayan Sinha, K.D. Sultanpuri, Het Ram, Shantaram Naik, Bhadreswar Tanti, Mahabir Prasad yadav, C. Janga Reddy, Keyur Bhushan, N.V.N. Somu, Kali Prasad Pandey, Professor Sail-ud-din Soz, Dr. G.S. Dhillon and Shrimati Geeta Mukherjee.

Taking part in the discussion on 4 November 1988, Professor Madhu Dandavate asked the Government to accept the demand of farmers in a broader framework of the Indian economy.

Taking part in the discussion on 17 November 1988, Dr. A. Kalanidhi asked the Government to ensure that benefits of subsidies on fertiliser should reach the farmers and not the industrialists. Shri Charanjit Singh Walia suggested adequate representation of farmers in the Agricultural Cost and Price Commission.

In the resumed discussion on 18 November 1988, Shri Piyus Tiraky demanded proper implementation of Government's schemes meant for farmers.

Replying to the discussion, in which 44 other members* participated, Minister of Agriculture, Shri Bhajan Lal said that the country was self-sufficient in the matter of foodgrains due to the policies and programmes formulated by our leaders.

In the Seventh Five Year Plan, the Government would spend Rs. 40 thousand crore on agriculture and ensure that all the on-going irrigation projects were completed on priority basis.

Dealing with problems of rural labour, Shri Bhajan Lal said that the Government had already appointed a Commission to look into the matter. As regards inclusion of farmers' representative in the Agricultural Prices Commission, he pointed out that three representatives (one each from Andhra Pradesh, Haryana and Meghalaya) had been included in the Commission. All relevant factors were taken into account while fixing price of agricultural commodities. If the price of agricultural commodities was increased unreasonably, then there would be proportionate increase in the prices of other things also. With regard to relief in debts to farmers, the Minister said that the Government had been giving debt relief to poor farmers or labourers every year in genuine cases.

*Other members who took part in the discussion were: Sarvashri Balkavi Bairagi, V. Sobhanadreeswara Rao, Somnath Rath, Zainal Abedin, Ram Singh Yadav, Janak Raj Gupta, M. Raghuma Reddy, V. Tulsiram, Ram Narain Singh, Vijay N. Patil, Ram Pyare Panika, Sribalav Panigrahi, K.S. Rao, Keyur Bhushan, Amar Roypradhan, Ram Bhagat Paswan, Dharam Pal Singh Malik, Mahabir Prasad Yadav, Virdhi Chander Jain, Choudhary Khurshid Ahmed, Harish Rawat, M.R. Saikia, G.S. Basavaraju, Dal Chand Jain, N. Tombi Singh, Het Ram, Kamla Prasad Singh, V. Krishna Rao, M. Subba Reddy, Uttam Rathod, Umakant Mishra, Akhtar Hasan, Bir Bal, Bharat Singh, Bapulal Malviya, Dr. Chandra Shekhar Tripathi, Dr. Manoj Pandey, Dr. G.S. Rajhans, Dr. Datta Samant, professor Sail-ud-din Soz, Professor N.G. Ranga, Shrimati Geeta Mukherjee, Shrimati Usha Chaudhary and Professor Nirmala Kumari Shaktawat.

Referring to Crop Insurance Scheme, the Minister indicated that the Government wanted all farmers to be covered under this scheme and had appointed a committee to look into the matter. He informed that the Government had introduced a new scheme under which farmers would take 80 per cent of advance from banks for their produce, after handing over the key of their store-house to the banks.

Dealing with the suggestion of uniform electricity rates throughout the country, Shri Bhajan Lal said that this was a State subject. On the question of full benefits of the subsidy on fertilisers to reach the farmers, the Minister said that the Government had set up a committee under the Chairmanship of Rao Birendra Singh to see as to how the farmers could directly benefit from the subsidy.

As far as land reforms were concerned, he added that Government had got 70 lakh acres of surplus land, out of which 45 lakh acres had been distributed among the landless and the remaining 25 lakh acres had not been distributed because of stays in various courts. About *benami* lands, the Minister clarified that it was a State subject and State Governments should take action in the matter.

Recent Developments in Maldives: On 4 November 1988, Prime Minister, Shri Rajiv Gandhi informed the House in a statement that the Government had received reports from Male that Maldives was under attack from a group of mercenaries apparently recruited by disgruntled, expatriate Maldivian citizens. President Gayoom managed to elude the attackers and took refuge in an area outside the Presidential Palace. Shortly thereafter, India received a formal appeal for urgent military assistance to put down the plot. After carefully considering the appeal, the Government of India decided to respond positively and went to the aid of the friendly neighbour whose sovereignty and democratic order were under threat.

The Prime Minister stated that two IAF aircrafts with about 300 paratroopers of the Indian Army were despatched on a reconnaissance mission with carefully preplanned options. He also briefed the leaders of the opposition about the action taken on the previous night. The Indian Armed Forces had successfully completed their major mission by around 2.30 a.m. on 4 November 1988, without any casualty and had also ensured the safety of the President and senior members of his Government. Some armed rebels had been captured. He added that the Indian troops would be withdrawn at the earliest.

Shri Gandhi further stated that President Gayoom expressed deep

appreciation for India's prompt and timely assistance. India's response to developments in the Maldives was a clear manifestation of her commitment to the promotion of peace and stability in the region, he added.

Commission reported to have been paid by M/s. Bofors in the Howitzer Gun Deal: Raising a discussion on 15 November 1988, Professor Madhu Dandavate referred to certain documents released to the Press by Shri Vishwanath Pratap Singh and alleged that the Prime Minister, the Defence Minister and also the Joint Parliamentary Committee on Bofors, had misled the House on payment of commission in the Bofors gun deal.

Intervening in the discussion, the Minister of State in the Ministry of External Affairs, Professor K.K. Tewari said that Shri V.P. Singh was trying to denigrate the Prime Minister. He asked Shri V.P. Singh either to repeat his charge or disown it on the floor of the House.

Participating in the discussion, Shri V.P. Singh said that he stood by the documents regarding the payment of commission by Bofors, but declined to say anything about the authenticity of the Press statement.

The Minister of Law and Justice and Minister of Water Resources, Shri B. Shankaranand, who headed the Joint Parliamentary Committee said that the report had clearly showed that the Bofors contract was signed on the recommendation of Shri V.P. Singh when he was the Finance Minister.

Intervening in the discussion, the Minister of Energy, Shri Vasant Sathe said that the Prime Minister had categorically and publicly stated that he had no such account either in Swiss Bank or any other foreign bank. He asked Shri V.P. Singh to repeat his charges against the Prime Minister on the floor of the House. The Minister of Home Affairs, Sardar Buta Singh pointed out that Shri V.P. Singh had made a charge but had failed to prove it and also to stand by it in the House. The Minister described the charges made by Shri V.P. Singh as character assassination of the Prime Minister.

Participating in the resumed discussion on 16 November, Shri Indrajit Gupta urged the Government to enact a law, making it obligatory for all members of Parliament and Ministers to declare their assets. Shri Dinesh Goswami demanded that the Bofors company be blacklisted.

Replying to the discussion in which eight other members* participated,

*Other members who took part in the discussion were: Sarvashri V.N. Gadgil, Somnath Chatterjee, Ghulam Nabi Azad, H.A. Dora, Ram Pyare Panika, Khurshid Ahmad Choudhary, V. Kishore Chandra, S. Deo and Professor Saif-ud-din Soz.

the minister of Defence, Shri K.C. Pant denied the allegation that the Government had misled Parliament on Bofors and said that the Government had been taking both the Houses into confidence at every stage, right from April 1987.

Referring to the fresh charges which Shri V.P. Singh had made, Shri Pant said, these were mainly three, viz. (i) that 3.2 crore Kroners had been paid by Messrs Bofors, (ii) Account No. 99921-TU was the code name of Lotus, and (iii) Lotus account was that of Prime Minister. Shri Pant said that Shri V.P. Singh had failed to substantiate these charges. The three documents A, B and C which Shri V.P. Singh had submitted, failed to establish anything. For instance, document 'A' related to Account 99921-TU, which was in fact the account of Svenska. It had nothing to do with Lotus. Document 'B' was similar to document 'A'. Document 'C' was an advice issued by Messrs Bofors to Swiss Bank Corporation with reference to Lotus. In it, no where account No. 99921-TU was mentioned. The allegation was that 3.2 crore Kroners were paid into account No. 99921-TU. But this number was referred to in document 'A' and not in 'B'. Another allegation was that a particular sum was paid in the account of Prime Minister synonymous with Lotus. That means all "Rajivs" were invoiced in this. But the evidence had not established that 3.2 crore Kroners were paid into Lotus account no. 99921-TU. Only document 'C' relates to Lotus, and that reflected a commission of 10.92 lakh Kroners only and not 3.2 crore Kroners. The Minister added that Shri V.P. Singh had not produced a shred of evidence to even suggest that the Lotus account was that of the Prime Minister.

Dealing with the suggestion to cancel the contract, Shri Pant reminded that it had legal, financial, commercial and security implications. Shri Pant added that the whole country knew that certain payments had been made and the CBI was enquiring into it to find out where these had gone.

Recognition of the newly-declared State of Palestine: Making a statement on 16 November 1988, the Minister of External Affairs, Shri P.V. Narasimha Rao informed the House that the Government of India had decided to accord full recognition to the newly declared State of Palestine. The denial to the Palestinians of their just rights and the illegal occupation of their homeland had been strongly condemned by successive Parliaments. All shades of public and political opinion in India had been united in expressing solidarity with the Palestinian people and their legitimate aspirations and wished them all success in the task of achieving the restoration of their land and the assertion of their sovereignty.

Visit of Mr. Mikhail Gorbachev, General Secretary of the CPSU and President of the Presidium of Supreme Soviet to India: Mr. Mikhail Gorbachev, General Secretary of the Central Committee of the CPSU and

Chairman of the Presidium of Supreme Soviet, visited India from 18 to 20 November 1988, as an honoured guest to receive the Indira Gandhi Prize for Peace, Disarmament and Development.

Making a statement on 21 November 1988, Prime Minister, Shri Rajiv Gandhi said that in honouring Mr. Gorbachev with the Indira Gandhi Prize, India was paying a tribute to a person who symbolised the passionate yearning for peace, progress and prosperity to which Indira Gandhi dedicated her life. President Gorbachev's visit was a reaffirmation of the high regard which the Soviet Government and the people had for the values which motivated India's freedom struggle under the leadership of Mahatma Gandhi and for the vision of a strong and self-reliant India which Jawaharlal Nehru and Indira Gandhi espoused. President Gorbachev's visit provided yet another opportunity for India to exchange views on regional and international issues. President Gorbachev had supported India's Action Plan presented to the Third Special Session of the United Nations General Assembly on Disarmament, in June 1988. India and Soviet Union had agreed on the need for immediate measures to end the nuclear arms race, to establish international control over emerging new technologies with a military potential and to work for the conclusion of an International Convention banning the use or threat of use of nuclear weapons. Soviet Union highly appreciated India's active and constructive role in the Non-aligned Movement and her efforts to promote peace, disarmament and development.

The Prime Minister said that President Gorbachev informed him that while the Soviet Union supported the establishment of a broad-based Government in Afghanistan, it was concerned at the continuing violations of the Geneva Accords. India hoped that these accords would be implemented fully in letter and spirit, so that the people of Afghanistan could devote their energies to the tasks of national reconstruction and economic development.

The Prime Minister stated that India's bilateral relations with the Soviet Union were growing from strength to strength. During President Gorbachev's visit, agreements were also signed on the construction of a nuclear power station in India, on the exploration of outer space for peaceful purposes, on the setting up of the second stage of the Vindhya Thermal Power Station, on avoidance of Double Taxation as well as a Protocol on Economic and Technical Cooperation in Power Projects. An Indo-Soviet Summit statement reflecting common commitment to strengthening peace, friendship and cooperation was also signed. India's friendship with the Soviet Union, Shri Gandhi added, had stood the

test of time. President Gorbachev's visit to India, his second in the last two years, symbolised the desire of the Soviet leadership and people to further nurture, enrich, deepen and widen this friendship.

Provincial Council elections in the North-Eastern Province of Sri Lanka: Making a statement on 22 November 1988, the Minister of External Affairs, Shri P.V. Narasimha Rao said that at the core of Indo-Sri Lanka agreement were the provisions for setting up of Provincial Councils with sufficient legislative and executive powers to give greater autonomy to Tamils of Sri Lanka. Constitutional amendments and legislation to give effect to these provisions were passed by the Sri Lankan Parliament several months ago and Provincial Councils were set up and elections held in all provinces of Sri Lanka except the North and the East. The LTTE and its supporters warned against holding of elections without their approval. Even at the last moment, the Government of India tried their best to invite the LTTE to join the electoral process, by declaring a unilateral cease-fire. But the LTTE persisted in its obduracy and intransigence.

Detailing on the election process, Shri Rao stated that high proportion of Tamil population had ignored the threats and appeals of the LTTE and voted in favour of peace and democracy. The combined result of the elections was that in the North-Eastern Province, after taking into account the two bonus seats, the Tamil Parties (EPRLF and ENDLF), had got three-fourths majority. The Tamils had also signalled that they were in favour of the Indo-Sri Lanka Agreement.

Shri Rao commended the excellent security arrangement provided by the IPKF which foiled all attempts by the LTTE to intimidate the candidates, to terrorise the voters and disrupt the elections and also appealed to the LTTE to heed the call of the people for representative method and to give up violence which had been causing untold suffering to the Tamil people, he added.

Atrocities on women: Making a statement on 29 November 1988, in response to a calling attention notice by Shri Shanti Dhariwal, the Minister of State in the Departments of Youth Affairs and Sports and Women and Child Development in the Ministry of Human Resource Development, Shrimati Margaret Alva said that the Government viewed with concern the incidence of atrocities on women in different parts of the country and had taken a number of steps in areas such as legislation, education, awareness generation, legal literacy, counselling, legal aid, enforcement, support to voluntary agencies, publicity campaigns etc. A number of amendments had been made in the Dowry Prohibition Act, the Immoral Traffic Prevention Act, the Indian Evidence Act, the Indian Penal Code and the Criminal Procedure Code, to make them more effective. Besides, two new enactments, namely the Indecent Representation of Women (Prohibition) Act, aiming at portrayals of women which were indecent,

derogatory and denigrating through books, pamphlets and advertisements etc., and the Commission of Sati (Prevention) Act, 1987, aiming to prevent the commission or glorification of *sati* were brought on the statute book. The Ministry of Home Affairs had issued detailed instructions to the State Governments about various steps to be taken to combat crimes and atrocities against women.

The Minister told the House that the Government provided financial assistance to organisations working for women to carry out the education work for prevention of the atrocities, through propaganda, publicity and research work. Assistance was also made available to Universities and institutions of higher learning for education and extension work relating to the status of women. Awareness Generation Camps for rural and poor women were held to identify problems and also to raise the collective bargaining power of women and to encourage local community leadership amongst them. The new education policy focuses on education as an agent for bringing about women's equality and emphasised the removal of sex stereo-typing and gender discrimination. Government had also directed that 30 percent of IRDP beneficiaries should be women in rural areas and a programme called the Development of Women and Children in the Rural Areas (DWACRA) had been designed exclusively for women below the poverty line. To ensure that women had access to productive resources, tree *pattas*, surplus land etc., were to be granted in the name of both husband and wife.

Replying to the questions, Shrimati Alva said that the cases of atrocities on women had been on the increase and there was need to make State Governments' machinery more responsive. Detailed instructions were also issued in 1980 and 1982 about the procedure to be followed in the case of death of a woman under mysterious circumstances, in which post-mortem was made compulsory, she concluded.

Dismal performance of Indians in Seoul Olympics: Initiating a discussion on 1 December 1988, on the dismal performance of Indian sportsmen in the Seoul Olympic Games, Shri C. Janga Reddy said that money being spent by the Government on games and sports had not yielded any results and hence called for revision of guidelines formulated by the Government.

Replying to the discussion on 16 December 1988 in which 14 other members* participated, the Minister of State in the Departments of Youth Affairs and Sports and Women and Child Development in the Ministry of

* Other members who took part in the discussion were: Sarvashri Ajay Mushran, M. Raghuma Reddy, Digvijaya Singh, Saifuddin Chowdhary, Braja Mohan Mohanty, Thampan Thomas, Sharad Dighe, N. Tombi Singh, Virdhi Chander Jain, Harish Rawat, K.P. Singh Deo, Professor Parag Chaliha, Dr. G. S. Rajhans and Shrimati Geeta Mukherjee.

Human Resource Development, Shrimati Margaret Alva said that there was no favouritism in the matter of selection and it was made on the basis of standards which had been jointly set by the Government, the Indian Olympic Association and the Federations. In the case of sports training for competitive international sports, a National Centre of Excellence for sports had been established at Bangalore for providing training by Soviet experts. Besides selecting 12 priority disciplines for competitions, a four-year training plan had been launched which would show results by 1990.

Damages due to cyclone in West Bengal, Orissa and Andaman and Nicobar Islands: Making a statement on 7 December 1988, the Minister of State in the Department of Agriculture and Cooperation in the Ministry of Agriculture, Shri Shyam Lal Yadav said that a storm was formed in South Andaman Sea on 23 November 1988, which moved northwards and turned into a severe cyclonic storm with a sustained wind speed of about 200-225 kms. per hour. On receipt of information about the likelihood of the severe cyclonic storm, the Chief Secretaries of West Bengal, Orissa, Assam, Nagaland, Manipur, Meghalaya, Mizoram and Tripura were advised to take precautionary measures. The Minister noted that his Department monitored daily the action initiated in the affected areas by various Ministries/Departments. Indian Naval Aircraft and a coastal guard vessel carried out search operations to locate fishermen gone in the sea and also missing of a light vessel of Calcutta Port Trust. An amount of Rs. 20 lakhs had been sanctioned from the Prime Minister's Relief Fund for augmenting relief efforts in West Bengal. The State authorities were informed of the Government of India's decision to make an additional allocation of 5,000 MT of rice and 5,000 MT of wheat under Public Distribution System in the State in the wake of disaster.

The Minister stated that the West Bengal Government had put their requirements of funds at Rs. 52.68 crore on a preliminary assessment basis. They were advised to carry on the relief and restoration work with the available State funds and to submit a detailed memorandum for cyclone relief assistance to the Central Government. The State Administration was assured that a Contact Team would be deputed to assess the damage and the requirements of funds for relief purposes and also the ceilings of expenditure required for cyclone relief. Similar action for approval of ceilings of expenditure for cyclone relief would be taken on receipt of memoranda from Orissa and Andaman and Nicobar Islands.

Initiating the discussion on 16 December 1988, Kumari Mamata Banerjee urged the Centre to provide adequate funds to State Government. Taking part in the discussion Shri Indrajit Gupta felt that a massive joint operation by the Union and the State Governments was required for providing relief and rehabilitation to the affected people.

Replying to the discussion in which Shri Amal Dutta also participated, Shri Yadav said that the Prime Minister had sanctioned Rs. 20 lakh to West Bengal Government for immediate relief and later an additional grant of Rs. 30 lakh, after he had seen the report. Sufficient grains had been provided to the West Bengal Government and their requirements would be met further, he added.

B. LEGISLATIVE BUSINESS

*Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1988**: On 4 November 1988, moving that the Bill be taken into consideration, the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri H.K.L. Bhagat said that the Bill sought to raise the salary of Members of Parliament from Rs. 1000 to Rs. 1500 per month, the daily allowance from Rs. 75 to Rs. 150 per day, the constituency allowance from Rs. 1,250 to Rs. 3,000 per month, the road mileage allowance from Rs. 2 to Rs. 3 per kilometre and increase in the maximum limit of advance for the purchase of conveyance from Rs. 20,000 to Rs. 50,000. It also provided for an expense allowance of Rs. 1,000 per month. A member would also be entitled to the road mileage allowance for the journey or part thereof performed by road by the spouse of the member, unaccompanied by the latter. The Bill *inter alia* provided for the spouses and companions of the member to travel by airconditioned two-tier in lieu of ordinary first class earlier. Similarly, the spouse or companion could travel by the highest class of steamer (without diet) free of charge while accompanying the member at any time between island and mainland.

Taking part in the discussion, Shri Indrajit Gupta pleaded for increase in the number of air journeys from 16 to 24 in a year and raising of pension for ex-MPs from Rs. 500 to Rs. 1,000 per month.

Replying to the discussion in which Shri Ananda Pathak, Professor Saif-ud-din Soz and Dr. G.S. Dhillon also participated, Shri Bhagat said that the allowances and perks etc. available to members of Parliament in India, were far lower when compared to some other countries in the world. However, keeping the present economic situation in view, whatever was possible had been considered.

The Bill as amended was passed.

* The Bill was introduced by the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri H.K.L. Bhagat on 3 November 1988.

*Sixth Schedule to the Constitution (Amendment) Bill, 1988**: On 29 November 1988, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri Santosh Mohan Dev said that the Bill would provide more autonomy for the District Councils in Mizoram and Tripura and also discretionary powers to the Governor in dealing with certain provisions of the Sixth Schedule to the Constitution.

Opposing the Bill, Shri Dinesh Goswami said that the State Government and the Assembly would have no power whatsoever, once the Bill was passed. Shri Balwant Singh Ramoowalia opposed the idea of giving more powers to Governor.

Winding up the discussion, in which 10 other members** participated, Shri Santosh Mohan Dev maintained that the thrust of the Bill was to give more powers to the Autonomous District Councils. The State Assembly or even the Chief Minister could not start an enquiry against them without the consent of the Governor, which was mandatory. The minority tribals of Mizoram had demanded that the Governor should exercise the power in his discretion and not with the aid and advice of the Council of Ministers and this was the demand from the District Autonomous Councils. The Bill, he added, would usher in a new era for the tribals in the North Eastern Region.

The Bill, as amended, was passed.

*The Constitution (Sixty-second Amendment) Bill, 1988 and The Representation of the People (Amendment) Bill, 1988****: On 14 December 1988, moving that the Bills be taken into consideration the Minister of Law and Justice and Minister of Water Resources, Shri B. Shankaranand said that the Constitution (Amendment) Bill would be for the purpose of amending article 326 of the Constitution to reduce the voting age from 21 to 18 years. The Bill, after being passed by both Houses of Parliament, would have to be ratified by the Legislatures of not less than half of the States, as required under article 386(2). Thereafter, section 19 of the Representation of the People Act, 1950 would have to be amended, because that also specified the minimum voting age of 21.

* The Bill was introduced by the Minister of State in the Ministry of Home Affairs, Shri Santosh Mohan Dev on 5 September 1988.

** Other members who took part in the discussion were: Sarvashri Baju Ban Riyan, N. Tombi Singh, P.K. Thungan, Vijay N. Patil, G.G. Swell, Syed Shahabuddin, Narayan Choubey, E. Ayyapu Reddy, Abdul Rashid Kabuli and C. Janga Reddy.

*** The Bills were introduced by Minister of Law and Justice and Minister of Water Resources, Shri B. Shankaranand, on 13 December 1988.

Commending the Bill to the House, the Minister said that amendments had been proposed to ensure that the staff involved in the election work should be subject to the discipline of the Election Commission. There would be a specific provision for the definition of a political party in the Representation of the People Act. Booth-capturing would be an offence and also a corrupt practice. Shri Shankaranand maintained that it would not be possible for the new Delimitation Commission to complete its work by the next General Elections, due in December 1989. For the Election Commission to function as a multi-member body and for introduction of photo identity cards of voters, he pointed out that there were already provisions to this effect, under article 324 of the Constitution and in the Registration of Electors Rules, 1960, respectively.

Participating in the discussion, Shri C. Madhav Reddy called for a uniform policy in regard to bye-elections to the Parliament and to the State Assemblies.

In a brief intervention, the Minister of State in the Ministry of Commerce, Shri Priya Ranjan Dasmunsi said that the Bill was a kind of salute to the vigour of the youth and added that lowering of voting age would be a memorable event in the Nehru Centenary year and it fulfilled the dream of Shri Jayaprakash Narayan also.

Taking part in the discussion, Shri Madhu Dandavate laid stress on state funding of elections, prevention of deployment of para-military forces without the consent of the State Governments and an independent multi-member Election Commission.

Shri Dinesh Goswami urged the Government to bring a comprehensive bill so that money power, muscle power and State power, could be contained in the interest of the democratic polity of the country. Dr. A.K. Patil said that Doordarshan and All India Radio should be made independent bodies.

Intervening in the discussion, the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri H.K.L. Bhagat maintained that the State funding of the elections was not a practicable proposition. He ruled out the idea of a multi-member Election Commission as it would only weaken the position of the Chief Election Commissioner.

Resuming the discussion on 15 December 1988, Shri Indrajit Gupta pleaded for obligatory declaration of assets by all elected members which would be laid on the Table so that it became a public property. Shri P. Kolandaivelu asked the Government to bring measures to ban the inflow of foreign money in the elections.

Intervening in the discussion, the Prime Minister Shri Rajiv Gandhi said that the Bills were aimed at strengthening the roots of democracy, as they would also preserve secularism besides pushing political parties further towards the secular goal. By making booth-capturing a cognizable offence and declaring it a corrupt practice, these reforms would really strengthen the hands of the weaker sections. On the suggestion of multi-member Election Commission, Shri Gandhi said that this implied lack of faith in the integrity of Chief Election Commissioner. The Government had full faith in the Election Commissioner and, therefore, it favoured strengthening his hands with more powers.

Regarding issue of identity cards, Shri Gandhi said that it could not be completed by the next elections and the Government could not fix a deadline. But they would try to start the process immediately and complete it as soon as possible.

On the question of State funding of elections, Shri Gandhi said that it would only increase the quantum of money used for election purposes and not reduce it. He added that money power had never been a decisive factor in election results.

Participating in the discussion, Shri Charanjit Singh Walia wanted the work on delimitation of constituencies to be taken up as early as possible. Shri Balwant Singh Ramoowalia urged for postponement of Panchayat elections till the Assembly Elections in Punjab.

Replying to the combined discussion in which 31 other members* participated, Shri B. Shankaranand said that the Bill aimed at providing

* Other members who took part in the discussion were: Sarvashri V. N. Gadgil, Somnath Chatterjee, Veerendra Patil, Mukul Wasnik, Balkavi Bairagi, Sharad Dighe, Surendra Pal Singh, Pratap Bhanu Sharma, Somnath Rath, G.M. Banatwalla, Jagannath Choudhary, Virdhi Chander Jain, N.V.N. Somu, Jagan Nath Kaushal, V. Kishore Chandra S. Deo, D.B. Patil, Sultan Salahuddin Owaisi, Kali Prasad Pandey, Satyendra Narayan Sinha, Shaminder Singh, V. Sobhanadreeswara Rao, Abdul Rashid Kabuli, Braja Mohan Mohanty, Amal Datta, Choudhary Khurshid Ahmed, Choudhary Ram Prakash, Professor P.J. Kurien, Professor Saif-ud-din Soz, Dr. G.S. Rajhans, Shrimati Patel Ramaben Ramjibhai Mavani and Kumari Mamata Banerjee.

help to the weaker sections to enable them to exercise their right to vote freely. The provisions of the Bill, he added, sought to check parties fomenting communalism. About the suggestion for increasing the deposit money for eliminating non-serious candidates, the Minister maintained that it was not a solution, as it might deprive even serious candidates from contesting the elections.

The Constitution (Sixty-Second Amendment) Bill 1988, as amended, was passed by the requisite majority, in accordance with the provisions of article 368 of the Constitution.

The Representation of the People (Amendment) Bill, as amended, was passed.

C. QUESTION HOUR

During the Session, a total of 10,986 notices of Questions (8,616 Starred, 2,333 Unstarred and 37 Short Notice Questions) were received. Out of these, 389 Questions were admitted as Starred and 3,907 as Unstarred. 9 Starred and 59 Unstarred Questions were deleted/postponed/transferred from one Ministry to another. No Short Notice Question was admitted during the Session.

Daily average of Questions: Each Starred List contained 20 Questions except those of 16, 21, 22, 25, 28 and 29 November and 2, 5 and 6 December 1988, which contained 21 Questions each. The Questions in excess of 20 in these lists were transferred from earlier dates. On an average, seven Questions per sitting were orally answered on the floor of the house. The maximum number of Starred Questions answered on the floor of the House on a day was 12 on 6 December 1988 and the minimum was five on 4, 16, 17, 22 and 25 November and 2 December 1988.

The average number of questions in the Unstarred List came to 206 as against the prescribed limit of 230 Questions, the minimum being 77 Questions on 2 November 1988 and the maximum being 236 on 6 December 1988 (including 6 Questions transferred from earlier lists).

Half-an-Hour Discussions: In all, 15 notices of Half-an-Hour Discussion were received during the Session. Out of these, two notices were admitted and discussed on the floor of the House.

D. OBITUARY REFERENCES

During the Session, obituary references were made to the passing away of Sarvashri R.D. Bhandare, S.B.P. Pattabhi Ramarao, Lakshmu Bhawani, P. Thanulingam Nadar, Anant Prasad Sharma, Kolo Kaiho, Nitiraj Singh Choudhary, Kailash Prakash and Dr. Karni Singh, all ex-members and Dr. Nagendra Singh, member, Constituent Assembly. The Members stood in silence for a short while as a mark of respect to the deceased.

 RAJYA SABHA

HUNDRED AND FORTY-EIGHTH SESSION*

The Rajya Sabha commenced its Hundred and Forty-Eighth Session on 2 November 1988 and adjourned sine die on 20 December 1988. A resume of some of the important discussions held and other business transacted during the Session is given below.

A. DISCUSSIONS

Problems and difficulties of the farming community in the country: Raising a short duration discussion on 4 November 1988, Shri Virendra Verma said that basically India being an agricultural country, farmers were the back bone of Indian economy. But unfortunately, they were not getting remunerative prices of their produce. He also recalled that they had staged a peaceful *dharna* at the Boat Club from 25 to 31 October 1988 to press for their demands for remunerative prices, adequate power supply, etc. The member concluded that their demands were very genuine and, therefore, must be acceded to.

Replying to the discussion on 17 November 1988,** the Minister of Agriculture, Shri Bhajan Lal said that since Independence, the various plans formulated for the betterment of the lot of farmers and for boosting agricultural production, had been very fruitful. As a result, the country which used to go with a begging bowl to other countries, was now self-sufficient in foodgrains.

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

** Other members who took part in the discussion were: Sarvashri Bir Bhadra Pratap Singh, Ram Naresh Yadav, Shankarrao Narayanrao Deshmukh, Moturu Hanumantha Rao, A.G. Kulkarni, Darbara Singh, Kailash Pati Mishra, Shanti Tyagi, Chaturanan Mishra, Ram Chandra Vikal, V. Narayanasamy, Hari Singh, Chitta Basu, Ghulam Rasool Matto, Vithalbai M. Patel, Dr. Yelamanchili Sivaji, Dr. (Shrimati) Sarojini Mahishi and Shrimati Bijoya Chakravarty.

The Minister informed that the Government of India had spent about Rs. 15 crore in 1987 on the poverty elimination programmes. But the State Governments had not been spending the amount being given to them for particular programmes. Some of them even changed the names of the programmes. He stressed that the Centre would see that the money was properly utilised and, if necessary, change the guidelines and take action against the defaulting State Governments.

The Minister further informed that the Prime Minister had created a new Ministry of Food Processing for the benefit of the farmers. He assured that by the end of the Seventh Five Year Plan, potable drinking water would be supplied to all the villages in the country, except those three or four thousand villages which were situated at higher altitudes.

The Minister noted that the Government had allocated Rs. 40 thousand crore for agriculture in the Seventh Five Year Plan, as against Rs. 3 thousand crore in the First Plan. The Government also decided to bring 200 lakh people above the poverty line and improve their condition during the Seventh Five Year Plan through various schemes, he concluded.

Bofors gun deal: Initiating a short duration discussion on 15 November 1988, Shri M.S. Gurupadaswamy said that when the Swedish Radio, broadcasting the Bofors issue, said that kickbacks were involved in the Bofors gun deal, the Indian government had condemned the report as mischievous, baseless and false and refuted that there were any middlemen or any commissions. However, later they said that only winding up charges were paid to certain agents. The member claimed that he had got records to show that no termination charges were paid, but only commissions were paid. The member suggested to the Government of India to make a request to the Swedish Government and the Appellate Public Prosecutor there, to carry on the investigation and to unearth the truth behind the deal. He further suggested that the Government should refer the issue once again to a Joint Parliamentary Committee with comprehensive terms of reference. The Chairman of that committee should be a member of the Opposition, he added.

Replying to the discussion* on 16 November 1988, the Minister of Defence, Shri K.C. Pant, said that a serious allegation was made against

* Other members who took part in the discussion were: Sarvashri N. K. P. Salve, Dipen Ghosh, Anand Sharma, Parvathaneni Upendra, Jaswant Singh, P. Shiv Shanker, Ram Awadhesh Singh, P.N. Sukul, Aladi Aruna alias V. Arunachalam, Pawan Kumar Bansal, Chaturanan Mishra, Darbara Singh, Mirza Irshadbaig, V. Gopalsamy, H. Hanumanthappa, Ghulam Rasool Matto, Chitta Basu, Professor Sourendra Bhattacharjee, Dr. Nagen Saikia, Sardar Jagjit Singh Aurora and Shrimati Jayanthi Natarajan.

the Prime Minister by a senior Opposition member. The first charge that Shri V.P. Singh sought to establish was that 3.2 crore Swedish Kroners were paid by Ms. Bofors into the Swiss Bank Corporation by way of commission; secondly, that the amount was deposited in account number 99921 TU in the code name of Lotus, and thirdly, that the Lotus account was that of the Prime Minister. The big advantage of the debate was that after making specific charges against the Prime Minister, Shri V.P. Singh had refused to substantiate them. There could be no greater proof of the baselessness of such charges, the Minister concluded.

Rise in prices of essential commodities: On 2 December 1988, Shri V. Narayanasamy called the attention of the Minister of Food and Civil Supplies to the rise in prices of essential commodities and wanted to know the steps being taken by the Government in that regard.

Replying to the points raised by Shri Narayanasamy, the Deputy Minister in the Ministry of Food and Civil Supplies, Shri D.L. Baitha said that the price rise was a feature of the developing economy. So far as essential commodities were concerned, the Government were very vigilant. The country witnessed one of the worst droughts of the century in 1987 and if the Government had not been vigilant, the impact of price rise would have been much more severe than it had been. The Central Government had to act in co-operation with the various State Governments. The Centre had issued guidelines to the State Governments and had asked them to act according to those guidelines.

Functioning of Air India and Indian Airlines: Initiating a short duration discussion on 6 December 1988, Shri Shanker Singh Vaghela said that the common man had lost faith in the security of air travel in the country because of accidents involving Indian Airlines B-737 aircraft at Ahmedabad and Vayudoot aircraft near Guwahati on 19 October 1988. From 1970 till date, more than 500 persons had been killed while travelling in Indian Airlines aircrafts. The Indian Airlines had only 45 to 50 aircrafts, while the traffic requirement was that of nearly 200 aircrafts. The member demanded that Indian Airlines aircrafts which were more than 15 years old, and thus outlived their utility, should be scrapped. The technical staff entrusted with maintenance and operation of the aircraft should be properly trained with sufficient knowledge about the working of the latest type of aircraft.

Replying to the discussion* on 7 December 1988 the Minister of State of the Ministry of Civil Aviation and Tourism, Shri Shivraj V. Patil said that

* Other members who took part in the discussion were: Sarvashri Suresh Pachouri, Surender Singh, Santosh Bagrodia, E. Balanandan, Vishvijit P. Singh, Prabhakar Rao Kalvala, Vishwa Bandhu Gupta, Ram Awadesh Singh, Bir Bhadra Pratap Singh, S.S. Ahluwalia, Thomas Kuthiravattom, Mohammed Amin Ansari, Ghulam Rasool Matto, Professor Sourendra Bhattacharjee, Dr. (Shrimati) Sarojini Mahishi and Shrimati Renuka Chowdhury.

the debates brought to notice the feelings of the members in the House, which could be the feelings of the people outside also.

In reply to a question as to whether India had a perspective plan of Civil Aviation, the Minister stated that it did have one. Under it, the total amount of money to be required by 2000 AD was about Rs. 20,000 crore. The Government were also preparing a perspective plan of the total transport activity in the country as such. India would soon be in a position to use the scarce resources in the best possible manner.

B. LEGISLATIVE BUSINESS

*The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1988**: Moving the motion for consideration of the Bill on 4 November 1988, the Minister of Parliamentary Affairs, Shri H.K.L. Bhagat, said that the Joint Committee on Salary and Allowances of Members of Parliament had been making recommendations from time to time for increasing the allowances and facilities to the members of Parliament. The Government proposed to accept some of the recommendations which, *inter alia* included increase in salary of the members from Rs. 1,000 to Rs. 1,500 per month, daily allowance from Rs. 75 to 150 and constituency allowance from Rs. 1,250 to Rs. 3,000 and to make provision for an Office Expense Allowance of Rs. 1,000 per mensem. Acceptance of the recommendations would involve an expenditure to the tune of approximately Rs. 4 crore per annum, he added.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was passed on the same day.

*The Commissions of Inquiry (Amendment) Bill, 1988.***: Moving the motion for consideration of the Bill on 1 December 1988, the Minister of State in the Ministry of Personnel, Public Grievances and Pension and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram, said that the Bill sought to make two changes in the Commissions of Inquiry Act, 1952. Firstly, a specific provision was being inserted in the Act itself to enable the Commissions of Inquiry to appoint assessors and made payment of travelling and daily allowance to assessors and witnesses. Secondly, the existing procedure for taking cognizance of the offence relating to the accused, calculated to bring a Commission of Inquiry or any member thereof into disrepute, was being streamlined.

* The Bill, as passed by the Lok Sabha, was laid on the Table on 4 November 1988.

** The Bill, as passed by the Lok Sabha, was laid on the table on 25 November 1988.

The Motion for consideration of the Bill and the clauses etc. were adopted and the Bill was passed on the same day.

*The Constitution (Sixtieth Amendment) Bill, 1988**: Moving the motion for consideration of the Bill on 5 December 1988, the Minister of Finance, Shri S.B. Chavan said that the Bill sought to amend clause (2) of article 276 of the Constitution to increase the ceiling of profession tax from Rs. 250 per person per annum to Rs. 2,500 per person per annum. Presently, 14 States were levying profession tax. Some of the States represented that the ceiling of Rs. 250 needed to be revised upwards considering the erosion of the value of the rupee due to price rise since 1949. The Sarkaria Commission also stated in their Report that the limit should be suitably revised in view of the increase in income levels. The Government of India considered the issue in depth. The upward revision of profession tax would help the State Governments to mobilise additional resources, particularly from that section of the population which benefited most from the expanding civic amenities and services. The amendment proposed by the Government of India was only in the nature of an enabling provision and it would be for the States to levy such amounts as they might consider necessary up to the ceiling of Rs. 2,500 per person per annum. As the proviso to clause (2) of article 276 was no longer relevant, it was proposed to omit it.

The motion for consideration of the Constitution (Sixtieth Amendment) Bill, 1988 was adopted, followed by the adoption of the clauses etc. and the Bill was passed by a majority of the total membership of the House, and by a majority of not less than two-thirds of the members present and voting.

*The Constitution (Sixty-Second Amendment) Bill, 1988 and The Representation of the People (Amendment) Bill, 1988***: Moving the motion for consideration of the two Bills on 16 December 1988, the Minister of Law and Justice, Shri B. Shankaranand said that the two Bills represented a historic step towards strengthening of the democratic process in the country. They were in continuation of the efforts of the Government to further strengthen the electoral process.

The Constitution (Sixty-second Amendment) Bill was for the purpose of amending article 326 of the Constitution to reduce the voting age from 21 to 18 years. The Election Commission estimated that if the voting age was reduced, an additional number of 47 million would become entitled to vote.

*The Bill as passed by Lok Sabha was laid on the Table on 1 December 1988.

**The Bills as passed by Lok Sabha were laid on the Table on 16 December 1988.

The Representation of the People (Amendment) Bill contained several provisions for bringing about important changes and improvements in the election law as contained in The Representation of the People Act, 1950 and The Representation of the People Act, 1951. The State Government employees were subject to dual control, one by the State Government concerned in respect of the regular work and another by the election Commission in respect of election work. An amendment, therefore, was proposed that such staff would be deemed to be on deputation to the Election Commission so that they were brought under its disciplinary authority.

Since The Representation of the People Act specifically made mention of only ballot paper system of voting, it was proposed to make suitable amendments in the Act to facilitate the use of electronic voting machines. It was proposed in the Bill to make booth-capturing an offence and also a corrupt practice, the Minister concluded.

The Motion for consideration of the Constitution (Sixty-second Amendment) Bill, 1988 was adopted, the clauses etc. were adopted, and the Bill was passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

C. THE QUESTION HOUR

During the Session, 6,526 notices of Questions (5,798 Starred and 728 Unstarred) were received. Out of these, 375 Starred Questions and 3,288 Unstarred Questions were admitted. Four Short Notice Questions were received but none was admitted. After the lists of Questions were printed 5 Starred and 85 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions: Each of the Lists of Starred Questions contained 18 to 20 Questions. On an average 4.05 Questions, per sitting, were orally answered on the floor of the House. The maximum number of Questions orally answered was 6 on 24 November 1988 and the minimum number of Questions orally answered was 3 on 2, 4, 15 and 22 November 1988.

The minimum number of Questions admitted in the Unstarred Questions lists were 92 on 3 November 1988 and their maximum number was 301 on 21 November 1988. Their average came to 173.05.

Half-an-Hour Discussions: In all, 9 notices of Half-an-hour Discussions were received during the Session but one was admitted.

Statement correcting answers to Questions: Only one statement correcting answer to a Question answered in the House was made by the Minister concerned.

D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarvashri Anant Prasad Sharma, P. Thanulingam, Bidesh Tukaram Kulkarni and Umashankar Jethalal Joshi, all ex-members and Dr. Nagendra Singh, an eminent jurist. Members stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

MAHARASHTRA LEGISLATIVE COUNCIL*

The Maharashtra Legislative Council commenced its Winter Session, *i.e.* 128th Session on 5 December 1988 and was adjourned *sine die* on 23 December 1988.

Golden Jubilee of the Council: The Council completed 50 years of its existence on 20 July 1987. The Golden Jubilee function was inaugurated by Dr. Shankar Dayal Sharma, the Vice-President of India at Bombay on 18 January 1988. The Luminaries who graced the occasion by their presence were Dr. Bal Ram Jakhar, Speaker, Lok Sabha, Lord Taylor of Blackburn who represented the House of Lords, U.K. and came to India specially to attend this function; Shri Chittatosh Mukherjee, the Acting Governor; and Shrimati Pratibha Patil, the then Deputy Chairman, Rajya Sabha. This function was followed by two symposia arranged at Pune and Aurangabad on 16 May and 16 August 1988, respectively.

Obituary references: Obituary references were made on the passing away of Shri G.K. Phadnavis, sitting M.L.C. Shri Bidesh Kulkarni, former Lieutenant Governor and Shri Dhulappanna Navale freedom fighter and ex-M.L.C. on 5 December 1988.

*Material contributed by Maharashtra Legislative Council Secretariat.

MANIPUR LEGISLATIVE ASSEMBLY*

The Fourth Manipur Legislative Assembly commenced its Twelfth Session on 19 December 1988 and was adjourned *sine die* on 22 December 1988.

Election of new Speaker: On 20 December 1988, Shri Th. Devendra Singh was unanimously declared elected as the new Speaker under rule 10 (5)(a) of the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly.

Obituary Reference: On the first day of the Session, an obituary reference was made to the untimely demise of Kolo Kaiho, Ex-M.P.

MIZORAM LEGISLATIVE ASSEMBLY**

The Second Legislative Assembly of the State of Mizoram commenced its first Session on 30 January 1989 and was adjourned *sine die* on 1 February 1989.

Election of Speaker and Deputy Speaker: On 30 January 1989, Sarvashri Pu Hiphei and Pu Vanlalngena were declared elected unopposed as Speaker and Deputy Speaker, respectively.

Governor's Address: On 31 January, the Governor Shri Hiteswar Saikia addressed the House. After a copy of the Governor's Address was laid on the Table of the House, a Motion expressing Vote of Thanks for the Governor's Address was moved and carried. On 1 February, the Motion of Thanks on the Governor's Address was adopted unanimously after a discussion.

*Material contributed by Manipur Legislative Assembly Secretariat.

**Material contributed by Mizoram Legislative Assembly Secretariat.

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APPENDIX I

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

1. PERIOD OF THE SESSION	2 November to 16 December 1988	
2. NUMBER OF SITTINGS HELD		24
3. TOTAL NUMBER OF SITTING HOURS		155 hours and 25 minutes
4. NUMBER OF DIVISIONS HELD		14
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session	— —	12
(ii) Introduced	— —	10
(iii) Laid on the Table as passed by Rajya Sabha	— —	5
(iv) Returned by Rajya Sabha with any amendment recommendation and laid on the Table	— —	Nil
(v) Referred to Select Committee	— —	Nil
(vi) Referred to Joint Committee	— —	Nil
(vii) Reported by Select Committee	— —	Nil
(viii) Reported by Joint Committee	— —	1
(ix) Discussed	— —	15
(x) Passed	— —	15
(xi) Withdrawn	— —	Nil
(xii) Negatived	— —	Nil
(xiii) Par]-discussed	— —	Nil
(xiv) Discussion postponed	— —	Nil
(xv) Returned by Rajya Sabha without any recommendation	— —	2
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	— —	Nil
(xvii) Pending at the end of the Session	— —	12
6. PRIVATE MEMBERS BILLS		
(i) Pending at the commencement of the Session	— —	295
(ii) Introduced	— —	26
(iii) Motion for leave to introduce negatived	— —	Nil
(iv) Laid on the Table as passed by Rajya Sabha	— —	Nil
(v) Returned by Rajya Sabha with any amendment and laid on the Table	— —	Nil
(vi) Reported by Select Committee	— —	Nil
(vii) Discussed	— —	2
(viii) Passed	— —	Nil
(ix) Withdrawn	— —	Nil
(x) Negatived	— —	1

(xi)	Circulated for eliciting opinion	—	—	Nil
(xii)	Part-discussed	—	—	1
(xiii)	Discussion postponed	—	—	Nil
(xiv)	Motion for circulation of Bill negatived	—	—	Nil
(xv)	Referred to Select Committee	—	—	Nil
(xvi)	Removed from the Register of Pending Bills	—	—	2
(xvii)	Pending at the end of the Session	—	—	318
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193				
(Matters of Urgent Public importance)				
(i)	Notices received	—	—	207
(ii)	Admitted	—	—	4
(iii)	Discussion held	—	—	5
(iv)	Part discussed	—	—	Nil
8. NUMBER OF STATEMENTS MADE UNDER RULE 197				
(Calling-attention to matters of Urgent Public Im- portance)				
Statements made by Minister				
		—	—	7
9. MOTION OF NO-CONFIDENCE IN COUNCIL OF MINISTERS				
(i)	Notices received	—	—	Nil
(ii)	Admitted and Discussed	—	—	Nil
(iii)	Barred	—	—	Nil
10. HALF-AN-HOUR DISCUSSIONS HELD				
		—	—	2
11. STATUTORY RESOLUTIONS				
(i)	Notices received	—	—	2
(ii)	Admitted	—	—	2
(iii)	Moved	—	—	2
(iv)	Adopted	—	—	2
(v)	Negatived	—	—	Nil
(vi)	Withdrawn	—	—	Nil
12. GOVERNMENT RESOLUTIONS				
(i)	Notices received	—	—	1
(ii)	Admitted	—	—	1
(iii)	Moved	—	—	Nil
(iv)	Adopted	—	—	Nil
13. PRIVATE MEMBERS' RESOLUTIONS				
(i)	Received	—	—	5
(ii)	Admitted	—	—	5
(iii)	Discussed	—	—	1
(iv)	Adopted	—	—	Nil
(v)	Negatived	—	—	Nil
(vi)	Withdrawn	—	—	Nil
(vii)	Part-discussed	—	—	1
(viii)	Discussions postponed	—	—	Nil

14. GOVERNMENT MOTIONS

(i) Notices received	—	—	2
(ii) Admitted	—	—	2
(iii) Discussed	—	—	Nil
(iv) Adopted	—	—	Nil
(v) Part-discussed	—	—	Nil

15. PRIVATE MEMBERS' MOTIONS

(i) Notices received	—	—	315
(ii) Admitted	—	—	81
(iii) Moved	—	—	Nil
(iv) Discussed	—	—	Nil
(v) Adopted	—	—	Nil
(vi) Negatived	—	—	Nil
(vii) Withdrawn	—	—	Nil
(viii) Part-discussed	—	—	Nil

16. MOTION RE : MODIFICATION OF STATUTORY RULE

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

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

— — Nil

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

17,923

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

— — 1,269 on
3 Nov., 1988

20. NUMBER OF ADJOURNMENT MOTIONS

(i) Brought before the House	—	—	1
(ii) Admitted and discussed	—	—	1
(iii) Barred in view of adjournment motion admitted on the subject	—	—	Nil
(iv) Consent withheld by Speaker outside the House	—	—	128
(v) Consent given by Speaker but leave not granted by the House	—	—	Nil

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	—	—	380
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	—	—	3,850
(iii) Short-Notice Questions	—	—	Nil

22. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 October to 31 December 1988	No. of Reports presented to the House during the Twelfth Session
1	2	3	4
(i)	Business Advisory Committee	5	5
(ii)	Committee on Absence of Members	1	1
(iii)	Committee on Public Undertakings	10	2
(iv)	Committee on Papers Laid on the Table	2	2
(v)	Committee on Petitions	10	...
(vi)	Committee on Private Members' Bills and Resolutions	2	2
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	6	...
(viii)	Committee of Privileges	8	1
(ix)	Committee on Government Assurances	4	1
(x)	Committee on Subordinate Legislation	2	1
(xi)	Estimates Committee	11	...
(xii)	General Purposes Committee	1	...
(xiii)	House Committee	2	...
	(a) Accommodation Sub-Committee	...	...
	(b) Sub-Committee on Amenities	...	...
	(c) Sub-Committee on Furnishing	...	...
(xiv)	Public Accounts Committee	17	...
(xv)	Railway Convention Committee	3	2
(xvi)	Rules Committee	2	

JOINT/SELECT COMMITTEE

(i)	Joint Committee on Offices of Profit	3	1
(ii)	Joint Committee on Salaries and Allowances of Members of Parliament	2	
(iii)	Joint Committee on Lok Pal Bill, 1985	4	1
(iv)	Joint Committee on Railways Bill, 1986	1	...

23.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	2
24.	PETITIONS PRESENTED	1
25.	NUMBER OF NEW MEMBERS SWORN WITH DATE	Nil

APPENDIX II

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

1. PERIOD OF THE SESSION	2 November to 20 December, 1988
2. NUMBER OF SITTINGS HELD	22
3. TOTAL NUMBER OF SITTING HOURS	155 hours and 47 minutes
4. NUMBER OF DIVISIONS HELD	16
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	8
(ii) Introduced	5
(iii) Laid on the Table as passed by Lok Sabha	13
(iv) Returned by Lok Shabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	Nil
(x) Passed	16
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	3
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	10
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	61
(ii) Introduced	8
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	...
(v) Reported by Joint Committee	Nil
(vi) Discussed	2
(vii) Withdrawn	Nil
	125

(viii) Passed	Nil
(ix) Negatived	1
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed-due to retirement/death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	68

**7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176
(Matters Of Urgent Public Importance)**

(i) Notices received	122
(ii) Admitted	4
(iii) Discussions held	4

**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	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2
(v) Negatived	—
(vi) Withdrawn	—

11. GOVERNMENT RESOLUTIONS

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

PRIVATE MEMBERS' RESOLUTIONS

(i)	Received	9
(ii)	Admitted	9
(iii)	Discussed	1
(iv)	Withdrawn	1
(v)	Negated	Nil
(vi)	Adopted	Nil
(vii)	Part-discussed	Nil
(viii)	Discussions postponed	Nil

GOVERNMENT MOTIONS

(i)	Notices received	2
(ii)	Admitted	2
(iii)	Moved	2
(iv)	Adopted	1
(v)	Part-discussed	1

PRIVATE MEMBERS' MOTIONS

(i)	Received	214
(ii)	Admitted	234
(iii)	Moved	—
(iv)	Adopted	—
(v)	Part-discussed	—
(vi)	Negated	—
(vii)	Withdrawn	—

MOTIONS REGARDING MODIFICATION OF STATUTORY RULE

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

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

TOTAL NUMBER OF VISITORS' PASSES ISSUED 2,833

TOTAL NUMBER OF PERSONS VISITED 4,103

MAXIMUM NUMBER OF VISITORS' PASSES ISSUED, ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED ... 210 on 3 November 1988.

MAXIMUM NO. OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED ... 431 on 29 November 1988.

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	...	375
(ii) Unstarred	...	3,288
(iii) Short-Notice Questions	...	Nil

22. DISCUSSION ON THE WORKING OF THE MINISTRIES

Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of Committee	No. of Meetings held during the period 1 October to 31 December 1988.	No. of Reports presented during the Session	
-------------------	---	---	--

(i) Business Advisory Committee	—	4	Nil
(ii) Committee on Subordinate Legislation	—	3	1
(iii) Committee on petitions	—	12	Nil
(iv) Committee of Privileges	—	Nil	Nil
(v) Committee on Rules	—	Nil	Nil
(vi) Committee on Government Assurances	—	3	Nil
(vii) Committee on Papers Laid on the Table	—	4	1
(viii) Joint Parliamentary Committee on Shipping agents (licensing) Bill, 1987	—	5	Nil
(ix) General purposes committee	—	1	Nil
(x) Joint Committee of the Houses on the Indian Medical council (Amendment) Bill, 1987	—	Nil	Nil

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE

1

25. PETITION PRESENTED

1

26. NAME OF NEW MEMBERS SWORN WITH DATES

S. No.	Name	Date
1.	Shri S. B. Chaven	2.11.1988
2.	Shri R. K. Dorendra Singh	2.11.1988
3.	Shri Baikuntha Nath Sahu	2.11.1988
4.	Shri Madan Bhatia	28.11.1988
5.	Shri Bishambhar Nath Pande	28.11.1988
6.	Shrimati Syeda Anwara Taimur	28.11.1988
7.	Shri Bir Bahadur Singh	29.11.1988
8.	Shri Sat Paul Mittal	2.12.1988
9.	Shri Syed Sibtey Razi	6.12.1988

27. OBITUARY REFERENCES

S. No.	Name	Sitting Member/ Ex-Member
1.	Dr. Nagendra Singh	Jurist
2.	Shri Anant Prasad Sharma	Ex-Member
3.	Shri P. Thanulingam	—do—
4.	Shri Bidesh Tukaram Kulkarni	—do—
5.	Shri Umashankar Jethalal Joshi	—do—

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1988

Legislature	Duration	Sittings	Govt. Bills	Private Members Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.	-	-	-	-	-	-	-
Arunachal Pradesh L.A.	-	-	-	-	-	-	-
Assam L.A.	-	-	-	-	-	-	-
Bihar L.A.	-	-	-	-	-	-	-
Bihar L.C.	-	-	-	-	-	-	-
Goa L.A.	28.12.88 to 30.12.88	3	4(6)	1(1)	175(97)	(66) ^(a)	1(1)
Gujarat L.A.	-	-	-	-	-	-	-
Haryana L.A.	-	-	-	-	-	-	-
Himachal Pradesh L.A.	19.12.88 to 23.12.88	5	5(5)	-	433(234) ^(b)	23(109) ^(c)	-
Jammu & Kashmir L.A.	7.12.88 to 13.12.88	5	4(3)	2	467(243)	237(219)	2
Jammu & Kashmir L.C.	7.12.88 to 15.12.88	6	2(1)	-	216(189)	27(27)	-
Karnataka L.A.	3.10.88 to 15.10.88	8	4(9)	-	12(3)	(9) ^(d)	8(7)
Karnataka L.C.	3.10.88 to 15.10.88	8	1(10)	-	300(121)	179(173)	-
Kerala L.A.	-	-	-	-	-	-	-
Madhya Pradesh L.A.	26.9.88 to 14.10.88	9	12(11)	-	1,935(350)	1,154(1,653)	12(2)
Maharashtra L.A.	-	-	-	-	-	-	-
Maharashtra L.C.	-	-	-	-	-	-	-

Manipur L.A.	19.12.88 to 22.12.88	3	-	-	16(16)	-	3(3)
Meghalaya L.A.	-	-	-	-	-	-	-
Mizoram L.A.	-	-	-	-	-	-	-
Nagaland L.A.	-	-	-	-	-	-	-
Orissa L.A.	-	-	-	-	-	-	-
Punjab L.A.	-	-	-	-	-	-	-
Rajasthan L.A.	29.9.88 to 10.10.88	8	11(5)	-	699(233)	803(414)	4
Sikkim L.A.	-	-	-	-	-	-	-
Tamil Nadu L.A.	-	-	-	-	-	-	-
Tripura L.A.	30.12.86 to 6.1.89	6	-	-	478(336)	17(48) ^(e)	-
Uttar Pradesh L.A.	3.10.88 to 7.10.88	5	7(12)	-	2,378(1,061) ^(f)	1,572(2,686) ^(g)	785
Uttar Pradesh L.C.	3.10.88 to 7.10.88	5	5(7)	1	968(673) ^(h)	80(124) ⁽ⁱ⁾	26(1)
West Bengal L.A.	-	-	-	-	-	-	-
UNION TERRITORIES							
Delhi Metropolitan Council	-	-	-	-	-	-	-
Pondichery L.A.	27.10.88	1	-	-	-	-	-

NOTES

- (i) Figures in Cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced with the number of Bills passed in brackets.
- (ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
- (a) 66 Starred Notices were admitted as Unstarred.
- (b) The figure 234 includes 15 Notices postponed from previous session.
- (c) The figure 109 includes 93 Starred Notices classified as Unstarred.
- (d) 9 Starred Notices were converted into Unstarred.
- (e) The figure 48 includes 31 Starred Notices converted into Unstarred.
- (f) The figure 1,061 includes 193 Short Notice Questions admitted as Starred.
- (g) The figure 2,686 includes 912 Starred Notice Questions and 436 Short Notice Questions admitted as Unstarred.
- (h) The figure 873 includes 24 Short Notice Questions admitted as Starred.
- (i) The figure 124 includes 45 Starred Notice Questions admitted as Unstarred.

APPENDIX III (Contd.)

COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Govt. Assurances	—	21	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Petitions	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Private Members' Bills and Resolutions	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee of Privileges	—	—	95	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Public Undertakings	—	—	10	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Subordinate Legislation	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on the Welfare of SC and ST	—	—	—	—	—	—	—	24 ^(a)	—	—	—	—	—	—	—	—
Estimates Committee	—	—	—	—	—	—	—	—	12	—	—	—	—	—	—	—
General Purposes Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
House/Accommodation Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Library Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Public Accounts Committee	—	—	—	—	—	—	—	—	—	—	—	—	24	—	—	—
Rules Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Joint/Select Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	18 ^(b)	—
Other Committees	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
STATES																
Andhra Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar L.A.	—	35	25	—	9	—	10	18	26	—	12	13	22	6	2	86 ^(c)
Bihar L.C.	—	11	12	18	11	—	10	18	—	22	12	16	—	—	—	11 ^(a)

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

- (a) Committee on the Welfare of Scheduled Castes—12 sittings; and Committee on the Welfare of Scheduled Tribes—12 sittings.
- (b) Select Committee on Andhra Pradesh Local Bodies (Electoral Reforms) Bill, 1987—3 sittings; and Select Committee on Backward Classes—15 sittings.
- (c) Questions and Calling Attention Committee—29 sittings; Nivedan Committee—39 sittings; and Zila Parishad and Zila Panchayat Raj Committee—18 sittings.
- (d) Questions and Calling Attention Committee—11 sittings.
- (e) Select Committee on Goa Municipalities (Amendment) Bill, 1988—2 sittings; Select Committee on the Goa Plots and Flats Ownership Bill, 1988—3 sittings; and House Committee on Land Allotted to Goa International Centre—5 sittings.
- (f) Committee on the Welfare of Scheduled Castes—6 sittings; and Committee on the Welfare of Scheduled Tribes—4 sittings.
- (g) Committee on the Welfare of Socially and Educationally Backward classes, Nomadic Tribes and Denotified Tribes—4 sittings; Members' Allowances Rules Committee—4 sittings; Committee on Panchayati Raj—7 sittings, and Committee on Papers Laid on Table of the House—4 sittings.
- (h) Committee on Papers Laid on Table—3 sittings; and Official Language Implementation Committee—4 sittings.
- (i) Joint Committee on Jammu and Kashmir Panchayati Raj Bill, 1988—3 sittings.
- (j) Joint Committee to Enquire into Alleged Attempt to Bribe Two Members of Legislative Assembly—4 sittings.
- (k) Regional Imbalances Committee—4 sittings; Committee on Papers Laid on the Table—10 sittings; and 1 report; and Backward Classes Committee—18 sittings.
- (l) Select Committee on Madhya Pradesh Anusuchit Jati Evam Anusuchit Jan Jati (Sevaon me Padon ka Aarakshan) Vidheyak, 1988—2 sittings.
- (m) Committee on Papers Laid on the Table—3 sittings; Committee on Questions and References—3 sittings; and Committee on Welfare of Women and Children—2 sittings.
- (n) Committee on the Welfare of Scheduled Castes—32 sittings; and Committee on the Welfare of Scheduled Tribes—27 sittings.
- (o) Parliamentary Research, References and Studies Committee—1 sitting; and Questions and Reference Committee—9 sittings.
- (p) Financial and Administrative Delays Committee—27 sittings; Compilation of Rulings Committee—24 sittings; Parliamentary Studies Committee—25 sittings; Sansadiya Evam Samajik Sadbhav Committee—22 sittings; and Questions and References Committee—31 sittings and 2 reports.
- (q) Committee on Health and Family Welfare—6 sittings; Committee on Environment—5 sittings; Committee on Panchayat—3 sittings; and Committee on Education—8 sittings and 1 report.

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 1988

S.No.	Title of the Bill	Date of assent by the President
1.	The Dock Workers (Regulation of Employment) Amendment Bill, 1988	1-10-1988
2.	The Delhi Rent Control (Amendment) Bill, 1988	5-10-1988
3.	The Jamia Millia Islamia Bill, 1988	8-10-1988
4.	The Motor Vehicles Bill, 1988	14-10-1988
5.	The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1988	8-11-1988
6.	The Maternity Benefit (Amendment) Bill, 1988	30-11-1988
7.	The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1988	10-12-1988
8.	The Commissions of Inquiry (Amendment) Bill, 1988	10-12-1988
9.	The Tamil Nadu Appropriation (No. 3) Bill, 1988	15-12-1988
10.	The Punjab Appropriation (No. 3) Bill, 1988	15-12-1988
11.	The Banking, Public Financial Institutions and Negotiable Instruments Laws (Amendment) Bill, 1988	16-12-1988
12.	The Sixth Schedule to the Constitution (Amendment) Bill, 1988	16-12-1988
13.	The National Highways Authority of India Bill, 1988	16-12-1988
14.	The Forest (Conservation) Amendment Bill, 1988	17-12-1988
15.	The Constitution (Sixtieth Amendment) Bill, 1988	20-12-1988
16.	The Appropriation (No. 5) Bill, 1988	29-12-1988

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1988

STATES

GOA LEGISLATIVE ASSEMBLY

- *1. The Goa Land and Revenue Code (Amendment) Bill, 1988.
- *2. The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 1988.
- *3. The Goa Salaries and Allowances of Ministers (Amendment) Bill, 1988.
- *4. The Goa Salary, Allowances and Pension of Members of Legislative Assembly (Amendment) Bill, 1988.
- *5. The Maharashtra Co-operative Societies (Goa Amendment) Bill, 1988.
6. The Goa Absorbed Employees (Amendment) Bill, 1988.
7. The Goa Public Men's Corruption (Investigation and Enquiries) Bill, 1988.

HIMACHAL PRADESH VIDHAN SABHA

1. The Indian Stamp (Himachal Pradesh Amendment) Bill, 1988
2. The Himachal Pradesh Appropriation (No. 5) Bill, 1988
3. The Himachal Pradesh New Town (Periphery) Control (Repeal) Bill, 1988
4. The Himachal Pradesh Panchayati Raj (Amendment and Validation) Bill, 1988
5. The Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Third Amendment) Bill, 1988

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. Jammu and Kashmir Work (Development and Protection) Bill, 1988
2. Jammu and Kashmir Motor Vehicles Taxation (Amendment) Bill, 1988

JAMMU AND KASHMIR LEGISLATIVE COUNCIL

1. Jammu and Kashmir Houses and Shops Rent Control (Amendment) Bill, 1988
2. The Jammu and Kashmir Silk (Development and Protection) Bill, 1988
3. The Jammu and Kashmir Motor Vehicles Taxation (Amendment) Bill, 1988

*Awaiting assent

KARNATAKA LEGISLATIVE ASSEMBLY

1. Karnataka Land Acquisition (Amendment) Bill, 1988
2. Karnataka Civil Courts Law (Amendment) Bill, 1988
3. Karnataka State Universities (Amendment) Bill, 1988
4. Karnataka Leprosy Laws (Repeal) Bill, 1988
5. Karnataka Court Fees and Suits Valuation (Amendment) Bill, 1988
6. Karnataka Taxation Laws (Amendment) Bill, 1988
7. Karnataka Appropriation (No. 3) Bill, 1988
8. Karnataka Appropriation (No.4) Bill, 1988
9. Karnataka Forest (Amendment) Bill, 1987

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka State Universities (Second Amendment) Bill, 1988.
2. The Land Acquisition (Karnataka Amendment) Bill, 1988.
3. The Karnataka Civil Courts Laws (Amendment) Bill, 1988.
4. The Karnataka Leprosy Laws (Repeal) Bill, 1988
5. The Karnataka Courts Fees and Suits Valuation (Amendment) Bill, 1988
6. The Karnataka Appropriation (No. 3) Bill, 1988
7. The Karnataka Appropriation (No. 4) Bill, 1988
8. The Karnataka State Universities (Amendment) Bill, 1988
9. The Karnataka Forest (Amendment) Bill, 1987
10. The Karnataka Taxation Laws (Amendment) Bill, 1988.

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. The Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Vidheyak, 1988
2. The Madhya Pradesh Vidyut Shulk Dwitiya Sanshodhan Vidheyak, 1988
3. The Madhya Pradesh Panchayat (Sanshodhan) Vidheyak, 1988
4. The Madhya Pradesh Nagar tatha Gram Nivesh (Sanshodhan) Vidheyak, 1988
5. The Madhya Pradesh Bhoo Rajasva Samhi ta (Dwitiya Sanshodhan) Vidheyak, 1988
6. The Madhya Pradesh Sahkari Society (Dwitiya Sanshodhan) Vidheyak, 1988.

7. The Madhya Pradesh Samaj ke Kamzor Vargon ke Krishi Bhumi Dharkon ka Udhar Dene Walon ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran tatha Mukti (Sanshodhan) Vidheyak, 1988.
8. The Madhya Pradesh Gandhi Basti Kshetra (Sudhar tatha Nirmoolan) Sanshodhan Vidheyak, 1988.
9. The Madhya Pradesh Vishwavidyalaya (Sanshodhan) Vidheyak, 1988.
10. The Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta tatha Pension (Dwitiya Sanshodhan) Vidheyak, 1988
11. The Madhya Pradesh Appropriation (No. 4) Bill, 1988.

RAJASTHAN LEGISLATIVE ASSEMBLY

1. Rajasthan Vishwavidyalaya (Shanshodhan) Vidheyak, 1988
2. Mohan Lal Sukhadia Vishwavidyalaya (Sanshodhan) Vidheyak, 1988
3. Rajasthan Vikraya Kar (Dwitiya Sanshodhan) Vidheyak, 1988
4. Rajasthan Sthaniya Kshetron me Motoryanoke Pravesh par Kar Vidheyak, 1988
5. Rajasthan Vinyog (Sankhaya 3), Vidheyak, 1988

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The Indian Stamp (Uttar Pradesh Amendment) Bill, 1988
2. The Uttar Pradesh Local-Self Government Laws (Amendment) Bill, 1988
3. The Uttar Pradesh Co-operative Societies (Amendment) Bill, 1988
4. The Uttar Pradesh Subordinate Service Selection Board (Amendment) Bill, 1988
5. The Uttar Pradesh Sri Badrinath and Sri Kedarnath Temples (Amendment) Bill, 1988
6. The Uttar Pradesh Advocates Welfare Fund (Amendment) Bill, 1988
7. The Uttar Pradesh Homoeopathic Medicine (Amendment) Bill, 1988
8. The Uttar Pradesh Appropriation (Supplementary 1988-89) Bill, 1988
9. The Uttar Pradesh Appropriation (Regularization of Excess Expenditure, 1982-83) Bill, 1988
10. The Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik Vyavastha) (Sanshodhan) Vidheyak, 1988
11. The Uttar Pradesh Zila Parishads (Alpkalik Vyavastha) (Dwitiya Sanshodhan) Vidheyak, 1988

12. The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Bill, 1988

UTTAR PRADESH LEGISLATIVE COUNCIL

1. The Uttar Pradesh Urban Local Self Government Laws (Amendment) Bill, 1988
 2. Indian Stamps (Uttar Pradesh Amendment) Bill, 1988
 3. The Uttar Pradesh Cooperative Societies (Amendment) Bill, 1988.
 4. The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Amendment Bill, 1988
 5. The Uttar Pradesh Subordinate Services Selection Board (Amendment) Bill, 1988
 6. The Appropriation (Regularization of Excess Expenditure) Bill, 1988
 7. The Uttar Pradesh Appropriation (Supplementary 1988-1989) Bill, 1988
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APPENDIX VI

ORDINANCES ISSUED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD
1 OCTOBER TO 31 DECEMBER 1988

Sl. No.	Subject	Date of Promulgation	Date on which laid before the House	Date of Cassation	Remarks
1.	2.	3.	4.	5.	6.
UNION GOVERNMENT					
—Nil—					
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The Andhra Pradesh (Telangana Area) District Boards (Amendment) Ordinance, 1988	17-10-88	—	—	—
2.	The Andhra Pradesh Cooperative Societies (Second Amendment) Ordinance, 1988	17-11-88	—	—	—
3.	The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications (Amendment) Ordinance, 1988	19-11-88	—	—	—
4.	The Andhra Pradesh Public Libraries (Amendment) Ordinance, 1988	2.12.88	—	—	—

1.	The Gujarat Secondary Education (Amendment) (Second) Ordinance, 1988	10-8-88	—	—	—
2.	The Bombay Civil Courts (Gujarat Amendment) Ordinance, 1988	23-9-88	—	—	—
3.	The Gujarat Tribal Development Corporation (Amendment) Ordinance, 1988	14-10-88	—	—	—
4.	The Gujarat State Guarantees (Amendment) Ordinance, 1988	1-12-88	—	—	—
5.	The Gujarat Purchase Tax on Sugarcane Ordinance, 1988	-do-	—	—	—
6.	The Bombay Police (Gujarat Amendment) Ordinance, 1988	20-12-88	—	—	—
7.	The Gujarat Prohibition of Maintenance of Private Armed Force Ordinance, 1988	21-12-88	—	—	—
8.	The Gujarat Sales Tax (Second Amendment) Ordinance, 1988	-do-	—	—	—
9.	The Gujarat Tax on Luxuries (Hotels & Lodging Houses Amendment) Ordinance, 1988	20-12-88	—	—	—
10.	The Gujarat Entertainments Tax (Amendment) Ordinance, 1988	23-12-88	—	—	—
	KARNATAKA				
1.	The Karnataka Taxation Laws (Amendment) Ordinance, 1988	8-9-88	3-10-88	—	Replaced by Legislation
2.	The Karnataka State Conduct of Examinations and Prevention of Malpractices Ordinance, 1988	17-12-88	—	—	—

1.	2.	3.	4.	5.	6.
	KERALA				
1.	The Kerala Electricity Duty (Amendment) Ordinance, 1988	21-10-88	21-12-88	—	Replaced by Legislation
2.	The Kerala Forest Laws (Amendment) Ordinance, 1988	24-10-88	-do-	—	-do-
3.	The Kerala Khadi Workers' Welfare Fund Ordinance, 1988	-do-	-do-	—	-do-
4.	The Local Authorities Laws (Second Amendment) Ordinance, 1988	11-11-88	-do-	—	-do-
5.	The Cochin University of Science and Technology (Amendment) Ordinance, 1988	11-11-88	21-12-88	—	Replaced by Legislation
6.	The Kerala General Sales Tax (Second Amendment) Ordinance, 1988	24-11-88	-do-	—	-do-
7.	The Kerala Public Men's Corruptions (Investigations and Enquiries) (Amendment) Ordinance, 1988	25-11-88	-do-	—	-do-
	MADHYA PRADESH				
1.	The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Ordinance, 1988	1-11-88	—	—	—

2.	The Madhya Pradesh Electricity Duty (Third Amendment) Ordinance, 1988	15-12-88	—	—	—
3.	The Madhya Pradesh General Sales Tax (Amendment) Ordinance, 1988	23-12-88	—	—	—
4.	The Madhya Pradesh Tendu Patia (Vyapar Viniyaman) Sanshodhan Adhyadesh, 1988	31-12-88	—	—	—
RAJASTHAN					
1.	Rajasthan Abhichraiti, (Sanshodhan) Adhyadesh, 1988	22-6-88	29-9-88	—	—
2.	Jaipur Vikas Prachhikaran (Sanshodhan) Adhyadesh, 1988	18-7-88	-do-	—	—
3.	Rajasthan Vishwavidyalaya (Sanshodhan) Adhyadesh, 1988	21-7-88	-do-	—	—
4.	Mohantal Sukhadia Vishwavidyalaya (Sanshodhan) Adhyadesh, 1988	24-7-88	-do-	—	—
5.	Rajasthan Vikraya Kar (Sanshodhan) Adhyadesh, 1988	1-8-88	-do-	—	—
6.	Rajasthan Bhu Rajasva (Sanshodhan) Adhyadesh, 1988	1-9-88	-do-	—	—
7.	Rajasthan Upriveshan (Sanshodhan) Adhyadesh, 1988	7-9-88	-do-	—	—
8.	Rajasthan Vikraya Kar (Dwitiya Sanshodhan) Adhyadesh, 1988	-do-	-do-	—	—

1.	2.	3.	4.	5.	6.
9.	Rajasthan Sihania Motor Yanon ke pravesh per kar Adhyadesh, 1988	-do-	-do-	—	—
10.	Natchwara Mandir (Sanshodhan) Adhyadesh, 1988	8-9-88	-do-	—	—
UTTAR PRADESH					
1.	The Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1988	3-6-88	4-10-88	14-11-88	—
2.	The Indian Stamp (Uttar Pradesh Amendment) Ordinance, 1988	24-6-88	-do-	8-11-88	Replaced by Legislation
3.	The Uttar Pradesh Cooperative Societies (Amendment) Ordinance, 1988	-do-	-do-	13-10-88	-do-
4.	The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1988	-do-	-do-	-do-	-do-
5.	The Uttar Pradesh Krishi Utpadan Mandi Sanitis (Alpakaik Vyavastha) (Sanshodhan) Adhyadesh, 1988	-do-	-do-	15-10-88	-do-
6.	The Uttar Pradesh Shri Bedrinath and Sri Kedarnath Temples (Amendment) Ordinance, 1988	17-8-88	-do-	-do-	-do-
7.	The Uttar Pradesh Zila Parishads (Alpakaik Vyavastha) (Sanshodhan Adhyadesh) 1988	-do-	-do-	-do-	-do-
8.	The Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 1988	-do-	-do-	-do-	-do-

9.	The Uttar Pradesh Homoeopathic Medicine (Amendment) Ordinance, 1988	7-9-88	-do-	-do-	-do-
10.	The Uttar Pradesh Subordinate Services Selection Board (Amendment) Ordinance, 1988	14-9-88	15-10-88	14-10-88	-do-
11.	The Uttar Pradesh Excise (Amendment) Ordinance, 1988	27-10-88	—	—	—
12.	The Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Ordinance, 1988	3-11-88	—	—	—
13.	The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1988	28-12-88	—	—	—
14.	The Uttar Pradesh Cooperative Societies (Second Amendment) Ordinance, 1988	28-12-88	—	—	—
15.	The Uttar Pradesh Zila Parisheds (Alpakalik Vyawastha) (Dwitiya Sanshodhan) Adhyadesh, 1988	31-12-88	—	—	—
WEST BENGAL					
1.	The Darjeeling Gorkha Hill Council (Amendment) Ordinance, 1988	4-11-88	—	—	—

APPENDIX VII
A. PARTY POSITION IN LOK SABHA (As on 17 March 1989)

Sl. No.	Name of State/ Union Territory	Seats	Cong. (I)	Telugu Desam	CPI (M)	Other Parties attached	Un-normi-	Total	Vacancies	
1	2	3	4	5	6	7	8	9	10	11
STATES										
1.	Andhra Pradesh	42	6	29	1	3(a)	1	1	41	1
2.	Arunachal Pradesh	2	2	...	...	...	...	...	2	...
3.	Assam	14	5	...	...	7(b)	1	1	14	...
4.	Bihar	54	45	...	...	5(c)	...	1	51	3
5.	Goa	2	2	...	...	...	...	...	2	...
6.	Gujarat	26	23	...	...	3(d)	...	...	26	...
7.	Haryana	10	6	...	...	4(e)	...	...	10	...
8.	Himachal Pradesh	4	4	...	...	...	...	...	4	...
9.	Jammu and Kashmir	6	3	...	...	3(f)	...	...	6	...
10.	Karnataka	28	24	...	...	4(g)	...	...	28	...
11.	Kerala	20	12	...	1	5(h)	1	...	19	1
12.	Madhya Pradesh	40	39	...	...	...	1	...	40	...
13.	Maharashtra	48	43	...	...	3(i)	...	1	47	1
14.	Manipur	2	2	...	...	...	...	...	2	...
15.	Meghalaya	2	2	...	...	...	...	...	2	...
16.	Mizoram	1	...	...	...	...	...	...	...	1
17.	Nagaland	1	...	...	...	...	...	...	...	1
18.	Orissa	21	20	...	...	...	...	...	20	1
19.	Punjab	13	6	...	...	5(j)	2	...	13	...
20.	Rajasthan	25	24	...	...	...	...	...	24*	...
21.	Sikkim	1	...	...	...	1(k)	...	...	1	...

22.	Tamil Nadu	39	23	...	12(l)	1	...	36	3
23.	Tripura	2	...	2	...	...	...	2	...
24.	Uttar Pradesh	85	79	...	1(m)	2	1	83	2
25.	West Bengal	42	16	...	8(n)	...	...	42	...
UNION TERRITORIES									
26.	Andaman and Nicobar Islands	1	1	...	...	...	...	1	...
27.	Chandigarh	1	1	...	...	...	...	1	...
28.	Dehra & Nagar Haveli	1	...	...	...	1	1	1	...
29.	Daman and Diu	1	1	...	...	...	...	1	...
30.	Delhi	7	6	...	...	...	...	6	1
31.	Lakshadweep	1	1	...	...	...	...	1	...
32.	Pondicherry	1	1	...	...	...	...	1	...
NOMINATED (Anglo-Indian)		2	...	...	...	...	2	2	...
		545	397	...	64	9	8	529*	15

* Excluding the Speaker

(a) Janata-1; CPI (M) - 1; and BJP - 1.

(b) AGP - 6; and FTCA - 1.

(c) Janata - 3; and CPI - 2.

(d) Janata - 2; and BJP - 1.

(e) Lok Dal - 4.

(f) J&K National Conference - 3.

(g) Janata - 4.

(h) Muslim League - 2; Kerala Congress - 2; and Janata - 1.

(i) Janata - 2; and Peasants and Workers Party of India - 1.

(j) Akali Dal (Beda) - 3; and Akali Dal (Barnala) - 2.

(k) Sikkim Sangram Parishad - 1.

(l) AIADMK (I) - 7; AIADMK (II) - 3; and DMK - 2.

(m) Lok Dal - 1.

(n) CPI - 3; RSP - 3; and Forward Bloc - 2.

B. PARTY POSITION IN RAJYA SABHA (As on 16 March 1989)

Sl. No.	States/Union Territories	Seats	Cong.(I)	Janata	CP(M)	BJP	Others	Un-attached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
STATES										
1.	Andhra Pradesh	18	3	-	1	-	13(a)	-	17	1
2.	Arunachal Pradesh	1	1	-	-	-	-	-	1	-
3.	Assam	7	5	-	-	-	2(b)	-	7	-
4.	Bihar	22	16	1	-	2	3(c)	-	22	-
5.	Goa	1	1	-	-	-	-	-	1	-
6.	Gujarat	11	10	-	-	1	-	-	11	-
7.	Haryana	5	3	-	-	-	2(d)	-	5	-
8.	Himachal Pradesh	3	3	-	-	-	-	-	3	-
9.	Jammu and Kashmir	4	3	-	-	-	1(e)	-	4	-
10.	Karnataka	12	3	9	-	-	-	-	12	-
11.	Kerala	9	2	1	3	-	3(f)	-	9	-
12.	Madhya Pradesh	16	12	2	-	3	-	-	15	1
13.	Maharashtra	19	16	2	-	1	-	-	19	-
14.	Manipur	1	1	-	-	-	-	-	1	-
15.	Meghalaya	1	1	-	-	-	-	-	1	-
16.	Mizoram	1	1	-	-	-	-	-	1	-
17.	Nagaland	1	-	-	-	-	-	-	-	1
18.	Orissa	10	10	-	-	-	-	-	10	-
19.	Punjab	7	3	-	-	-	1(g)	-	4	3
20.	Rajasthan	10	7	1	-	1	-	1	10	-
21.	Sikkim	1	-	-	-	-	1(h)	-	1	-
22.	Tamil Nadu	18	3	-	-	-	15(i)	-	18	-
23.	Tripura	1	-	-	1	-	-	-	1	-
24.	Uttar Pradesh	34	24	6	-	-	3(j)	1	34	-

UNION TERRITORIES

26. Delhi	3	3	-	-	-	-	-	-	-	3	-
27. Pondicherry	1	1	-	-	-	-	-	-	-	1	-
NOMINATED	12	6	-	-	-	-	-	5	11	1	1
	245	139	20	15	8	48	7	237	8		

-
- (a) Telugu Desam - 13.
 - (b) Asom Gana Parishad - 2.
 - (c) CPI - 1; and Lok Dal - 2.
 - (d) Lok Dal - 2.
 - (e) National Conference - 1.
 - (f) Kerala Congress - 1; Muslim League - 1; and CPI - 1.
 - (g) Akali Dal - 1.
 - (h) Sikkim Sangram Parishad - 1.
 - (i) AIADMK(I) - 6; AIADMK(II) - 4; and DMK - 5.
 - (j) Lok Dal - 3.
 - (k) Forward Bloc - 1; RSP - 2 and CPI - 1.

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