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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

During the ninth session of the Lok Sabha, a question of privilege arising out of the Chief Whip of the ruling party issuing a whip inside the House to two members generated considerable controversy and arguments on points of constitutional, legal and parliamentary interest, with particular reference to the institution of the party whip *vis a vis* members' privilege of freedom of speech and vote and provisions of the anti-defection law. The first article in this issue discusses the matter at some length.

In the second article, Shri Ch. Narasimha Swamy takes stock of the performance of Indian polity in the matter of achieving the goal of political and economic democracy since the Constitution came into effect. In order to establish clean, responsible and constructive politics in the country, the author suggests *inter alia* a Code of Conduct for all political parties. He also feels that the democratic decentralisation of power or the idea of *Village Swaraj* as conceived by Mahatma Gandhi still offers a panacea for many of the political ills that mark the present political system. Shri Swamy lays great stress on the upliftment of the village as the basic unit of Indian economy. He calls for evolving a comprehensive national policy on rural reconstruction besides incorporation of right to work and guarantee of housing to rural poor in the Fundamental Rights chapter of the Constitution. The author reiterates the principle repeatedly stressed by Pandit Jawaharlal Nehru that mere political freedom will not be meaningful without our achieving the objective of economic democracy.

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

We extend our heartiest felicitations to Sarvashri J.D. Rymbai, A. Nyamnyi and Ratimohan Jamatia on their election as Deputy Speaker of Meghalaya, Nagaland and Tripura Legislative Assemblies, respectively.

We are constantly endeavouring to make this *Journal* more useful and informative, and would always welcome suggestions for further improvement.

—Subhash C. Kashyap

INDEXED

PARTY WHIPS, PARLIAMENTARY PRIVILEGE AND ANTI-DEFECTION LAW

SUBHASH C. KASHYAP

During the ninth session of the present Lok Sabha, for the first time in the annals of our parliamentary history, a question of privilege arising out of the action of the Chief Whip of the ruling party came up before the House. It generated a great deal of heat and controversy and raised several points of considerable constitutional, legal and parliamentary procedural interest.

Facts of the case: After the Question Hour on 17 November 1987, a member (Shri Dinesh Goswami) from Assam sought to raise a point regarding setting up of polling booths for Nagaland elections at places within the territorial jurisdiction of Assam. In the din that followed, there were many interruptions and several members joined issues with each other. A great deal of what was said—with several members speaking at the same time and all of them doing so without Speaker's permission—could not be heard or/and did not go on record under Speaker's orders. In the midst of continuous interruptions and noisy scenes emanating from all sides, the Speaker found it difficult to restore order. He observed that what was happening in the House was shameful and deplorable and he had no respect for that kind of "misdeeds and hooliganism". After the Speaker's admonition and with the Minister of Home Affairs agreeing to clarify matters in regard to the main issue raised by Shri Goswami, the tension and turmoil in the House appeared to be subsiding and the House seemed to be returning to normal orderly business when there were some sharp exchanges between two members, Shri Ram Dhan and Professor K.K. Tewari. The Speaker said he did not hear the words exchanged between Professor Tewari and Shri Ram Dhan but he did see Professor Tewari getting up and moving towards Shri Ram Dhan menacingly and threatening him. The Speaker observed that the two moved towards each other and showed blows. Under the circumstances, the Speaker finally adjourned the House to meet again at 1400 hours.

When the House reassembled in the afternoon, the Speaker allowed the two members (Shri Ram Dhan and Professor K.K. Tewari) to make personal explanations. Both the members stated that they had no bad intentions towards each other. Shri Ram Dhan said that he had only objected to improper behaviour towards him. Professor K.K. Tewari clarified that he had been

respectful and friendly to all his colleagues in the House and that he did not mean to threaten Shri Ram Dhan in any way. The Speaker, thereafter, ruled that the matter could be treated as closed and allowed to rest there. Notwithstanding the Speaker's ruling, however, several members including Sarvashri Ram Dhan and Raj Kumar Rai—both suspended members of the ruling Congress(I) Party—persisted in defying the Chair and obstructed the proceedings of the House. They insisted that Chair should demand from Professor Tewari regrets and apologies for his objectionable conduct. Unless that was done, they appeared to be bent upon not allowing the House to function. The Speaker pleaded with the members to maintain order and requested them to take their seats so that the business of the House could be transacted smoothly. Several members, however, continued to stand and sought to argue with the Chair on the merits of the ruling. At this point, the Chief Whip of the Congress(I) Party (Shri H.K.L. Bhagat) issued written "whips" to both the members on the floor of the House. It was obviously done on the spur of the moment. The "whips" were written in hand and asked the members "not to proceed further" and to obey the ruling of the Speaker. There was no precedent of such use of the whip anywhere in the Legislatures in India or in U.K. The text of the communications was as follows:

Mr. Ram Dhan,

You are still in the Congress Party. I would ask you as Chief Whip of the Congress Party not to proceed further and accept the ruling of the Speaker. This is a whip which must be obeyed.

H.K.L. Bhagat
17.11.87

Shri Ram Dhan, M.P.

Dear Shri Raj Kumar Rai,

You are still in the Congress Party. The Speaker has given the ruling. We must all obey the same and not to speak against his ruling further. I am writing to you this as Chief Whip. This is a Whip which must be obeyed.

H.K.L. Bhagat
17.11.87

Shri Raj Kumar Rai, M.P.

After having issued the whips, Shri Bhagat went on record to make the following observation on the floor of the House:

Sir, I want to make one thing clear. He is not obeying the ruling of the Chair. I, as the Chief Whip of the Congress Party, have issued a whip to him and to Mr. Rai—to both of them—to obey the Congress Party whip and not to challenge the ruling of the Chair. If they want to disobey the whip, let them do it knowingly. I have issued the whip and I am entitled to issue this whip to both of them.

Subsequently, during 17-20 November 1987, several members (Sarvasnri Ram Dhan, K.P. Unnikrishnan, S. Jaipal Reddy, Vidyacharan Shukla and Professor Madhu Dandavate) gave separate notices of a question of privilege against the Minister of Parliamentary Affairs (Shri H.K.L. Bhagat) for intimidating two members of the House, Sarvasnri Ram Dhan and Raj Kumar Rai, and suppressing their freedom of speech in the House by issuing a whip in the House.

Issues involved: The following were some of the points that arose from the questions of privilege given notice of by the members:

- (i) whether the Minister of Parliamentary Affairs, as the Chief Whip of the Congress(I) Party, was within his rights when he issued a whip to two members of his party on the floor of the House;
- (ii) whether the Minister could be held guilty of deliberately and wilfully intimidating and obstructing the two members in the due discharge of their duties as members of the House by issuing whip in the manner aforesaid;
- (iii) whether the Minister had, in any way, transgressed the jurisdiction of the Speaker;
- (iv) whether issue of a whip— written or oral— on the floor of the House constituted a contempt of the House; and
- (v) whether a whip could be issued directing the two members to obey the ruling of the Speaker even when there was no motion before the House?

The “Whip”—Meaning and Functions: In its literal dictionary connotation, the word “whip” means a lash with a stock or handle used for punishing a person for an offence or in driving a horse-driven carriage for thrashing or beating the horse to urge it to move forward faster. As a verb ‘to whip’ similarly means to lash a person or animal or to strike by a whip. The word is believed to have had its origin in the terminology developed in hunting where the hunter’s employee responsible for managing the hounds and keeping them in their places is called the whipper-in.

¶ In the context of political parties and parliamentary life, the office of the “whip” is a vital link in the relationship between the parties and their members.

The 'whip' acts as a two-way channel for information flow between party leaders and members. The 'Whip' is the officer of the parliamentary party or group responsible for enforcing attendance of its members, keeping them informed of the party line on various issues and from time to time issuing necessary directives—or whips—for adhering to party discipline in the matter of voting on specific issues coming up on the floor of the House. On the other hand, the Whip also collects information about the opinion among members on various issues and provides valuable feedback to party leaders.

It is believed that the term was first used in a parliamentary context in the British House of Commons in the eighteenth century by Sir Edmund Burke. It was in 1769 that Edmund Burke referred in the House of Commons to intense lobbying over a division and described how the King's Ministers had made great efforts to bring their followers together, how they had sent for their members from all directions 'whipping' them in. The phrase used by Burke caught public fancy and soon became popular in parliamentary usage.

Actually, the gradual evolution of the concept of whip in Britain coincided with the evolution of voting on party lines. During the year 1836, for example, the percentage of cases in which voting in divisions on the floor was on party lines was only 23, i.e. on 77 issues out of 100 there was cross voting by members. By 1898, the percentage of voting on party lines had risen to 69. During 1924-28 it touched the 95 per cent mark and in 1948 further rose to as much as 98 per cent.¹

The institution of the whip is not confined to the Westminster model of Parliaments. It exists even in countries like the United States where each party in the House of Representatives is served by a member known as the whip. The whips in the U.S. Congress as at Westminster carry out an essential two-way communication, conveying the views of the party membership to the leaders and informing the membership of the views of the leadership.

In the Indian parliamentary context, the Whip of a parliamentary group is the one who has been designated to ensure that members of the party are present in adequate numbers and vote according to the line decided by the party on important questions. The Chief Whip of the Government party in Lok Sabha/Rajya Sabha is the Minister of Parliamentary Affairs and he is directly responsible to the Leader of the House. It is a part of his duties to advise the Government on parliamentary business. The Chief Whip acts as the eyes and ears of the leader of the Party so far as the members are concerned. During sessions, in his capacity as adviser to the Leader, he has to be in constant touch with the Prime Minister. The Chief Whip is assisted by two Ministers of State. The responsibility of keeping everybody at his post and keeping his party united, strong and well-knit, falls on him.

1. Robert J. Jackson, *Rebels and Whips*, London, 1968, pp. 4-5.

The whips of the ruling party and of parties in opposition come into contact with each other to sort out matters of common interest and to understand and accommodate each other on many crucial occasions. Whips of the ruling party as well as those in opposition thus play a very significant role in the smooth and efficient functioning of parliamentary democracy.

Over the decades, functional uses of the whips have multiplied and expanded in many directions. In a parliamentary polity particularly, the institution of whips plays a vital role. For, continuance or otherwise of the Government may depend on a single crucial vote on the floor of the House. The Government party whip has "to make a House and to keep a House" which means that it is his responsibility to ensure a quorum throughout the sitting of the House by keeping the members within the sound and range of the division bells, particularly when some important business is under consideration. His most important job is ensuring the presence of members and more particularly marshalling of his party forces on important issues. The whips are the party managers in Parliament and the art of parliamentary party management may be called whipcraft.

As a floor manager, the Chief Whip of the Ruling party has to smoothen differences and plan the business of the House in consultation with the whips of other parties. He has to act as a liaison between the Houses of Parliament, their Presiding Officers and their Secretariats on the one hand and the Ministers and Ministries and Departments of the Government on the other. In short, the functions of the whips today encompass those of management, communication and persuasion. They keep their members informed about the business of the House and the party line on various issues and enforce party discipline. Here, we are mainly concerned with the limited managerial role or disciplining functions of the whips.

Besides the office of the whip, the term 'whip' has another connotation. During sessions, whips of different parties send to their members periodic notices and directives informing them of important debates and divisions, telling them of the probable hour of voting and demanding their presence at that time. Such notices and/or directives are also called 'whips'. Such whips are reported to have been in use in the British House of Commons as far back as in 1621 when notices *underlined six times* were issued to King's friends.

Types of whips: In their connotation of party directives, whips are said to be of three types—one-line, two-line and three-line whips. These are so called by the *number of lines by which their text is underlined*. The number of lines is indicative of the importance and urgency attached to a particular measure before the House. One-line whip considered to be the simplest, merely requires the attendance of the members in the House on a particular date and time. Also, one line is indicative of no division being expected. The two-line whip is supposed to be somewhat more obligatory and a stronger party directive. It is issued in case of fairly important business and when division is

expected. The three-line whip indicates most important business and a division. A member must obey it and attend the House; it is entirely mandatory and one can disobey it only at one's peril. Disregard of a three-line whip is almost certainly likely to invite serious disciplinary action. Robert Jackson² has illustrated the three types of whips issued by the Conservative and Labour Party Whips in the British House of Commons by the following examples:

(i)

ON WEDNESDAY, 2nd August, the House will meet at 2.30 p.m.

If necessary, a Motion to Suspend the Ten O'Clock Rule for the Licensing Bill will be moved at 10 p.m.

A Debate will take place on a Government Motion relating to the Common Market. (1st Day)

A good attendance throughout the Debate is particularly requested

Licensing Bill: Further consideration of Lords Amendments
(if not completed).

Divisions will take place and your attendance at 10 p.m. prompt and until the Business is concluded is particularly requested, unless you have obtained a pair.

ON THURSDAY, 3rd August, the House will meet at 2.30 p.m.

Conclusion of the Debate on the Common Market.

A most important Division will take place and your attendance at 9.30 p.m. is essential.

ON FRIDAY, 4th August, the House will meet at 11 a.m.

Adjournment for the Summer Recess.

Your attendance is requested

MARTIN REDMAYNE
(CONSERVATIVE WHIP)

1961

2. Jackson, *op. cit.*, pp. 40-41.

(II)

SECRET

ON MONDAY, 5th April, 1965, the House will meet at 2.30 p.m.

Rent Bill: 2nd Reading and Committee stage of the Money Resolution.
(Money Resolution—EXEMPTED BUSINESS for 45 minutes)

A Division will take place and your attendance is essential.

Industrial and Provident Societies Bill (Lords): 2nd Reading.
(Consolidation Measure)

Consideration of the Motion on the South East Asia Treaty Organisation
(Immunities and Privileges) Order.
(EXEMPTED BUSINESS)

Opposition Prayer to annul the Ministers of the Crown Order
(S.I. 1965, No. 319). (EXEMPTED BUSINESS)

Divisions may take place and your attendance until the Business is
concluded is essential, unless you have registered a firm pair.

Note A Motion to Suspend the Ten O'Clock Rule for the Industrial and
Provident Societies Bill (Lords) will be moved at 10 p.m.

ON TUESDAY, 6th April, the House will meet at 2.30 p.m.

The Chancellor of the Exchequer will open his Budget.

Your attendance is essential until the Budget Resolutions have been
passed.

EDWARD SHORT
(LABOUR WHIP)
1965

In India also, we have the same three types of whips. Following examples illustrate the three types of whips issued by the Congress(I) Party in Parliament:

(i)

CONGRESS(I) PARTY IN PARLIAMENT

Whip No. 10/8/9/87

125, Parliament House,
New Delhi.

4th December, 1987

Election to the National Shipping Board will be held on Tuesday, the 8th December, 1987 from 11.30 to 14.30 hours in Committee Room No. 62, First Floor, Parliament House.

The following are the Party's candidates:—

1. Smt. M. Chandrasekhar
2. Smt. Vidyavati Chaturvedi
3. Shri Nityananda Mishra

All the members of the Congress (I) Party in Lok Sabha are requested to be present in Delhi and vote without fail in favour of the Party Candidates. Members are also requested to cast their votes as indicated below:—

<u>Members from</u>	<u>To cast their First Preference votes in favour of</u>
Div. Nos. 1 to 135	Smt. M. Chandrasekhar
Div. Nos. 136 to 270	Smt. Vidyavati Chaturvedi
Div. Nos. 271 onwards	Shri Nityananda Mishra

Members are further requested not to give any preferential votes to any candidate other than the Party Candidates.

H.K.L. BHAGAT
CHIEF WHIP

To

All Members of the Congress (I) Party in Lok Sabha

(ii)

CONGRESS(I) PARTY IN PARLIAMENT

Whip No. 7/8/9/87

125, Parliament House,
New Delhi.
1st December, 1987

Following items of Govt. Business will be taken up in Lok Sabha on

Wednesday, the 2nd December, 1987:—

- (i) Discussion and Voting on the Supplementary Demands for Grants in respect of the Budget (General) for 1987-88 and the Appropriation (No. 5) Bill connected therewith;
- (ii) Consideration and passing of the Authorised Translations (Central Laws) Amendment Bill;
- (iii) Consideration and passing of the Repealing and Amending Bill; and
- (iv) Consideration and passing of the Parsi Marriage and Divorce (Amendment) Bill.

All Members of the Congress(I) Party in Lok Sabha are requested to be
present in the House on Wednesday, the 2nd December, 1987 and support
the Government's stand.

SHEILA DIKSHIT
DEPUTY CHIEF WHIP

To

All Members of the Congress(I) Party in Lok Sabha

(iii)

CONGRESS (I) PARTY IN PARLIAMENT

Whip No. 6/8/9/87

125, Parliament House,
New Delhi.

19th November, 1987

Members are informed that the Constitution (56th Amendment) Bill, 1987
will be taken up for consideration and passing in the Lok Sabha on Tuesday,
the 24th November, 1987.

As Members are aware, a bill to amend the Constitution of India is to be
passed by a majority of the total Membership of the House and by a majority
of not less than two-thirds of the Members of the House present and voting.

All Members of the Congress(I) Party in the Lok Sabha are therefore
requested to so arrange their programme as to enable them to be present in
the House on Tuesday, the 24th November, 1987 and at every stage of
consideration and passage of the Bill, and support the Government's stand.

H.K.L. BHAGAT
CHIEF WHIP

To

All Members of the Congress(I) Party in Lok Sabha.

(iv)

CONGRESS (I) PARTY IN PARLIAMENT

Whip No. 13/8/9/87

125, Parliament House,
New Delhi.

8th December, 1987

Important items of Business will be coming up for discussion in the Lok

Sabha during the next few days. All Members of the Congress(I) Party in the

Lok Sabha are therefore requested to remain in Delhi and be present in the

House till the end of the current Session of Parliament and support the

Govt.'s stand on various issues coming up for discussion in the House.

H.K.L. BHAGAT
CHIEF WHIP

To

All Members of the Congress (I) Party in Lok Sabha

It would be seen that there are some differences in the language used in the whips issued by the British Labour and Conservative Parliamentary Party Whips on the one hand and those issued by the Congress(I) Parliamentary Party whips in India on the other. The most significant difference is that while the British whips only 'request' or 'particularly request' attendance or declare attendance 'essential', the Indian counterparts go further and not only ask for the presence of members but direct them to support the Government stand or

"to vote without fail, in favour of party candidates" in the manner indicated by the whip. The British whips never speak of 'support' or 'vote', but are limited to 'attendance'. Although the implication of asking party members to be present is obvious and they are expected to support the party line in any division, perhaps a specific directive in the whip to vote in a particular manner may be deemed in the British House of Commons practice to be violative of the fundamental privilege of a member of absolute freedom of expression and vote in Parliament.

In Britain, receiving a whip is regarded as a privilege of party membership and a member is free to refuse the whip. In the House of Commons, issue of a whip is an internal party matter and the whip is issued always outside the House. Issue of a whip—oral or written—on the floor of the House is inconceivable. Issuance of such a whip and warning a member not to disobey the whip, might, in fact, amount to contempt of the House. The whip only seeks to inform members of the business and ensure their attendance³. One member trying to prevent another member from speaking or asking him not to proceed with his speech might amount to molestation of the member. Also, the whips cannot arrogate the functions of the Chair and a whip cannot be used for restraining members from challenging a ruling given by the Speaker in the House. There has been no case in the long history of the British House of Commons when a whip was issued on the floor of the House or where the Chief Whip of a party issued any whip to only a selected few members of the party.

According to Robert Jackson, the Whips' job of preventing open revolts in the British parties is not conducted in the language of threats⁴. But, there is also the other opinion which emphasises the essential role of sanctions in ensuring adherence to the obligations of party membership. For instance, The Labour Party's code of conduct provides for a number of disciplinary actions of increasing severity. The first is a written reprimand from the Chief Whip. The second is a 'suspension' in effect a period of probation in which the member though excluded from party colloquies is expected to comply with the party whip. A more serious sanction is the withdrawal of the party whip which (like suspension) is decided upon by the Parliamentary Labour Party. The effect of the withdrawal is that a member no longer receives the weekly circular of guidance from the whips and is in effect no longer a member of the parliamentary party. By itself, this weapon may prove a boomerang, in that the

3. According to Lord Hallsham "Whips only tell members to come, not how to vote". In other words, whip is not a summons to vote but only a summons to attend. This view was, however, disputed in the House of Commons by George Wigg who felt that a three-line whip was nothing short of "the final appeal to loyalty on party lines". (Jackson, *op. cit.*, pp. 169-70).

4. Jackson, *op. cit.*, p. 305.

dewhipped member can then speak and vote as he pleases and may cause more trouble outside than inside the parliamentary party. A further step is to expel him from the national party and refuse him readoption as the party's candidate in his constituency⁵. In the House of Commons, however, for many years now the power to expel a member from the party has not been used to punish MPs for disobeying the party whip in the division lobbies⁶.

The Question is how and to what extent the present position in India is not the same?

Privilege of freedom of speech and vote: In the Constitution of India, the privileges of the Houses, Committees and members of Parliament were generally left to be determined by Parliament by law, and until so determined, were stated to be the same as those of the British House of Commons on the day of the commencement of the Constitution. Nevertheless, the founding fathers of India's Constitution attached supreme importance to two privileges which they deemed essential for the success of parliamentary democracy and therefore, they enshrined them specifically in the text of the Constitution in article 105(1) and (2). These privileges of members of Parliament are those of freedom of speech and vote on the floor of the Houses and in Committees thereof and of full immunity from any proceedings in any court in respect of anything said or any vote given by a member in a House of Parliament or any Committee thereof. Article 105(1) and (2) of the Constitution read as follows:

105(1). Subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

For his speech and action in Parliament a member is thus subject only to the provisions of the Constitution and the Rules and discipline of the House. Absolute privilege has been given to him in respect of anything said or any vote given in Parliament or a Committee thereof. Members may speak and vote freely, without any fear or favour or apprehension of adverse consequences of any kind for speaking out their minds and expressing their views and voting as

5. Kenneth Bradshaw and David Pring, *Parliament and Congress*, 1972, p. 34.

6. Jackson, *op. cit.*, p. 216.

they liked. To what extent can this freedom be legitimately curtailed by the existence of the party system and the institution of party whips? The question arose in 1973 when the then Lok Sabha Speaker, Dr. G. S. Dhillon, while disallowing a question of privilege regarding an alleged directive by a parliamentary party to its members not to hob-nob with members of other parties, made *inter alia* the following observations:

...They have a right to discuss everything in their party meetings, in their party executive committee meetings and they have the right to issue directions to their party men. If any of their party man resents it and comes to me and says: this is not a mere direction, it is an obstruction in the performance of my duties as a member, then I shall consider it...⁷

Again in 1978, Shri Eduardo Faleiro gave notice of a question of privilege against the Prime Minister and office-bearers of the Janata Parliamentary Party for convening a meeting of the party to bring about a party decision regarding action to be taken on the Report of the Privileges Committee. The Prime Minister in his comments on Shri Faleiro's motion informed the Speaker that the matter was discussed but no whip was issued by the Janata Party in the matter. Withholding his consent, the Speaker observed:

The earlier rulings in the House have established that the House will not take note of any discussion at Party meetings. When the House decides a question of privilege, it functions as a quasi-judicial body... The motion before the House cannot be viewed from a partisan angle. But even in a matter like this, there is nothing wrong for a party discussing the matter so that members may have an opportunity to convince other members about the right approach to the motion before the House.⁸

The Anti-Defection Law: The office of the whip is not mentioned in the Constitution of India or in the Rules of Procedure of the House. In fact, till recently the political parties also found no such mention or recognition. With the passing of the Constitution (Fifty-second Amendment) Act, 1985, popularly known as anti-defection law, the 'whip' has assumed an even important role in our parliamentary system of democracy. This Amendment, *inter alia*, provides for disqualification on ground of defection, as under:

(1) a member of Parliament or State Legislature belonging to any political party shall be disqualified for being a member of that House—

- (a) if he has voluntarily given up his membership of such political party; or
- (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any

7. L.S. Deb., 1 August, 1973, cc. 4514-29.

8. *Ibid.* 22 Dec., 1978, cc. 314-20.

person or authority authorised by it in this behalf without obtaining in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within 15 days from the date of such voting or abstention.

The Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985 framed by the Speaker under the provisions of the Tenth Schedule to the Constitution, *inter alia* provide that no reference to any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a petition to the Speaker. At the conclusion of the consideration of the petition, the Speaker may either dismiss the petition or declare that the member in question has incurred disqualification. (Clauses 6 and 8).

It is thus obvious that after coming into force of the Constitution (Fifty-second Amendment) Act, 1985 and the Anti-Defection Rules framed thereunder, political parties came to have constitutional recognition and legitimacy and the directives issued by party leadership came to have relevance in law. Disobedience of party directives or whips thereafter could result in disqualifying a member and losing his membership. It is, however, to be noted that in order to incur disqualification a member had to vote or abstain from "voting in such House contrary to any direction issued by the political party". It did not apply to acts other than voting, i.e. it did not interfere with a member's right of freedom of speech in the House.

The Privilege Issue: In the present case, as per established practice, the Speaker referred all the notices of question of privilege received during 17-20 November, 1987 against the Minister of Parliamentary Affairs for his comments. When, on 18th November 1987, some members sought to raise the matter in the House, the Speaker, *inter alia*, observed:

I can assure you one thing that in this House, the fundamental right of free speech cannot and shall not be curbed at any time. There is no question at all....I have not decided anything about Mr.Bhagat or the other matter because I have to look into this matter. Give me the time to look into this. That is what I want. I cannot give any verdict without studying the matter. First, I have to look into it, whether there is a *prima facie* case.....Let me see all the pros and cons. I am definite that I have to see it from both the angles...I can assure you if I am not satisfied with his explanation, I will proceed according to rules.

By way of his comments and reply, the Minister of Parliamentary Affairs, Shri H.K.L.Bhagat sent to the Speaker on 1 December a long and well-prepared statement which made *inter alia* the following points:

- (i) The right of freedom of speech in Parliament is guaranteed by article 105(1) of the Constitution only "subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament".

(ii) The two members—Shri Ram Dhan and Shri Rai—were obstructing the business of the House, casting aspersions on the Chair and committing contempt of the House and the Speaker by persistently disobeying the Speaker's ruling. The written whip was sent to them "to accept the ruling of the Chair".

(iii) While it is the privilege and responsibility of the Chair to maintain decorum, dignity and discipline in the House, it is also the duty of the members to act according to rules and of the leaders/whips of various parties/groups "to help the Chair by restraining their members in a given situation to ensure smooth running of the proceedings of the House".

(iv) As discussed at various Whips' conferences also, the responsibility of the whips extends to assisting the Chair "in maintaining the decorum and dignity of the House by members of the concerned parties".

(v) There is nothing that could prevent the Chief Whip/Whip from issuing a whip to his party members *in the House*. When some issues unexpectedly arise in the House and divisions take place, it is for the whips to direct their members on the floor of the House in regard to the line of action.

(vi) In the case of "erring members who are committing breach of privilege, decorum and discipline of the House", Whips can issue instructions only to those members".

In conclusion, Shri Bhagat reiterated his belief in the freedom of speech of members as enshrined in article 105 of the Constitution and said that he had no ill-will towards the two members and there was no question of his intimidating or obstructing them in the discharge of their duties. His only motive in asking them not to proceed further in defiance of the Chair was maintenance of decorum and discipline in the House.

As usual, a copy of the Minister's statement containing his comments in the matter was given to all the members who had given the notices of a question of privilege. The members were not satisfied with the reply and reiterated the points made by them earlier. One of them, Professor Madhu Dandavate, *inter alia* said that Shri Bhagat had not said anything regarding the objection "to giving an open threat on the floor of the House to Shri Ram Dhan and Shri Rai not to violate the whip". Shri Ram Dhan went so far as to say that the reply of Shri Bhagat had only "aggravated the contempt" committed by him by his claim and exercise of authority over members of his party to silence them in expressing their views inside the House. Shri Jaipal Reddy referred to Speaker's earlier observations to the effect that "whip is an internal affair of the party" and asked how could the open threat of whip held out in the House be

reconciled with it. Shri Unnikrishnan, *inter alia* stressed the point that while members, specially the Chief Whips may assist the Speaker in maintaining discipline, "they cannot usurp the functions of the Speaker" and attempt to enforce rules.

The Speaker having considered the points made by the members and comments of the Minister of Parliamentary Affairs, gave his consent to the raising of the question of privilege in the House under rule 222 of the Rules of the Procedure and Conduct of Business in Lok Sabha on 14 December 1987. Shri Ram Dhan then sought leave of the House. Leave having been granted by the House, Shri Ram Dhan raised the question of privilege. The matter was discussed in the House at length. Besides Shri Ram Dhan, as many as 14 members participated in the debate. Considering the importance of issues involved, it would be worthwhile to quote a few excerpts from some of the members' speeches made in the House while speaking on this question of privilege.

Shri Ram Dhan

There is no mention of the words 'Party' and 'Whip' in the Constitution. The 52nd Amendment and the Tenth Schedule which it added, define the words 'House', 'legislature party', 'original political party'. It speaks of any person or authority authorised by the Party 'in this behalf', that is, in relation to issuing direction about voting or abstaining from voting. Even if it is conceded that the whips are the aforesaid authorities, their jurisdiction is limited to voting in a division and cannot be extended to an undefined power to encroach on rights conferred on members by the Constitution and Rules of Procedure.

* * * * *

The power of disciplining members is vested in the Speaker. The leader of the House or Chief Whip cannot even move a motion for a member's suspension till the Speaker has named a member for disorderly behaviour.

* * * * *

Since the whips are issued to ensure the presence of members *at divisions* which are likely to materialise, the whips are necessarily directed to all the members of the party without exception. To issue whips to a few individuals on a matter which does not involve vote or division, is to reduce the whips to mockery.

* * * * *

There are no rules framed by the House relating to powers and functions of whips nor the same even refer to whips as the House can have nothing to do with the whips, which only concern internal affairs of parties.

The Hon'ble Speaker has the sole executive authority to regulate the procedure and control the proceedings of the House, though the ultimate authority is the House itself. None else can control or regulate the procedure or the proceedings in the House and no law or rule confers such power on whip.

* * * * *

...the reply of the Minister of Parliamentary Affairs has only aggravated the contempt he has committed, by his claim and exercise of authority over members of his party to silence them in expressing their views inside the House and in the presence of the Hon'ble Speaker. It was a clear attempt by him to deny me my freedom of speech inside the House. If whips can issue dictates to members inside the House to speak in a particular manner or not to speak, then the constitutional rights of members will be reduced to a mockery. In the circumstances, I earnestly request the Speaker to send the matter to the Privileges Committee for its consideration and decision.

Professor Madhu Dandavate

The freedom of speech that is guaranteed to us under article 105 is only subjected to the procedures laid down in the Constitution, and whatever has been laid down in various rules of procedure and standing orders.... Rule 352 also imposes certain restrictions on the freedom of speech. But beyond that, there is no restriction on the freedom of speech enjoyed by the members of Parliament under article 105.

...As far as whip is concerned, there is only one oblique reference to whip in Tenth Schedule of the Constitution.... It is very clear that as far as the ambit of the powers of whip is concerned, it is also related to voting or abstention... When a whip is given for voting in a particular manner, then voting against or abstention is the violation. Again, if it is condoned by the legislature party in that case also, the Speaker cannot disqualify him. Only when they send him the copy of the whip, with the resolution that because of the violation, it has not been condoned and action has been taken, then only, Speaker is within his powers to declare that the member loses the membership of Parliament.... As far as the restrictions imposed on the freedom of speech guaranteed under article 105 are concerned, only rule 352 is there. As a result of that, we find that the freedom that we enjoy in this House is relatively unfettered as compared even to the freedom of speech that is enjoyed by the citizen outside under the Fundamental Rights guaranteed by the Constitution....

* * * * *

It is a special case of privilege. Therefore, without putting it to the House, the Speaker has the inherent power...to straightway refer the entire matter to the Privileges Committee and set up a precedent for all times to come.

Shri S. Jaipal Reddy

In this House, it is axiomatic that the right to freedom of speech is absolute subject to the directions of the Speaker... The observance of these restrictions

is to be regulated by the Speaker. It cannot be regulated by a whip.... But in this case he gave the whip and flaunted the whip in the House through an ostensible verbal threat....

Shri B. R. Bhagat

The Minister of Parliamentary Affairs has only prevented or held the two hon. members, Shri Ram Dhan and Shri Raj Kumar Rai from committing breach of privilege or committing contempt of House by challenging, questioning, criticising the Speaker's ruling.... Without the system of whips, the proceedings of the House cannot be conducted in an orderly manner, in a manner of dignity and decorum... the whip is a system to enforce attendance and discipline in the House....

...Mr. Ram Dhan was at that point of time going to commit the contempt of the House and at that point it was the duty of the Parliamentary Affairs Minister and he has done his duty in advising him to obey the Chair.... So, this is a non-issue. There is no privilege involved.

Shri Sharad Dighe

...The Minister for Parliamentary Affairs has merely asked the member to accept the ruling of the Speaker. Is it in any way restriction on the freedom of the speech? Every member is bound to accept the ruling of the Speaker. He has no right to challenge the ruling of the Speaker. He has no right even to make observations about the ruling and whenever we walk out as protest against the ruling of the Speaker—my submission is that that is also contempt of the House but generally we take a lenient view. Here merely telling a member of our Party not to challenge the ruling of the Speaker and not to go further, it is... absurd to say that it curtails the freedom of the speech. Therefore, no breach of privilege is involved...

* * * *

...it is the duty of the Chief Whip to see that the proceedings in Parliament are run smoothly and for that purpose, to give instructions, to give advice and to give directions even to the members regarding the conduct and behaviour in this House. No breach of privilege question will arise as far as that is concerned... Whenever there is disorder in the House...the whips on both the sides have to help the Speaker in running the House smoothly. From this point of view, if any directions are given to the members, no question of breach of privilege will arise and there is no curtailment of the freedom of speech... this is not even a whip at all. It is only a direction, a mere friendly advice to a member of this House not to commit further contempt....Therefore, just to help in the smooth running of the House... there is nothing wrong in giving directions or advices openly in the House, in the presence of other members. There is no question of breach of privilege as the whole incident has taken place in this House before the eyes of every body...

Shri Shivraj Patil (Minister of State in the Department of Defence Production and Supplies)

If the Parliamentary Affairs Minister directs the members of his own party not to obstruct the proceedings of the House and to behave properly to help the House to conduct the business, can it be called a breach of privilege?

.... The Hon. Member was not allowed to flout the rules. He was not allowed to disrespect the ruling given by the Hon. Speaker. The Hon. Speaker had to adjourn the House two times. Can we forget this fact? And can we say the member has a right to behave in the House which will not allow the House to work and yet claim privilege in the House?... If the hon. Parliamentary Affairs Minister had objected to his propounding any different policy, putting forth different policies giving some new ideas or criticising the idea of the Government, there was a ground for us to think that he was obstructed in expressing his views.

Now the question is what course of action can be taken.... I do not think that we have any doubts as far as the provisions of the Constitution and also the rules are concerned...But then, if the hon. members think that this is a very important issue let it be decided by the entire House..... If we refer it to the Privileges Committee, we are referring it to a committee which is a part of the Parliament and thus we are not referring the matter to the highest body. According to Rule 226, this House may consider this question here and come to a decision...Why should it go to the Privileges Committee? Is it only to prolong it, to publicise the matter and to create difficulties? Further there is no question of finding acts. Facts are before all of us.

Shri Arif Mohammed Khan

The question is whether the question of enforcing orders in the House can be left to the whips of the respective parties? No. It is entirely within the powers of the Speaker. It is his prerogative, it is the prerogative of the Chair. This power cannot be delegated to the whip or the Chief Whip of any party.

.....We should not look at the matters involving privileges of the members of this House from party angles. This particular issue of breach of privilege is not of any individual member. This concerns the entire House.

Shri Somnath Rath

The freedom of speech as defined in article 105 of the Constitution.... is restricted by rules and procedures of the House. The Rules of Procedure and Conduct of Business in Lok Sabha have been framed under article 105... Not only a ruling but observations and statements of Speaker also cannot be criticised inside or outside the House. It is contempt of the Speaker and contempt of the House. In the parliamentary form of Government, a party has its own internal organisation inside the Parliament and is served by the Chief Whip.... In the conference of whips from all over the country, the privileges and the conduct of the members inside the House have been discussed at length. The Conference's opinion is that the erring members should be disciplined by the whips of the ruling party as well as of the Opposition parties.

Shri Saifuddin Chowdhary

The members of this House articulate with almost unfettered rights of speech within this House and no whip can restrict them.... In the present case, I do not consider it a whip. In this House, we can only take cognisance of that whip which is connected with the voting or abstention or going against. So, it is not a whip.... It is for the members of the ruling party, to consider whether this kind of ridiculous direction in the name of whip should continue or not.

....This particular case is a very serious violation of the freedom, the right that we have as the members of this House to speak in this House, our unfettered right to speak is subject to the Rules of Procedure and that has been attempted to be throttled, curbed by the whimsical aberration of the Chief Whip of a particular party. So, it is a matter of concern for the whole of the House.... It should at once, be referred to the Privileges Committee and should not be left to the dictatorial directions of that particular whip.

Shri P. Shiv Shanker (Minister of Planning, Programme Implementation and Law and Justice)

What exactly is the breach of privilege, is the question in this case...So, what we have to find out is, whether member should have been allowed to proceed with the observations on the Speaker's ruling. If so, whether there were observations or anything else. The second part of the issue is whether the so-called whip amounts to a suppression of the freedom of speech of the hon. member....I am to submit that to maintain order in the House the chief whips sitting here often ask their members to sit down. If we take that narrow meaning of the said whip, then every time they make such a gesture, they will be subjecting themselves to a breach of privilege.... In fact, there is no methodology or there is no proforma that has been provided as to how the whips are issued. In the absence thereof, a whip could be oral or written. Does it go beyond the advice. The substratum of this so-called whip is nothing more than advice....

...I see nowhere as to how it could be called as an interference with the right to speech of the hon. member so that it could invite this Privilege Motion.... In my submission, there is no case, not even a *prima facie* case.

Shri Dinesh Goswami

This is not a simple case as has been stated by my friends.... The fact that the Chair has given consent to seek leave, itself shows that there is a *prima facie* case, which needs adjudication. Now who is to adjudicate? Will this House adjudicate on this privilege or the matter will go to the Privileges Committee? My view is that article 105 is not subject to article 19. The other view is that article 105 is subject to article 19. Are we going to decide this important constitutional point by votes in this House? This House will either accept or reject this motion, and in this way the important points involved in it will never find clarity. So, the matter should go to the Privileges Committee so that they can give a reasoned judgement about the scope and ambit of article 105 and about other points connected therewith.

The point is not merely the scope of article 105. But the point is, can the whip inside the House intimidate a member? The second point is that this is an intra-party matter. Can an intra-party document be circulated inside the precincts of the House, when the debate is on?...If the House decides these issues by votes, then the reasoned judgement on all the points for the future guidance will be missing. That is why, I want that the matter should go to the Privileges Committee.

Shri Raj Kumar Rai

The point at issue in this case is whether the Parliamentary Affairs Minister can, in the capacity of a Chief Whip, issue a whip to a member and ask him not to proceed further while he is speaking. Doing so constitutes the suppression of freedom of speech of a member. It has been accepted by all that what was issued was a whip. It is also a fact that issuing whip is an intra-party affair. The point to be decided now is whether the Chief Whip of any party can use the precincts of this Chamber to issue whip.

In fact, we were not defying any ruling of the Chair, as has been alleged. Even if it is presumed that we were defying the ruling, then it was for the Speaker alone to take action against us. We would like to know whether the Hon. Speaker wants to give this privilege to the Minister of Parliamentary Affairs. It is a case where the Speaker himself is the witness of all things. So, in my opinion, it is a fit case to be referred to the Privileges Committee. Moreover, a case involving certain important issues should not be decided by a vote on the floor of the House. If it is done, there will be no use of having provision of the Privileges Committee. So, I request that this case may immediately be sent to the Privileges Committee.

Shri Bholanath Sen

There has been a sea change in the Constitution by addition of the Tenth Schedule. By addition of the Tenth Schedule the party system has been recognised....Even an independent member may lose his membership if he joins some other party... Today, the party system has been recognised and article 105 must be read subject to all the provisions of the Constitution, including article 19 which is about fundamental rights, and Tenth Schedule.

The Chief Whip has to ensure that our attendance is assured and discipline is maintained. In case the party has decided to take up certain stand the party must put forward in Parliament the same stand. In order to ensure that, if the Chief Whip says something to his own party men, I do not see how a question of privilege arises with regard to functioning in the Parliament.

Shri Indrajit Gupta

It has to be gone into whether the Tenth Schedule has brought in a new concept which means that the member of Parliament because he happens to be a member of a particular political party no longer enjoys that freedom of speech as has been guaranteed to him under the Constitution and under the rules....If the submissions that were made by Shri Ram Dhan were in any

way defamatory, abusive or threatening, then I can understand it but that has not been alleged.... Mr. Bhagat had issued the whip to the effect that he was still in the Congress party and asked him not to proceed further and to accept the ruling of the Speaker. It is a whip which must be obeyed. This is an unprecedented thing which has happened....If the Hon. Speaker chooses to give a ruling, that is up to him to decide. Either it must be his ruling or it must be by a reference to the Privileges Committee; it cannot be decided suddenly by a vote of the House.

Replying to the comments of the members, Shri H.K.L. Bhagat, Chief Whip of the ruling Congress(I) Party and Minister of Parliamentary Affairs made the following points:

- (i) The two members, viz. Shri Ram Dhan and Shri Raj Kumar Rai were persistently defying the Chair, obstructing the proceedings and thus committing contempt of the House. The whip was issued to desist them from further questioning the ruling of the Chair and maintaining decorum in the House.
- (ii) The responsibility of the whips was not only to ensure the attendance of the members and to ask them to vote and support the stand of the party, but also to assist the Chair in maintaining decorum and dignity of the House by members of the concerned parties. The whips were a functioning institution in the House.
- (iii) There was nothing to prevent the Chief Whip/Whip from issuing a whip to his party members in the House. It had been the practice that when divisions took place in the House, or when some issues were unexpectedly raised on the floor of the House, the Chief Whip had to clearly indicate to his party members the line of action.
- (iv) It was not correct to say that whips could issue directions only to entire party members and not to any individual member. In the case of erring members who were committing breach of privilege, violating decorum and discipline of the House by persistently questioning the ruling of the Speaker and obstructing the proceedings of the House, the Whips could issue instructions only to those members.

Concluding, the Minister of Parliamentary Affairs reiterated that he fully believed in the freedom of speech of members as enshrined in article 105 of the Constitution and there was no question of intimidating them or obstructing them in discharge of their duties as members of Parliament. He said:

I would reiterate with all humility that I fully believe in the freedom of speech of members as enshrined in article 105 of the Constitution and in the instant facts of the case there was no question of intimidating them or obstructing them in discharge of their duties as members of Parliament. There was no other motive in me except that I asked them not to proceed further in defiance of the Chair in pursuit of maintaining the decorum and discipline in the House. I bear no ill-will whatsoever towards the hon. members. My intention was only to

maintain high standards of discipline, decorum and dignity of the august House....

At the end of the debate, the Speaker drew the attention of the House to rule 226 which provided that if leave under rule 225 was granted, the House could consider the question and come to a decision or refer it to the Committee of Privileges on a motion made either by the member who raised the question of privilege or by any other member. The Speaker observed:

It is thus for the House (a) to take a decision on the matter, or (b) refer the matter to the Committee of Privileges. (a) or (b) can be done on a motion made by any member. I would like to know if any member will like to move a motion.

None of the members, however, moved any motion either for the decision by the House or for reference of the matter to the Committee of Privileges for examination and report. In the circumstances, the Speaker had no other alternative except to take up the next item on the agenda papers for the day.

The summing up: Some of the points that emerge and may require consideration may be summed up as follows:

- (i) The Whip's Office is an important adjunct of the set up of a parliamentary party. It is charged with the duty of efficient functioning of the party machinery within the House both in respect of effective participation by its members in the debates as well as in the matter of ensuring their attendance at the time of crucial divisions.
- (ii) In the U.K., the party directives called whips are so worded as to be in the nature of summons to the members to attend the House but in fact even there the whips actually call the members "to vote with their party or be known as rebels and, perhaps, be punished" The difference, thus may be only in form. Further, so far as the position in India is concerned, all doubts have been removed by the Fifty-second Constitution (Amendment) Act which provides that a member who votes or abstains from voting contrary to any direction issued by his party, is liable to incur disqualification. It would, therefore, be perfectly constitutional for the whips to require the members to vote according to the directions issued by the party. No breach of privilege is involved if the whip is worded in this manner.
- (iii) It is well-established that it is entirely for the House to decide whether a matter complained of is actually a breach of privilege or contempt of the House as the House alone is the master of its privileges. The Speaker, in giving his consent to the raising of a matter in the House as a question of privilege, considers only whether the matter is fit for further inquiry and whether it should be brought before the House. The instant case being of a very unusual nature and since it occurred in the view of the House itself, there was no better option with the Speaker than to place the entire matter before the House for such action as it may choose to take.

- (iv) The format in which the whips are issued and the occasions on which various types of whips are issued, indicate that the whip in the instant case was indeed unusual. In fact, doubts were cast both by the members of the ruling party and of the Opposition as to whether the written directive issued by the Minister to the two members could be considered a whip at all. Shri Sharad Dighe of the Congress(I) Party stated that in his opinion it was not a whip at all but only a direction, a mere friendly advice to a member of the House not to commit further contempt. The Minister of Planning (Shri P. Shiv Shanker) observed that the "so called whip is nothing more than an advice". The Minister for Parliamentary Affairs also made it abundantly clear that the whip was issued only to ask the members to desist from further questioning the ruling of the Chair so that decorum of the House could be maintained and there was no question of curbing the right of freedom of speech of the members.
- (v) The anti-defection law hardly came into the picture in the instant case as disqualification under that law was incurred only if directions regarding voting or abstaining from voting were disregarded, a petition in this regard was presented to the Speaker and the Speaker decided in favour of such disqualification.

The basic question of privilege of which notice was given by five members was merely talked out on the floor of the House. No motion was preferred on the floor of the House and no pronouncement was made nor was the matter referred to the Committee of Privileges. One could, however, hazard a guess that as a result thereof, it was extremely unlikely that such a whip would be issued in future. Some of the issues left open and undecided were:

- (i) Whether a whip—oral or written—could be issued
 - (a) on the floor of the House;
 - (b) to only a few members of the party;
 - (c) for the purpose of assisting the Chair to maintain discipline in the House and securing obedience to the ruling/orders of the Chair.
- (ii) Whether such a whip could be considered as being
 - (a) tantamount to interfering with the member's right to freedom of speech on the floor of the House, intimidating him and causing obstruction in the free discharge of his duties as a member;
 - (b) a breach of members' privilege and contempt of the House?

Matters of parliamentary privilege should not be raised lightly and when raised, ideally speaking, they should not be treated as party matters but as

matters involving the prestige, position and rights of the entire House and all its members. It was obvious that on this question of privilege, opinion in the House was divided on party lines. It was, therefore, perhaps as well that a decision on important issues of privilege was not taken by majority vote and that the Speaker by his astute handling of the situation and the House in its wisdom left the questions open and undecided.

INDEXED

POLITICAL AND ECONOMIC DEMOCRACY IN INDIA

CH. NARASIMHA SWAMY

Addressing the Constituent Assembly on 19 November 1948, Dr. B.R. Ambedkar, Chairman of the Constitution Drafting Committee, explained the two-fold objects of framing the Indian Constitution as (i) to lay down the form of political democracy; and (ii) to lay down that our ideal is economic democracy and also to prescribe that every Government, whatever is in power, shall strive to bring about economic democracy.¹

The political and economic elements of democracy are closely interlinked with each other and constitute the essence of the Indian Constitution and polity.

Much water has flowed down the Ganga since free people of India adopted the Constitution in 1949. The country has achieved tremendous progress on all fronts and is going to step into the 21st century. If we take stock of the existing situation in the country and the performance of the Indian polity so far, some important questions require our immediate attention. They are: "Has the Constitution achieved the twin objective *stricto sensu*?" "What are the present circumstances the country is placed in?" "Can the country march ahead in such circumstances?" This study examines the present state of affairs in the light of efforts made towards the attainment of our declared ideal of political and economic democracy and puts forth concrete remedies to overcome the difficulties faced in this regard.

I. POLITICAL DEMOCRACY

From the point of view of political democracy, we can, in fact, be proud of the achievements of our body politic and its experiments in democratic norms from time to time. While India has demonstrated to the world that democracy in this country has come of age the ethical aspect of our political life in the post-Independence era has become a matter of concern.

Standards in political life : The significant aspect of the Indian polity is the change from the noble idealism of the Independence movement to the state of affairs it currently finds itself in. It is true, as Walter Bagehot had aptly

1. C. A. Deb., Vol. VII, pp. 494-495.

observed, that every individual is governed by self-interest in his dealings with the society. But when this self-interest is put above the interests of the country at large, it poses a potential threat to the very survival of democracy and unity and integrity of the country. Further, if communal disharmony and artificial barriers are created on the basis of caste, community, religion language and region and if agitational methods are used in preference to constitutional forms, for bringing home a point, they lead to indiscipline in public life.

It is interesting to note in this connection that article 51(A) of our Constitution dealing with the Fundamental Duties, enjoins on the citizens to observe certain basic norms of democratic conduct and democratic behaviour. For instance, clause(e) of article 51A, *inter alia*, states.

It shall be the duty of every citizen of India.....to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities.....

While the above constitutional provision unequivocally exhorts the citizens and ordains them to conduct themselves decently, it is unfortunate that contrary to the spirit of our Constitution, some sections of our society, claiming support of some political parties with communal overtones, commit flagrant violation of these very Fundamental Duties for achieving their own narrow political ends. The political life in the Post-Independence era, particularly the politics based on caste, community, language, religion and region has been doing immense damage to the body politic.

Though we have demonstrated time and again to the world that democracy has come to stay in India, it has not yet acquired the state of perfection and maturity in the strict sense of the term. Our democracy suffers from many handicaps. Education is yet to reach the vast rural masses. The functioning of our party system is far from satisfactory and has failed the democracy in evolving a constructive Opposition and a national alternative. Today, the forces of disruption and secessionism are raising their ugly heads, thus posing a grave threat to the very security, unity and integrity of the country.

Towards a true political democracy : Mahatma Gandhi, who tried to vanquish the mighty British Raj with weapons of truth and non-violence, had wished that the two concepts might become the governing factors in our *Swaraj*. Mahatma Gandhi was a true and disciplined philosopher-politician who practised the above principles in letter and spirit. He was not merely an individual, but a great institution for all times to come. Fortunately, these ideals, for which Gandhiji had sacrificed his life, are not totally forgotten today. A narrow interpretation of truth and non-violence has however, caused immense damage to the body politic in the present era.

Broadly speaking, these two noble principles, truth and non-violence, mean righteousness and fairness in all walks of life including political life of the

nation. In political parlance, these can be equated with good sense of the politicians and 'non-violent politics', whereby only peaceful and constitutional methods are resorted to for bringing about radical transformation of our society towards a true political democracy.

Against this background, it is imperative that a complete overhaul of our political life is desired to be undertaken without further loss of time. The following measures, if initiated for cleansing our political and public life and to decentralize power, would go a long way in strengthening our political democracy, as visualised by the founding fathers of our Constitution.

Code of Conduct for Political Parties : In order to establish a clean, responsible and constructive society and to impart dignity and respect to the national politics, the only way is to evolve for all political parties a code of conduct emanating from the Constitution. The recent measures such as the Anti-Defection law, etc. initiated by the Central Government towards establishing a clean and healthy politics augur well for the Indian democracy. To improve the ethical values of our national political life, a Code of Conduct for all the political parties can be evolved on the following lines by a national consensus:

All the members of a political party —

- (a) shall take an oath of allegiance to the Constitution of India and to abide by its principles and uphold its dignity;
- (b) shall respect the Constitution, National Anthem and the National Flag;
- (c) shall safeguard the freedom and independence of the country and strive for preserving its sovereignty, unity and integrity;
- (d) shall conduct themselves in a dignified way, keeping in tune with the established principles of democratic and parliamentary customs and traditions;
- (e) shall not interfere in the day-to-day administration of the Central and State Governments as well as educational institutions;
- (f) shall not indulge in anti-social and anti-national activities or associate with or encourage the forces of parochialism, disruption and secession and shall not resort to politics of caste, race, religion, region and language, thus fomenting communal tensions and cause disharmony in national life;
- (g) shall not resort to violence, but pursue peaceful and constitutional methods and contribute towards evolving a national consensus in regard to all national issues;
- (h) shall not misuse political freedom and authority and indulge in corrupt practices to further selfish ends;

- (i) shall disclose all their personal assets including those of their family members immediately on being elected to either the State Legislatures or any House of the Parliament, or appointed to any office or position under the Constitution; and
- (j) shall quit the membership of the Parliament or Legislatures or any office or position under the Constitution, once their conduct, behaviour and integrity are under question.

Such a Code of Conduct if enshrined in the Constitution on the above lines, would definitely lead to a true political democracy of Gandhiji's conception with truth and non-violence as its governing factors. Only then, sincere, dedicated and disinterested individuals would join politics to serve the country. Men of strong convictions, ability, character and integrity would come forward to administer the country.

Democratic Decentralisation of Power : Though the three wings of government; viz., the Legislature, the Executive and the Judiciary function as per the guidelines laid down by the Constitution, the decentralisation of power has not percolated down to the desired levels.

Against this background, our *Swaraj* or political democracy for which our patriotic leaders had fought the British Raj, seems to have lost its rhythm. Like the modern democracies, our political democracy too has become election-oriented, party-dominated, power-aimed, centralised and complicated mechanism. The individuals count no more, though as voters they are styled as masters of the *Swaraj*. They present themselves at periodical elections for casting votes and then go to long hibernation until the next one. This is the only political action an individual performs once in a stipulated period that he is driven to take under the directions of a centralised party system and guidance of the newspapers, some of which may be tools of the centralised economic power and party systems. The individual has little or no voice in the shaping of the policy of the Government.

It is relevant to mention here that Gandhiji wanted true democracy to function in India. He, therefore, observed: "True Democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below by the people of every village."²

Thus, in the political field, the Father of the Nation gave us the concept of Village *Swaraj* which was close to his ideal of stateless democracy. He considered that Government best which governed the least. According to Mahatma Gandhi, the concept of Village *Swaraj* was not the communist ideal of "withering away of the State", but "scattering of the State". Thus, Village *Swaraj* is the ideal expression given to on a realizable plane unlike the distant goal of the "withering away of the State".

2. M.K. Gandhi : *Village Swaraj*, Navjivan Publishing House, Ahmedabad, 1962, p. xiii.

In Village Swaraj, the village being the small decentralized, political unit endowed with fullest powers, every individual will have a direct voice in the Government. The individual would be the architect of his own Government. The Government of the village thus conducted by a *Panchayat* of five persons elected annually by adult villagers, will have all the authority and jurisdiction. The *Panchayat* will be the legislature, judiciary and executive rolled into one as there will be no system of punishments in it.

Thus, in such a system of government, there will be citizens who are self-controlled; endowed with initiative and highly developed sense of civic responsibility, in place of those who look to Government for every thing. The Village Swaraj would strive for full freedom and growth of the individual who is the ultimate motive power of a real political system. Village Swaraj as conceived by Gandhiji is thus a genuine democracy which offers a panacea for many of the political ills.

Thus, the next step of making our political democracy, according to Gandhiji's conception, is the process of democratic decentralisation of power, ensuring participation by the people at large. In the context of the general emasculation of the institutions of local self-government in most parts of the country, it is high time the Government evolved a uniform and viable policy to strengthen them by a national consensus. The existing Panchayati Raj set up in different stages of development in various States has to be overhauled completely.

II. ECONOMIC DEMOCRACY

The economic justice assured by the Preamble to the Constitution can hardly be achieved if the democracy envisaged by the Constitution was confined to political democracy. Inaugurating a Seminar on "Parliamentary Democracy" in New Delhi on 25 February 1956, the first Prime Minister of India, Shri Jawaharlal Nehru felt thus:

Democracy has been spoken of chiefly, in the past, as political democracy, roughly represented by every person having a vote. That is a substantial idea, but it becomes obvious that a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving or hungry or has no other resources.... Political democracy, by itself, is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of the good things of life to others and removal of gross inequalities.³

Addressing the Seminar, the then Vice-President, Dr. S. Radhakrishnan noted that "so long as there are people who are poor, hungry, starved and have

3. *Parliamentary Democracy: Report of the First All-India Seminar*, The Indian Bureau of Parliamentary Studies, New Delhi, 1956, p. 6.

no work and no wages, our Constitution and our laws are not things of which they can be proud."⁴

Truly, the Constitution was relevant to Nehru as an instrument of social change. Nehru had told the Constituent Assembly that its first task was, ".....to free India through a new Constitution, to feed the starving people, and clothe the naked masses and to give every Indian fullest opportunity to develop himself according to his capacity."⁵

Thus, the founding fathers of the Indian Constitution were crystal clear in their minds about the objectives of economic democracy which the proposed Constitution would strive for.

Against this background, if we make an objective and impartial analysis of the achievements in realization of the objective of economic democracy, we find that we are still far behind the desired goal. Indeed, the country has made rapid strides in agriculture, industry and science and technology. Yet, the fruits of development have not percolated to the poorest of the poor. A vast majority of the rural masses and the downtrodden do not have the bare necessities of life and live below the poverty line. Economic exploitation is the curse of the day. While the poor farmers feeding this vast nation, toiling day in and day out, are struggling hard for survival without adequate basic needs, the intermediate classes of exploiters are thriving at the cost of the poor. The working classes are not getting their due share. The gulf between the rich and the poor is thus growing wide, resulting in concentration of wealth in the hands of a few individuals.

Further, our villages, which are said to be the backbone of our country's economy, continue to remain without adequate facilities of transport, proper drinking water supply, sufficient electricity, hospitals and schools. Ignorance, illiteracy and poverty are the bane of Indian villages and rural life. Though, we have plenty of water resources, we have not been able to utilise them fully, with the result that the poor farmer continues to be at the mercy of vagaries of the monsoon. All our rural developmental programmes and plans, though laudable on paper, have not yielded the desired results.

Where does Indian Socialism lead to?: To Nehru, the path of socialism was the only solution to India's problems. He had a clear perception of socialism in its application in the Indian context. In his Presidential Address at the Lucknow Congress Session in April 1936, he had said.

....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

4. *Ibid.*, p. 12.

5. *C.A. Deb.*, Vol. II, p. 316.

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. In short, it means a new civilization, radically different from the present capitalist order.⁶

Thus, Jawaharlal Nehru, who was instrumental in framing of the Indian Constitution, and as one who saw socialism as the only solution to the unending poverty of the Indian masses, had laid firm foundation for it. As the first Prime Minister of free and independent India, he initiated various developmental projects through the Five Year Plans, which were to become the temples of prosperity in modern India, consequently leading us to achieve tremendous progress on all fronts. Today, we are one of the leading industrialised nations of the world. In almost all fields, we have become self-sufficient and are able to withstand even the global economic pressures and inflationary trends.

This notwithstanding, our prosperity has not even now led us to a socialistic society visualised by Nehru. The most distressing fact is that even after tremendous development achieved through various Five-Year Plans, a vast majority of our rural masses are still living below the poverty line. Despite rapid progress in science and technology, our economic development has not been able to make available to our rural people, the basic necessities of life, namely, food, clothing and shelter.

Measures for achieving the ideal economic democracy : The basic unit of the Indian economy, viz., the village, described by Mahatma Gandhi as the backbone of the nation, has been generally neglected. In our 40th year of Independence, it is high time the nation initiated the following measures on priority basis to achieve the objective of economic democracy in the real sense of the term.

Rural reconstruction : The need of the hour is to evolve a comprehensive national policy on rural development for rebuilding the rural India in all respects. This is mainly due to the fact that the present rural developmental programmes are not being implemented effectively. Moreover, there is, sometimes, lack of coordination between the various programmes being undertaken by the Centre and the States. In many cases, rural developmental programmes in some States are the result of spontaneous election promises, using them as a bait to catch the votes of the rural masses. Consequently, these programmes are made a subject of political controversy and weakened when it comes to their actual implementation. It is, therefore, imperative that

6. A.M. & S.G. Zaidi : *The Encyclopaedia of the Indian National Congress*. Vol. XI 1936-1938. pp.95-96.

the planners focus their attention on this critical aspect and evolve a national consensus for undertaking rural reconstruction plans in order to serve the needs of rural people in different circumstances.

With the tremendous development in science and technology and the vast industrial base, we could successfully build a well-knit infrastructure to undertake any venture involving hundreds of crores of rupees. For instance, free independent India could organise scores of Summits, Conferences, Sports events,—Fairs, Festivals, *Utsavs* etc. with utmost precision and technical sophistication. Numerous projects had been undertaken with indigenous technology and many more are in different stages of progress. We had achieved record food production in recent times and are going to take big strides in future. However, with all this development, we have not been able to solve the problems of rural India.

The founding fathers of our Constitution might not have envisaged that the Directive Principles of State Policy would become a mere ornament to our Constitution. The record of the Land Reforms so far in various States in India speaks for itself. The distinction between Fundamental Rights and the Directive Principles, making the former justiciable and the latter non-justiciable, has struck at the very root of the existence of the Directives as such in the Constitution. An objective assessment of our performance is called for to redesign our body politic and achieve the goal of an egalitarian society. This is possible only when vast rural masses are brought in the mainstream of national life and the vast gulf existing between the rural people and the urban elite is reduced. Towards this end, steps should be taken to give a new outlook to the Fundamental Rights chapter, which at present has no meaning for the starving rural poor.

Right to work and provision of housing to rural poor : The first and foremost of the measures in the above direction would be to incorporate as fundamental rights the "right to work" and provision of "housing to rural poor". This does not mean that things would change overnight with mere incorporation of the above rights in the Fundamental Rights chapter of the Indian Constitution. This is to make the Government(s) give their considered thought and action to set things right. A concerted action by the Union Government and the States is needed to wrest the initiative. Only then can we pool our vast resources and utilise them in a better way to achieve our goal. This would make the Government(s) undertake gigantic ventures for rural development with the technical know-how at their disposal. So far, rural housing programmes for the weaker section, particularly for the Scheduled Castes and Scheduled Tribes, have not been satisfactory as the housing colonies constructed for them have generally been located at remote and isolated places. This has only widened the gulf between the upper and lower classes in the villages.

As for the "right to work" for the rural people, a vast potential of employment opportunities can be created by well-planned and coordinated rural recon-

struction programmes such as cooperative farming supplemented by subsidiary items like dairy and poultry farms and other rural industries. In order to well support these programmes, one of the pre-requisites is to provide the rural areas with protected drinking water supply besides irrigation facilities. It is sad that despite vast water resources at our disposal, we could not utilise them fully. Often, our irrigation projects had been taken up State-wise, leading to utilisation problems by the states involved with the result that a national policy could not be evolved by our country to harness the water resources. While some States experience regular floods causing widespread devastation to human life and developed farms (as witnessed continually in States like Andhra Pradesh, U.P., Assam etc.), others in the very neighbourhood of such States get haunted by extreme famine conditions on account of failure of monsoons and resultant crop failure due to lack of water resources. It is high time, therefore, that a national water policy is evolved, taking into account the maximum needs of the rural areas, both for irrigation and drinking purposes and that such projects are taken up on a national level and not regional or State basis. The advantages of this system are many. Funding for these projects is made easy, the interests of all the States in a river basin are protected and the needs of the different areas are satisfactorily met. The chief ingredients of such a national water policy could be : (i) Setting up an apex body at the national level with regional bodies; (ii) An objective survey of water resources and needs of all States; (iii) Undertaking linking of all rivers, wherever feasible; (iv) Finding a permanent solution to mitigate the woes of the flood-affected States by cautious diversion of rivers to the needy regions and harness hydro-electricity, etc. The setting up of a body recently by the Union Government for Water Resources, and the announcement of a national policy on water is a welcome development. It is hoped that the above-mentioned body would address itself to the most important issues outlined above. This would go a long way in solving the problems of rural India.

Apart from the above, undertaking a vast network of transport connecting all villages with important townships nearby, rural housing programmes involving the beneficiaries themselves, social forestry, small scale and cottage industries and irrigation projects under the suggested national water policy, would create a tremendous employment potential in our rural areas, to take care of the provision "right to work" proposed to be guaranteed under the Constitution. For a country with huge natural resources, technical manpower, wide industrial base, it needs only determination and concerted action to take us through successfully.

To conclude, it may be reiterated that mere political freedom as guaranteed by your Constitution will not be meaningful without the realization of the objective of economic democracy. Let us redesign our polity to take the country into the 21st century and lay the foundation stone afresh for an egalitarian society to fulfil the dreams of the Father of the Nation and the founding fathers of the Indian Constitution.

WIT AND HUMOUR IN PARLIAMENT

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

—Editor

LOK SABHA

Professor Madhu Dandavate: I will take a little more time. I told you beforehand that the moment you ring the bell I will sit down within 15 minutes!

Mr. Deputy Speaker: Then I will not ring the bell. If I go on ringing the bell, everytime, you will add 15 minutes!

(L.S. Deb., 25 February 1988)

Shri Narayan Datt Tiwari: There can be no better auspicious occasion than the Government's Annual Budget to exempt *sindoor*, *kajal*, *alta* and *mahavar*—the age-old symbols of glorious and devout womanhood—from taxation and, accordingly, I hereby do so by proposing to fully exempt these from excise duty.

Mr. Speaker: तिवाड़ी जी, घर में तो शान्ति कायम कर दी न आपने।

(Tiwariji, you have established peace at least on our home fronts)

(L.S. Deb., 29 February 1988)

Shri C. Madhav Reddy: You are exempting the *sindoor*, you are exempting *kajal* or some small utilities and articles of the household and you think that you will be able to wipe out the tears of the housewife. But, I can assure you

that when the housewife goes to the market everyday and tries to purchase *dal*, oil, onions, vegetables, sugar and so on, you can really see the tears in her eyes. You will never be able to wipe out her tears.

Shri Indrajit Gupta: Lipsticks have been left out.

Professor Madhu Dandavate: Even in the case of lipsticks, sticks are imported and lips are indigenous.

(L.S. Deb., 14 March 1988)

An hon. Member: Dr. Datta Samant speaking on fishing!

Mr. Speaker: He always fishes in more troubled waters!

(L.S. Deb., 29 February 1988)

Shri Vasant Sathe: ...The main reason is, as was said by my colleague, industrial relations in the last couple of years had improved, on my personal intervention and the result was that the production (of coal) had gone up from 12.33 to 15.66 (million tonnes) in 1984-85 to 1985-86.

Shri Basudeb Acharia: We too intervene.

Shri Vasant Sathe: You are to be thanked for that. I will come to that.

Mr. Speaker: Is it a left-handed compliment?

Shri Vasant Sathe: Yes. It is a left-handed compliment to the so-called Leftists because you (they) do not behave like true Leftists.

(L.S. Deb., 22 March 1988)

Shri Shantaram Naik: I had asked the question to the Union Government and the question was: Whether Government are aware of the problem of nudism created by the international tourists on sea beaches in Goa, and the answer is: Some isolated instances of international tourists bathing nude on the beaches in Goa have come to notice of the State Government. My question was directed to the Hon. Minister and not the State Government.

Mr. Speaker: It is because the State Government is concerned.

Shri Shantaram Naik: He wants that you should direct him to go to Goa and stay there for eight days and see it for himself.....(*Interruptions*)

Mr. Speaker: He wants to share it with you.

(*L.S. Deb.*, 28 March 1988)

Shri Ajit Kumar Saha: Sir, my question is probably clubbed with Hannan Mollah's. The head of my question and the tail of his question have been clubbed together tactfully avoiding the question I wanted to ask.

Mr. Speaker: That is how marriages take place.

(*L.S. Deb.*, 29 March 1988)

STATE LEGISLATURES

RAJASTHAN LEGISLATIVE ASSEMBLY

Shri Girdhari Lal Bhargava: ... आप तो बहुमत के आधार पर यहां आ गये, और कहते हैं, पांच साल तो हमारा ठेका है, जो कुछ भी हम करेंगे, सो करेंगे।

(...You have been elected to this House with a majority and now you say that your contract is for five years and you will do whatever you like)

Shri Doongar Ram: ठेका कैंसिल, री-टेंडर कर दिये जायें।

(Let the contract be cancelled and the tenders called again)

(*Rajasthan Legislative Assembly
Proceedings.* 29 October 1987)

Shri Sampat Singh: सभापति महोदय, आज हेल्थ मिनिस्टर कहां गयी हैं?

(*Mr. Chairman, Sir, where has the Health Minister gone today?*)

Mr. Chairman: हेल्थ मिनिस्टर बैठी हैं। आपको स्वास्थ्य मंत्री नजर नहीं आती हैं क्या?

(*She is sitting there. Can't you recognise the Health Minister?*)

Shri Nathu Singh: सम्पतसिंह जी, हेल्थ मिनिस्टर आयी है, साड़ी बदल कर आयी है।
(Sampat Singhji, the Health Minister has come after changing her saree)

Mr. Chairman: वह यह कह रहे हैं कि आप साड़ी बार-बार बदल कर आती हैं इसलिए पहचान में नहीं आतीं। आप कृपया एक दिन में एक ही साड़ी पहना करें विपक्ष के माननीय सदस्यों की राय है।
(He is saying that since you change your saree quite frequently, he is not able to recognise you. Please see that you wear only one saree in a day. This is the view of the hon. members of the Opposition)

(Rajasthan Legislative Assembly
Proceedings, 29 October 1987)

Shri Rattan Lal Tambi: सभापति महोदय, हमारे मंत्री महोदय भोले हैं। ये हमेशा कोई न कोई चक्कर चला के उनको फंसाने की कोशिश करते हैं।

(Mr. Chairman, Sir, our Hon. Minister is a simple man. They always try to entrap him through tricky moves)

Mr. Chairman: ताम्बी साहब, मंत्री महोदय भोले होते तो कैबिनेट मंत्री थोड़े ही बनते।
(Tambi Sahib, had the Minister been a simple man he would not have been a Cabinet Minister)

(Rajasthan Legislative Assembly
Proceedings, 29 October 1987)

Shri Bulaki Das Kalla: एक से दो हो गये हैं, संजीदापन इससे आया है।
(He has become sober after marriage.)

Shri Manikchand Surana: यह परिवर्तन शादी के बाद आया है ...
(This change has come after marriage...)

Shri Sampat Singh: अध्यक्ष महोदय, घर में एक ही बुद्धिमान बोल सकता है।
(Mr. Speaker, Sir, only one wise person can speak at home)

(Rajasthan Legislative Assembly
Proceedings, 30 October 1987)

Mr. Speaker: नाथूसिंह जी, आप बहुत धीरे बोलने लग गये आजकल। यह आपकी आवाज को क्या हो गया है।

(Nathu Singhji, you have started speaking in a very low voice now-a-days. What has happened to your voice?)

Shri Kalicharan Saraf: अध्यक्ष महोदय, इनकी शादी हो गयी

(Mr. Speaker, Sir, he has since been married)

(Rajasthan Legislative Assembly
Proceedings, 30 October 1987)

Shri Ramzan Khan: माननीय सभापति महोदय, उस दिन दिखाया गया रोजनामचे में कि कहीं बाहर गये हुए थे और वह भी डकैतों का पीछा करने के लिए। जब डकैतों का पीछा करने के लिए गये तो सरकारी पिस्तौल को किस तरह से वहाँ पर छोड़ दिया, यह समझ में नहीं आता।

(Madam Chairman, entries in the Log Book on that day show that he had gone out to some place and that too to chase dacoits. When he had gone to chase dacoits, how did he leave behind his service revolver, this is something intriguing.)

An hon. Member: इसलिए छोड़ दिया कि कहीं डकैत ले जाते तो।

(He left it behind lest the dacoits should snatch it away)

(Rajasthan Legislative Assembly
Proceedings, 30 October 1987)

Shri Bhanwar Lal Sharma: सबसे ज्यादा अकाल पीड़ित क्षेत्र का हं।

(I hail from the worst famine-affected area)

Shri Gulab Singh Shaktawat: शरीर से ही मालूम पड़ता है कि आप अकाल पीड़ित हैं।

(Your body stands testimony that you are affected by famine)

(Rajasthan Legislative Assembly
Proceedings, 6 November 1987)

PARLIAMENTARY EVENTS AND ACTIVITIES

PARLIAMENTARY DELEGATIONS VISITING INDIA

Denmark : In response to an invitation from the Parliament of India, an eight-member Danish Parliamentary Delegation, led by his Excellency Mr. Svend Jakobsen, Speaker of the Danish Parliament, visited India from 27 March to 5 April, 1988. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 28 March who hosted a banquet in their honour later in the evening. A meeting between the delegates and members of our Parliament was also held on that day. The same day, the delegates called on the Prime Minister, Shri Rajiv Gandhi. On the following day they called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha, Shri Narayan Datt Tiwari, Minister of Finance and Commerce and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting. Apart from going round Delhi, the delegates visited Madras, Bangalore, Mysore and Agra.

German Democratic Republic : An eighteen-member Parliamentary Delegation from German Democratic Republic (GDR) led by His Excellency Mr. Horst Sindermann, President of the People's Chamber of GDR, visited India from 29 March to 3 April 1988, on the invitation from our Parliament. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 29 March. Dr. Jakhar hosted a banquet in honour of the delegation later in the evening. The delegates had a meeting with members of our Parliament earlier in the day. On 30 March the Delegation called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha, Prime Minister, Shri Rajiv Gandhi and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting. His Excellency Mr. Sindermann also called on the President, Shri R. Venketaraman, the same day. Besides Delhi, the delegates visited Bombay.

Iraq : Responding to an invitation from the Parliament of India, a seven-member Iraqi Parliamentary Delegation led by His Excellency Dr. Saadoon Hammadi, Chairman, National Assembly of the Republic of Iraq, visited India from 3 to 10 April 1988. On 5 April the Delegation called on 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. That very evening Dr. Jakhar hosted a banquet in honour of the visiting Delegation. Earlier, the delegates had an opportunity to meet members of our Parliament at a meeting and exchange ideas with them. The Delegation called on Shri Brahm Dutt, Minister of State for Petroleum and Natural Gas, Shri K. Natwar Singh, Minister of State in the Ministry of External Affairs and the Prime Minister, Shri Rajiv Gandhi, on 6, 7 and 9 April respectively. On 9 April the Leader of the Delegation also called on the President, Shri R. Venkataraman. Besides Delhi, the Delegation visited Agra and Srinagar.

Italy: In response to an invitation from the Parliament of India, a seven-member Italian Parliamentary Delegation, led by Senator Giovanni Berlinguer, visited India from 18 to 24 March 1988. On the very first day the Delegation called on Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting. They called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 22 March. Later in the evening, the Speaker hosted a banquet in their honour. The visiting Delegation called on the Prime Minister, Shri Rajiv Gandhi and Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha on 22 March. The same day, a meeting between the members of the Delegation and members of our Parliament was also arranged for a mutual exchange of ideas. Besides Delhi, the delegates visited Agra and Jaipur.

Mauritius: A seven-member Parliamentary Delegation from Mauritius led by His Excellency Mr. Chhatradhari Daby, Speaker of the Mauritius Legislative Assembly visited India from 18 to 26 February 1988 on an invitation from our Parliament. The delegates called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 22 February. He met them again the same evening at a banquet hosted by him in their honour. The Delegation called on the Prime Minister, Shri Rajiv Gandhi, and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting on 24 February. On the following day, they called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha. A meeting between the delegates and members of our Parliament was also held on that day. Besides Delhi, the delegates visited Bombay, Hyderabad, Tirupati and Gurgaon.

Palestine: In response to an invitation from the Parliament of India, a seven-member Parliamentary Delegation from the Palestine National Council, led by His Excellency Sheikh Abdul El-Sayeh, Speaker, Palestine National Council, visited India from 11 to 16 March 1988. The Delegation called on Shri H.K.L. Bhagat, Minister of Parliamentary Affairs and Information and Broadcasting and Dr. Thambi Durai, Deputy Speaker, Lok Sabha on 11 March. They also called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 14 March. Dr. Jakhar hosted a banquet in their honour on the same day. The delegates and members of our Parliament also had an exchange of ideas at a meeting

specially convened on that day. The Delegation called on the Prime Minister, Shri Rajiv Gandhi the next day. Besides Delhi, the Delegation visited Hyderabad and Agra.

INDIAN PARLIAMENTARY DELEGATION GOING ABROAD

Cuba: On the invitation of the National Assembly of Cuba, an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha visited that country from 31 January to 3 February 1988. Besides the Speaker, the Delegation consisted of Sarvasiri Parasram Bhardwaj, Navinchandra Ravani, T. Chandrasekhar Reddy, R.P. Suman and Dr. Sudhir Roy, 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 January to 31 March 1988, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat:

Inter-University Competition on Model Parliament: In order to ensure that the youth of the country imbibe the parliamentary ethos and culture, the Bureau embarked upon a programme of encouraging, facilitating and coordinating the organisation of Model Parliaments both at the local and national levels by involving the youth in the study and working of parliamentary institutions so that they become good and proud citizens of India. To meet this objective, the Bureau had been organising Appreciation Courses for Professors/Lecturers of Universities/ Colleges and Youth Coordinators of Nehru Yuva Kendras for quite some time so that they can, in turn, guide the students and non-student youth, respectively, in organising Model Parliaments. As a result, some of the universities took a lot of initiative and organised Model Parliaments in their institutions with great success.

At the national level, the first Inter-University Competition on Model Parliament was organised from 19 to 21 January 1988 at New Delhi. Teams from Agra University, Dayalbagh Educational Institute of Agra, Delhi University, and Haryana Agricultural University, Hissar, participated in the competition. Besides this, a group of nine students from Annamalai University and two students from Bangalore University attended the competition as observers. A panel of judges comprising Shri L.K. Advani, MP; Shri Harish Rawat, MP; Shri S.L. Shakhder, former Secretary-General Lok Sabha and former Chief Election Commissioner; and Shri H.N. Trivedi, former Secretary, Department of Parliamentary Affairs, Government of India, evaluated the performance of each university which participated in the competition.

The team from Delhi University was adjudged the best and awarded the Speaker's running shield. Agra University secured the second place and

Dayalbagh Educational Institute got the third position. Among the individual performers, Kumari Varsha Agnihotri of Delhi University got the top position in the individual competition for her role as Speaker while Shri Mukesh Kumar Rawat of Agra University was adjudged second for his role as Leader of the Opposition. Shri Indranil Sarkar of Dayalbagh Educational Institute was placed third for his role as Minister of Education

Dr. Bal Ram Jakhar, Speaker, Lok Sabha, awarded the trophies/prizes to the Universities and students who achieved commendable ranks in the competition.

Appreciation Courses for Probationers/Officers of All India and Central Services: Three Appreciation Courses on parliamentary processes and procedures were organised by the Bureau, viz., Eighth Appreciation Course for Probationers of Indian Audit and Accounts Service, Indian Civil Accounts Service and Indian Postal Service—1 to 5 February 1988; Appreciation Course for Indian Administrative Service and Indian Foreign Service Probationers—15 to 19 February 1988; and Appreciation Course for Indian Railway Engineering Service, Indian Defence Accounts Service, Indian Information Service, and P&T Accounts and Finance Service—21 to 25 March 1988.

Attachment Programme for participants from Afro-Asian and Pacific Countries attending an International Training Programme on Audit of Public Enterprises: An Attachment Programme in Parliamentary Processes and Procedures for participants from Afro-Asian and Pacific countries attending an International Training Programme on Audit of Public Enterprises organised by the office of the Comptroller and Auditor General of India, was conducted on 8 and 9 February 1988. The Programme, which was attended by 33 participants from various countries, was inaugurated by Shri M.M. Jacob, Minister of State for Parliamentary Affairs.

Study Visits: At the request of various training and educational institutions in the capital and elsewhere, the Bureau also organised 14 Study Visits for, among others, (i) Afghan Civil Servants undergoing training at the Institute of Secretariat Training and Management (ISTM); (ii) Officers from Developing Countries attending an International Training Programme at ISTM; (iii) Probationers of Indian Postal Accounts Service and Postal Finance Services, and (iv) Probationers of Indian Statistical Service.

Besides the above Programmes, the Bureau also arranged a meeting of Parliamentary Fellows of the Institute of Constitutional and Parliamentary Studies with the Speaker, Lok Sabha on 9 March 1988.

PRIVILEGE ISSUES

LOK SABHA

Alleged misleading of the House by a member of Rajya Sabha and a former Minister: On 17 August 1987, the Speaker (Dr. Bal Ram Jakhar) observed that on 11 May 1987, Shri Somnath Chatterjee, member, had given notice of a question of privilege against Shri Arun Singh, the then Minister of State in the Department of Defence Research and Development in the Ministry of Defence for allegedly misleading the House, deliberately and knowingly, while making a statement in Lok Sabha on 15 April 1987, on the 'inquiry ordered by the former Minister of Defence into payment of commission by the supplier to an Indian agent in a defence deal'. Shri Chatterjee quoted the Minister as having stated, *inter alia*, as follows:

On assuming office, the Prime Minister reiterated the existing instructions that Department of Defence should not deal with any non-governmental agent of a foreign supplier in respect of any commercial negotiations. The Prime Minister also directed that foreign governments and suppliers should be told unequivocally about the decision. This policy directive has been enforced rigorously by the Department of Defence with satisfactory results.

The Speaker further observed that Shri Chatterjee had, while referring to a news report which appeared in the *Statesman* of 9 May 1987, under the caption 'Arms and the man in the middle', stated that it appeared from the said report that in the matter of several defence deals, non-governmental agent(s) had important or active role to play in respect of commercial negotiations. In this connection, the member noted, the role of Messers Eureka Sales Corporation, New Delhi, had been specifically mentioned together with particulars of the correspondence exchanged between the Defence Department or Defence officers and the said Corporation. The report also quoted extensively from such correspondence which clearly established that the said non-governmental concern had, in fact, acted as an agent or a middleman.

The Speaker noted that Shri Chatterjee had enclosed a copy of the said report and contended that the statement made by Shri Arun Singh in Lok Sabha was neither candid nor factually correct and his assertion that the policy directive reportedly, given by the Prime Minister 'had been enforced rigorously by the Department of Defence', was contrary to the real state of affairs. The member felt that in the circumstances, there was strong *prima*

facie evidence, if not proof, that with a view to mislead the House and the members, the Minister concerned had knowingly taken recourse to prevarication and untruth and was thus guilty of deliberate breach of privilege of the House and the members.

The Speaker informed the House that he had referred the matter to Shri Arun Singh for his comments, who in his reply dated 2 June 1987, had stated, *inter alia* that the seven letters quoted in the news report, allegedly depicted a situation contrary to what had been stated by him in the Lok Sabha on 15 April 1987. Shri Arun Singh added that what he had stated was (a) that the Department of Defence should not deal with such agents, and (b) that the prohibition was in respect of commercial negotiations and that the seven letters referred to in the Press report, had neither originated from the Department of Defence nor related to any commercial negotiations. The Speaker added that a copy of Shri Arun Singh's reply was handed over to Shri Somnath Chatterjee.

The Speaker further informed that commenting on Shri Arun Singh's reply, Shri Chatterjee had, in his letter dated 12 August 1987, addressed to him (the Speaker), stated that in his letter, Shri Singh had not challenged the authenticity of seven letters and had given his reply accepting the genuineness of the same. He added that it was clear that Shri Singh was trying to make a distinction between Department of Defence universally and Defence establishments/organisations and apparently between commercial negotiations and commercial transactions. There could not be any difference between commercial negotiations and commercial transactions. Shri Chatterjee added that it was amazing that the letters and correspondence from high Defence officials of the Air Headquarters and other important Defence establishments were treated to be totally divorced from the Department of Defence. The member wanted to know whether it was the contention of Shri Arun Singh that important Defence establishments and organisations were having deals with middlemen, and whether there was an embargo only on Department of Defence as had been emphasised by Shri Singh in his letter. He had further questioned whether important military establishments/organisations were under the control of the Department of Defence or not. He added that they could not be independent authorities beyond the control of the Defence Department.

Dr. Jakhar pointed out that Shri Chatterjee had contended that there was a deliberate attempt to mislead the House and the members and the member had pleaded that the breach of privilege on the part of Shri Arun Singh was almost self-confessed.

The Speaker observed that he had gone into the matter carefully. There was an earlier case of such nature in 1979, when the then Speaker, Lok Sabha, while giving his ruling on a question of privilege regarding an alleged misleading statement made by a former Minister of State in the Department of Revenue and Banking and a member of Rajya Sabha, regarding voluntary

disclosures of income and wealth in the context of recommendations made by Public Accounts Committee in their 123rd Report (Sixth Lok Sabha), had referred the matter to the Chairman of Rajya Sabha in accordance with the procedure laid down in the Report of the Joint Sitting of the Committees of Privileges of Lok Sabha and Rajya Sabha adopted in 1954.

The Speaker noted that since Shri Arun Singh was a member of the Rajya Sabha, the question of privilege could be dealt with only by that House in accordance with the procedure laid down in the above Report. Accordingly the Speaker, observed that he would refer the matter to the Deputy Chairman, Rajya Sabha, for such action as she might consider necessary and proper.

On the same day, Dr. Jakhar addressed a letter to the Deputy Chairman, Rajya Sabha, enclosing therewith copies of notices of question of privilege by Shri Chatterjee, comments of the Minister and the announcement made by him that very day, for disposal of the matter in accordance with the established procedure.

On 24 August 1987, the Deputy Chairman, Rajya Sabha (Shrimati Pratibha Patil) informed the House about receipt of the communication dated 17 August 1987, from the Speaker, Lok Sabha, alongwith the enclosures referred to earlier.

The Deputy Chairman observed that according to the procedure laid down in the 1954 Report, when a question of breach of privilege was raised in any House in which a member of the other House was involved, the Presiding Officer would refer the case to the Presiding Officer of the other House. Upon the case being so referred, the Presiding Officer of the other House would deal with the matter in the same way as if it were a case of breach of privilege of that House or of a member thereof. She added that she would examine the matter contained in the Speaker's communication accordingly.

On 25 March 1988, the Chairman, Rajya Sabha (Dr. Shanker Dayal Sharma) observed that after the matter was referred to Rajya Sabha, the same was again referred to Shri Arun Singh for his comments on Shri Somnath Chatterjee's second letter. He added that Shri Arun Singh, in his comments, had reiterated his initial stand by drawing a distinction between commercial negotiations and commercial transactions on the one hand and Defence Department and Defence establishments on the other. Shri Singh added that the Defence establishments, during the technical evaluation stage, dealt with representatives of the principal companies, whereas it was the Defence Department or Ministry which came into the picture and ensured exclusion of agents at the negotiation stage. Shri Arun Singh had also stated that he made this position clear not only in the Lok Sabha on 16 April 1987, but also in the Rajya Sabha on 20 April 1987 wherein he had stated that the Government would only transact

business with the supplier, which may be a company or a Government. He had added that in the Defence business there were buyers, sellers and agents who were called pushers. He had observed that if anybody said or laid a claim to the theory that a Government or a Minister could categorically remove all such people, that claim had no relationship with the fact. He had also suggested finding out a method of how to control it.

The Chairman while giving his ruling stated that after having carefully gone through all the papers including the relevant statements of Shri Arun Singh in the Lok Sabha and the Rajya Sabha connected with the issue, he felt that Shri Arun Singh had consistently treated commercial negotiations and commercial transactions as distinct propositions and Defence establishments and Defence Ministry as distinct entities. Considering Shri Arun Singh's explanation in the context of the debates and his statements in both Houses of Parliament, the Chairman opined that Shri Arun Singh had not made any statement which could be construed as deliberately misleading the Lok Sabha and committing a breach of privilege of that House. He, therefore, ruled that the matter need not be pursued further. He informed the House that he was accordingly informing the Speaker, Lok Sabha and was also forwarding to him the subsequent comments received by him from Shri Arun Singh.

The Chairman, Rajya Sabha forwarded a copy of the said ruling to the Speaker, Lok Sabha on 28 March 1988. No further action in the matter was taken by the Speaker, Lok Sabha.

*Alleged attempt by a Minister to intimidate members and suppress their freedom of speech by issuing a whip to them in the House**: On 17 November 1987, there were sharp exchanges between Shri Ram Dhan and Professor K.K. Tewari which were inaudible due to noisy scenes in the House. Professor Tewari had also left his seat and proceeded towards Shri Ram Dhan. Some members took objections to this and the Speaker (Dr. Bal Ram Jakhhar) observed, "I could not hear what he was saying. But I was seeing that there was menacing step towards him". Due to continuous interruptions and noisy scenes in the House, the Speaker adjourned the House. When the House reassembled in the afternoon, the Speaker allowed Shri Ram Dhan and Professor Tewari to make personal explanations. After the two members had made personal explanations, the Speaker felt convinced that there were some misgivings since neither of the two members had any bad intention. The Speaker, therefore, ruled that the matter be closed.

Sarvashri Ram Dhan and Raj Kumar Rai, however, started defying the Chair and obstructing the proceedings of the House persistently. When both the members continued to stand and argue with the Speaker about his ruling, the Minister of Parliamentary Affairs (Shri H.K.L. Bhagat) sent a handwritten whip

* Also see the article, "Party Whips, Parliamentary Privilege and Anti-Defection Law" by Dr. Subhash C. Kashyap in this issue for more details.

in his capacity as the Chief Whip of the Congress(I) Party in Lok Sabha, asking both of them to obey the ruling of the Chair and not to obstruct the proceedings of the House.

Subsequently, Sarvashri Ram Dhan, K.P. Unnikrishnan, S. Jaipal Reddy, Vidyacharan Shukla and Professor Madhu Dandavate gave notices of question of privilege against Shri H.K.L. Bhagat, Minister of Parliamentary Affairs for allegedly intimidating Sarvashri Ram Dhan and Raj Kumar Rai and suppressing their freedom of speech in the House by issuing whip to them. The Speaker referred all the notices to the Minister of Parliamentary Affairs for his comments.

On 14 December 1987, the Speaker, after having considered the points raised by the members and the comments of the Minister of Parliamentary Affairs thereon, gave his consent to the raising of the question of privilege under rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Speaker then called upon Shri Ram Dhan to ask for leave of the House.

Shri Ram Dhan then raised the question of privilege after leave of the House, sought by him, was granted. While raising the matter, Shri Ram Dhan stated, *inter alia*, as follows:

- (i) ...There is nothing in the Constitution and the rules which gives a right to Chief Whips of parties to curb members' freedom of speech. On the contrary article 105 ensures members' right of freedom of speech:
- (ii) The 52nd Amendment and the Tenth Schedule which it added to the Constitution, define the word "Original whip" which speaks of any person or authority authorised by the Party in relation to issuing direction about voting or abstaining from voting. Their jurisdiction is limited to voting in a division and cannot be extended to an undefined power to encroach on rights conferred on members by the Constitution and Rules of Procedure.
- (iii) There was no motion before the House and no division in the offing. On matters of privileges, contempt and discipline, there are no whips.
- (iv) The power of disciplining members is vested in the Speaker. The Leader of the House or Chief Whip cannot even move a motion for a member's suspension till the Speaker has named a member for disorderly behaviour.
- (v) Shri H.K.L. Bhagat has mentioned lists of members given by whips to the Chair to help him regulate the debate. This is for convenience only. This does not give the whips the right to shut out dissenting opinions.
- (vi) To issue whips to a few individuals on a matter, which does not involve vote or division, is to reduce the whips to mockery.

- (vii) Shri H.K.L. Bhagat has given quotations torn out of context. In view of Professor K.K. Tewari's action, Shri Bhagat could have intervened and administered rebuke to Shri Tewari. Instead of doing this, he issued his ridiculous whip in the House and announced it himself.

The Speaker then allowed 14 other members including Shri H.K.L. Bhagat, Minister of Parliamentary Affairs, to speak on the question of privilege raised by Shri Ram Dhan.

Replying to the points raised by Shri Ram Dhan and others, Shri Bhagat stated *inter alia* that it was the Speaker's privilege, prerogative and right and responsibility to maintain decorum in the House. He asserted that it was the responsibility of all the members, leaders and whips of the House to assist in the process. Shri Bhagat added that since Shri Ram Dhan had considered it as a ruling, he quoted from *Kaul and Shakti*, and said:

Speaker's ruling, as already stated, cannot be questioned except on a substantive motion. A member who protests against the ruling of the Speaker commits contempt of the House and the Speaker. Speaker is not bound to give reasons for his decision. Members cannot criticise directly or indirectly, inside and outside the House any ruling given, opinion expressed or statement made by the Speaker.

On a point that the whip could be issued to the entire party and not to an individual member, Shri Bhagat observed that at that stage, when in spite of Speaker's repeated appeals the situation had reached a point where the two suspended members from the Congress(I), namely, Sarvashri Ram Dhan and Raj Kumar Rai, alongwith other members belonging to the Opposition, had been persistently defying the Chair, obstructing the proceedings and thus committing contempt of the House, that he had sent a written whip to the two members to accept the ruling of the Chair. He felt at that time that it was not necessary to issue a whip to all members of his Party. He reiterated that he fully believed in the freedom of speech of the members in accordance with the provisions of article 105 of the Constitution. The language of the whip was very clear, as it only asked them to desist from further questioning the ruling of the Chair so that decorum of the House could be maintained. That was the only reason for issuance of the Whip. There was no question of any other motivation. He added that in his oral observations also he had emphasised the same thing.

Shri Bhagat refuted the claim that the whips could issue instructions only to entire party members and not to any individual member. In the case of erring members who were committing breach of privilege, decorum and discipline of the House by persistently questioning the ruling of the Speaker and so on, then dignity of the Chair — which was the dignity of the House and dignity of the nation—had to be maintained and he had tried to assist in the same. In support of his contention, he then referred to the question of maintenance of

decorum and dignity of the House having been discussed in various All India Whips Conferences and many recommendations adopted.

Shri Bhagat observed that the whips were a functioning institution in the House. It was they who sent the names of speakers on various issues to the Chair for participation in the debates and to that extent others could not complain that their right to freedom of speech was violated under article 105 of the Constitution if their names were not furnished in the list and that they were debarred from speaking. Shri Bhagat observed that such procedural approach was necessary for the smooth functioning of the House. It was the whips who indicated to the party members to vote in a particular way. It was they who approached the party members to cooperate with the Chair and ask them not to commit any breach of privilege. As to whether a whip could be issued in the House, Shri Bhagat opined that there was nothing that could prevent the Chief Whip/Whips from issuing a whip to his party members in the House. It was borne out by the practice that when divisions took place in the House, or when some issues were unexpectedly raised on the floor of the House, the Chief Whip/Whips clearly indicated to his party members the line of action and it was within his competence to take a decision and direct the members of his party accordingly. If it was contended that the whip could not be issued in the House, it would be difficult to meet such situations which occurred quite often. In fact, party members sought such directions from the Chief Whip, he added.

At the end of the debate, the Speaker invited the attention of the House to rule 226, which says:

If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

The Speaker thus put before the House to (a) take a decision on the matter, or (b) refer the matter to the Privileges Committee. He observed that since (a) or (b) could be done on a motion made by any member, he wanted to know if any member liked to move a motion thereto.

None of the members, however, moved any motion either for a decision by the House or for reference of the matter to the Committee of Privileges. The Speaker, therefore, moved on to the next item of business in the agenda.

Alleged misleading of the House by a member: On 1 March 1988, the Speaker (Dr. Bal Ram Jakhar) observed that on 15 December 1987, Shri P.R. Kumaramangalam had given notice of a question of privilege against Shri K.P. Unnikrishnan for making allegations on the floor of the House against Shri Priya Ranjan Dasmunsi, Minister of State in the Ministry of Commerce by making an untrue statement deliberately to mislead the House during the discussion on motion of no-confidence on 10 December 1987.

The Speaker further observed that Shri Kumaramangalam had referred to the proceedings of that day, when Shri Unnikrishnan made certain allegations against Shri Dasmunsi which were refuted by him. While making allegations, Shri Unnikrishnan had referred to the Kandla Free Trade Zone and stated that between November 1984 when the Prime Minister had entered into office and June 1987, the Bachchan brothers in Kandla Free Trade Zone alone cornered licences worth Rs. 23.5 crores, and exported value-added for Rs. 33 crores. According to Shri Unnikrishnan he was not referring to other licences they had cornered through certain corrupt elements in the Ministry of Commerce. Shri Unnikrishnan wanted the Prime Minister to have an enquiry made about the activities of the Bachchan brothers, not merely regarding FERA violations, but also what he called 'import licence scandals'.

The Speaker observed that while refuting the allegation, Shri Dasmunsi had said that what Shri Unnikrishnan had stated was absolutely wrong and not a fact. He added that all the norms of value-added or FERA had been maintained, i.e. according to the norms of the licences, and there was no fault. He added that a question posed by Shri Unnikrishnan in this regard had already been replied to.

Dr. Jakhar noted that Shri Kumaramangalam contended that since the allegations made by Shri Unnikrishnan had been refuted on the floor of the House by Shri Dasmunsi, Shri Unnikrishnan made an untrue statement deliberately to mislead the House and thereby committed contempt of the House.

The Speaker further noted that as per established practice, he had referred the notice to Shri Unnikrishnan for his comments. In his reply, Shri Unnikrishnan had stated that he was not able to understand what exactly was the breach of privilege... except for Shri Kumaramangalam accepting the Minister's version that what he (Shri Unnikrishnan) had said was *wrong*. He added that even if, for argument sake, it was admitted that what he had said was wrong, the same did not constitute a question of privilege. A wrong statement could not be construed to be a deliberately untrue statement knowingly and wilfully made to mislead the House—a condition precedent for a question of privilege, he added.

Shri Unnikrishnan had also referred to the provisions contained in article 105 of the Constitution and stated that 'when the Constitution of India protects the right of members, such right of free speech as exercised by the member uninterrupted or unrestrained by the Speaker or the Deputy Speaker cannot be made subject matter of question of privilege'.

The Speaker also observed that Shri Unnikrishnan had not furnished any documentary or other conclusive evidence to prove the *allegation* made by him in the House. It was well established that the statement made by the Minister was considered final and accepted as the correct statement of the position in a matter unless proved otherwise.

The Speaker further stated that it was also well established that an untrue or incorrect statement or an unfounded allegation made by a member on the floor of the House did not constitute a breach of privilege. The remedy and the procedure for pointing out mistake or inaccuracy in a statement by a Minister or a member was laid down in Direction 115. In order to constitute a breach of privilege or contempt of the House, it had to be proved that the statement was not only wrong or misleading but it was made wilfully, deliberately, knowing it to be false and with the intention of misleading the House. Shri Unnikrishnan had made a sweeping allegation which was immediately refuted by Shri Dasmunsi and the position stood corrected. That was, of course, followed by a free exchange of challenges and counter challenges between the opposition and the ruling party members and offer, demand and agreement for reference of the matter to the Privileges Committee in which members of both sides of the House joined.

The Speaker noted that the matters of privilege were governed by rules 222 to 228 which, *inter alia*, required as the first pre-requisite a notice in writing for a question of privilege being raised on the floor of the House. After such a notice was received, the matter could be raised on the floor of the House with the consent of the Speaker or referred by the Speaker to the Committee of Privileges. He added that in the instant case, when Shri Unnikrishnan made certain allegations which were categorically refuted by the Minister, the question of privilege was not at all before the House; no notice had been received and no consent to raise the matter as a matter of privilege had been given.

The Speaker added that in view of such position, so far as the demand, offer and agreements in regard to the matter being referred to the Privileges Committee made on the floor of the House on that day were concerned, they would not be relevant for determining the matter of privilege.

On the question whether a matter complained of was actually a breach of privilege or contempt of the House, the Speaker observed, it was entirely for the House to decide but the Speaker before giving his consent to the matter being raised on the floor of the House or before making reference to the Committee had to be satisfied that the matter was fit for further enquiry or required the intervention of the House. Successive Speakers had held that the Speaker, before he gave his consent, must be satisfied that a *prima facie* case of breach of privilege had been out. Even when the Speaker was satisfied of there being a *prima facie* case of breach of privilege, the normal thing for him was to allow the matter to be raised on the floor of the House and for the House to take a decision itself or refer the matter to the Committee. The Speaker's power under rule 227 was an exceptional provision to be used by the Speaker in his discretion only sparingly and in very clear cases of breach of privilege on which there might appear to be unanimity in the House.

After careful consideration of the facts in the instant case, rules, precedents and well-established parliamentary conventions, the Speaker felt that no

prima facie case of breach of privilege had been made out. He, therefore, withheld his consent to the raising of the matter in the House as a question of privilege.

Later, on 5 May 1988, a member (Shri Shantaram Naik) moved a motion under rule 186 which referred to a proposition made and accepted by all concerned during the discussion held on No-confidence Motion on 10 December 1987 that "if on reference to the Privileges Committee, the allegation was proved correct, the Prime Minister would make his Minister resign and, if the same was found false, the Member, Shri Unnikrishnan would resign his seat in Lok Sabha". The motion, which was passed as amended, urged the House "to direct the Committee of Privileges to make a detailed investigation into the allegation made by Shri Unnikrishnan and report to the House by the last day of the first week of the next Session."

Making of policy announcement by a Minister outside the House while the House was in Session: On 7 March 1988, Professor Madhu Dandavate, Sarvashri S. Jaipal Reddy and Basudeb Acharia, members, gave separate notices of question of privilege against the Minister of Home Affairs (Shri Buta Singh) for making a policy announcement regarding the dissolution of the Punjab Legislative Assembly outside the House when the House was in Session. When the members sought to raise the matter in the House on the same day, the Speaker (Dr. Bal Ram Jakhar) observed that proclamations under article 356 and orders thereunder could be issued even while Parliament was in Session. The only requirement was that the proclamation had to be laid on the Table of the House at the earliest opportunity. He noted that there was nothing in article 356 or elsewhere in the Constitution which enjoined upon the President to consult Parliament when it was in Session before issuing the proclamation. He ruled that no breach of privilege was, therefore, involved and the notices of breach of privilege were disallowed. However, he added, it was well established that when Parliament was in Session, policy decisions must first be announced on the floor of the House. It was a matter of judgment whether such decision amounted to a policy decision. The Speaker felt that when Parliament was in Session, it would have been more desirable to take the House into confidence and inform it of the proposed action, instead of the members knowing of the important development only through the newspapers. Dr. Jakhar said that he had mentioned the same as a matter of propriety and hoped that in future such decisions would be first announced on the floor of the House.

STATE LEGISLATURES

PUNJAB VIDHAN SABHA

Alleged deliberate boycott of proceedings of the House on solemn occasion of obituary reference: On 13 March, 1987, Shri Kulwant Singh, member, while raising the question of privilege stated that the House had met on 11 March

1987, for making obituary references because two of its ex-members, namely, Shri Joginder Pal Pandey and Com. Chanan Singh Dhoot were killed by the terrorists. A group of the members of the Vidhan Sabha, who claimed themselves to be members of the Akali Dal (Badal) deliberately boycotted the proceedings of the House on such solemn occasion because they did not want to condemn the crimes committed by the terrorists. He observed that it was customary that on such occasions all sections of the House paid their homage to the departed members, but in the instant case those members, by boycotting the proceedings of the House, had behaved in a most undignified manner. Their conduct was thus derogatory to the dignity of the House and was not consistent with the standard which it was entitled to expect from its members. He asserted that they were, thus, guilty of the contempt of the House and were liable to be punished for the breach of privilege of the House.

The Speaker, thereupon, ruled that the question of privilege raised by Shri Kulwant Singh was out of order on technical grounds but its merits stood.

Raising of derogatory slogans by some members against a member and the Chair: On 19 March 1987, the Speaker informed the House that Shri Ranjit Singh Jandiala, member, had given a notice of privilege motion on 13 March 1987 disapproving the action of Shri Gurdev Singh Badal and some other members for raising derogatory slogans against another member of the House and the Chair.

The Speaker observed that as intimated to the House on that day he had since examined the issue. There were no two opinions that no House would be able to discharge the high functions entrusted to it properly, if it did not impose disciplinary regulations upon its members. However, as the House was aware, the derogatory remarks and the slogans were expunged from the proceedings of the House and did not form its part. He further observed that Shri Gurdev Singh Badal, member, had apologised for such behaviour and Shri Amrinder Singh had regretted about the incident and, consequently, the order of the House suspending Shri Badal for the remainder of the Session was revoked. In view of these developments the Speaker, withheld his consent to the raising of this question of privilege.

Question of privilege against the Speaker: On 25 March 1987, the Speaker informed Vidhan Sabha that Shri Sukhdev Singh Dhindsa had raised a privilege issue stating that the Speaker, Punjab Vidhan Sabha had committed breach of privilege by ordering Shri H.S. Sandhu not to sit in the House and observing that since he was attending the Session, he was liable to pay a fine of Rs. 500/- per day. He observed that he had already informed that no privilege issue could be raised against the Speaker. Further since a writ had been filed, and the matter had become *sub judice*; that matter could not be discussed at that stage.

PROCEDURAL MATTERS

LOK SABHA

Discussion on the conduct of a Minister: On 26 November 1987, immediately after the Question Hour, certain members tried to raise a matter concerning the Chief Minister of a State and a Union Minister against whom an F.I.R. had been registered. The Speaker, thereupon, observed that unless the charges were proved, registration of an F.I.R. did not mean that a crime had been committed. He noted that the conduct of a Minister could only be discussed through a censure motion. He added that until and unless there was a *prima facie* case for that, he would not permit discussion on the floor of the House.

On 11 March 1988, immediately after the Question Hour, some members drew attention of the Chair to the judgement of the Bombay High Court allegedly passing strictures against a former Minister of State in Ministry of Civil Aviation (and presently Minister of State in Ministry of Labour) and demanded his resignation. Disallowing the submissions of members, Deputy Speaker observed that since no authentic information had been received from the High Court till then, the matter could be examined only thereafter. When a member (Professor Madhu Dandavate) submitted that he had tabled a notice under rule 193 to discuss the matter, the Deputy Speaker further observed that a notice under rule 193 could not be considered in place of a substantive motion. He added that if the member wanted to discuss the conduct of a Minister, he could give a substantive motion.

Discussion on the conduct of a Governor: On 24 February 1988, while participating in the discussion on the Motion of Thanks on the President's Address, a member (Shri Bhattam Sriramamurthy) quoted certain portion of the speech delivered by the Governor of Andhra Pradesh. On objection being taken by Home Minister, Shri Buta Singh, the Chairman (Shri Sharad Dighe) observed that the conduct of persons in high authority like Governor could not be reflected upon unless the discussion was based upon a substantive motion drawn in proper terms.

Another member, Shri E. Ayyapu Reddy, thereupon submitted on a point of order that the institution of Governor had been referred to in the report of the Sarkaria Commission. He further stated that Parliament could discuss the conduct of Governors since they were appointed by the Central Government.

Shri C. Madhav Reddy, member, also submitted that the conduct of a Governor could be discussed on a substantive motion and Motion of Thanks on President's Address was a substantive motion.

Overruling the points raised by members, the Chairman observed that the report of Sarkaria Commission was not being discussed in the House at that moment. The conduct of a Governor could only be discussed on a substantive motion drawn in proper terms with respect to that, and not on any other substantive motion.

When Shri Reddy further submitted that the Constitution had provided for freedom of speech and the Rules of Procedure could not override the constitution, the Chair observed that the freedom of speech was guaranteed under article 105 of the Constitution which was "subject to the provisions of this constitution and to the rules and standing orders regulating the procedure of Parliament....."

Harassment of a member: On 25 February 1988, Shri Arif Mohammed Khan, Member, was allowed to make a statement with regard to a police sub-inspector in plain clothes stopping him outside Janata Party Office in New Delhi on 24 February 1988. Thereafter, the Minister of Home Affairs, Sardar Buta Singh was also allowed to make a statement in reply thereto.

Statement by a member on resignation: On 2 March 1988, when a member (Dr. Chinta Mohan) submitted that he was resigning from the membership of Lok Sabha and handed over a letter to that effect to the Speaker in the House, Kumari Mamata Banerjee and some other members wanted to know the reason of resignation and requested that Dr. Mohan be allowed to make a statement. The Speaker, thereupon, quoting rule 240 (1) observed that only a resigning Minister was allowed to make a statement about his resignation.

Withholding of consent to adjournment motion and allowing the matter to be discussed under rule 193: On 7 March 1988, the Speaker withheld his consent to moving of an adjournment motion regarding dissolution of Punjab Legislative Assembly. However, in view of the importance of the matter, he allowed discussion under rule 193 of the Rules of Procedure and Conduct of Business in Lok Sabha, immediately after the Minister of State in the Ministry of Home Affairs Shri P. Chidambaram, had made a statement on the subject in the House on that day.

President has no obligation to consult Parliament before issuing proclamation under article 356 but the House should be taken into confidence and informed of proposed action when it is in session: On 7 March 1988, the Speaker disallowed notices of privilege tabled by Professor Madhu Dandavate and some other members regarding announcement about dissolution of Punjab Legislative Assembly outside Parliament and observed that a proclamation under article 356 and orders thereunder could be issued even while Parliament

was in session. The only requirement was that the proclamation had to be laid on the Table of the House at the earliest opportunity. He noted that there was nothing in article 356 or elsewhere in the Constitution which enjoined upon the President to consult Parliament when it was in session before issuing the proclamation. He ruled that no breach of privilege was involved and, therefore, he disallowed the notices of breach of privilege. However, it was well-established that when Parliament was in session, policy decisions must first be announced on the floor of the House. It was a matter of judgement whether the impugned decision amounted to a policy decision. He felt that when Parliament was in session, it would have been more desirable to take the House into confidence and inform it of the proposed action instead of the members knowing of the important development only through the newspapers. The Speaker added that he had mentioned the same as a matter of propriety and hoped that in future such decisions would be first announced on the floor of the House.

Minister can make a statement only with permission of the Chair taken in advance: On 29 March 1988, immediately after the Question Hour, Shri Mewa Singh Gill, member sought to raise a matter regarding sale of spurious fertilizer in Punjab and Haryana. On being asked by the Speaker to make an inquiry into the matter, the Minister for Agriculture, Shri Bhajan Lal stated that he would inquire into it and report to the House within a week. On 4 April 1988, after the Question Hour, when the Minister tried to make a statement on the subject, objection was taken that he could not do so since no notice had been given to the Speaker in advance. The Speaker did not allow the Minister to make the statement without prior notice and observed that the Minister could make the statement only after giving prior notice as per rules. After the Minister gave due notice the statement being lengthy was allowed to be laid on the Table later on 12 April 1988.

Discussion on a matter under the consideration of a Parliamentary Committee: On 11 April 1988, soon after the Question Hour, a member Shri H.N. Nanje Gowda, raised a matter regarding conflicting Press reports about the appearance of a former agent of the Bofors Company in India for evidence before the Joint Parliamentary Committee. Some other members also submitted that the matter should be discussed in the House. The Deputy Speaker, who was in the Chair, thereupon observed that the matter could not be taken up since the same was before the Joint Parliamentary Committee.

Private Member allowed to resume his unfinished speech on his resolution after another member had spoken: On 18 March 1988, Shri H.M. Patel was speaking on his (Private members') resolution on Centre-State relations when the House adjourned for the day. Shri Patel who had to resume his unfinished speech when further discussion on the resolution was resumed on 30 March 1988, was not present on that day. A number of members spoke on the resolution on that day. On 29 April 1988, when the item was again taken up, Professor Madhu Dandavate requested that as Shri Patel could not reach in

time to resume his speech on 30 March 1988 due to dislocation of his air flight, the Chair might allow Shri Patel to resume his unfinished speech. The Chairman (Shri N. Venkata Ratnam) took sense of the House and allowed Shri Patel to resume his speech.

A member once asked to withdraw for the day cannot enter the House on that day; On 11 May 1988, Dr. Datta Samant, member, insisted on making certain submissions during the Question Hour, but the speaker did not allow him to do so. As a member continued to interrupt the proceedings in defiance of the Speaker's direction, the latter directed him to withdraw from the House. Dr. Samant then withdrew from the House. Around 1300 hours when Dr. Samant came to the House again, the Deputy Speaker, who was in the Chair, observed that under rule 373 the member could not attend the House for the rest of the day. Dr. Samant then left the House and absented himself during the remainder of the day's sitting.

Shri Indrajit Gupta: Mr. Vengal Rao is sitting here. He is very much against taking over and nationalising these industries.

Professor Madhu Dandavate: He is for over-taking.

(L.S. Deb., 11 August 1987)

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 January to 31 March 1988)

INDIA

DEVELOPMENTS AT THE CENTRE

Death of MP: Prominent economist and member of Rajya Sabha, Shri L.K. Jha, passed away in Pune on 16 January.¹

Resignation by Minister: Minister of State for Labour, Shri P.A. Sangma, resigned from the Union Council of Ministers on 6 February after he was elected as Chief Minister of Meghalaya. Minister of Steel and Mines, Shri M.L. Fotedar, would temporarily hold additional charge of the Ministry of Labour.²

Death of Member: Congress (I) member of Lok Sabha from Madurai constituency in Tamil Nadu, Shri A.G. Subburaman, passed away in New Delhi on 7 February.³

Cabinet reshuffle: In a reshuffle and expansion of the Union Cabinet on 14 February, 13 more Ministers were inducted, including three of the Cabinet rank. While new Cabinet Minister were Sarvashri Dinesh Singh, Motilal Vora and Bindeshwari Dubey, four new Ministers of State were Sarvashri C.K. Jaffar Sharief, Hari Krishna Shastri, L.P. Sahi and Shyam Lal Yadav. Six new Deputy Ministers were Sarvashri D.L. Baitha, Mahabir Prasad, P. Namgyal, Radhakishan Malaviya, Rafique Alam and Shrimati Sumati Oraon. In the reshuffle, Minister of State for Textiles, Shri Ram Niwas Mirdha, was elevated to the Cabinet rank in the same Ministry and the Deputy Ministers Sarvashri Biren Singh Engti and Girdhar Gomango were promoted as Ministers of State in the Ministries of Planning and Programme Implementation, and Tourism, respectively. Agriculture Minister, Shri G.S. Dhillon was dropped from the Cabinet. Minister of State for Steel and Mines Shrimati Ram Dulari Sinha who was also dropped from the Cabinet, was appointed as the Governor of Kerala.

1. *Hindustan Times*, 17 January 1988.

2. *Times of India*, 7 February 1988.

3. *Times of India*, 8 February 1988.

Following is the list of Union Council of Ministers and their portfolios:

Cabinet Ministers:

Shri Rajiv Gandhi (Prime Minister): *Science and Technology, Atomic Energy, Space and External Affairs*; Shri P.V. Narasimha Rao: *Human Resource Development*; Shri N.D. Tiwari: *Finance and Commerce*; Shri Buta Singh: *Home Affairs*; Shri M.L. Fotedar: *Steel and Mines*; Shri K.C. Pant: *Defence*; Shri P. Shiv Shankar: *Planning and Programme Implementation*; Smt. Mohsina Kidwai: *Urban Development* with additional charge of *Tourism*; Shri J. Vengal Rao: *Industry*; Shri Bhajan Lal: *Agriculture*; Shri H.K.L. Bhagat: *Parliamentary Affairs* with additional charge of *Information and Broadcasting*; Shri Vasant Sathe: *Energy* with additional charge of *Communications*; Shri Dinesh Singh: *Water Resources*; Shri Bindeshwari Dubey: *Law and Justice*; Shri Ram Niwas Mirdha: *Textiles*; Shri Motilal Vora: *Health and Family Welfare* with additional charge of *Civil Aviation*.

Ministers of State (Independent charge): Dr. Rajendra Kumari Bajpai: *Welfare*; Shri Madhavrao Scindia: *Railways*; Shri Jagdish Tytler: *Labour*; Shri Rajesh Pilot: *Surface Transport*; Shri Brahm Dutt: *Petroleum*; Shri Z.R. Ansari: *Environment and Forests*; Shri Sukh Ram: *Food and Civil Supplies*.

Ministers of State:

Shri P. Chidambaram: *Home, Personnel, Public Grievances and Pensions*; Shri K.R. Narayanan: *Science and Technology*; Shri K. Natwar Singh: *External Affairs*; Shri Shiv Raj Patil: *Defence Production*; Shri Chintamani Panigrahi: *Home Affairs*; Shri P.R. Das Munshi: *Commerce*; Shri R. Prabhu: *Fertilizers*; Shri M.M. Jacob: *Parliamentary Affairs*; Shri Sontosh Mohan Dev: *Defence*; Shri B.K. Gadgil: *Expenditure*; Shri Balbir Singh: *Urban Development*; Shri Eduardo Faleiro: *Banking and Economic Affairs*; Shri H.R. Bhardwaj: *Law and Justice*; Shri Janardhana Poojary: *Rural Development*; Smt. Krishna Sahi: *Water Resources*; Shrimati Margaret Alva: *Youth Affairs, Sports and Child Development*; Shri M. Arunachalam: *Industrial Development*; Shri Ramanand Yadav: *Mines*; Shri R.K. Jaichandra Singh: *Chemicals and Petrochemicals*; Shrimati Saroj Khaparde: *Health*; Shrimati Sheila Dixit: *Parliamentary Affairs*; Shrimati Sushila Rohtagi: *Power*; Shri Yogendra Makwana: *Steel*; Shri Biren Singh Engti: *Planning and Programme Implementation*; Shri Girdhar Gomango: *Tourism*; Shri Ajit Kumar Panja: *Revenue*; Shri L.P. Shahi: *Education and Culture*; Shri Hari Krishna Shastri: *Agriculture Research and Education*; Shri C.K. Jaffer Sharief: *Coal*; Shri Shyam Lal Yadav: *Agriculture*.

Deputy Ministers:

Shri S. Krishna Kumar: *Information and Broadcasting*; Shri D.L. Baitha: *Food and Civil Supplies*; Shri Mahabir Prasad: *Railways*; Shri Rafique Alam: *Petroleum and Natural Gas*; Shri P. Namgyal: *Surface Transport*; Shri Radhakrishnan Malaviya: *Labour*; Shrimati Sumati Oraon: *Welfare*.⁴

Resignation by MP: Telugu Desam member from Tirupati constituency in Andhra Pradesh, Dr. Chinta Mohan, resigned from the Lok Sabha and from his party.⁵

Biennial elections to Rajya Sabha: In the biennial elections held for 60 seats for Rajya Sabha Congress (I) won 32 seats, Telugu Desam and CPI (M) got 4 each, Janata Party 8, Lok Dal (B) 3, National Conference, BJP, Jan Morcha, CPI and RSP secured one seat each. The result of four seats from Gujarat were declared on 2 April being withheld for some time following complaints of rigging. Congress (I) bagged all the four seats.

The Opposition wrested 10 seats from the Congress (I). Prominent among the winners were Union Ministers, Sarvashri Motilal Vora, H.R. Bhardwaj, Radhakrishna Malaviya, Bindeshwari Dubey, Rafique Alam and Shrimati Saroj Khaparde. Also elected were Sarvashri Sitaram Kesari and Jagannath Mishra. Victorious among the prominent Opposition leaders were: Sarvashri L.K. Advani, Ram Jethmalani, Subramaniam Swamy and Ram Naresh Yadav.⁶

Elections to Rajya Sabha: Congress (I) candidate Shrimati Pratibha Singh and Sikkim Sangram Parishad candidate Shri Karma Tenzing Topden won the Bihar and Sikkim seats in the bye-elections held on 19 March and 8 March, respectively.⁷

Death of MP: Shri Sarat Kumar Deb, Janata Party member of Lok Sabha from Kendrapara constituency in Orissa passed away in New Delhi on 25 March.⁸

AROUND THE STATES

ANDHRA PRADESH

Bye-election results: In the bye-elections to the State Assembly held on 20 January, Telugu Desam nominee Shri C. Ramachandra Reddi was elected from Vayapadu constituency defeating his nearest Congress (I) rival Shrimati S. Sarojamma, while Congress(I) candidate, Shri T. Chenchu Reddi, won the Srikalahasthi seat defeating his Telugu Desam rival Shri K. Sriramamurthy.⁹

Chief Justice Sworn in: Former Chief Justice of Delhi High Court, Shri Yogeshwar Dayal, was sworn in as Chief Justice of the State High Court by Governor, Kumari Kumudben Joshi on 18 March.¹⁰

5. *Hindustan Times*, 3 March 1988.

6. *Hindustan Times*, 15 and 29 March 1988; *Statesman*, *Tribune*, 20 March 1988; *Free Press Journal*, 29 March 1988; and *Statesman*, 3 April 1988.

7. Information from Rajya Sabha Table Office.

8. *Times of India*, 26 March 1988.

9. *Hindu and Telegraph*, 22 January 1988.

10. *Hindustan Times*, 19 March 1988.

Resignation by Minister: On 29 March, Transport Minister Shri Mudragada Padmanabham sent his letter of resignation from the Cabinet and from the Legislative Assembly, to Chief Minister Shri N.T. Rama Rao. The resignation was later accepted.¹¹

ASSAM

Bye-election result: In a bye-election held on 23 December, Asom Gana Parishad candidate Shri Tonu Konwar, won the Nazira Assembly seat defeating Shri Rohiteswar Saikia of Congress (I) by 714 votes.¹²

Chief Justice Sworn in: Justice Guman Mal Lodha was sworn in as Chief Justice of the Guwahati High Court.¹³

BIHAR

Death of MLC: Janata Party MLC and former Speaker of the State Assembly, Shri Tripurari Prasad Singh, passed away in New Delhi on 25 January.¹⁴

New Chief Minister: Shri Bhagwat Jha Azad, M.P. was Sworn in as the new Chief Minister on February 14, after Shri Bindeshwari Dubey had submitted his resignation from Chief Ministership a day earlier.¹⁵

Death of MLA: Congress (I) MLA, Shri Harihar Singh, representing Hussainabad constituency, passed away on 13 February.¹⁶

Cabinet sworn in: A 22 member Cabinet, with 10 Cabinet Ministers and 12 Ministers of State were sworn in on 20 February. The allocation of portfolios, announced on 22 February, was as follows:

Cabinet Ministers:

Shri Bhagwat Jha Azad (Chief Minister): *Cabinet and Coordination, Home, Personnel and Technology, Energy, Information and Public Relations, Environment and Institutional Finance, Industry and 20-Point Programme Implementation*; Shri Lahtan Choudhary: *Water Resources Department*; Shri Nagendra Jha: *Human Resource Development and Raj Bhasha*; Shrimati Uma Pandey: *Revenue, Land Reforms, Welfare and Rehabilitation and Religious Trusts*; Shri Rajendra Prasad Singh: *Food, Supply and Commerce*; Shri Sidheshwar Prasad: *Agriculture, Coopera-*

11. *Indian Express*, 30 March 1988.

12. *Telegraph*, 11 January 1988.

13. *Indian Express*, 2 March 1988.

14. *Telegraph*, 26 January 1988.

15. *Statesman*, 14 February 1988; *Hindustan Times* and *Free Press Journal*, 15 February 1988.

16. *Hindustan Times*, 14 February 1988.

tive; Shri Mahavir Paswan: *Welfare and Sugarcane*; Shri Mohammad Hidayatullah Khan: *Road Construction, Transport and Civil Aviation, Law and Waqf*; Shri Bhishma Prasad Yadav: *Parliamentary Affairs and Rural Development*; Shri T. Muchi Rai Munda: *Forest and Environment*; and Shri Dilkeshwar Ram: *Health and Family Welfare*.

Ministers of State:

Shri Bandi Shankar Singh: *Animal Husbandry and Fisheries (Independent Charge)*; Shri Avadh Bihari Singh: *Building Construction and Housing (Independent Charge)*; Shri Vijay Kumar: *Prohibition (Independent Charge)*; Shri Amarendra Mishra: *Public Health Engineering Department and Mines and Geology (Independent Charge)*; Shri Gauri Shankar Pande: *Road Construction, Transport and Civil Aviation and Law*; Shri Dilip Kumar Sinha: *Parliamentary Affairs and Rural Development*; Shri Ashfaq Ansari: *Small, Rural and Cottage Industries*; Shri Devendra Nath Champia: *Human Resource Development and Raj Bhasha*; and Shrimati Stensila Hembrem: *Health and Family Welfare*.¹⁷

Swearing in of Governor: Shri Govind Narain Singh was sworn in as the new Governor by the acting Chief Justice of the Patna High Court, Shri S.K. Jha on 26 February.¹⁸

Legislative Council election results: Seven Congress (I) candidates, including Chief Minister Shri Bhagwat Jha Azad and Union Minister of Steel and Mines, Shri Ramanand Yadav were declared elected to the State Legislative Council in the biennial elections held for 11 Council seats. The other Congress (I) candidates declared elected were the acting chairman of the Vidhan Parishad, Shri Umeshwar Prasad Verma, Shri Laliteshwar Jha and Minister of State for Health, Shri Fida Hussain Ansari, Shrimati Stensila Hembrem and Shri Vibhuti Kavi. The Opposition candidates declared elected were Shrimati Indu Devi (Janata), Shri Ram Nath Thakur (Lok Dal-B), Shri Jagbandhu Adhikari (BJP) and Shri Chatrapati Sahi-Munda (Jharkhand Mukti Morcha).¹⁹

GUJARAT

Death of MLA: Congress(I) MLA Shri Bharat Kambalia from Malia constituency was killed in a scuffle with forest officer at the Bhavnath forest centre on 1 January.²⁰

HARYANA

Cabinet reshuffle: Governor Shri S.M.H. Burney administered oath of office and secrecy to 12 Cabinet Ministers and 5 Ministers of State on 16 January.

17. *Times of India*, 26 February 1988.

18. *Statesman*, 27 February 1988.

19. *Statesman*, 30 March 1988.

20. *Times of India*, 3 January 1988.

Earlier on 7 January, the entire State Cabinet, Chairmen of various Boards and Corporations and Parliamentary Secretaries had resigned voluntarily to express complete solidarity with the Chief Minister.

Allocation of Portfolios in the new Ministry was as follows:

Cabinet Ministers:

Shri Devi Lal (Chief Minister): *General Administration, Criminal Investigation (CID), Vigilance, Administration of Justice, Medical Education, Social Welfare, Public Relations, Town and Country Planning and Urban Estates, Civil Aviation, Science and Technology and Environment*; Shri Banarasi Das Gupta: *Finance, Planning Institutional Finance and Credit Control and Local Government*; Shri Verendar Singh: *Irrigation and Power, Parliamentary Affairs, Technical Education, Elections and Legislative Affairs*, Shri Kirpa Ram Punia: *Industries, Industrial Training and Vocational Education, Tourism, Cultural Affairs, Welfare of Scheduled Castes and Backward Classes and Electronics*; Shri Suraj Bhan: *Revenue, Rehabilitation and Consolidation*; Shri Sampat Singh: *Home, Excise and Taxation*; Shri Khurshid Ahmed: *Education, Languages and Archaeology (including Archives)*; Shri Hukam Singh: *Development and Panchayats*; Shri Ram Bilas Sharma: *PWD (Public Health) and Jails*; Shrimati Kamla Verma: *Health, Ayurveda and Sports*; Shri Laxmi Narain: *Forests, Wild Life Preservation and Fisheries*; Shri Om Prakash Bhardwaj: *PWD (Buildings and Roads and Architecture)*; and Shrimati Sushma Swaraj: *Food and Supplies*.

Ministers of State:

Shri Raghuvir Singh: *Cooperation, Labour and Employment*; Shri Dharamvir: *Transport*; Shri Subhash Chand: *Housing, Dairy Development and Printing and Stationery*; Shri Balvir Singh: *Agriculture*; and Shri Azmat Khan: *Animal Husbandary and Wakt*. All the five Ministers of State were given independent charge.²¹

Appointment of Deputy Chief Minister: Finance Minister Shri B.D. Gupta was designated as the Deputy Chief Minister on 21 January. He would continue to hold the finance portfolio, Institutional Finance and Credit Control and Planning, which he held earlier.²²

Swearing-in of Governor: Shri Hari Anand Barari was administered the oath of office of Governor by Chief Justice Shri V. Ramaswamy of Panjab and Haryana High Court.²³

HIMACHAL PRADESH

Re-allocation of portfolios: Transport portfolio held by Shri Sat Mahajan, was given to Minister of State Shri Gangu Ram Musafir, while Irrigation and Public Health held by Shri Musafir were transferred to Shri Sat Mahajan.²⁴

21. *National Herald, Hindustan Times and Tribune*. 1 January; and *Tribune*, 17 and 19 January 1988.

22. *National Herald and Indian Express*, 22 January 1988.

23. *Tribune*, 23 February 1988.

24. *Times of India*, 25 February 1988.

KARNATAKA

Governor sworn-in: Shri P. Venkatasubbiah was administered oath of office of the Governor of the State by Chief Justice of Karnataka High Court, Shri P.C. Jain, on 26 February. Shri Venkatasubbiah succeeded Shri A.N. Banerji.²⁵

Resignation by Minister: Public Works and Irrigation Minister Shri Deve Gowda, resigned from the Cabinet due to differences with Chief Minister Shri Hegde.²⁶

KERALA

Governor sworn-in: Shrimati Ram Dulari Sinha was sworn-in as the new Governor of the State on 23 February. She succeeded Shri P. Ramchandran.²⁷

MADHYA PRADESH

New Chief Minister: Union Communications Minister, Shri Arjun Singh, was sworn in as the Chief Minister of the State on 14 February. He succeeded Shri Moti Lal Vora, who had resigned a day earlier. The new Ministry included 14 members.

The Ministers and their portfolios are as under:

Cabinet Ministers:

Shri Arjun Singh (Chief Minister): *Law, Parliamentary Affairs, Food and Civil Supplies, Rehabilitation, Science and Technology, Public Health Engineering, Public Relations, Aviation, Public Undertakings, Personnel and Administrative Reforms, Culture, Irrigation, Narmada Valley Development, General Administration, Planning and 22-Point Programme Implementation;* Shri Shivbhanu Singh Solanki: *Finance and Agriculture;* Shri B.R. Yadav: *Public Works, Cooperation and Tourism;* Shri Bansi Lal Dhritlahare: *School Education and Higher Education;* Shrimati Kamla Devi: *Social Welfare;* Shrimati Ganga Potoi: *Forest, Animal Husbandry, Fisheries, Dairy Development, Command Area Development, Religious Trusts and Endowments except Waqf;* Shri Bharat Singh: *Home, Jail and Transport;* Shri Mahesh Joshi: *Public Health and Family Welfare, Sports and Youth, Affairs;* Shri C.P. Shekhar: *Commerce and Industry, Labour and Mineral Resources*

Ministers of State:

Shrimati Manju Rai: *Panchayat and Rural Development;* Shri Vishnu Rajori: *Local Government, Urban Welfare, Housing, Environment, Manpower Planning;* Shri Hanumant Singh: *Forest, Irrigation, Narmada Valley Development;* Shri Raj Mani Patel: *Revenue;* Shri Hasnat Siddiqi: *Energy, Bhopal Gas Relief and Rehabilitation, Waqf, State Haj Committee and Urdu Academy.*

25. *Hindu*, 27 February 1988.

26. *Hindu and National Herald*, 30 March 1988.

27. *Hindu*, 24 February 1988.

Deputy Minister:

Shri Rameshwar Patel: *20-Point Programme Implementation, General Administration and Public Relations.*²⁸

Swearing-in of more Ministers: Sarvashri Balendu Shukla and Ramji Mahajan, who could not be sworn in earlier were administered oath of office and secrecy on 16 February. While Shri Shukla would be a Cabinet Minister holding the portfolios of Law, Parliamentary Affairs, Rehabilitation and Food and Civil Supplies, Shri Mahajan was designated Minister of State holding independent charge of Public Health Engineering.²⁹

MAHARASHTRA

New Governor: Shri K. Brahmananda Reddy was sworn in as the new Governor of Maharashtra on 20 February. He replaced Dr. S.D. Sharma who took over as the Vice-President of India.³⁰

Resignation By Minister: Public Health Minister Shri Bhai Sawant resigned from the State Cabinet on 10 March following his reported indictment by the Lentin Commission in its inquiry into the death of 14 people in J.J. Hospital, Bombay in January 1986.³¹

MANIPUR

New Chief Minister: Former Union Minister of State for Chemicals, Shri R.K. Jaichandra Singh, was sworn in as the Chief Minister of the State on 4 March. The names of Ministers and their portfolios is as follows:

Cabinet Ministers:

Chief Minister Shri R.K. Jaichandra Singh: *General Administration, Power, Vigilance, Forest, Food and Civil Supplies, Rural Development, Public Health Engineering, Youth Affairs and Sports*, besides other portfolios yet to be distributed; Shri Tompok Singh: *Home, Revenue, Transport, Law and Fisheries*; Shri Laishom Lalit Singh: *Finance, Industries, Geology and Mining*; Shri Sosho Larho: *PWD, Tribal Development, Medical and Family Welfare, Economy and Statistics*; Shri Moirangthem Ibotomb Singh: *Irrigation and Flood Control, Minor Irrigation and Labour Development*; Shri Yumkham Erabot: *Education, Art, and Culture and Social Welfare*; Shri Muhamuddin Shah: *Agriculture, Horticulture and Animal Husbandry*.

28. *Times of India*, 14 and 15 February 1988, and *Hindustan Times*, 16 February 1988.

29. *Hindustan Times*, 17 February 1988.

30. *Free Press Journal*, 21 February 1988.

31. *Times of India*, 11 March 1988.

Ministers of State:

Shri H.T. Thungam: *Agriculture and Horticulture*; Shri K. Bira Singh: *Education, Cooperation, Rural Development and Panchayat*; Shri Gouzadou: *Irrigation and Flood Control*; Shri W. Jagor Singh: *Industries and Veterinary Sciences*; and Dr. Nimaichand Luwang: *Public Works Department and Publicity*.³²

MEGHALAYA

Resignation by Minister, MLA: Geology and Mining Minister H.E. Poshna, resigned from his post and membership of the State Assembly on 5 January. Congress (I) MLA, Shri D.R. Nongkynrih also resigned from the party and the State Assembly.³³

General election results: Election for 60 seats of the State Assembly was held on 2 February. Out of 59 results declared, Congress(I) won 22 seats and Hills People Union—19, Public Demands Implementation Convention and All India Hill Leaders Conference (Armison Marak) won 2 seats each. Hill State People's Democratic Party won 5 seats and 9 seats were won by independent members.

After the election results were declared. Congress Legislature Party(I) unanimously elected Union Labour Minister Shri P. A. Sangma as its leader.³⁴

Swearing in of Ministry: A 11-member Congress(I) Ministry headed by Shri P. A. Sangma assumed office on 6 February with the support of the Hills People Union and some independents. The Cabinet was expanded on 11 February with the inclusion of three more Ministers of Cabinet rank. On 18 February, four Ministers of Cabinet rank and one Minister of State were also included in the Cabinet. The complete list of Ministers and their portfolios is as follows:

Cabinet Ministers:

Shri P. A. Sangma (*Chief Minister*): *Cabinet Affairs, Political Affairs, Finance, Reorganisation, Personnel and Administrative Reforms, Planning and Programme Implementation, Election, Food and Civil Supplies, General Coordination and any other matter not specifically allotted to other Ministers*; Shri D. D. Lapang (*Deputy Chief Minister*): *Home, (excluding Passport and Jails) Revenue, General Administration, Secretariat Administration, Mining, Geology, Law*; Shri U. Kharboli: *Industries (including village and cottage industries), Sports and Youth Welfare*; Shri S. C. Marak: *Forest, Soil Conservation, Tourism*

32. *Indian Express*, 6 March 1988; *Telegraph and Hindustan Times*, 10 March 1988.

33. *Statesman, Hindustan Times*, 6 January 1988.

34. *Times of India*, 3 February 1988; *Hindustan Times*, 5 February 1988; and *Free Press Journal*, 6 February 1988.

and Parliamentary Affairs; Shri J. D. Pohrmen: Education; Shri M. Kharchandy: Border Area Development; Shri R.C.Laloo: Community Development, Information and Public Relations; Shri S. P. Swer: Public Health Engineering, Labour; Shri A. C. Marak: Power and Excise; Shri O. L. Nongtdu: Public Works, District Council Affairs; Shri P. G. Momin: Agriculture (including minerals); Shri Armson Marak: Transport and Communication; Shrimati M. War: Health, Family Welfare; Shrimati Miriam D. Shira: Social Welfare, Housing, Passport and Jail; Shri Cruden Sangma: Animal Husbandry, Veterinary, Dairy Development; Shri D. C. Barman: Cooperatives, Fisheries, Printing and Stationery; Shri Anthony Lyngdoh: Municipal Administration, Town and Country Planning.

Ministers of State:

Shri H. S. Shylla: To assist Chief Minister in Programme Implementation, Agriculture and Cooperation (independent charge) Civil Defence, Home Guards; Shri P.K.Raswai: To assist Border Area Development Minister, Sericulture, Weaving and Handloom (independent charge).³⁵

Election of Speaker: Shri Peter Garnet Merbianiang of the Congress(I) was elected as the Speaker of the newly constituted State Assembly. Shri Rymbai was elected as the Deputy Speaker.³⁶

PUNJAB

Dissolution of Assembly: The State Assembly, kept under suspended animation since May 1987, was dissolved by a Presidential order issued in New Delhi on 6 March.³⁷

RAJASTHAN

New Chief Minister: Shri Shiv Charan Mathur was sworn in as the new Chief Minister on 20 January. Earlier on 18 January, Shri Harideo Joshi had submitted his resignation from Chief Ministership.

The new Cabinet that was sworn in on 26 January included four Cabinet Ministers and three Ministers of State.³⁸

35. *Hindustan Times* and *National Herald*, 7 February 1988; *Statesman*, 9 February and 19 February 1988; and information received from Meghalaya Information Centre.

36. *Telegraph*, 25 February 1988, and information received from Meghalaya Information Centre.

37. *Times of India*, 7 March 1988. ✓

38. *Free Press Journal*, 19 January 1988; *Statesman*, 21 January 1988; and *National Herald*, 28 January 1988.

Expansion of Cabinet: Chief Minister Shri Shiv Charan Mathur expanded his Cabinet by inducting five Cabinet Ministers, seven Ministers of State and two Deputy Ministers. The allocation of portfolios to Ministers was as follows:

Cabinet Ministers:

Shri Shiv Charan Mathur: *Home, Finance, Industry, General Administration, Planning (Public Resources) Personnel and Administrative Reforms, Public Grievances, Science and Technology, Economics and Statistics, State Insurance, State Lotteries and Small Scale Savings*; Shri Madho Singh Dewan: *Flood and Famine Relief, Integrated Rural Development, Special Planning Organization, Desert Development and Indira Gandhi Canal Project*; Shri Hanuman Prasad Prabhakar: *Irrigation, Tribal Development, Labour and Planning*; Shri Govind Singh Gujar: *Agriculture, Civil Supply and Excise*; Shri Bulaki Das Kalla: *PWD, Parliamentary Affairs, Information and Public Relations and Education*; Shri Sheesh Ram Ola: *Public Health Engineering Department, Ground Water and Soldiers Welfare*; Shri Raghunath Vishnoi: *Medical and Health, Law and Election*; Shri Narpat Ram Babbar: *Revenue and Land Development*; Shri Ram Krishan Varma: *Transport, Urban Development, Housing and Town Planning*; and Shri Narain Singh: *Forest Environment and Fisheries*.

Ministers of State:

Shri Mangelal Arya: *Ayurveda (independent charge), Sheep and Wool (independent charge), Medical and Health Education*; Shrimati Beena Kak: *Art and Culture, Archaeology (independent charge), Rehabilitation (independent charge), Irrigation, Labour and Planning*; Shri Chandra Shekhar Sharma: *Wakf (independent charge), Printing and Stationery (independent charge), Rajasthan Land Development*; Shri Lakshman Singh: *Mines (independent charge), Anti-Corruption, Civil Defence (independent charge), Home, Finance, Industry, Power and Planning*; Shrimati Girija Vyas: *Tourism (independent charge), Women and Child Welfare, Nutrition (independent charge), PWD, Parliamentary Affairs, Information and Public Relations*; Shri Rajendra Choudhary: *Local Bodies (independent charge), Transport, Housing and Urban Development*; Shri Suraj Pal Singh: *Animal Husbandry, Dry Milk Development (independent charge), Agriculture and Civil Supplies*; Shri Bhairulal Bhardwaj: *Panchayat Raj (independent charge), Khadi (independent charge), Rural Development, Flood and Famine*; Shrimati Kamla Bheel: *Social Welfare (independent charge), Forests and Fisheries*, Shri Ashq Ali Tak: *Sports (independent charge), Jails (independent charge), Youth Welfare, Public Health Engineering Department and Soldiers Welfare*.

Deputy Ministers:

Shri Khem Raj Katara: *PWD, Parliamentary Affairs, Information and Public Relations*, Shri Bharat Lal Meena: *Cooperatives, Irrigation, Labour and Tribal Development*.³⁹

39. *Indian Express*, 7 February 1988 and *Statesman*, 9 and 10 February 1988.

Swearing-in of Governor: Shri Sukhdev Prasad was sworn in as the Governor of the State on 20 February.⁴⁰

TAMIL NADU

New Chief Minister: On 3 January, Governor Shri S. L. Khurana invited Shrimati Janaki Ramachandran widow of former Chief Minister, Shri M. G. Ramachandran to form a new Government. The 8-member Cabinet which was sworn in on 7 January included Shrimati Janaki Ramachandran, Sarvashri R. M. Verappan, P. U. Shanmugam, C. Ponnaiyan, S. Muthuswamy, V. V. Swaminathan, T. Ramasami and A. Arunachalam.⁴¹

Imposition of President's Rule: On 30 January, the President dismissed the Government headed by Shrimati Janaki Ramachandran after the Union Cabinet considered the report of the Governor Shri S. L. Khurana about the break-down of constitutional machinery in the State which made it impossible to carry on the Government in accordance with the provisions of the Constitution.⁴²

Swearing in of Governor: On 17 February Shri P. C. Alexander was sworn in as Governor of Tamil Nadu in succession to Shri S. L. Khurana, who had completed his gubernatorial term.⁴³

TRIPURA

General election results: In the elections held on 2 February to elect 59 members of the 60-member state assembly CPI(M) secured 26 seats and its ally Revolutionary Socialist Party got 2 seats. The Congress(I) won 23 seats and its ally Tripura Upjati Juba Samiti got 7 seats. The result for one seat was countermanded.⁴⁴

New Ministry: A 16-member two-tier Congress(I)—Tripura Upjati Juva Samiti coalition Ministry, headed by Shri Sudhir Ranjan Majumdar of Congress(I) was sworn in by Governor Shri K. V. Krishna Rao. The Ministry consisted of six Cabinet Ministers apart from the Chief Minister and nine Ministers of State. The allocation of portfolios was as follows:

Cabinet Ministers:

Shri Sudhir Ranjan Majumdar: Chief Minister: *Finance, Power, Revenue, Political Affairs and Administrative Reforms*; Shri Samir Ranjan Bar-

40. *Times of India*, 21 February 1988.

41. *Indian Express*, 3 and 8 January 1988 and *Hindu*, 8 January 1988.

42. *Tribune*, *Hindustan Times* and *Indian Express*, 31 January 1988.

43. *The Times of India*, 4 February 1988, *Statesman* 5 February 1988 and *Indian Express*, 18 February 1988.

44. *Statesman*, 3 February 1988; and *Hindustan Times*, 5 February 1988

man: *Home, Law and Information*; Shri Kashiram Reang: *Health and Family Welfare*; Shri Birajeet Sinha: *Tribal Rehabilitation, Rural Development, Panchayat, Food and Civil Supplies*; Shri Nagendra Jamat: *Agriculture, Rubber and Jhumai Cultivation*; Shri Drau Kumar Reang: *Forests, Autonomous District Council and Tribal Welfare* and Shri Arun Kar: *Education and Labour*.

Ministers of State:

Shri Moti Lal Saha: *Food and Civil Supplies, Industries, Finance, Transport*; Shri Rabindra Dev Verma: *Power and Cooperation*; Shri Ratan Chakraborty: *Information, Cultural Affairs, Tourism, Youth Affairs, Parliamentary Affairs*; Shri Jawahar Saha: *Local Self Government, Local Rural Development, Panchayat, Home*; Shri Surojit Dutta: *Public Works, Jails, Relief and Rehabilitation*; Shri Billal Mian: *Agriculture, Fisheries, Animal Husbandry*; Shri Prakash Chandra Das: *Forest, Science, Technology and Environment, Tribal Welfare and Welfare of Scheduled Caste*; Shri Kalidasa Dutta: *Revenue, Law, Home*; Shrimati Biva Rani Nath: *Education, Women Welfare, Health and Family Welfare*.⁴⁵

Pro-tem Speaker: Shri Rashik Lal Roy of Congress(I) took oath as *pro-tem Speaker* of the State Assembly on 8 February. Later Mr. Jyotirmoy Nath was elected as the Speaker of the Assembly.⁴⁶

Election of Deputy Speaker: Shri Ratimohan Jamatia of Tripura Upjati Juba Samiti was elected Deputy Speaker of the State Assembly by securing 31 votes while Shri Nakul Das of CPI(M) could bag only 27 votes.⁴⁷

Death of MLA: CPI(M) member of the State Assembly Shri Abhiram Devbarman representing Simna constituency passed away on 29 March.⁴⁸

DEVELOPMENTS ABROAD

BANGLADESH

Resignations by Ministers: Health and Family Planning Minister Mr. Salauddin Quader Chowdhury and Information Minister Mr. Anwar Zahid resigned from the Cabinet on 21 January.⁴⁹

General election results: In the general elections held on 3 March for 300-seat Parliament, the ruling Jatiya Party won three-fourths of the seats. To be precise, it got 238 out of 279 seats, results of which have been declared. The Party won 18 seats without contest. Voting was countermanded in one seat after the killing of a candidate.

45. *Telegraph, Patriot and Free Press Journal*, 6 February 1988, *Telegraph*, 9 February 1988 and information received from Tripura Information Centre.

46. *Telegraph*, 9 February 1988 and information received from Tripura Information Centre.

47. *Telegraph*, 5 March 1988.

48. *Telegraph*, 30 March 1988.

49. *Statesman*, 22 January 1988.

The parliamentary elections were boycotted by the major Opposition alliances comprising 21 parties.⁵⁰

New Government: President General H.M. Ershad announced on 27 March a new 23-member Cabinet with Mr. Moudud Ahmed as Prime Minister. Two of the former Deputy Prime Ministers, Dr.M.A. Martin and Mr.Shah Mozzam retained their positions. Mr Kazi Safar Ahmed was made a third deputy Prime Minister. Foreign Minister Mr. Humayun Rasheed Chowdhary retained his portfolio.⁵¹

CYPRUS

New President: Communist-backed candidate Mr. George Vassilion won the Presidential election securing 51.63 per cent votes, defeating Mr. Lafcos, the conservative candidate Former President Mr. Spyros Kypriano was eliminated in the first round.⁵²

EL SALVADOR

General election results: The ruling Christian Democrats conceded defeat to the right-wing Opposition in the elections to the 60-seats National Assembly held this month. The final results were not available due to sabotage activities by guerillas.⁵³

FINLAND

New President: Mr. Mauno Koivisto, who was elected Head of the State by a 301-member Electoral College on 15 February, was sworn in as President for a six-year term. Mr. Koivisto had earlier failed to gain absolute majority of votes in the first round of two stage presidential election held on 31 January and 1 February.⁵⁴

HAITI

New President:Mr. Leslie Francois Manigat was sworn in as the new President on 7 February. He won 50.3 per cent of the total votes cast in the elections held on 17 January. He named Mr. Martial Caestlin as his Prime Minister.⁵⁵

50. *Hindu*, 3 March 1988; and *Telegraph*, 7 March 1988.

51. *Hindustan Times*, 28 March 1988.

52. *Indian Express*, 16 February 1988; and *Hindustan Times*, 21 February and 23 February 1988.

53. *Times of India* and *New York Times*, 22 March 1988.

54. *Hindu*, 2 March 1988.

55. *Statesman*, 26 January 1988; *Hindu*, 9 February 1988; and *Hindustan Times*, 11 February 1988.

INDONESIA

Re-election of President: President Dr. Suharto was re-elected by the People's Consultative Assembly by a consensus Vote for another five--year term on 10 March.

Cabinet reshuffle: On 21 March, Dr. Suharto announced a major reshuffle of his Cabinet. The Armed Forces Chief of Staff, General Benny Murdani was given charge of the Defence Ministry and former Army Chief, Mr. Rudini was given the Home Ministry. Mr. Mochtar Kusumaatmadja was dropped as Foreign Minister and replaced by country's permanent representative to the United Nations, Mr. Ali Alatas.⁵⁶

ISRAEL

Re-election of President: The Parliament (*Knesset*) elected Mr. Chaim Herzog to a second five--year term as the country's President.⁵⁷

ITALY

Resignation Ly Prime Minister: Prime Minister Mr. Giovanni Gorla tendered his resignation to the President on 12 March, following opposition to the construction of a nuclear plant near Rome. The President directed Mr. Ciriaco De Mita, Chairman of the Italian Christian Democrats to form a new Government.

Mr. De Mita won the vote of confidence in Senate by 177 votes to 106 on 23 April. Besides Christian Democrats, the coalition included the Socialists, Social Democrats, Republicans and Liberals.⁵⁸

KENYA

Parliament Dissolved: President Mr. Daniel Arap Moi dissolved the Parliament on 5 February paving the way for general and presidential elections on 21 March.⁵⁹

Appointment of Vice-President: President Mr. Daniel Arap Moi replaced Vice-President Mr. Mwai Kibaki with Mr. Jasphat Karanja on 24 March.⁶⁰

56. *Hindu*, 18 March 1988; *Hindu*, 23 March 1988.

57. *National Herald*, 25 February 1988.

58. *National Herald*, 13 March 1988; *Hindu*, 18 March 1988; *Times of India*, 24 April 1988 and information received from Italian Embassy.

59. *Times of India*, 7 February 1988.

60. *Indian Express*, 25 March 1988.

President sworn in: On 26 March President Mr. Daniel Arap Moi was sworn—in for a third five—year term.⁶¹

NEPAL

Cabinet reshuffle : Prime Minister Mr. Marich Man Shrestha inducted 21 new Ministers in his Cabinet on 9 March. The new Ministry included 14 Cabinet Ministers, 6 Ministers of State and 13 Assistant Ministers. Mr. Shailendra Kumar Upadhyaya retained his number two position in the Cabinet as Foreign Minister. However, the Land Reforms and Management portfolio has been taken away from him and given to a new Cabinet Minister, Mr. Padam Sunder Lavatim. Those dropped from the Cabinet were Mr. Hari Narayan Rajauriya, Mr. Bijaya Prakash Theben, Mr. Hem Bahadur Mall and Mr. Ganjeswari Prasad Singh. Ministers of State Mr. Prakash Bahadur Singh and Mr. Ramesh Nath Pandey were also dropped.⁶²

NICARAGUA

Lifting of Emergency : At the close of the two-day summit meeting of the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on 15 January at San Jose, Nicaraguan President Daniel Ortega announced lifting of emergency in his country.⁶³

PARAGUAY

Presidential election : General Alfredo Stroessner of the ruling Colorado Party, won the five-year term as President, for the eighth time getting 89 per cent of the vote in the elections.⁶⁴

PANAMA

New President: Education Minister Mr. Manual Solis was sworn in as the new Head of State replacing President Mr. Eric Arturo Delvalle on 26 February.⁶⁵

SOUTH KOREA

New Government : Mr. Roh Tae Woo, who was sworn in as President of South Korea on 25 February, appointed Mr. Hvon Jae Bee as Prime Minister on the same day.⁶⁶

61. *Hindustan Times*, 27 March 1988.

62. *Telegraph and Hindustan Times*, 10 March 1988.

63. *Statesman and Hindustan Times*, 18 January 1988.

64. *Times of India*, 16 February, 1988.

65. *Hindustan Times*, 27 February 1988.

66. *National Herald and Times of India*, 26 February 1988.

SRI LANKA

New Finance Minister : Mr. Naina Marrikkar was appointed as the new Finance Minister on 19 January after Mr. Ronnie De Mel had resigned a day earlier.⁶⁷

Extension of Emergency : On 21 January, Parliament extended the state of emergency in the country by 124 votes to 6.⁶⁸

SUDAN

Extension of Emergency : On 26 January, Sudan extended the state of emergency in the country by another six months.⁶⁹

SURINAM

Swearing in of new Government : Surinam returned to democracy on 25 January with the swearing in of Mr. Ramsewak Shankar as President and Mr. Henck Arron as Vice-President. This marked the end of eight years of military rule.

Mr. Shankar was unanimously chosen by the National Assembly to rule for a five-year term. The Assembly was elected in general elections on 25 November in Surinam's first poll in 10 years.⁷⁰

TAIWAN

Death of President : President Mr. Chiang Ching-Kuo passed away on 13 January at the age of 79. Vice-President Lee Tung-Hui was sworn in as President.⁷¹

UNITED KINGDOM

Resignation by Deputy Prime Minister : Lord Whitelaw resigned on 10 January as Deputy Prime Minister on health grounds.⁷²

Telecasting House of Commons proceedings : The House of Commons voted 318-264, a Conservative Party MP, Anthony Nelson's motion to televise its proceedings live to the nation. Despite a conservative whip to oppose the motion, 113 MPs of that party voted in favour of the

67. *Hindu*, 19 January 1988; and *Times of India*, 20 January 1988.

68. *Indian Express*, 22 January 1988.

69. *Times of India*, 28 January 1988.

70. *Indian Express*, 26 January 1988.

71. *Times of India*, 14 January 1988.

72. *Telegraph*, 11 January 1988.

motion. As per the motion, a Select Committee would be appointed to consider the implementation of such an experiment and to make recommendations.⁷³

USSR

New Deputy Prime Minister: The Shipbuilding Industry Minister Mr. Igor Belousev was promoted to the post of Deputy Prime Minister.⁷⁴

VIETNAM

Death of Prime Minister: Prime Minister Mr. Pham Hung died of a heart attack on 10 March. Mr. Vo Van Kiet was named as the acting Chairman of the Council of Ministers.⁷⁵

ZIMBABWE

New Cabinet : On 2 January, Executive President, Mr. Robert Mugabe announced a new Cabinet. Mr. Joshua Nkomo would co-ordinate the activities of several Ministries, particularly those in charge of Rural Development. While Mr. Nathan Shamuyarira was designated as new Foreign Minister, Mr. Maurica Nyagumbu was given the charge of Political Affairs and Mr. Bernard Chidzero of Finance, Economic Planning and Development.⁷⁶

73. *London Times*, 10 February 1988 and *Indian Express*, 11 February 1988.

74. *Statesman*, 19 February 1988.

75. *Indian Express*, 12 March 1988; and *Times of India*, 13 March 1988.

76. *Hindu*, 4 January 1988.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Constitution (Fifty-ninth Amendment) Bill, 1988, which *inter alia* seeks to invoke provisions of article 352 of the Constitution to declare a partial Emergency either in the whole of the State of Punjab or in particular districts of that State, in order to curb terrorist activities in the State, provides for the amendment of Articles 356(5), 352, 358 and 359. The Bill was passed by Rajya Sabha and Lok Sabha on 15 and 23 March 1988, respectively and received President's assent on 30 March 1988.

We reproduce here the text of the Act.

—Editor

THE CONSTITUTION (FIFTY-NINTH 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 (Fifty-ninth Amendment) Act, 1988.
2. *Amendment of article 356* : In article 356 of the Constitution, in clause (5), for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in this clause shall apply to the Proclamation issued under clause (1) on the 11th day of May, 1987 with respect to the State of Punjab.”;

3. *Insertion of new article 359A* : (1) After article 359 of the Constitution, the following article shall be inserted, namely:—

‘359A. *Application of this Part to the State of Punjab* : Notwithstanding anything in this Constitution, this Part shall, in relation to the State of Punjab, be subject to the following modifications, namely:—

(a) in article 352,—

(i) in clause (1),—

- (A) for the opening portion, the following shall be substituted, namely:—

“If the President is satisfied that a grave emergency exists whereby—

- (a) the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion; or
- (b) the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab,

he may, by Proclamation, make a declaration to that effect in respect of the whole of Punjab or of such part of the territory thereof as may be specified in the Proclamation”;

(B) in the Explanation,—

(1) after the words “armed rebellion”, the words “or that the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab,” shall be inserted;

(2) after the words “or rebellion”, the words “or disturbance” shall be inserted;

(ii) in clause (9), after the words “armed rebellion” at both the places where they occur, the words “or internal disturbance” shall be inserted;

(b) in article 358, in clause (1), after the words “or by external aggression”, the words “or by armed rebellion, or that the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab,” shall be inserted;

(c) In article 359, for the words and figures “articles 20 and 21”, at both the places where they occur, the word and figures 20” shall be substituted.’

(2) The amendment made to the Constitution by sub-section (1) shall cease to operate on the expiry of a period of two years from the commencement of this Act, except as respects things done or omitted to be done before such cesser.

SESSIONAL REVIEW

EIGHTH LOK SABHA

TENTH SESSION

The Tenth Session (Budget Session) of the Eighth Lok Sabha commenced on 22 February 1988. A brief resume of the important discussions held and other business transacted upto 31 March 1988 is given below:

A. DISCUSSIONS

President's Address: In his Address to the members of the two Houses assembled together on 22 February 1988, the President Shri R. Venkataraman, said that "our vision of India is a land where unity and integrity are invulnerable to external threats or internal weaknesses". The primary goal of the Government had been rapid amelioration of poverty and its eradication, the strategy, for which had been to combine direct intervention in favour of the poorer segments of society through asset-creation and employment-creation, anti-poverty programmes, with faster and more diversified growth, underpinned by a massive programme of quality education.

The President declared that there would be no compromise over the nation's integrity and unity. The Government were unflinching in their determination to root out communalism, fundamentalism and other fissiparous tendencies. The challenge of terrorism in Punjab and elsewhere was being met with a determined and concerted national effort. In the search for non-violent political solution of the problem within the framework of the Constitution, the Government were ready for a dialogue with all those who eschewed violence.

The President said that the Government were committed to the elimination of the consequences of centuries of ostracism, discrimination and oppression and for this purpose had reorganised the National Commission for Scheduled Castes and Scheduled Tribes, and strengthened the office of the Commissioner. The Government had reconstituted the National Committee on Women to review and advise on policies and programmes for women besides establishing a National Commission to look into the problems of women in the unorganised sector. The Government were determined to root out the evil practice of Sati and had the Commission of Sati (Prevention) Act 1987 enacted.

Outlining the future tasks in some priority areas, the President said that Government would bring a comprehensive Bill on industrial relations and a Bill for major changes in the Employees' Provident Fund Act to promote a participatory management culture in industry. It would also bring forward a National Housing Policy for providing dwellings for the unsheltered millions and would strengthen the machinery for redressal of public grievances.

Dealing with the economic situation, the President expressed satisfaction that India's economy had demonstrated its resilience in the face of widespread drought in most parts of the country and the floods in the eastern region. The performance of the industrial sector reflected the success of Government policies in stimulating investment and production and promoting technological upgradation. The public sector, which safeguarded the economic independence of India, was being given greater operational autonomy through Memoranda of Understanding.

On international affairs, the President observed that Government believed in the peaceful resolution of international disputes and would seek the enlargement of her friendship and cooperation with all countries. The conclusion of historic Indo-Sri Lanka Agreement in July 1987 would meet important security concerns of India and strengthen non-alignment in the region. The Government attached importance to building friendly relations with China. He affirmed India's continuing support to the efforts of the Secretary-General of United Nations in securing a political solution in Afghanistan. The Government of India maintained that there could be no solution which ignored the inalienable rights of the Palestinian people and they must have a State of their own in their homeland. On the Iran-Iraq war, he pointed out, the Government would continue to work with others, in the arduous search for peace. The moves in Fiji, to deprive people of their rights solely on a racial basis, had caused deep resentment and Fiji's constitutional arrangements must ensure fair and just representation in Parliament for all communities. He said that there had been substantial progress in India's bilateral relations with the United States of America, particularly in the technological and economic fields. In the last three years, India had enlarged and enriched the content of her relationship with Soviet Union.

Referring to India's relations with Pakistan, the President said that Government of India wanted to promote trust and friendship through greater interaction between the peoples of the two countries. Unfortunately, Pakistan was continuing its clandestine efforts to acquire nuclear weapons and assisting terrorist and secessionist elements in India. He hoped that reason and good sense would prevail and the Pakistan Government would make a fresh assessment of its policy towards India.

In conclusion, the President, affirmed that with the united endeavour, India would meet, with confidence, the challenges confronting the nation and accomplish the tasks that lay ahead.

The President's Address was discussed for six days i.e. on 24, 25, 26, 29 February and 1 and 2 March 1988 on a Motion of Thanks moved by Shri B.R. Bhagat. Initiating the discussion on 24 February Shri Bhagat observed that India would definitely succeed in her goals if the people of India showed firmness, unity and strength and do not go by sectarian interests. Shri Naresh Chandra Chaturvedi, who had seconded the Motion, said that on the basis of mutual cooperation with neighbouring countries, India could make further progress.

Participating in the resumed discussion on 25 February, Professor Madhu Dandavate suggested that budgetary process should be more accountable to the Parliament and no demand should go unscrutinised.

Taking part in the resumed discussion on 1 March, Shri Indrajit Gupta wanted the Government to take some new initiatives for resolving Punjab problem. Shri Dinesh Goswami urged the Government to bring laws for electoral reforms.

Winding up the discussion on 2 March, in which 53 other members* participated, Prime Minister Shri Rajiv Gandhi indicated that Government would give a new thrust and new impetus to agriculture. The Government were committed to the *Kisan* as the backbone of Indian economy and would galvanise rural community by placing the results of the best technology in the hands of the poorest farmer by providing subsidies where they were required to ensure inputs at reasonable costs.

Sharing the concern expressed by members on inflation, the Prime Minister said that Government had managed to keep inflation rate below 10 per cent and would continue to closely monitor the price index. Steps had also been taken to curb Government expenditure.

Dealing with the tasks facing the Government Shri Gandhi said that elimination of poverty was the over-riding priority and the key to poverty elimination

*Other members who took part in the discussion were: Saravashri Bhattam Sriramamurty, K.P. Singh Deo, K.V. Thomas, Amal Datta, Jagannath Rao, Virdhi Chander Jain, Somnath Rath, Shripati Mishra, Ram Narain Singh, Braja Mohan Mohanty, Umakant Mishra, A. Kalanidhi, Digvijaya Singh, Remeshwar Nikhara, R.L. Bhatia, Manoranjan Bhakta, Kadambar M.R. Janarthanan, Haroobhai Mehta, Charanjit Singh Walia, Kamla Prasad Singh, G.M. Banatwalla, Ram Swarup Ram, R. Jeevarathinam, Jagannath Choudhary, Ram Pyare Panika, Sharad Dighe, Nirmal Khatri, Ram Bhagat Paswan, Pratap Bhanu Sharma, Balwant Singh Ramoowalia, Kunwar Ram, Aziz Qureshi, Mewa Singh Gill, C.P. Thakur, Sriballav Panigrahi, Somnath Chatterjee, P.K. Thungon, V.S. Krishna Iyer, Bharat Singh, Ramashray Prasad Singh, Salahuddin, Shantaram Naik, A.J.V.B. Maheshwara Rao, Chowdhry Akhtar Hasan, Dr. G.S. Rajhans, Dr. Prabhat Kumar Mishra, Dr. Datta Samant, Professor Saif-ud-Din Soz, Shrimati Kishori Sinha, Shrimati Phulrenu Guha, Shrimati Vidyavati Chaturvedi and Shrimati Usha Thakkar.

was good education of the poorer sections of the society, the healthy growth of the economy and anti-poverty programmes. The education system had been improved to inculcate the right values. Upliftment of women was another area in which Government had passed a strong legislation to give women their rights.

On public sector, Shri Gandhi observed that the Government were committed to a strong public sector with much autonomy and would shortly present a white paper to Parliament.

Referring to Punjab, Shri Gandhi said that the menace of terrorism could not be left unchecked and Government would carry on with firm, tough police action, as unity and integrity of the country demanded 'nothing less'.

Referring to international relations, the Prime Minister welcomed CPSU General Secretary Gorbachev's initiative to withdraw Soviet troops in Afghanistan. He expressed the hope that there will be opportunities soon for wide-ranging consultations between India and Pakistan for evolving a solution to Afghan problem.

Dealing with ethnic issue in Sri Lanka, the Prime Minister stated that a significant forward movement had taken place in recent days on the implementation of the Indo-Sri Lanka agreement, which secured justice for the Tamil unity and integrity of Sri Lanka besides India's security interests and non-alignment in the region.

The motion was adopted.

Presidential Proclamation in Tamil Nadu: On 23 February the Minister of Home Affairs, Sardar Buta Singh moved a Statutory Resolution for approval of the Presidential Proclamation issued on 30 January under article 356 of the Constitution in relation to the state of Tamil Nadu. He noted that the Governor of Tamil Nadu had reported that the manner in which voting was conducted by AIADMK Party in the Tamil Nadu Assembly on 28 January cast serious doubts about that party's claim for having been able to win the vote of confidence as only 110 members out of 222 were present in the House. The atmosphere had been fully vitiated and there was a political deadlock in the State.

Participating in the discussion, Shri P. Kolandaivelu called for early elections in the State.

Replying to the discussion in which 10 other members* participated, the Home Minister recalled the sequence of events in Tamil Nadu Assembly on 28

*Other members who took part in the discussion were: Sarvashri E. Ayyapu Reddy, P.R. Kumaramangalam, Thampan Thomas, Sharad Dighe, C.K. Kuppuswamy, N.V.N. Somu, R. Jeevarathinam, Suresh Kurup, N. Sundararaj and Dr.V. Rajeshwaran.

January 1988. Even half of the House was not present when the "Motion of Confidence" was adopted. In such a situation, he added, the Governor of Tamil Nadu had rightly come to the conclusion that there was breakdown of the Constitution in the State and he had discharged his functions strictly according to the provisions of article 356 of the Constitution.

The Statutory Resolution was adopted.

Railway Budget: Presenting the Railway Budget for 1988-89 on 24 February 1988, the Minister of State in the Ministry of Railways, Shri Madhavrao Scindia informed the House that in freight performance, the Indian Railway was poised, for the third year in succession, to surpass its annual targets. The net Tonne Kilometres per Wagon per Day which had increased to 1,296 (B.G.) in 1985-86, had touched a new height of 1,420 in 1986-87 which was an improvement of 10 per cent. The financial performance had also kept pace with that of freight. After paying full dividend to General Revenues, the Railways ended with a surplus of Rs. 101.99 crores in 1986-87. He added that in spite of the rise in costs due to post-budgetary factors, the surplus in 1987-88 was likely to be maintained at Rs. 69 crores, as originally assessed.

The Minister said that the gross traffic receipts for 1988-1989 at existing level of fares and freight were estimated at Rs. 8,771 crores and the total working expenses including contribution to Depreciation Reserve Fund and to Pension Fund were estimated at Rs. 8,725 crores, leaving a net traffic receipts at Rs. 46 crores. Adding Rs. 96 crores from Miscellaneous Receipts, the net revenue would rise to Rs. 142 crores which would be insufficient to meet the dividend liability of Rs. 736 crores. Some adjustment proposed in fare and freight rates would yield an additional revenue of Rs. 622 crores. After fully discharging the dividend obligation of Rs. 736 crores, the Budget was expected to end with a surplus of Rs. 28 crores.

The Railway Budget was discussed in the House on 8, 9, 10, 11 and 14 March. Initiating the discussion on 8 March Shri D.N. Reddy asked the Government to make determined efforts to check wastage and extravagance in the Railways and withdraw hike in the rate of platform and season tickets. Shri Basudeb Acharia urged that more funds should be allocated by Planning Commission for the construction of railway lines and for the completion of on-going projects.

Participating in the resumed discussion on 10 March, Shri Dinesh Goswami pleaded for construction of a broad gauge line upto Dibrugarh and demanded introduction of computerised reservation system in all major cities of the country.

Intervening in the discussion, the Deputy Minister in the Ministry of Railways, Shri Mahabir Prasad, contended that Railway Budget was not discrimi-

natory. National unity and integrity had been kept in mind while preparing the budget. In regard to electrification of tracks, Railways had achieved more than the target during the current plan. In the case of renewal of tracks, he expressed the hope that the target of 19,000 kms for the Seventh Five Year Plan would also be accomplished.

Winding up the discussion, in which 94 other members* participated, the Minister of State of the Ministry of Railways, Shri Madhavrao Scindia, told the Lok Sabha on 14 March that while Railway budget safeguarded the interests of both the passenger movement as well as freight movement, need for additional passenger services to meet the increasing demand have not been ignored. The government had tried to keep the burden of rising tariffs to the minimum and also safeguarded the interests of the system and ensured its viability through modernisation. The Government proposed to appoint a high level tariff committee during 1988-89 for a comprehensive review of railway costing and railway pricing.

Shri Scindia stated that the budget document had taken into account both the short-term and long-term interests of the users. It was proposed that 50 more halt stations in the rural areas would be opened and a Directorate of Passenger Amenities would be set up in the Railways to ensure effective implementation of policy guidelines in this regard. In pursuance of the Prime Minister's directive, special importance would be given to the interests of North-East and scheduled and tribal areas. Referring to track renewal pro-

*Other members who took part in the discussion were: Sarvaswari Virdhi Chander Jain, K.V. Thomas, Arvind Tulshi Kamble, N. Dennis, V.S. Krishna Iyer, D.K. Naikar, Kadambur M.R. Janarthanan, Ajay Mushran, Mohd. Ayub Khan, V.N. Somu, Lachchi Ram, Krupeshindhu Bhol, Narayan Choubey, Janak Raj Gupta, Lal Vijay Pratap Singh, K.Mohan Das, Rameshwar Nikhara, Ram Bhagat Paswan, Balwant Singh Ramoowalia, Mohd. Mahfooz Ali Khan, Banwari Lal Purohit, Kammodilal Jatav, Saif-ud-Din Soz, Jai Prakash Agarwal, Gopeshwar, Somnath Rath, Chandra Kishore Pathak, Vijay Kumar Mishra, R.P. Suman, Nandlal Chaudhary, Balasaheb Vikhe Patil, Hafiz Mohd. Siddiq, P. Appalanarasimham, K.N. Pradhan, Ram Pyare Panika, Mahabir Prasad, Sharad Dighe, Jagannath Patnaik, G.S. Basavaraju, Ananda Pathak, Kamla Prasad Singh, Shaminder Singh, Nirmal Khatri, Sultan Salahuddin Owaisi, Kailash Yadav, Mullanpally Ramachandran, Santosh Kumar Singh, R. Jeevarathinam, Shiv Prasad Sahu, Chandra Shekhar Tripathi, Uttam Rathod, Nihal Singh, Arvind Netam, Wangpha Lowang, Sriballav Panigrahi, K.S. Rao, Ram Singh Yadav, Srikantha Datta, Narasimharaja Wadiyar, Golam Yazdani, Raj Kumar Rai, Dal Chander Jain, A.J.V.B. Maheshwara Rao, Chiranji Lal Sharma, R.S. Mane, Jagdish Awasthi, Palas Barman, Shanti Dhariwal, Manikrao Hodlya Gavit, Ataur Rahman, Prabhat Kumar Mishra, Manoj Pandey, Chowdhry Akhtar Hasan, V.Venkatesh, V. Sreenivasa Prasad, Tapeshwar Singh, Mahabir Prasad Yadav, E.S.M. Pakeer Mohamed, V. Krishna Rao, Ram Nagina Mishra, Manvendra Singh, Kumari Mamata Banerjee, Shrimati Prabhawati Gupta, Dr. (Shrimati) Phulrenu Guha, Shrimati Madhuri Singh, Shrimati Kesharabai Kshirsagar, Shrimati Chandra Bhanu Devi, Shrimati Dil Kumari Bhandari, Shrimati Usha Choudhary, Shrimati Basavarajeswari, Professor (Shrimati) Nirmala Kumari Shaktawat, Professor Narain Chand Parashar, Professor N.G. Ranga, Dr. G.S. Rajhans and Dr. Datta Samant.

gramme Shri Scindia clarified that Government's intention was to wipe out the entire backlog which stood at about 21,000 kilometers in the beginning of the Seventh Plan.

Firing of 'Prithvi', surface-to-surface missile: Making a statement on 25 February the Prime Minister Shri Rajiv Gandhi informed the House that India's first ever test firing of "Prithvi", tactical, surface-to-surface missile took place at 11.23 a.m. that day. The missile was based totally on indigenous design and development efforts of the Defence Research and Development Organisation. India, he added, has joined the select group of four nations which had developed the class of surface-to-surface missile. "Prithvi", he added, has a range capability of 250 km with different types of large payload warheads which would inflict heavy damage on adversary targets. The Prime Minister termed it as an important technological achievement of Indian scientists and technologists and a notable milestone to achieve self-reliance in areas of high technology and of considerable significance to the defence preparedness.

Extension of time for the Joint Committee to enquire into Bofors contract: On 26 February the Chairman of Joint Committee, to enquire into Bofors contract Shri B. Shankaranand, moved a motion that the time for presentation of the report of the Committee be further extended upto the last working day of April 1988.

Opposing the motion for extension of time, Shri Indrajit Gupta asked the Committee to immediately submit a report on the basis of evidence collected so far. Professor Madhu Dandavate was of the view that even with the best of intentions, the Committee would not be able to find out the truth. He suggested that the committee should be wound up. Shri Dinesh Goswami desired that Prime Minister and the two former Defence Ministers should be examined by the Committee.

In a brief intervention, the Minister of Defence, Shri K.C. Pant, clarified that there was no linkage between the Prime Minister's visit to Sweden and the closure of the enquiry by the Swedish Public Prosecutor. The Prime Minister's visit to Sweden, he added, was in connection with the meeting of the six leaders, who had been working for peace and had been acting in the whole process, which had led to the signing of INF Treaty between USA and USSR.

Replying to the discussion in which 9 other members* participated, Shri B. Shankaranand informed the House that the Committee had so far held 38

*Other members who took part in the discussion were: Sarvashri Suresh Kurup, Saifuddin Chowdhary, Amal Datta, V. Kishore Chandra S. Deo, Arif Mohammed Khan, E. Ayyapu Reddy, Balwant Singh Ramoowalia, Ram Narain Singh and Dr. Datta Samant.

sittings and had recorded evidence of 13 persons. He gave an assurance that the Committee would take into consideration the names of witness suggested by members and would call all the people considered necessary.

The motion was then adopted.

General Budget: Presenting the General Budget for the year 1988-89 on 29 February the Minister of Finance, Shri Narayan Datt Tiwari said that though economic performance and management during the year had been dominated by natural calamities like drought and floods, the economy had demonstrated 'remarkable resilience'. The Budget, he stated, had been designed to boost agriculture, help the poor and generate more employment, investment and growth. Towards that objective, he announced a number of proposals, reliefs and concessions in the Budget, which *inter alia* included setting up of a separate National Agricultural Credit Relief Fund to provide relief on a systematic basis to farmers, launching of rural electrification programme called 'JALDHARA', a massive programme called 'KUTIRJYOTI' for extending single point light connections to households of rural families below poverty line, setting up of National Scheduled Castes and Scheduled Tribes Finance and Development Corporation for employment generation, initiation of a project for one million wells under the National Rural Employment Programme and Rural Landless Employment Guarantee Programme. Besides these, he proposed a package of measures to benefit handloom sector, to boost small savings collections, and investment in new industries and generate more employment and economic activity.

The Budget provided the estimated total receipts of Rs. 41,985 crores at the existing rates of taxation for 1988-89. Taking into consideration the variations in other receipts and expenditure, Budget deficit at the existing rate of taxation was estimated at Rs. 8,120 crores. Taking into account the additional yield from the modifications proposed in direct and indirect taxes and the revision announced in postal tariffs, the year-end deficit for 1988-89 was estimated at Rs. 7484 crores. The Minister reiterated Government's determination to closely monitor expenditure, maximise collection of revenues and contain the budgetary deficit.

The general discussion on the Budget was held on 14, 15, 16, 17 and 18 March 1988. Initiating the discussion, on 14 March, Shri C. Madhav Reddy welcomed the concessions given to the small scale and some other industries and asked the Government to ensure that the benefits were passed on to the consumers.

Intervening in the discussion on 16 March, the Minister of State in the Department of Expenditure in the Ministry of Finance, Shri B.K. Gadhvi assured the House that the Government would contain expenditure, deficit

and inflation. Dealing with the observation of members that States would not be getting their share from the Small Savings Certificates, Shri Gadhvi made it clear that the States were going to get their share even on Indira Vikas Patras, Kisan Vikas Patras and on small savings.

Participating in the resumed discussion on 17 March, Shri Indrajit Gupta suggested that the Government should ensure that the money allocated for defence was cost effective and was properly accounted for.

In a brief intervention, the Minister of State in the Department of Revenue in the Ministry of Finance, Shri A.K. Panja, informed the House that Government would not only get hold of tax evaders, but were going to change the entire evaluation system and expand the tax base. A system was being evolved by which people would come forward to pay the taxes on their own. Refuting the charge that the private corporate sector had not been taxed, Shri Panja pointed out that the corporate tax which was Rs. 1,377 crores in 1980-81 would go up to Rs. 4099 crores in 1988-89. As regards the suggestion for taxing the rich farmers, the Minister said that taxation of agricultural sector was in the State List and no income tax as such was chargeable on agriculture farmers and others.

Replying to the discussion on 18 March, in which 66 other members* participated, the Minister of Finance and Minister of Commerce, Shri Narayan Datt Tiwari, said that the objectives of the Budget reflected the consensus of the House and the objectives of the Seventh Five Year Plan and that it showed a direction towards the type of socialist programmes that India should have. He maintained that all proposals in the budget were productivity-oriented and anti-inflationary.

Referring to the deficit financing and inflation, Shri Tiwari observed that except in socialist countries which had a different type of budgeting, deficits

*Other members who took part in the discussion were: Sarvashri B.R. Bhagat, Vijay N. Patil, Somnath Chatterjee, Manoj Pandey, Banwari Lal Purohit, Vilas Muttemwar, Mukul Wasnik, M.Y. Ghorpade, Surendra Pal Singh, Satyendra Narayan Sinha, Ram Samujhawan, T. Basheer, Gopeshwar, Ram Singh Yadav, D.P. Yadav, Somnath Rath, Kamla Prasad Singh, Madan Pandey, Ram Nagina Mishra, H.M. Patel, Ram Pyare Panika, Jujhar Singh, P. Kolandaivelu, Chandulal Chandrakar, Muhiram Saikia, Lakshman Mallick, Ganga Ram, Ram Narain Singh, Umakant Mishra, A. Charles, B.B. Ramaiah, Tarun Kanti Ghosh, K.N. Pradhan, V.S. Vijayaraghavan, Lal Vijay Pratap Singh, R. Jeevarathinam, Ramdeo Rai, Bhishma Deo Dube, Digvijay Singh, K. Mohandas, Ashkaran Sankhwar, Zainul Basher, Charanjit Singh Walia, Jagdish Awasthi, S.B. Sidnal, A. Kalanidhi, Mohd. Ayub Khan, Saif-ud-Din Soz, Bipin Pal Das, Balwant Singh Ramoowalia, K.P. Singh Deo, Kali Prasad Pandey, Ashok Shankarrao Chavan, Jai Prakash Agarwal, Ajay Mushran, C. Janga Reddy, Professor Narain Chand Parashar, Professor N.G. Ranga, Shrimati Basavarajeshwari, Professor (Shrimati) Nirmala Kumari Shaktawat, Shrimati Usha Rani Tomar, Shrimati Jayanti Patnaik, Shrimati Patel Ramaben Ramjibhai Mavani, Shrimati Usha Thakkar, Shrimati D.K. Bhandari and Dr. (Shrimati) Phulrenu Guha.

were a common pattern in most developed or developing countries of the world. He assured the House that Government would monitor expenditure to the limits provided in the Budget. The present inflationary impact of 9.8 per cent, he added, was due to unprecedented drought and shortfall in agricultural production. The rate of inflation had been relatively low as compared to earlier drought year, he added.

Dealing with Action Plan, Shri Tiwari said that it was oriented towards productivity in Agriculture and with a view to meeting the production target of 175 million tonnes, it was proposed to instal six lakh shallow tubewells in the plains and delta regions of the eastern States and Andhra Pradesh. On industrial sickness, Shri Tiwari informed the House that most of the measures proposed in the Budget, namely reduction in excise duties and indirect taxes were meant to revive the sick industries. As regards transfer of resources to States, Shri Tiwari indicated that about 40 per cent of the new resources had gone to the State during the current year.

All the Demands for Grants on Account (General) for 1988-89 were voted in full.

Punjab situation: Making a statement on 7 March 1988, 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 the Governor of Punjab had observed that there were numerous reports that many members of legislature not only attempted to interfere, influence and prevent the police action but were also threatening police officers with dire consequences if they failed to obey their commands. The Governor, in his report, had stated that such threats and interferences affected the tempo of police work and had adversely affected action against terrorists, smugglers and other criminals. Citing the incident of Sahari Village of Hoshiarpur District on 3 March 1988, where the terrorists had attempted to separate the members of the Sikh community with a view to kill the other members of the congregation showed the extent to which the terrorists were determined to go. The incident was all the more reprehensible, because it took place on the day the Government set in motion the process of finding a solution to the Punjab problem, by releasing the five high priests and 40 undertrials from Jodhpur prison.

Shri Chidambaram stated that the Governor of Punjab had assessed that there was no likelihood of the emergence on any effective, stable or responsible Government committed to the cause of removing terrorism out of the present Legislative Assembly and further continuance of the Assembly would, therefore, be both purposeless and futile. He had, therefore, recommended dissolution of the Punjab State Legislative Assembly with immediate effect. The President had accordingly, issued order under article 174(2) (b) dissolving the Punjab Legislative Assembly.

Shri Chidambaram informed the House that the Government, besides introducing Constitution Amendment Bill to facilitate extension of President's rule in Punjab as and when necessary, would bring forward an amendment to the Constitution providing emergency provisions in its application to Punjab.

The House immediately took up discussion on the statement of the Minister. Initiating the discussion, Shri Indrajit Gupta expressed the view that had the Government sealed the border, the continuous replenishment of latest and deadly arms would have been prevented.

Replying to the discussion in which 12 other members* participated, Shri Chidambaram stated at the outset that Government had no intention to bypass Parliament but administrative decisions leading to political solution had to be taken immediately and Government took the first opportunity to come before Parliament with all the facts.

The Minister informed the House that out of 1592 persons arrested immediately after the Blue Star Operation in Punjab in 1984, 1159 were released by the Army and 51 more were released after an enquiry by Central Bureau of Investigation. Out of 366 persons in Jodhpur prison, Government had decided to withdraw cases against 45. The release of high priests, he added, would create a favourable climate.

Shri Chidambaram contended that the time was not opportune to hold elections in Punjab. The Government, he reiterated, would come forward with a Bill to amend the Constitution to continue the President's rule, if necessary. He expressed the hope that during President's rule, the Government would be able to stamp out terrorism and find out a political solution and bring about peace in Punjab.

Iran-Iraq War Safety of Indian Nationals in Teheran: Making a statement on 8 March 1988, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh informed the House that recent escalation of the tragic war between Iran and Iraq through missile attacks on each other's cities had resulted in civilian casualties on both sides. Fortunately, Indian National in both the countries had escaped the ferocity of these attacks. The Minister added that Government of India had persistently called for an end to this tragic conflict and urged restraint on both sides. The Government also welcomed the Security Council Resolution to bring about a peaceful settlement of the conflict and the efforts of the UN Secretary-General to bring about its early implementations. Meanwhile, in view of the danger to the families of India-based staff of our Embassy in Teheran, arrangements were in hand for their evacuation by special flight. The security and welfare of the families of the

* Other members who took part in the discussion were: Sarvashri Jagan Nath Kaushal, K. Ramachandra Reddy, R.L.Bhatia, Saifuddin Chowdhary, Balwant Singh Ramoowalia, Haroobhai Mehta, Syed Shahabuddin, P.J.Kurien, Ghulam Nabi Azad, Piyus Tiraky, Professor Narain Chand Parashar and Professor Saif-ud-Din Soz.

India-based Embassy staff in Baghdad, he added, was also constantly under review.

Hike in administered prices of various essential commodities: Raising a discussion on 8 March 1988 Professor Madhu Dandavate pointed out that resources generated to the extent of Rs. 2,769 crores in the financial year 1988-89 through increase in administrative prices of commodities like petrol, coal, steel, edible oils, sugar, etc. outside the jurisdiction of the Budget had a direct impact on the inflationary pressure on the economy. He suggested that the Government should take steps to shed unproductive expenditure, augment the public sector surpluses, curb black money, reduce cost of industrial and agricultural production and stop export of sugar, vegetables, etc.

Participating in the discussion, Shri C. Madhav Reddy asserted that administered prices should not be increased arbitrarily and called for fixing some norms for it.

Replying to the discussion on 9 March, in which 6 other members* participated, the Minister of State in the Department of Economic Affairs in the Ministry of Finance, Shri Eduardo Faleiro observed that there was no question of administrative prices getting part in the Budget since the purpose of the Budget was entirely different from the purpose of administered prices. The hike in administrative prices, he contended, was resorted to not for raising resources for the plan, but to make the Public enterprises self-sufficient and 'commercially viable'. Defending the increase, the Minister stated that increase in steel prices was not extraordinary in the context of the present situation. In the case of sugar, minimum statutory price had to be raised to protect the farmers. The petrol price, he added, had been raised to reduce its consumption. Petroleum products like cooking gas and Kerosene would continue to be provided at subsidised rates so that common man would not suffer. Shri Faleiro observed that the main reason for inflation had been the unprecedented and widespread drought during the last two years covering 21 regions in the country. He contended that due to various measures taken by the Government, the inflation had not gone beyond reasonable limits.

Recent Developments in Sri Lanka: Making a statement on 17 March 1988, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh informed the House that the Sri Lankan Parliament enacted the 13th Amendment to the constitution and adopted a Provincial Councils Act between November 1987 and January 1988. Apart from providing for the creation of provincial councils, it provided for an elected Provincial Government headed by a Chief Minister. Each Province would have its own High Court and a Provincial Civil Service.

* Other members who took part in the discussion were: Sarvashri P.R. Kumaramangalam, Sharad Dighe, Amal Datta, Murli Deora, B.R. Bhagat and Vijoy Kumar Yadav

The Minister stated that although some of the more specific Tamil demands have not been met, yet the devolution package provided for in the new constitutional arrangements, was far better than anything offered to the Sri Lankan Tamils by the Government of Sri Lanka in previous arrangements which were made but not implemented over the last 40 years. The present arrangements were guaranteed by a bilateral agreement between the Governments of Sri Lanka and India. The autonomy and devolution offered in the package had for the first time been enshrined in the Sri Lankan Constitution by a formal constitutional amendment and consequent legislation.

The Minister further stated that during the visit of President of Sri Lanka and his delegation to New Delhi in January 1988, the Government of India had conveyed to them Tamil concerns about charges of fresh colonisation by Sinhalese in the Eastern Province, need to further improve the devolution package, to expedite the return of refugees and early restoration of political processes in the Northern and Eastern Provinces so that aspirations of Tamils could find democratic expression. President Jayawardene on his part had assured that once the new provincial councils came into being, improvements in the devolution package could be forged and implemented. This could be carried out through the new institutional process envisaged in the 13th amendment to the Sri Lankan Constitution and the Provincial Councils' Act passed by the Sri Lankan Parliament.

Referring to the continued violence in Sri Lanka, the Minister said that the unilateral 48-hour ceasefire announced by the Government of India on 20 November 1987 to enable the LTTE to give up violence and join the political process had been of no avail. The violence of LTTE against the IPKF and peaceful and innocent Tamils continued unabated. The LTTE also indulged in a systematic decimation of those Tamil civilians in the Northern and Eastern Provinces who refused to tow their line. The Minister stated that statements made by LTTE regarding their willingness to lay down arms and acceptance of the Indo-Sri Lanka Accord were invariably found to be misleading. In view of the inflexible position, it had not been possible to make any progress. The IPKF would continue in its gallant task of preventing the agreement from being disrupted.

Launching of Remote Sensing Satellite I-A: Making a statement on 17 March 1988, Prime Minister, Shri Rajiv Gandhi informed the House that India's first Indigenous Remote Sensing Satellite (IRS-I-A) was successfully launched that day from Baikonur Cosmodrome in the Soviet Union. The satellite, he added, was being controlled from the main Spacecraft Control Centre at Bangalore. ISRO ground stations at Lucknow and Mauritius have also been used in the mission. In addition, at the initial stages of the mission, ground stations of foreign space agencies located in Kenya, the United States and the Federal Republic of Germany would be assisting in monitoring the progress of the satellite.

Terming the successful launch of IRS-IA as a 'major milestone in India's remote sensing programme', Shri Gandhi affirmed that India has become the fifth nation in the world—after USA, USSR, France and Japan - to have accomplished the remote sensing of the earth's resources from space.

B. LEGISLATIVE BUSINESS

*Delhi Municipal Corporation (Amendment) Bill, 1988**; and *Delhi Administration (Amendment) Bill, 1988** On 22 March 1988, moving that the Bills further to amend the Delhi Municipal Corporation Act, 1957 and Delhi Administration Act, 1966, postponing elections to the Delhi Municipal Corporation and the Delhi Metropolitan Council, as passed by the Rajya Sabha, be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri Chintamani Panigrahi said that the question of re-organising the administrative set-up in the Union Territory of Delhi with a view to avoid multiplicity of authorities, was engaging the attention of the Government for a long time. The Government, therefore, had appointed a High Power Committee in December 1987 under the Chairmanship of Justice R.S. Sarkaria to look into various issues connected with the Union Territory of Delhi. The Committee would submit its report within a period of six months. Shri Panigrahi stated that two Ordinances already promulgated for the purpose, would be replaced by Acts after the proposed Bills before the House were passed.

Earlier, moving a Statutory Resolution regarding disapproval of the Delhi Municipal Corporation (Second Amendment) Ordinance, 1987 as well as Delhi Administration (Amendment) Ordinance, 1987 Shri C. Janga Reddy alleged that the Government had postponed elections to the local bodies due to political reasons. He felt that the difficulties being faced by people of Delhi on account of multiplicity of authorities could be removed by giving Delhi the status of Legislative Assembly.

Winding up the combined discussion in which 11 other members** participated, Shri Panigrahi reiterated that functioning of several authorities - all the Union Ministries, Delhi Development Authority, Delhi Administration, etc. in the Union Territory of Delhi for managing different affairs of the Union Territory were posing a serious problem for the administration of Delhi. The Government had, therefore, appointed the Sarkaria Commission to look into them and find a way out.

The Resolutions were negatived and the Bills were passed.

* The Bills had been passed by the Rajya Sabha on 22 March 1988.

** Other members who took part in the discussion were: Sarvashri V. Sobhanadreeswara Rao, Jai Prakash Agarwal, Saifuddin Chowdhary, Ram Bahadur Singh, Bharat Singh, Narayan Choubey, Balwant Singh Ramoowalia, Harish Rawat, Zainul Basher, Shrimati Sunderwati Nawal Prabhakar and Dr. G.S. Rajhans.

*Constitution (Fifty-ninth Amendment) Bill, 1988**; On 22 March 1988, moving that the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration, the Minister of Home Affairs, Sardar Buta Singh said that in view of the continued disturbed situation in Punjab, escalation in the activities of terrorists and anti-national forces resulting in the death of innocent men, women and children, the continuance of the President's Proclamation beyond the period of one year, *i.e.* 10 May 1988 would be necessary in Punjab. Article 356 (5) of the Constitution was, therefore, proposed to be amended so as to facilitate the extension of the said Proclamation, if necessary, up to a period of three years as permissible under clause (4) of that Article.

The Minister stated that articles 358 and 359 were also proposed to be amended so as to provide for the automatic suspension of article 19 of the Constitution and the issuing of an order by the President suspending the operation of any of the other provisions contained in Part III (except Article 20) under Article 359, if and when a Proclamation of Emergency on the ground of internal disturbance threatening the integrity of India was issued in relation to the State of Punjab. As the proposed amendments were only for the purpose of curbing the terrorist activities in the State of Punjab more effectively, the powers that would be conferred by the amendments would not be resorted to for any period beyond what was absolutely necessary for achieving the afore-said object.

Participating in the resumed discussion on 23 March, Professor Madhu Dandavate felt that the measure of bringing emergency in the country and Punjab was not necessary. Shri Indrajit Gupta was of the view that Government had already got enough powers but they had not been able to use those powers properly. Shri Dinesh Goswami said that the Bill was contrary to the solemn assurance of not proclaiming Emergency, given by the Government, in Parliament in 1977

Intervening in the discussion, 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, at the outset, gave an assurance that Government did not have any intention to extend the Emergency provisions under the Bill to any part of India other than the State of Punjab.

Dealing with the question of legislative competence, Shri Chidambaram said that under article 368, Parliament had the constitutional power to amend every part of the Constitution and the Government was doing nothing which would affect the basic features of the Constitution. The partial Emergency, he^{*} contended, did not violate the federal character of the Constitution.

*The Bill had been passed by the Rajya Sabha on 23 March, 1988.

Replying to the discussion, in which 28 other members* participated, the Minister of Home Affairs reiterated that the provisions of the Bill would be applied to Punjab only, if a need arose for their application.

The motion was adopted 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 Bill was passed by the requisite majority in accordance with the provisions of article 368 of the Constitution.

C. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Sarvashri A.G. Subburaman, Sarat Kumar Deb, A.R. Murugaiah, Madhusudan Vairale and Choudhary Rahim Khan, all sitting members of Lok Sabha, Shri Vasudeva Panicker - sitting member of Rajya Sabha, Sarvashri Sufi Mohammad Akber, David Munzni, Sonu Bhau Baswant, P. Ramamurti, S.M. Banerjee, Hargovind Verma, Shyamaprasanna Bhattacharya, Ramavatar Shastri, C.D. Pande, Upendranath Barman, Karpoori Thakur, Raghubir Sahai, Mohammad Shaffee Choudhuri, Harish Chandra Sharma, Pitamber Sinha, Jai Singh, Sardar Iqbal Singh, Choudhary Bhimappa Ellappa, Choudhary Raghubir Singh, Dr. D. Ramachander and Shrimati Indra Kumari, all ex-members, Frontier Gandhi Khan Abdul Ghaffar Khan, member Constituent Assembly, Shri Ram Sahai, member Constituent Assembly and Shri M.G. Ramachandran, Chief Minister of Tamil Nadu. Members stood in silence for a short while as a mark of respect to the deceased.

RAJYA SABHA

HUNDRED AND FORTY-FIFTH SESSION*

The Rajya Sabha met for its Hundred and Forty-Fifth Session on 22 February 1988 and was adjourned *sine die* on 30 March 1988. A resume of some of

* Other members who took part in the discussion were: Sarvashri R.L. Bhatia, Nirmal Khatri, Dileep Singh Bhuria, Mohd. Ayub Khan, Banwari Lal Purohit, Sunder Singh, C.K. Kuppuswamy, Mukul Wasnik, K.D. Sultanpuri, R.S. Sparrow, E. Ayyapu Reddi, G.S. Dhillon, Somnath Chatterjee, Tarun Kanti Ghosh, Jagannath Kaushal, Ram Narain Singh, Charanjit Singh Athwal, Kamal Chaudhry, Balwant Singh Ramoowalia, Piyus Tiraky, C. Janga Reddy, Amar Roypradhan, N.V.N. Somu, Mewa Singh Gill, Chaudhary Ram Prakash, Shrimati Vidyavati Chaturvedi, Shrimati D.K. Bhandari and Dr. Datta Samant.

the important discussions held and other business transacted during the Session is given below.

A. DISCUSSIONS

Motion of thanks on the President's Address: Moving the Motion of Thanks on President's Address on 24 February 1988, Shri A.G. Kulkarni noted that the content of the Presidential Address which usually took a quick review of the performance of the previous year by the Government and chalked out a legislative programme for the current year and the current session, had this time, fixed its sight on the twenty-first century. It wanted to find out solutions to the problems of this country through the application of science and technology.

Making a mention of the drought situation in the country, Shri Kulkarni said that it was a matter of serious concern that on account of continuous drought and other factors, growth in agricultural production had not been upto the mark during the last six years. Low yield and high cost cultivation had caused resentment among the farming community throughout the country. Since one third area of the country was producing 60 per cent, while two third area was producing only 40 per cent of the foodgrains, he urged the Government to take effective steps to rectify the imbalance.

Regarding public sector Shri Kulkarni felt that it had made progress. The criticism by the private sector and the elitist people that the investment in the public sector was a waste, was not only ridiculous but also anti-national. With an investment of approximately Rs. 60,000 crores in the public sector, India had built up a tremendous infrastructure which was being used by the private sector. He however, laid more emphasis on efficiency by the public sector.

Replying to the debate** on 2 March 1988, Prime Minister, Shri Rajiv Gandhi,

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

** Other members who took part in the discussion were: Sarvashri Mirza Irshadbaig, M.A. baby, N.E. Balaram, Chitta Basu, M.S. Gurupadaswamy, B. Satyanarayan Reddy, Samar Mukherjee, Anand Sharma, Parvathaneni Upendra, S.C. Jamir, Kalpnath Rai, P. Babul Reddy, Darbara Singh, M. Vincent, Bir Bhadra Pratap Singh, Satya Prakash Malaviya, Rameshwar Thakur, Virendra Verma, V. Narayanasamy, Ram Chandra Vikal, Pawan Kumar Bansal, Jaswant Singh, Madan Bhatia, Vithalrao Madhavrao Jadhav, V. Gopal-samy, Deba Prasad Ray, G. Swaminathan, Ghan Shayam Singh Kapil Verma, Aladi Aruna alias V. Arunachalam, Natha Singh, Dharam Chander Prashant, Santosh Kumar Sahu, Ghulam Rasool Matto, Sagar Rayka, Ram Awadesh Singh, Kumari Sayeeda Khatun, Sardar Jagjit Singh Aurora, Dr. Bapu Kaldate, Dr. Vijaya Mohan Reddy, Dr. Faguni Ram, Dr. Ratnakar Pandey, Dr. Nagen Saikia and Professor (Shrimati) Asima Chatterjee.

at the outset, thanked all the members who had participated in the debate and said that 1987 had been a year of persistent challenges, and of determined responses by the Government. It had been a year of achievements in the face of great difficulties. The Government had been able to meet the present crisis entirely through its efforts and endeavour, he noted.

Referring to the relief programmes initiated during the year, the Prime Minister said that the Government had done much to mitigate the distress of drought. Relief programmes had been handled efficiently, by and large, by all the States. Using foodgrain buffer-stocks, the Government had launched programmes to generate employment, to build assets and to provide cushion against future droughts. Through worthwhile relief schemes, the Government had ensured that expenditure on relief becomes expenditure on development. Special schemes for drinking water had been implemented and the Government had taken up special programmes for boosting the demand for the output of the village artisans and the handloom weavers.

Reviewing the progress made by the country in various areas, the Prime Minister said that while facing difficulties in the agricultural sector, India had pushed ahead satisfactorily in other areas. The infrastructure had done very well. The performance of the entire public sector would fill the heart of every Indian with pride. Despite drought, the overall power generation had gone up by 7.6 per cent, thanks to thermal generation going up by 16 per cent. The Plant Load Factor (PLF) which averaged only 44 per cent in 1979-80 went up to 50 per cent in 1983-84 and had gone up to 55 per cent in 1987-88. Coal production had gone up by 10.2 per cent over that of last year. Overall industrial performance too had been satisfactory. Despite the drought, he envisaged an industrial growth of over 8 per cent. This proved that the industrial policies had clearly succeeded.

The Prime Minister also informed the House that steps had been taken to hold back the pressures of inflation. The Government had done this by keeping a check on the budget deficit, by deploying monetary and fiscal policies in tandem to contain prices and by ensuring essential supplies, including certain imports of edible oils to meet the shortages.

Referring to the developments in Punjab, Shri Gandhi said that in Punjab representative democracy was given every opportunity but the elected leadership failed to rise to the occasion. In regard to November 1984 riots, the Prime Minister said the Government had taken action against those who were named. The proceedings had been started. More action was taken in rehabilitating the people who were affected by these riots than had ever been done in the history of this country. The Government would not feel shy of punishing anybody, he assured.

Referring to international relations, Shri Gandhi welcomed General Secretary Gorbachev's initiative to withdraw the Soviet troops from Afghanistan and

hoped that the talks that were going on in Geneva would be successful. In recognition of the constructive role that India had played, both the USA and the USSR had taken India into confidence. India had a vital stake in what was happening there. For stability in the region, India and Pakistan need to work together on this issue, he felt.

According to the Prime Minister, there had been a significant forward movement in Sri Lanka in the implementation of the Indo-Sri Lankan agreement, which secured unity and integrity for Sri Lanka and India's security interests, besides ensuring non-alignment in the region. The IPKF was functioning with tremendous discipline and dedication. India would prefer IPKF in Sri Lanka, to forces of such nations that were inimical to India. India had been assured by the President of Sri Lanka that the elections would take place by the middle of this year. The elections in the North and the East would lead to a single Provincial Council and this would make their merger a reality. The democratic process would give them opportunity to choose their own representatives. An encouraging indication of return of normalcy was the flow of refugees going back to Sri Lanka. India had always mattered in the world. The government's national task was to take India back to its rightful place in the world.

All the amendments moved were negatived and the Motion of Thanks, as originally moved, was adopted.

Railway Budget: The Railway Budget was discussed in the Rajya Sabha on 10, 15, 16, 17 and 21 March 1988. Initiating the discussion on 10 March, Dr. (Shrimati) Sarojini Mahishi said that it had become a regular practice every year to increase the railway fares and freights. Keeping in view the poorer sections of the people in the country, she suggested that there should be a limit to such increases. She expressed surprise that although the Railways were one of the biggest public enterprises in the country, it was not possible for them to make profit every year. The Railways were no doubt contributing to the development of the country, but the rate of contribution was decreasing every year. The member observed that there was no coordination among the various organisations which were working for the railway system.

Replying to the debate* on 21 March 1988, the Minister of State for Railways,

* Other members who took part in the discussion were: Sarvashri Kalp Nath Rai, Hashim Raza Allahabadi Abdi, Dharam Chander Prashant, Ashwani Kumar, Rajni Ranjan Sahu, Ram Naresh Kushwaha, Veershetty Moglappa Kushnoor, Paravathaneni Upendra, Raoof Valiullah, Sunil Basu Ray, Kamalendu Bhattacharjee, A.G. Kulkarni, V. Gopal-samy, Krishna Kumar Birla, Aladi Aruna alias V. Arunachalam, Ghan Shyam Singh, Ram Chandra Vikal, Surendra Singh Thakur, S.S. Ahluwalia, Prithvi Majhi, Darbara Singh, Ghulam Rasool Matto, M.A. Baby, Basudeb Mohapatra, Shankarrao, Narayanrao Deshmukh, V. Narayanasamy, Jagdambi Prasad Yadav, Dr. Bapu Kaldate, Dr. Govind Das Richharia, Dr. Nagen Saikia, Dr. Mohammad Hashim Kidwai, Shrimati Suryakanta Jayawantrao Patil and Dr. (Shrimati) Asima Chatterjee.

Shri Madhavrao Scindia, said that it had been the objective of the Indian Railways to adopt a policy of tariff restraint because in our country there was still no real alternative to the common man for long distance travel. The Minister said that it was an accepted fact that increase in freight tariff was more inflationary than increase in the passenger tariff. But even in the freight increase, the rural areas, the farmers and the weaker sections of the population had been kept in mind. That is why the Minister explained, items like fertilisers, food grains, pulses, salt, edible oil, fodder and livestock have been exempted from the freight increase. The direct impact of freight increase on wholesale price index worked out roughly only to 0.10 per cent.

The Minister further observed that there were some railways which were passenger-oriented and Government were always cross subsidising passenger traffic with the earnings of the freight. He said that it would not be fair to condemn the north-eastern railway and southern railway simply because they were running at a loss. It had to be remembered that they were fulfilling a major social objective of catering to the requirements of the people of the country. The performance of the Railways should be viewed as working of the entire railway system and not zone-wise or segment-wise. As regards the importance of track renewals, the Minister assured that it was the Government's objective to wipe out by 1995 the entire backlog of approximately 20,000 kms. and the attempt was to renew on an average approximately 4,000 kms. of track.

General Budget: The General Budget for 1988-89 was discussed from 21 to 24 March 1988. Initiating the discussion on 21 March, Shri Nirmal Chatterjee observed that the Finance Minister's claim that the prices had risen only by 10 per cent was not correct. In his opinion it was 27.39 per cent. The member said that in the Sixth Five Year Plan, the States were given a larger allocation than the Centre, but in the Seventh Five Year Plan the share of the States was reduced. The Central Government was grabbing the resources because it could resort to deficit financing, but if the States wanted to borrow, they would have to seek permission of the Central Government. The member observed that employment in the private sector had declined by 1.2 per cent in the course of one year. Even then, concessions have been provided to the private sector in the Budget for exports so that it would make more profits. The average growth rate in the organised sector, both public and private, had declined to 1.7 per cent and the public sector employment growth rate to 3 per cent. The member complained that the Government was giving concessions where multi-nationals were linked and the grip of the foreign sector was increasing on the economy.

Replying to the debate* on 24 March, the Minister of Finance and Commerce, Shri Narayan Datt Tiwari observed that the Budget contained an element of progressiveness and a socialist orientation in the taxation structure by introducing the Wealth Transfer Tax. The surcharge on income tax was only on the upper strata of the population. He said that inflation was the result of an unprecedented drought, and it was not a man-made drought. Even then, an attempt has been made to control the wholesale price index by supply and demand management. Shri Tiwari observed that there was no correlationship between the inflation rate and the Budget deficit and the growth rate. In 1979-80, the Budget deficit was only 2.2 per cent of the Gross Domestic Product but the inflation was 21 per cent. He thought that the deficit financing to the extent provided in the Budget was manageable for productive areas. The Finance Minister observed that the non-planned revenue expenditure was growing, and therefore, steps had been taken to reduce the same. Under the current financial year, the economic measures which had been taken were expected to yield savings of Rs. 650 crores. It had also been decided that no request would be entertained which could lead to an increase of non-planned revenue expenditure, the Minister added.

Incidents of crime against women in the country: Initiating a Short-Duration Discussion in the Rajya Sabha on the subject on 16 March, Shri N.E. Balaram observed that it was a very important issue which was agitating the mind of the entire nation. Atrocities against women were increasing day by day. Since 1986, the number of dowry deaths had been increasing. Referring to the gang rape of women in Bihar and Assam by the policemen, the member noted that in such a situation women would find it very difficult to approach the police for protection. He insisted on the immediate setting up of a judicial inquiry to go into the matter and punish the culprits. He stressed the urgent need for revamping the entire outlook of the police department in view of harsh treatment by the police to women in custody.

Replying to the Short Duration Discussion** as well as a discussion on

Other members who took part in the discussion were: Sarvashri Jagesh Desai, Dharanidhar Basumatari, Vishwa Bandhu Gupta, Ghulam Rasool Matto, Rameshwar Thakur, A.G. Kulkarni, Jagdambi Prasad Yadav, Suresh Pachouri, Chaturanan Mishra, Rajni Ranjan Sahu, M.S. Gurupadaswamy, Bandhu Mahto, V. Narayanasamy, B.L. Panwar, Kapil Verma, Aladi Aruna alias V. Arunachalam, Bhaskar Annaji Masodkar, Murasoli Maran, Virendra Verma, Surender Singh, Eduardo Faleiro, G. Swaminathan, Bhagatram Manhar, Jerlie E. Tariang, Satya Prakash Malaviya, G. Swamy Naik, Kalpnath Rai, Pramod Mahajan, Chimanbhai Mehta, Chitta Basu, S.S. Ahluwalia, Santosh Bagrodia, P.N. Sukul, Dharam Chander Prashant, M.A. Baby, Ram Chandra Vikal, Ghan Shyam Singh, Ram Awadhesh Singh, Shankarrao Narayanrao Deshmukh, Professor Chandresh P. Thakur, Professor C. Lakshmananna and Dr. G. Vijaya Mohan Reddy.

Other members who took part in the discussion were Sarvashri Ram Awadhesh Singh, V. Narayanasamy, K.G. Maheshwarappa, V. Gopalsamy, Jagdambi Prasad Yadav, Dr. G. Vijaya Mohan Reddy, Shrimati Sudha Vijay Joshi, Shrimati Kanak Mukherjee, Shrimati Jayanti Natarajan, Shrimati Margaret Alva, Shrimati Bijoya Chakraborty and Kumari Sayeeda Khatun.

resolution regarding Women's Rights moved by Shrimati Veena Verma on 18 March, the Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram, said that the issue should be considered as a national issue which affected the social and moral values of a nation. The Minister observed that for the first time a new department called the Department of Women and Child Development was established which was doing very useful work in this direction. In the last 5 or 6 years, significant progress had also been made in the field of education to deal effectively not only with dowry death cases but also with those of cruelty to married women. The Indian Penal Code had been amended to provide for enhanced punishment in cases of custodial rape. A provision had also been made for enhanced punishment for giving or taking of dowry. It had also been decided to appoint Dowry Prohibition Officers by the State Governments. He expressed Government's concern and anxiety in the cases of gang rape by the police in Bihar and Assam. As a part of revamping the police force, the Minister said that the Government of India encouraged the State Governments to recruit more and more women to the police force. The Minister assured that he would request the Chief Ministers to cooperate with the Central Government in controlling the increasing incidents of crime against women.

B. LEGISLATIVE BUSINESS

*Constitution (Fifty-ninth Amendment) Bill, 1988**: Moving the motion for consideration of the Bill on 14 March 1988, the Minister of Home Affairs, Shri Buta Singh said that under clause (5) of article 356 of the Constitution, a resolution approving the continuance in force of a Presidential Proclamation issued under clause (1) of that article beyond a period of one year could not be passed by either House of Parliament unless the two conditions specified in that clause were met. On 11 May 1987, President's rule was imposed in the State of Punjab, initially for a period of six months which was later extended for another six months i.e. upto 10 May 1988. The Legislative Assembly of the State was dissolved on 6 March 1988 as there was no possibility of forming a popular Government in the prevailing circumstances. In view of escalation in the activities of terrorists and anti-national forces in Punjab, the continuance in force of the said Proclamation beyond the period of one year might be necessary. Article 356(5) of the Constitution was, therefore, proposed to be amended so as to facilitate the extension of the said Proclamation, if necessary, upto a period of three years as permissible under clause (4) of that article.

The Minister said that it was proposed further to suitably amend article 352 so as to facilitate the taking of action under that article if it became necessary at some future date. Consequently, articles 358 and 359 were also proposed to be amended so that a Proclamation of Emergency on the ground of internal disturbance might be issued as and when necessary in relation to the State of

* The Bill was introduced in Rajya Sabha on 14 March 1988.

Punjab. Accordingly, the amendments proposed in Articles 352, 358 and 359 had been made to be operative only for a period of two years from the commencement of the amendment.

The motion for consideration of the Constitution (Fifty-ninth Amendment) Bill, 1988 and the clauses etc., as amended, were adopted separately 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 Bill as amended, was later passed by the special majority.

The High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1988": Moving the motion for consideration of the Bill on 30 March 1988, the Minister of State in the Ministry of Law and Justice, Shri Hansraj Bhardwaj observed that during the year 1986, substantial improvements in the service conditions of the judges of the High Courts and the Supreme Court had been made. The present Bill was also a result of the concern of the Government to bring about further improvements in the service conditions of Judges. He added that the Supreme Court of India had delivered its verdict that the Judges including Chief Justices who retired prior to 1 November 1986, were also entitled to the rates and scales of pensionary benefits as applicable to the Judges, including Chief Justices who retired on or after that date. The Government had, therefore, decided that Judges, including Chief Justices who retired prior to 1 November 1986 might also be given similar benefits. The Bill sought to achieve this objective.

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

C. THE QUESTION HOUR

During the Session, 7,563 notices of Questions (6,564 Starred and 999 Unstarred) were received. Out of these, 489 Starred Questions and 3,630 Unstarred Questions were admitted. Out of five Short Notice Questions received, one was admitted. After the lists of Questions were printed, 14 Starred and 74 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 4.60 Questions per sitting were orally answered on the floor of the House. The maximum number of Questions orally answered was 8 each on 10 and 15 March and the minimum number of questions orally answered was one on 23 February.

The minimum number of Questions admitted in the Unstarred Questions list

* The Bill as passed by the Lok Sabha was laid on the Table of the House on 22 March 1988.

was 73 on 10 March and their maximum number was 219 on 25 March. Their average came to 145.20.

Half-an-Hour Discussion: In all 8 notices of Half-an-Hour Discussion were received during the Session but none was admitted.

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

D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarvashri Syed Mazhar Imam, C.D. Pande, V. Venka, Prakash Mehrotra, Pravin Kumar Prajapati and D.P. Singh, all ex-members, Shri Lakshmi Kant Jha, sitting member, Frontier Gandhi Khan Abdul Ghaffar Khan, Shri M.G. Ramachandran, Chief Minister of Tamil Nadu and Shri Karpoori Thakur, former member of Parliament and former Chief Minister of Bihar. Members stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

HIMACHAL PRADESH VIDHAN SABHA *

The Himachal Pradesh Vidhan Sabha commenced its Eleventh Session on 7 March and was adjourned *sine die* on 6 April 1988. The Session was prorogued on 7 April 1988.

Financial Business: The Chief Minister, Shri Virbhadra Singh, who also holds the Finance portfolio presented the Supplementary Budget (Third & Final Batch) for the financial year, 1987-88 on 11 March 1988. General discussion took place on 14 and 15 March and the Appropriation Bill was introduced, considered and passed on 16 March 1988 after supplementary demands were voted.

Budget Estimates of the State for the financial year 1988-89 were presented on 17 March 1988. General discussion took place on 21, 22, 23, 24, 25 and 28 March. Two days were taken for voting on demands. Necessary Appropriation Bill was introduced, considered and passed by the Assembly on 29 March 1988.

Excess Demands—Over Grants Voted/Charged Appropriation for the year 1985-86 were also presented on 25 March 1988. The Appropriation Bill con-

* Material contributed by Himachal Pradesh Vidhan Sabha Secretariat.

nected therewith was passed on 28 March 1988 after excess demands were considered and voted.

Obituary References: On 7 March 1988, the House made obituary reference to the passing away of Frontier Gandhi, Khan Abdul Ghaffar Khan, a true follower of Mahatma Gandhi, who breathed his last on 20 January 1988.

SIKKIM LEGISLATIVE ASSEMBLY*

The Sikkim Legislative Assembly which commenced its Eighth Session (Budget Session) on 10 February 1988; was adjourned on 11 February 1988. The Assembly recommenced its Session on 19 February and adjourned *sine die* on the following day.

Supplementary Demands for Grants for 1987-88 and also the Budget for the year 1988-89 were presented by the Finance Minister, Shri Chamla Tshering on 10 February 1988. The Supplementary Demands for Grants were discussed and unanimously passed by the House on 11 February 1988. The Appropriation Bill No. 4 of 1988 for Supplementary Demands introduced by the Finance Minister was also passed by the House the same day.

Demands for Grants under the individual charges of 11 Ministers including those of the Chief Minister were taken up for discussion on 11, 19 and 20 February and were passed unanimously by the House. The Budget 1988-89 and the Appropriation Bill were unanimously passed by the House on 20 February 1988.

Obituary References: The House made obituary references on 11 February 1988, to the passing away of Frontier Gandhi, Khan Abdul Ghaffar Khan and the Tamil Nadu Chief Minister Shri M.G. Ramachandran.

TRIPURA LEGISLATIVE ASSEMBLY**

The Tripura Legislative Assembly commenced its first Session on 29 February 1988, after the general elections held earlier the same month and was adjourned *sine die* on 9 March 1988.

Financial Business: On 1 March 1988, Shri Sudhir Ranjan Majumdar, Chief Minister, who also holds the Finance portfolio, presented a "Vote on Account Bill" for Rs. 144,17,16,000 for part of the financial year 1988-89. On the same day, the Supplementary Budget for the year 1987-88 was also presented before the House by the Chief Minister for an amount of Rs. 46,34,78,000.

Obituary References: The House made obituary references on the demise of Shri Benoy Bhusan Banerjee, former Minister of Tripura, Shri Promode

* Material contributed by Sikkim Legislative Assembly Secretariat.

** Material contributed by Tripura Legislative Assembly Secretariat.

Rajan Das Gupta, and Shri Tarani Mohan Sinha, former members of Tripura Legislative Assembly. Shri M.G. Ramachandran, former Chief Minister of Tamil Nadu and Frontier Gandhi, Khan Abdul Ghaffar Khan.

UNION TERRITORIES

DELHI METROPOLITAN COUNCIL*

The Metropolitan Council commenced its 16th Session (Short Notice Session) on 10 February 1988 and was adjourned *sine die* on 11 February 1988.

Obituary References: The Council made obituary references on the sad demise of Frontier Gandhi, Khan Abdul Ghaffar Khan, Tamil Nadu Chief Minister Shri M.G. Ramachandran and Shri L.K. Jha, on 10 February 1988.

* Material contributed by Delhi Metropolitan Council.

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APPENDIX I

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

1. PERIOD OF THE SESSION	22 February to 13 May, 1988
2. NUMBER OF SITTINGS HELD	... 53
3. TOTAL NUMBER OF SITTING HOURS	342 hours and 23 minutes
4. NUMBER OF DIVISIONS HELD	10
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	... 12
(ii) Introduced	... 21
(iii) Laid on the Table as passed by Rajya Sabha	... 11
(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	... Nil
(ix) Discussed	... 35
(x) Passed	... 34
(xi) Withdrawn	... Nil
(xii) Negatived	... Nil
(xiii) Part-discussed	... Nil
(xiv) Discussion postponed	... Nil
(xv) Returned by Rajya Sabha without any recommendation	... 15
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	... 1
(xvii) Pending at the end of the Session	... 10
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	... 245
(ii) Introduced	... 42
(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 (without discussion)	... 1
(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	... 1
(xvii) Pending at the end of the Session	... 284

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

(i) Notices received	... 359
(ii) Admitted	... 7
(iii) Discussion held	... 7
(iv) Part discussed	... Nil

**8. NUMBER OF STATEMENTS MADE UNDER RULE 197
(Calling Attention to Matters of Urgent Public Importance)**

Statements made by Ministers	... 5
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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 ... 4

11. STATUTORY RESOLUTIONS

(i) Notices received	... 42
(ii) Admitted	... 5
(iii) Moved	... 5
(iv) Adopted	... 2
(v) Negatived	... 3
(vi) Withdrawn	... Nil

12. GOVERNMENT RESOLUTIONS

(i) Notices Received	... 2
(ii) Admitted	... 2
(iii) Moved	... 2
(iv) Adopted	... 2

13. PRIVATE MEMBERS' RESOLUTIONS

(i) Received	... 15
(ii) Admitted	... 14
(iii) Discussed	... 2
(iv) Adopted	... Nil
(v) Negatived	... Nil
(vi) Withdrawn	... 1
(vii) Part-discussed	... 1
(viii) Discussions postponed	... Nil

14. GOVERNMENT MOTIONS

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

15. PRIVATE MEMBERS' MOTIONS

(i) Notices received	...	371
(ii) Admitted	...	74
(iii) Moved	...	1
(iv) Discussed	...	1
(v) Adopted	...	1
(vi) Negatived	...	—
(vii) Withdrawn	...	—
(viii) Part-discussed	...	—

16. MOTION RE: MODIFICATION OF STATUTORY RULE

(i) Received	...	3
(ii) Admitted	...	1
(iii) Moved	...	NII
(iv) Discussed	...	NII
(v) Adopted	...	NII
(vi) Negatived	...	NII
(vii) Withdrawn	...	NII
(viii) Part-discussed	...	NII

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

... NII

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

... 30,254

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

... 1,024 on
11 May 1988

20. NUMBER OF ADJOURNMENT MOTIONS

(i) Brought before the House	...	7
(ii) Admitted and discussed	...	NII
(iii) Barred in view of adjournment motion admitted on the subject	...	NII
(iv) Consent withheld by Speaker outside the House	...	167
(v) Consent given by Speaker but leave not granted by the House	...	NII

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	...	1,080
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)		10,944
(iii) Short-Notice Questions	...	2

22. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 January to 31 March	No. of Reports presented to the House during the Tenth Session
1	2	3	4
(i)	Business Advisory Committee	7	7
(ii)	Committee on Absence of Members	2	2
(iii)	Committee on Public Undertakings	13	13
(iv)	Committee on Papers Laid on the Table	2	3
(v)	Committee on Petitions	9	3
(vi)	Committee on Private Members' Bills and Resolutions	5	8
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	14	5
(viii)	Committee on Privileges	5	1
(ix)	Committee on Government Assurances	6	3
(x)	Committee on Subordinate Legislation	2	2
(xi)	Estimates Committee	12	15
(xii)	General Purposes Committee	1	
(xiii)	House Committee	3	
	(a) Accommodation Sub-Committee		
	(b) Sub-Committee on Amenities		
	(c) Sub-Committee on Furnishing		
(xiv)	Public Accounts Committee	11	33
(xv)	Railway Convention Committee	3	1
(xvi)	Rules Committee		
JOINT/SELECT COMMITTEES			
(i)	Joint Committee on Offices of Profit	3	
(ii)	Joint Committee on Salaries and Allowances of Members of Parliament	2	
(iii)	Joint Committee on Lok Pal Bill, 1985	1	
(iv)	Joint Committee on Railways Bill, 1986	8	

23. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE 14
24. PETITIONS PRESENTED 2
25. NUMBER OF NEW MEMBERS SWORN WITH DATE

No. of Members Sworn	Date on which sworn
Nil	Nil

APPENDIX II

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

1.	PERIOD OF THE SESSION	22 February to 30 March 1968
2.	NUMBER OF SITTINGS HELD	26
3.	TOTAL NUMBER OF SITTING HOURS	... 159 hours and 59 minutes
4.	NUMBER OF DIVISIONS HELD	8
5.	GOVERNMENT BILLS	
	(i) Pending at the Commencement of the Session	12
	(ii) Introduced	9
	(iii) Laid on the Table as passed by Lok Sabha	11
	(iv) Returned by Lok Sabha with any amendment	3
	(v) Referred to Select Committee by Rajya Sabha	NII
	(vi) Referred to Joint Committee by Rajya Sabha	NII
	(vii) Reported by Select Committee	NII
	(viii) Reported by Joint Committee	NII
	(ix) Discussed	21
	(x) Passed	11
	(xi) Withdrawn	NII
	(xii) Negatived	NII
	(xiii) Part-discussed	NII
	(xiv) Returned by Rajya Sabha without any recommendation ...	10
	(xv) Discussion postponed	NII
	(xvi) Pending at the end of the Session	14
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	NII
	(iv) Returned by Lok Sabha with any amendment and laid on the Table	NII
	(v) Reported by Joint Committee	NII
	(vi) Discussed	3
	(vii) Withdrawn	2
	(viii) Passed	NII
	(ix) Negatived	NII
	(x) Circulated for eliciting opinion	NII
	(xi) Part-discussed	1
	(xii) Discussion postponed	NII
	(xiii) Motion for circulation of Bill negatived	NII
	(xiv) Referred to Select Committee	NII
	(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	18
	(xvi) Pending at the end of the Session	49

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176

(Matters of Urgent Public Importance)

(i) Notices received	176
(ii) Admitted	2
(iii) Discussions held	2

8. NUMBER OF STATEMENTS MADE UNDER RULE 180

(Calling-Attention to Matters of Urgent Public Importance)
Statements made by Ministers

2

9. HALF-AN-HOUR DISCUSSIONS HELD

NII

10. STATUTORY RESOLUTIONS

(i) Notices received	26
(ii) Admitted	4
(iii) Moved	4
(iv) Adopted	1
(v) Negatived	2
(vi) Withdrawn	1

11. GOVERNMENT RESOLUTIONS

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

12. PRIVATE MEMBERS' RESOLUTIONS

(i) Received	7
(ii) Admitted	7
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	NII
(vi) Adopted	NII
(vii) Part-discussed	NII
(viii) Discussion postponed	NII

13. GOVERNMENT MOTIONS

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

14. PRIVATE MEMBERS' MOTIONS

(i) Received	... 277
(ii) Admitted	... 277

169 admitted as No-Day-Yet Motions and 5 Notices were kept pending.

(iii) Moved	NII
(iv) Adopted	NII
(v) Part-discussed	NII
(vi) Negative	NII
(vii) Withdrawn	NII

MOTIONS REGARDING MODIFICATION OF STATUTORY RULE

(i) Received	2
(ii) Admitted	2
(iii) Moved	1
(iv) Adopted	NII
(v) Negative	1
(vi) Withdrawn	NII
(vii) Part-discussed	NII

16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION	...	NII
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED	...	2,488
18. TOTAL NUMBER OF PERSONS VISITED	...	2,825
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND DATE ON WHICH ISSUED	...	218 on 24 March 1988
20. MAXIMUM NUMBER OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED	...	226 on 24 March 1988
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred		489
(ii) Unstarred		3,630
(iii) Short-Notice Questions		1
22. DISCUSSION ON THE WORKING OF THE MINISTRIES		NII
23. WORKING OF PARLIAMENTARY COMMITTEES		

Name of Committee	No. of meetings held during the period 1 January 1988 to 31 March, 1988	No. of reports presented during the session
(i) Business Advisory Committee	5	NII
(ii) Committee on Subordinate Legislation	1	1
(iii) Committee on Petition	19	1
(iv) Committee on Privileges	1	NII
(v) Committee on Rules	NII	NII
(vi) Committee on Government Assurances	10	NII
(vii) Committee on Papers Laid on the Table	1	NII

24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	...	NII
25.	PETITIONS PRESENTED	...	NII
26.	NAMES OF NEW MEMBERS SWORN WITH DATES		

S.No.	Name of Members Sworn	Date on which Sworn
1	2	3
1.	Shri Karma Tenzing Topden	30 March 1988

27. OBITUARY REFERENCES

S.No.	Name	Sitting Member/ Ex-Member
1.	Frontier Gandhi Khan Abdul Ghaffar Khan	Member, Constituent Assembly
2.	Shri M.G. Ramachandran	Chief Minister, Tamil Nadu
3.	Shri Karpoori Thakur	Former Chief Minister, Bihar
4.	Shri Lakshmi Kant Jha	Sitting Member
5.	Syeed Mazhar Imam	Ex-member
6.	Shri C.D. Pande	Ex-member
7.	Shri V. Venka	Ex-member
8.	Shri Prakash Mehrotra	Ex-member
9.	Shri Pravin Kumar Prajapati	Ex-member
10.	Shri D.P. Singh	Ex-member

APPENDIX III

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

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.	21.3.88 to 6.4.88	11	12(11)	—	235(79)	(65)(a)	(126)(10)
Arunachal Pradesh L.A.	8.2.88 to 9.2.88 and 28.3.88 to 29.3.88	4	2(2)	—	160(139)	62(62)	—
Assam L.A.	—	—	—	—	—	—	—
Bihar L.A.	8.1.88 to 22.1.88	10	14(13)	—	2,360(945)(b)	(614)	(69)
Bihar L.C.	8.1.88 to 21.1.88	10	1(13)	—	684(715)	(1)	263(140)
Goa L.A.	11.1.88 to 16.1.88 and 21.3.88 to 8.4.88	19	22(19)	6(1)	683(532)	63(127)(c)	11(3)
Gujarat L.A.	5.2.88 to 3.3.88	19	10(3)	5	4,846(1,890)	390(166)(d)	54(4)
Haryana L.A.	14.3.88 to 8.4.88	16	15(15)	—	634(428)	50(39)	30
Himachal Pradesh L.A.	7.3.88 to 6.4.88	21	6(6)	—	1,388(907)(e)	205(f)	4
Jammu & Kashmir L.A.	27.2.88 to 5.4.88	27	3(3)	5	835(798)	517(479)	7(4)
Jammu & Kashmir L.C.	27.2.88 to 6.4.88	21	1(1)	—	425	87	8(4)
Karnataka L.A.	20.1.88 to 5.2.88 and 21.3.88 to 30.3.88	19	20(18)	—	1,151(340)	2(743)	32(4)
Karnataka L.C.	20.1.88 to 9.2.88 and 21.3.88 to 30.3.88	21	(18)	—	698(583)	250(250)(g)	10(6)
Kerala L.A.	11.3.88 and continuing on 31.3.88	13	4(2)	—	—	—	—
Madhya Pradesh L.A.	5.2.88 and continuing on 31.3.88	21	10(10)	—	7,692(501)(h)	(2,077)	2
Maharashtra L.A.	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—
Manipur L.A.	—	—	—	—	—	—	—
Meghalaya L.A.	22.2.88 to 29.2.88 and 18.3.88 to 29.4.88	33	7(4)	—	10(10)	409(409)	—

Mizoram L.A.	9.2.88 to 16.3.88	16	4(4)	—	199(196)	—	2
Nagaland L.A.	10.3.88 to 25.3.88	11	4	—	168(166)	30(29)	—
Orissa L.A.	—	—	—	—	—	—	—
Punjab L.A.	—	—	—	—	—	—	—
Rajasthan L.A.	26.2.88 to 4.4.88	25	10(9)	—	2,296(683)	2,124(980)	16(2)
Sikkim L.A.	10.2.88 to 20.2.88	4	5(5)	—	12(12)	—	—
Tamil Nadu L.A.	27.1.88 to 28.1.88	2	—	—	329(36)	72(72)	—
Tripura L.A.	29.2.88 to 9.3.88	7	2(2)	—	56(32)	—	1(1)
Uttar Pradesh L.A.	23.2.88 to 2.5.88	34	6(9)	3	3,972(1,340) ⁽ⁱ⁾	2,395(5,226) ⁽ⁱⁱ⁾	2,253(442)
Uttar Pradesh L.C.	—	—	—	—	—	—	—
West Bengal L.A.	7.3.88 and continuing on 31.3.88	13	5(5)	—	1,637(617)	468(364)	2
UNION TERRITORIES							
Delhi Metropolitan Council	10.2.88 to 11.2.88	2	2(2)	—	—	—	—
Daman and Diu L.A.	—	—	—	—	—	—	—
Pondicherry L.A.	—	—	—	—	—	—	—

NOTES:

- (i) Figures in Cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced with the number of Bills passed in brackets.
- (ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
 - (a) 65 Starred Notices were admitted as Unstarred.
 - (b) The figure 2,360 represents the total number of Questions received.
 - (c) The figure 63 includes 59 notices of Starred Questions converted into Unstarred Questions and the figure 127 includes 66 Starred Notices converted into Unstarred.
 - (d) The figure 166 includes 85 notices received as Starred Questions but admitted as Unstarred.
 - (e) The figure 907 includes 11 notices postponed from previous Session.
 - (f) The figure 205 includes 154 Notices of Starred Questions converted into Unstarred and 6 notices postponed from previous Session.
 - (g) The figure 250 represents 250 Starred notices converted into Unstarred.
 - (h) The figure 7,692 includes the total number of Starred and Unstarred Notices received.
 - (i) The figure 1,340 includes 537 Short notice Questions admitted as Starred.
 - (j) The figure 5,226 includes 2,124 notices of Starred Questions and 849 Short Notice Questions admitted as Unstarred.

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

- (a) Questions and Calling Attention Committee—30 sittings; Nivedan Committee—60 sittings; and Zila Parishad and Panchayati Raj Committee—25 sittings.
- (b) Questions and Calling Attention Committee—13 sittings.
- (c) Select Committee on the Goa Industrial Development (Amendment) Bill, 1988—1 sitting; House Committee to go into the details of the land allotted to the International Centre—5 sittings; and House Committee to investigate into the Alleged Mal-practices of Goa Cooperative Marketing Supply Federation Limited—3 sittings and 1 report.
- (d) Committee on the Welfare of the Scheduled Castes—6 sittings and 1 report; and Committee on the Welfare of the Scheduled Tribes—5 sittings and 3 reports.
- (e) Select Committee on the Gujarat Entry Tax Bill, 1987—1 sitting.
- (f) Committee on Papers Laid on the Table of the House—1 sitting; Panchayati Raj Committee—4 sittings and 3 reports; Committee on the Welfare of Socially and Educationally Backward Classes, Nomadic Tribes and Denotified Tribes—4 sittings and 8 reports; Members' Allowances Rules Committee—2 sittings; Committee on Absence of Members—1 sitting and 1 report; and Sub-Committee on Subordinate Legislation Committee—2 sittings.
- (g) Committee on Papers Laid on the Table—3 sittings and 1 report; and Implementation of Official Language Committee—2 sittings and 1 report.
- (h) Press Advisory Committee—1 sitting.
- (i) Committee on Backward Classes Welfare—11 sittings and 2 reports.
- (j) Subject Committee on Agriculture and Integrated Rural Development—1 sitting; Subject Committee on Land/Revenues, Forests and Fisheries—1 sitting; Subject Committee on Irrigation and Power—1 sitting; Subject Committee on Industry and Minerals—1 sitting; Subject Committee on Public Works, Transport and Communications—1 sitting; Subject Committee on Social Services—3 sittings; Subject Committee on Food, Housing and Labour—1 sitting; Subject Committee on Economic Affairs—1 sitting; and Subject Committee on Home Affairs—1 sitting and 1 report.
- (k) Committee to Examine the Papers Laid on the Table—42 sittings; Committee of Questions and References—1 sitting; and Committee on the Welfare of Women and Children—1 sitting.
- (l) Committee on the Welfare of Scheduled Castes—17 sittings; and Committee on the Welfare of Scheduled Tribes—12 sittings.
- (m) Select Committee on the Welfare of Journalists and Pension Fund Bill, 1988—1 sitting; ¹Parliamentary Research, Reference and Studies Committee—1 sitting; and Questions and Reference Committee—4 sittings and 1 report.
- (n) Committee on Health and Family Welfare—4 sittings; Committee on Environment—4 sittings; and Committee on Panchayat—1 sitting.
- (o) Select Committee on Delhi School Education (Amendment) Bill, 1987—9 sittings.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1 JANUARY TO 31 MARCH, 1988

S. No.	Title of the Bill	Date of assent by the President
1	2	3
1.	The Regional Rural Banks (Amendment) Bill, 1987	3.1.1988
2.	The Chandigarh (Delegation of Powers) Bill, 1987	3.1.1988
3.	The Commission of Sati (Prevention) Bill, 1987	3.1.1988
4.	The Direct Tax Laws (Amendment) Bill, 1987	24.1.1988
5.	The Parsi Marriage and Divorce (Amendment) Bill, 1988	25.3.1988
6.	The Appropriation (Vote on Account) Bill, 1988	29.3.1988
7.	The Appropriation Bill, 1988	29.3.1988
8.	The Punjab Appropriation (Vote on Account) Bill, 1988	29.3.1988
9.	The Punjab Appropriation Bill, 1988	29.3.1988
10.	The Delhi Administration (Amendment) Bill, 1988	29.3.1988
11.	The Delhi Municipal Corporation (Amendment) Bill, 1988	29.3.1988
12.	The Major Port Trusts (Amendment) Bill, 1988	29.3.1988
13.	The Constitution (Fifty-ninth Amendment) Bill, 1988	30.3.1988
14.	The Tamil Nadu Appropriation (Vote on Account) Bill, 1988	30.3.1988
15.	The Tamil Nadu Appropriation Bill, 1988	30.3.1988
16.	The Appropriation (Railways) Bill, 1988	30.3.1988
17.	The Appropriation (Railways) No. 2 Bill, 1988	30.3.1988
18.	The Appropriation (Railways) No. 3 Bill, 1988	30.3.1988
19.	The Authorised Translations (Central Laws) Amendment Bill, 1988	31.3.1988
20.	The Repealing and Amending Bill, 1988	31.3.1988

APPENDIX V

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

STATES

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The A.P. Appropriation (Vote of Account) Bill, 1988
2. The A.P. Appropriation Bill, 1988
3. The A.P. Gram Panchayats (Amendment) Bill, 1988
4. The A.P. State Handloom Weavers Co-operative Society (Merger of Certain Co-operative Societies) (Amendment) Bill, 1988.
5. The A.P. (Agricultural Produce and Livestock) Markets (Amendment) Bill, 1988.
6. The A.P. Rashtra Krashka Parishads and Allied Bodies and the A.P. (Agricultural Produce and Livestock) Markets (Amendment) Bill, 1988.
7. The A.P. Entry of Goods into Local Area Tax (Amendment) Bill, 1988.
8. The A.P. State Council of Higher Education Bill, 1988.
9. The Jawaharlal Nehru Technological University (Amendment) Bill, 1988.
10. The A.P. Water Tax Bill, 1988.
11. The A.P. Urban Areas (Development) (Amendment) Bill, 1988.

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Arunachal Pradesh Appropriation Bill, 1988
2. The Arunachal Pradesh Appropriation (No. 2) Bill, 1988

BIHAR VIDHAN SABHA

1. The Bihar Appropriation (Vote on Account) Bill, 1988.
2. The Bihar Appropriation Bill, 1988.
3. The Santhal Pargana Law (Amendment) Bill, 1988.
4. The Bihar Electric Fee (Amendment) Bill, 1988.
5. The Bihar Lokayukta (Amendment) Bill, 1988.
6. The Bihar Hotel Luxury Commodities Taxation Bill, 1988.
7. The Minimum Wage (Bihar Amendment) Bill, 1988.
8. The Motor Vehicle (Bihar Amendment) Bill, 1988.
9. The Bihar and Orissa Motor Vehicle Taxation (Amendment) Bill, 1988.
10. The Bengal Ferry (Amendment) Bill, 1988.
11. The Bihar Cess (Amendment) Bill, 1988.
12. The Bihar Private Educational Institutions (Adoption) Bill, 1988.
13. The Bihar Intermediate Education Council Bill, 1988.

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Krishi Vishwavidyalaya Vidheyak, 1987.
2. The Bihar Gair Sarkari Shikshak Sanstha (Graham) Vidheyak, 1988.
3. The Bihar Vidyut Shulk (Sanshodhan) Vidheyak, 1988.
4. The Bihar Hotel Vilas Vastu Karadhan Vidheyak, 1988.
5. The Bengal Naw Ghat Sanshodhan Vidheyak, 1988.
6. Nyuntam Mazdoori (Bihar Sanshodhan) Vidheyak, 1988.
7. Santhal Pargana Vidhi (Sanshodhan) Vidheyak, 1988.
8. The Bihar Cess (Sanshodhan) Vidhevak, 1988.

9. Motor Car (Bihar Sanshodhan) Vidheyak, 1988.
10. Bihar Lokayukt (Sanshodhan) Vidheyak, 1988.
11. Bihar Aur Orissa, Motor Car, Kararopan (Sanshodhan) Vidheyak, 1988.
12. Bihar Viniyog Vidheyak, 1988.
13. Bihar Viniyog (Lekhanudan) Vidheyak, 1988.

GOA LEGISLATIVE ASSEMBLY

1. The Goa Contingency Fund Bill, 1988.
- *2. The Goa University (Amendment) Bill, 1988.
- *3. The Indian Forest (Goa Amendment) Bill, 1988.
4. The Goa Town and Country Planning (Amendment) Bill, 1988.
- *5. The Goa Highways (Amendment) Bill, 1988.
- *6. The Goa Legislative Diploma (Amendment) Bill, 1988.
- *7. The Goa Land Revenue Code (Amendment) Bill, 1988.
- *8. The Goa Essential Services Maintenance Bill, 1988.
- *9. The Goa Industrial Development (Amendment) Bill, 1988.
- *10. The Goa Prevention of Defacement of Property Bill, 1988.
- *11. The Goa Motor Vehicle (Requisitioning and Control) Bill, 1988.
- *12. The Goa Registration of Tourist Trade (Amendment) Bill, 1988.
- *13. The Goa Supplementary Appropriation Bill, 1988.
14. The Goa Appropriation (Vote on Account) Bill, 1988.
- *15. The Goa (Extension of the Banker's Books Evidence Act) Bill, 1988.
- *16. The Goa Money Lenders (First Amendment) Bill, 1988.
- *17. The Goa Public Premises (Eviction of Unauthorised Occupants) Bill, 1988.
- *18. The Land Acquisition (Goa Amendment) Bill, 1988.
- *19. The Goa Motor Vehicles Tax (Amendment) Bill, 1988.
20. The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1988.

GUJARAT LEGISLATIVE ASSEMBLY

1. The Gujarat Contingency Fund (Temporary Increase) Bill, 1988.
2. The Gujarat (Supplementary) Appropriation Bill, 1988.
3. The Gujarat Appropriation (Vote on Account) Bill, 1988.

HARYANA LEGISLATIVE ASSEMBLY

- *1. The Punjab Labour Welfare Fund (Haryana Amendment) Bill, 1988
2. The Haryana General Sales Tax (Amendment) Bill, 1988
- *3. The Faridabad Complex (Regulation and Development) Amendment Bill, 1988
- *4. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1988
- *5. The Haryana Urban (Control of Rent and Eviction) Amendment Bill, 1988
- *6. The Punjab Homoeopathic Practitioners (Haryana Amendment) Bill, 1988
7. The Haryana Appropriation (No. 1) Bill, 1988
8. The Haryana Salaries and Allowances of Ministers (Amendment) Bill, 1988
- *9. The Haryana Rural Development (Amendment) Bill, 1988
- *10. The Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 1988
11. The Haryana Appropriation (No. 2) Bill, 1988.
12. The Haryana Legislative Assembly (Allowances and Pension of Members) Amendment Bill, 1988
- *13. The Haryana Aided Schools (Security of Service) Amendment Bill, 1988
- *14. The Maharshi Dayanand University (Amendment) Bill, 1988
- *15. The Kurukshetra University (Amendment) Bill, 1988

* Awaiting assent

HIMACHAL PRADESH VIDHAN SABHA

1. The Himachal Pradesh Appropriation Bill, 1988.
2. The Himachal Pradesh Appropriation (No. 2) Bill, 1988.
3. The Himachal Pradesh Appropriation (No. 3) Bill, 1988.
4. The Himachal Pradesh Passengers & Goods Taxation (Amendment) Bill, 1988.
5. The Himachal Pradesh Registration of Tourist Trade Bill, 1988.
6. The Himachal Pradesh Legislators (Modification of Certain Amenities) Bill, 1988.

JAMMU & KASHMIR LEGISLATIVE ASSEMBLY

1. The Jammu & Kashmir Appropriation (No. 2) Bill, 1988.
2. The Jammu & Kashmir Appropriation Bill, 1988.

JAMMU & KASHMIR LEGISLATIVE COUNCIL

1. The J&K Appropriation Bill, 1988
2. The J&K Appropriation (No. 2) Bill, 1988
3. The J&K Electricity Bill, 1988

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Legislature Salaries, Pensions & Allowances (Second Amendment) Bill, 1987
2. The Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1988
3. The Karnataka Entertainments Tax (Amendment) Bill, 1988
4. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1988.
5. The Karnataka Prohibition of Beggary (Amendment) Bill, 1988
6. The Karnataka Housing Board Bill, 1988
7. The Karnataka Stamp (Amendment) Bill, 1988
8. The Karnataka Universities of Agricultural Sciences (Amendment) Bill, 1988
9. The Karnataka Slum Areas (Improvement and Clearance) (Amendment) Bill, 1988
10. The Bangalore Development Authority (Amendment) Bill, 1988
11. The Karnataka Lokayukta (Amendment) Bill, 1988
12. The Karnataka Payment of Subsistence Allowance Bill, 1988.
13. The Karnataka Resettlement of Project Displaced Persons Bill, 1988
14. The Karnataka Appropriation Bill, 1988
15. The Karnataka Appropriation (Vote on Account) Bill, 1988
16. The Karnataka Entertainment Tax (Second Amendment) Bill, 1988
17. The Karnataka Agricultural Income Tax (Amendment) Bill, 1988
18. The Karnataka Motor Vehicles Taxation (Second Amendment) Bill, 1988

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Entertainments Tax (Amendment) Bill, 1988
2. The Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1988
3. The Karnataka Legislature Salaries, Pensions & Allowances (Second Amendment) Bill, 1987
4. The Karnataka Prohibition of Beggary (Amendment) Bill, 1988
5. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1988
6. The Karnataka Universities of Agricultural Sciences (Amendment) Bill, 1988
7. The Karnataka Housing Board (Amendment) Bill, 1988
8. The Lokayukta (Amendment) Bill, 1988
9. The Karnataka Payment of Subsistence Allowance Bill, 1988
10. The Bangalore Development Authority (Amendment) Bill, 1988

11. The Karnataka Stamp (Amendment) Bill, 1988
12. The Karnataka Slum Areas (Improvement and Clearance) (Amendment) Bill, 1988
13. The Karnataka Resettlement of Project Displaced Persons Bill, 1987

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Appropriation (Vote on Account) Bill, 1988.
2. The Kerala Appropriation Bill, 1988.

MADHYA PRADESH VIDHAN SABHA

1. The Madhya Pradesh Co-operative Societies (Amendment) Bill, 1988
2. The Madhya Pradesh Nagarpalika Vidhi (Sanshodhan) Vidheyak, 1988
- *3. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1988
4. The Madhya Pradesh General Sales Tax (Amendment) Bill, 1988
5. The Madhya Pradesh Appropriation (No. 1) Bill, 1988
6. The Madhya Pradesh Lokayukta Evam Up-Lokayukta (Sanshodhan) Vidheyak, 1988
7. The Madhya Pradesh Motor Parivahan Yanon Par Path Kar Ka Udgrahan (Sanshodhan) Vidheyak, 1988
8. The Madhya Pradesh Electricity Duty (Amendment) Bill, 1988
9. The Madhya Pradesh Appropriation (Vote on Account) Bill, 1988
10. The Madhya Pradesh Appropriation (No. 2) Bill, 1988

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (No. I) Bill, 1988
2. The Meghalaya Appropriation (Vote on Account) Bill, 1988
3. The Meghalaya Taxation Laws (Amendment) Bill, 1988
- *4. The Meghalaya Appropriation (No. III) Bill, 1988
- *5. The Meghalaya Mineral Cess Bill, 1988
6. The Code of Criminal Procedure (Meghalaya Amendment) Bill, 1988
7. The Meghalaya Local Funds (Account and Audit) (Amendment) Bill, 1988

MIZORAM LEGISLATIVE ASSEMBLY

- *1. The Mizoram Amusement and Betting Tax (First Amendment) Bill, 1988.
- *2. The Mizoram Passengers and Goods Taxation Bill, 1988.
- *3. The Mizoram Appropriation Bill, 1988.
- *4. The Mizoram Appropriation (No. 2) Bill, 1988.

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Appropriation (No. 1) Bill, 1988
2. The Nagaland Appropriation (No. 2) Bill, 1988
3. The Nagaland Ministers Salaries and Allowances (Amendment) Bill, 1988
4. The Nagaland Home Guards Bill, 1988

RAJASTHAN LEGISLATIVE ASSEMBLY

1. Rajasthan Vit Vidheyak, 1988.
2. Rajasthan Dharmik Bhawan Aur Sthan (Sanshodhan) Vidheyak, 1988.
3. Rajasthan Lokayukta Tatha Uplokayukta (Sanshodhan) Vidheyak, 1988.

4. Rajasthan Panchayat Samiti Tatha Zila Parishad (Sanshodhan) Vidheyak, 1988.
5. Rajasthan Panchayat (Sanshodhan) Vidheyak, 1988.
6. Rajasthan Viniyog (Sankhya-1) Vidheyak, 1988.
7. Rajasthan Aakasmikta Nidhi (Sanshodhan) Vidheyak, 1988.
8. Rajasthan Viniyog (Sankhya-2) Vidheyak, 1988.
- *9. Rajasthan Vikray Kar (Sanshodhan) Vidheyak, 1988.

SIKKIM LEGISLATIVE ASSEMBLY

1. The Sikkim Public Demands Recovery Bill, 1988.
2. The Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Bill, 1988.
3. The Sikkim Prevention of Defacement of Property Bill, 1988.
4. The Sikkim Appropriation Bill, No. 4 of 1988.
5. The Sikkim Appropriation Bill, No. 5 of 1988.

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Appropriation (No. 3) Bill, 1988.
2. The Tripura Appropriation (Vote on Account) Bill, 1988.

WEST BENGAL LEGISLATIVE ASSEMBLY

- *1. The Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Bill, 1988
- *2. The West Bengal Shops and Establishments (Amendment) Bill, 1988.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The Uttar Pradesh State Universities (Amendment) Bill, 1988.
2. The Uttar Pradesh Subordinate Services Selection Board Bill, 1988.
3. The Uttar Pradesh Appropriation (Second Supplementary 1987-88) Bill, 1988.
4. The Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Bill, 1988.
5. The Uttar Pradesh Motor Taxation (Amendment) Bill, 1988.
6. The Uttar Pradesh Zila Parishad (Alpakalika Vyavastha) (Sanshodhan) Vidheyak, 1988.
7. The Uttar Pradesh Regulation of Buildings and Use of Land (Nuclear Installations Area) Bill, 1988.
8. The Uttar Pradesh Appropriation Bill, 1988.
9. The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Bill, 1988.

UNION TERRITORIES

DELHI METROPOLITAN COUNCIL

1. The Delhi Administration (Amendment) Bill, 1987.
2. The Delhi Municipal Corporation (Second Amendment) Bill, 1987.

* Awaiting assent

APPENDIX VI

ORDINANCES ISSUED DURING THE PERIOD 1 JANUARY TO 31 MARCH, 1988

S.No.	Subject	Date of promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The Major Port Trusts (Amendment) Ordinance, 1988 (No. 1 of 1988).	28.1.88	23.2.88	—	Replaced by Legislation
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The A.P. Municipalities (Amendment) Ordinance, 1988	4.2.1988	22.3.88	—	—
2.	The A.P. Gram Panchayats (Amendment) Ordinance, 1988.	7.2.88	—do—	—	Replaced by Legislation
3.	The A.P. (Agricultural Produce and Live Stock) Markets (Amendment) Ordinance, 1988.	26.2.1988	—do—	—	—do—
4.	The A.P. Handlooms Weavers Co-operative Society (Merger of certain Co-operative Societies) Amendment Ordinance, 1988.	2.3.1988	—do—	—	—do—
5.	The A.P. Rashtra Krashka Parishad and Allied Bodies and A.P. (Agricultural Produce and Live Stock) Markets Amendment Ordinance, 1988.	9.3.1988	—do—	—	—do—

1	2	3	4	5	6
		BIHAR			
1.	The Bihar Entertainment Tax (Amendment & Validation) Second Ordinance, 1987.	—	—	—	—
2.	The Bihar Agriculture University Second Ordinance, 1987.	—	—	—	—
3.	The Patna University (Amendment) Second Ordinance, 1987.	—	—	—	—
4.	The Bihar State University (Amendment) Second Ordinance, 1987.	—	—	—	—
5.	The Nalanda Open University Third Ordinance, 1987.	—	—	—	—
6.	The Bihar Intermediate Educational Council Ordinance, 1987.	—	—	—	—
7.	The Bihar Private Engineering College (Adoption) Second Ordinance, 1987.	—	—	—	—
8.	The Bihar Private Secondary School Education (Management and Control) (Adoption) (Amendment) Third Ordinance, 1987.	—	—	—	—
9.	The Private Educational Institution (Adoption) Second Ordinance, 1987.	—	—	—	—
10.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1987.	—	—	—	—
11.	The Minimum Wage (Bihar Amendment) Ordinance, 1987.—	—	—	—	—
12.	The Bihar Electric Fee (Amendment) Ordinance, 1987.	—	—	—	—

13.	The Bihar Cess (Amendment) Ordinance, 1987.	—	—	—
14.	The Bengal Ferry (Amendment) Ordinance, 1987.	—	—	—
15.	The Bihar Luxury Commodities Ordinance, 1987.	—	—	—
GUJARAT				
1.	The Gujarat Sales Tax (Amendment) Ordinance, 1988.	24.3.88	—	—
KERALA				
1.	The Gandhiji University (Dissolution of the Senate and the Syndicate) Ordinance, 1987.	24.12.87	14.3.88	—
2.	The Local Authorities Laws (Amendment) Ordinance, 1988.	10.1.88	—do—	—
3.	The Kerala Stamp (Amendment) Ordinance, 1988.	13.1.88	14.1.88	—
4.	The Kerala Police (Amendment) Ordinance, 1988.	19.1.88	—do—	—
5.	The Kerala Municipal Laws (Amendment) (Amending) Ordinance, 1988.	25.1.88	—do—	—
6.	The Gandhiji University (Amendment and Special Provisions) Ordinance, 1988.	27.1.88	14.3.88	—
7.	The Kerala Raw Cashewnuts (Marketing and Transport and Fixation of Minimum Price) Amendment Ordinance, 1988.	5.2.88	—do—	—
8.	The Kerala State Housing Board (Amendment) Ordinance, 1988.	15.2.88	—do—	—

1	2	3	4	5	6
9.	The Kerala Co-operative Societies (Amendment) Ordinance, 1988.	—do—	—do—	—	—
10.	The Mahatma Gandhi University (Amendment) Ordinance, 1988.	19.2.88	—do—	—	—
11.	The Kerala General Sales Tax (Amendment) Ordinance, 1988.	—do—	—do—	—	—
12.	The Mahatma Gandhi University (Second Amendment) Ordinance, 1988.	—do—	—do—	—	—
		MADHYA PRADESH			
1.	The Madhya Pradesh Electricity Duty (Amendment) Ordinance, 1988.	9.1.1988	8.2.1988	10.2.1988	—
		NAGALAND			
1.	Nagaland Home Guard Ordinance, 1987.	5.1.88	11.3.88	—	Replaced by Legislation
		KARNATAKA			
1.	The Karnataka State Universities (Amendment) Ordinance, 1988.	—	22.3.88	—	—
		RAJASTHAN			
1.	Rajasthan Panchayat (Sanshodhan) Adhyadesh, 1987.	9.12.87	26.2.88	—	—
2.	Rajasthan Niji Jal Sadhan Adhigrahan Adhyadesh, 1987.	24.12.87	—do—	—	—
3.	Rajasthan Lokayukta Tatha Up-Lokayukta Adhyadesh, 1987.	29.12.87	—do—	—	—

4.	Rajasthan Panchayat Samiti Tatha Zila Parishad (Sanshodhan) Adhyadesh, 1988.	1.1.88	—do—	—	—
5.	Rajasthan Dharmik Bhavan Aur Sthan (Sanshodhan) Adhyadesh, 1988.	12.1.88	—do—	—	—
UTTAR PRADESH					
1.	The Uttar Pradesh Lokayukta and Up-Lokayukta (Amendment) Ordinance, 1988.	8.1.88	23.2.88	4.4.88	Replaced by Legislation
2.	The Uttar Pradesh Subordinate Services Selection Board Ordinance, 1988.	—do—	—do—	31.3.88	—do—
3.	The Uttar Pradesh State Universities (Amendment) Ordinance, 1988.	15.1.88	—do—	4.4.88	—do—
4.	The Uttar Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1988.	5.2.88	—do—	—do—	—do—
WEST BENGAL					
1.	The Calcutta Homoeopathic Medical College and Hospital (Taking Over of Management and Subsequent Acquisition) (Amendment) Ordinance, 1988.	2.1.88	9.3.88	8.4.88	—
2.	The D.N. De Homoeopathic Medical College and Hospital (Taking Over of Management and Subsequent Acquisition) (Amendment) Ordinance, 1988.	—do—	—do—	—do—	—

APPENDIX VII

A. PARTY POSITION IN LOK SABHA (As on 4 May 1988)

Sl. No.	Name of State/ Union Territory	Seats	Cong. (I)	Telugu Desam	CPI(M)	Other Parties	Unattached	Indepen- dents/ Nominated	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			2(d)			25	1
7.	Haryana	10	6			2(e)			8	2
8.	Himachal Pradesh	4	4						4	
9.	Jammu and Kashmir	6	2			3(f)			5	1
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	1						1	1
16.	Mizoram	1	1						1	
17.	Nagaland	1								1
18.	Orissa	21	20						20	1
19.	Punjab	13	6			5(j)	2		13	
20.	Rajasthan	25	23						23*	1
21.	Sikkim	1				1(k)			1	
22.	Tamil Nadu	39	23			13.(l)	1		37	2
23.	Tripura	2							2	

B. PARTY POSITION IN RAJYA SABHA (As on 13 June 1988)

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

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong.(I)	Janata	Lok Dal	BJP	Cong.(S)	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
STATES												
Andhra Pradesh L.A. (As on 1.4.88)	285	52	3	—	8	—	11	10	203(a)	7	294	1
Andhra Pradesh L.C. (As on 1.4.88)	33	31	—	—	—	—	—	—	2(b)	—	33	—
Assam L.A. (As on 1.12.87)	126	24	—	—	—	4	2	—	91(c)	4	125	1
Bihar L.A. (as on 8.7.87)	325	185	13	46	17	—	1	12	11(d)	29	324*	—
Bihar L.C. (As on 1.4.87)	96	35	2	4	—	—	—	6	2(e)	1	50*	45
Goa (As on 1.4.87)	31	20	—	—	—	—	—	—	9(f)	2	31	—
Gujarat L.A. (As on 1.4.88)	182	147	14	—	11	—	—	—	—	8	180	2
Haryana L.A. (As on 1.4.88)	90	5	—	60	17	—	1	1	—	5	89*	—
Himachal Pradesh L.A. (As on 1.4.88)	68	57	—	1	7	—	—	—	—	3	68	—
Jammu & Kashmir L.A. (As on 1.4.88)	78	27	—	—	2	—	—	—	45(g)	4	78	—
Jammu & Kashmir L.C. (As on 1.4.88)	36	12	—	—	—	—	—	—	18(h)	—	30	6
Karnataka L.A. (As on 1.4.88)	225	66	139	—	2	—	2	4	3(i)	8	224*	—

1	2	3	4	5	6	7	8	9	10	11	12	13
UNION TERRITORIES												
Delhi Metropolitan Council (As on 31.3.88)	61	36	1	1	18	—	—	—	—	2	58	3
Daman & Diu L.A. (As on)												
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 (b) People's Party of Arunachal Pradesh—2.
 (c) Asom Gana Parishad—71; United Minority Front—17; and Plains Tribal Council of Assam—3.
 (d) Jharkhand Mukti Morcha—9; SUCI—1; and Nominated—1.
 (e) Samta Party—1; and Jharkhand Mukti Morcha—1.
 (f) Maharashtrawadi Gomatak Party—8; and Goa Congress—1.
 (g) National Conference (Farook)—41; and Muslim United Front—4.
 (h) National Conference—17; and Awami National Conference—1.
 (i) Maharashtra Ekikaran Samiti—3
 (j) Muslim League—15; Indian Congress Socialist (Sarat Chandra Sinha)—6; Kerala Congress—5; Revolutionary Socialist Party—5; and Kerala Congress (Mani Group)—4.
 (k) Nominated—1.
 (l) Peasants and Workers Party—13; and Bharatiya Congress Party—1.
 (m) Peasants and Workers Party—3; Bharatiya Congress Party—3; and Shiv Sena—2.
 (n) United Democratic Front—10; Manipur People's Party—1; and KNA—1.
 (o) Hills People Union—13; and Hills People Union (B)—6; Hills State People's Democratic Party—5; Public Demands Implementation Convention—2; and All India Hill Leaders Conference—2.
 (p) Mizo National Front—25; and People's Conference Party—2.
 (q) Nagaland National Democratic Party—18; and Nagaland People's Party—1.
 (r) Shiromani Akali Dal—46; Unattached—3; and Disqualified—23.

- (s) Sikkim Sangram Parishad—30.
- (t) All India Anna Dravida Munnetra Kazhagam—131; Dravida Munnetra Kazhagam—12; Indian Union Muslim League—2; All India Forward Bloc—2; and Republican Party of India (Khobergade)—1.
- (u) Tripura Upejati Juba Samiti—7; and RSP—2.
- (v) Lok Dal (A)—53; and Lok Dal (B)—30.
- (w) Congress (J)—4; and Nominated—1.
- (x) Rashtriya Shikshak Dal—3; Shikshak Dal—5; and Nirdaliya Vidhayak Dal—1.
- (y) Forward Bloc—27; Revolutionary Socialist Party—17; West Bengal Socialist Party—4; Revolutionary Communist Party of India—1 Forward Bloc (Marxist)—2; Democratic Socialist Party—2; Socialist Unity Centre of India—2; Muslim League—1; and Nominated—1
- (z) All India Anna Dravida Munnetra Kazhagam—3; Dravida Munnetra Kazhagam—5; and Pondicherry Maanila Makkal Munnai—1

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