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# THE JOURNAL OF PARLIAMENTARY INFORMATION

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## EDITORIAL NOTE

In the last eight decades, the Commonwealth Parliamentary Association (CPA), through its untiring and relentless efforts in promoting understanding and cooperation among Commonwealth parliamentarians, has been able to give a tremendous fillip to the growth of parliamentary democracy. In this age of communications revolution, there has been a growing demand for more of Branch to Branch interaction within the CPA. With the active cooperation of the CPA, the first Regional Commonwealth Parliamentary Association Conference for the North-East Region of India was held in Kohima, Nagaland in April 1997. This was followed by the Second Conference which was held in April 1998 in Aizawl, Mizoram.

The Third North-East Region Commonwealth Parliamentary Association Conference was held in Imphal, Manipur on 17-18 May 1999. The Conference was inaugurated by the Speaker, Lok Sabha, Shri G.M.C. Balayogi on 17 May 1999. Two subjects, viz. 'The Root Causes for Emergence of Regionalism and Unrest in North-East Region' and 'Role of NERCPA in Forging Cooperation and Understanding amongst the North-Eastern States is Crucial for Integrated Development of the Region' were discussed at the Conference. We reproduce in this issue of the *Journal* the text of the Inaugural Address by the Speaker, Lok Sabha, Shri G.M.C. Balayogi.

Ever since its inception in 1976, the Bureau of Parliamentary Studies and Training (BPST) has been organising multi-faceted programmes of training in parliamentary processes and procedures for those who are entrusted with the responsibility of serving parliamentary institutions. In order to perform their responsibilities in right earnest, it is considered essential for members of Parliament and State Legislatures to familiarise themselves with procedural norms pertaining to the functioning of the legislative institutions, Rules of Procedure and Conduct of Business, apart from the provisions of the Constitution. In accordance with this, an

Orientation Programme for members of the Mizoram Legislative Assembly was organised by the BPST, in New Delhi from 21 to 23 April 1999. The Speaker, Lok Sabha, Shri G.M.C. Balayogi delivered the Inaugural Address at the Programme on 21 April 1999. We reproduce in this issue of the *Journal* the text of the Inaugural Address.

The BPST has also been organising Appreciation Courses for Probationers of All India and Central Services like the IAS, IFS, IPS, etc. An Appreciation Course for the IAS probationers was organised by the BPST in New Delhi from 22 to 26 February 1999. The text of the Address delivered by the Speaker, Lok Sabha, Shri G.M.C. Balayogi to the Probationers on 22 February 1999 is also included in this issue.

The *raison d'être* of parliamentary democracy is the accountability of the Executive to the people through the Legislature. The political Executive governs so long as it has the mandate of the people through the Legislature and the moment it forfeits that mandate, it ceases to be in power. It is the good fortune of India and its democratic people that the battle for power has always taken place through the ballot box and on the floor of the Legislature. Two of the important and healthy parliamentary practices which have been used time and again pertain to the use of Confidence and No-Confidence Motions which are like the litmus test for the government of the day.

Article 75(3) of the Constitution of India provides that the Union Council of Ministers is collectively responsible to the Lok Sabha. The Council of Ministers has to prove the majority support, whenever required, either by winning a confidence vote or by defeating a No-Confidence Motion. While the Constitution provides for ensuring collective responsibility, the Rules of Procedure and Conduct of Business in Lok Sabha clearly lay down the procedure for ensuring it through the moving of a Motion of No-Confidence in the Council of Ministers. In recent years, with the decline of one-party dominance and with the emergence of coalition politics, Motions of Confidence and No-Confidence have assumed great significance in our parliamentary polity.

Democracy has always involved the people in the political process. It is the extent and method of involvement which are now changing as the concept of coalition governments has become a part of the

governance these days in several countries. As readers may recall, the General Elections for the Twelfth Lok Sabha, held in March 1998, had resulted in a hung House as no single party or alliance of parties could get a majority. Later, Shri Atal Bihari Vajpayee, Leader of the Bharatiya Janata Party (BJP), along with the strength of his coalition parties, formed the Government at the Centre. After thirteen months, on 17 April 1999, the Vajpayee Government was defeated on the floor by the narrowest margin of just a single vote with 269 members voting in favour of the Confidence Motion moved by the Prime Minister and 270 voting against it. In his article, "Fall of the Government by a Single Vote", included in this issue of the *Journal*, the Editor attempts to give the gist of the historic debate on the Confidence Motion moved by the Prime Minister, Shri Atal Bihari Vajpayee on 15 April 1999, the decisive roles played by individual members at voting time, and the eventual defeat of the Confidence Motion by one vote.

In April 1998, the Supreme Court of India delivered its judgement in the Jharkhand Mukti Morcha case on the issue of immunity to members of Parliament under article 105 (2) of the Constitution for any vote given by them in Parliament. Subsequently, the special CBI Court gave its verdict in this case. Keeping in view the topicality of the judgements, we include a Short Note on the subject in this issue of the *Journal*.

We extend our heartiest congratulations to Shri Pratap Sinh Rane, Shri Ashok Kumar Arora and Shri Paras Ram Maderna on their election as the Speaker of the Goa Legislative Assembly, Haryana Legislative Assembly and the Rajasthan Legislative Assembly, respectively. We also felicitate Shri Alexia Sequeira and Shri Ishwardas Rohani on their election as the Deputy Speaker of the Goa Legislative Assembly and Madhya Pradesh Legislative Assembly, respectively.

This issue of the *Journal* carries our other regular Features, viz. Parliamentary Events and Activities, Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, Sessional Review, Recent Literature of Parliamentary Interest and Appendices.

It has been our constant endeavour to make the *Journal* more useful and informative. We would greatly welcome suggestions for its further improvement. We would also welcome practice and

problem-oriented non-partisan articles in the field of parliamentary procedures and institutions from members of Parliament and State Legislatures, scholars and others interested in the field of parliamentary political science.

—G.C. Malhotra  
*Editor*

## INAUGURAL ADDRESS BY THE SPEAKER, LOK SABHA, SHRI G.M.C. BALAYOGI AT THE THIRD NORTH-EAST REGION COMMONWEALTH PARLIAMENTARY ASSOCIATION CONFERENCE

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The Third North-East Region Commonwealth Parliamentary Association Conference was held in Imphal, Manipur on 16 - 19 May 1999. We reproduce below the text of the Inaugural Address delivered by the Speaker, Lok Sabha, Shri G.M.C. Balayogi on 17 May 1999 at the Conference.

—Editor

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*Honourable Chief Minister, Manipur, Honourable Speaker of Manipur Legislative Assembly, Honourable Speaker of other State Legislative Assemblies of the North-Eastern Region, Distinguished Delegates, Ladies and Gentlemen:*

I am very pleased to be with all of you today in this beautiful part of our country. I also deeply appreciate the impeccable hospitality of the people here. My felicitations to the Commonwealth Parliamentary Association (CPA) for its continued initiative and interest in this region to strengthen the forces of democracy.

I take this opportunity to felicitate the CPA for the laudable role it is playing in strengthening democracy. Since its inception, the CPA has espoused the cause of democracy, parliamentary traditions, rule of law, individual liberty and human dignity. The initiative taken by the CPA and the legislators of the North-East Region in 1997 to hold this Conference annually represented an event of path-breaking significance in the sense that a meaningful cooperation at the parliamentary level was embarked upon. The success of the two Conferences held earlier at Kohima and Aizawl in 1997 and 1998 has laid strong foundations for closer interaction among the North-Eastern States. With time, the North-East Regional CPA has served as an important forum for enhancing cooperation in various spheres and understanding among the people of this region.

I find from the agenda of the Conference that two vital subjects are going to be discussed 'Root Causes for Emergence of Regionalism and Unrest in North-East India' and the other about 'The Role of NERCPA



in Forging Cooperation and Understanding amongst the North-Eastern States for Integrated Development of the Region.'

The seven sisters, as the States of this region are called, reflect sisterhood in their geographical contiguity, historical backgrounds and socio-psychological attitudes. A mosaic of diverse cultures, languages and traditions, the entire region has, since Independence, been experiencing various socio-political and economic movements, both peaceful and at times violent. Probably this is the only region in India which has been witnessing reorganisation on such a grand scale. The special status of the North-Eastern region is an open acknowledgment of its perennial backwardness.

The overall picture of the economy in the States of the North-Eastern region does present a much lesser status of development than the all-India average. High levels of population growth and dependence on agriculture, low levels of industrialisation, low levels of literacy and low per capita income are the characteristic features of the region. Literacy is significantly lower than the national average of 52 per cent. Population growth rate ranges from 2.6 per cent to nearly 4 per cent in the States of the region as against the national average of 2.1 per cent. Per capita income at current prices ranges from about Rs. 2,900/- to Rs.6,000/- against the national figure of over Rs.9,000/-. Industrial development is of a rather low order, dependence on agriculture being nearly 90 per cent. Only Manipur and Mizoram are the States where the percentage of people living below poverty line is less than 36 per cent. This regional disparity in economic and human development is, of course, a matter of very serious concern which the legislators of the region should subject to serious analysis in this Conference.

The bane of the North-Eastern States, as I perceive, has been that they have been preoccupied with combating militancy which, in turn, has been taking its toll of their meagre resources. Most insurgencies have been caused by the lack of economic development and cross-border abetment and aid. At the time of Independence, this region was one of the prosperous regions in the country and with its resources like tea and jute, it was a top foreign exchange earner. Rich in minerals, rich in water resources, rich in forests, this region is indeed the richest one in terms of bio-diversity in our country. There is a lot that the people of the rest of India can learn from the people of this region—religious tolerance, absence of untouchability and the dowry system and a passion for literacy. Our Constitution has been enriched by the contribution of eminent leaders like Gopinath Bordoloi, Rupnath Brahma and Rev.

J.J.H. Nichols-Roy. These leaders were in fact responsible for the formulation of the Sixth Schedule of the Constitution.

Over a period of time, this region has been plagued with multi-dimensional problems. But we should not view these problems from a regional perspective. There is always a tendency to view it from that particular dimension which suits a particular interest. A very important aspect, no doubt, is lack of development. The entire region lacks infrastructural development and proper communication network. Then there is connectivity problem between the North-East and the rest of India. Employment opportunities are limited. Growing unemployment and economic backwardness are the main reasons for the problem of insurgency. It is often said that since there is no development, the insurgency has arisen. Another way of looking at this problem is, because there is insurgency, there is no development. Needless to say, we have to come out of this vicious cycle.

The basic pre-requisite for development is peace in the society. It is common knowledge that there are serious social tensions and conflicts in the North-East region. This subject was discussed, I find, in the last CPA Regional Conferences at Kohima and Aizawl. So, I shall desist from going into it in elaborate detail. However, I would emphasise that peace cannot be secured merely by military or police action; nor can it be purchased by flushing the region with money. For finding lasting solution to the problem of social tensions, the underlying causes have to be identified and addressed.

Development of agriculture, industries and infrastructure, creation of employment opportunities and holding out hope for the youth in a credible manner are indispensable to bring about greater social cohesion, to make the people have a sense of participation in national development. The North-East is a significant part of the federal polity that India is. So, the local identity of the region should be brought to be federation-friendly through the modality of development, through meaningful devolution of powers.

Apart from development, the process of development itself is important. The people of the region should be given a sense of feeling of participation in the development process itself. This would materialise only if the people of the region share in the fruits of development. Care should be taken to ensure that the people of the region do not feel that their natural resource endowments are only being exploited without themselves being sharers in the benefits of development.

New strategies are also to be formulated to revitalize the develop-

mental activities since territorial disputes, tribal conflicts, insurgency and unemployment of educated youth have come in the way of emotional integration of the States with the nation. A sincere and honest approach to the diverse problems requires a meeting of minds where there is flexibility rather than rigidity.

From the point of view of overall development of the region as well as maintaining standards in public life, a vital and relevant measure in my opinion would be the involvement of women in positions of political power. I say so because women in our society generally have been very sound managers. Their patience, their tolerance and their capabilities in discharging household responsibilities are qualities and attributes which need induction into the political world to make it conducive to development and to probity. For sometime now, political participation of women in partnership with men has also come to be discussed all over the world, including in India. While there seemed to be an overall appreciation of the idea, differences on modalities of reservation were rather sharp.

Meeting the physical requirement of the region is one aspect of the problem, the other being emotional integration and herein lies the crucial role of the parliamentarians, legislators and political parties. Very often, issues relating to the North-East find place in the proceedings of the Parliament where not only MPs from the region but from all parts of the country take keen interest in the integrated development of the region. The legislators and the parliamentarians of the North-East have to play an important role in reducing the emotional distance of this region.

With these words and with immense pleasure, I inaugurate this Conference. I wish the Conference all success. Thank you too for your kind attention.

**INAUGURAL ADDRESS BY THE SPEAKER, LOK SABHA,  
SHRI G.M.C. BALAYOGI AT THE ORIENTATION  
PROGRAMME FOR THE MEMBERS OF THE  
MIZORAM LEGISLATIVE ASSEMBLY**

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An Orientation Programme for members of the Mizoram Legislative Assembly was organised by the Bureau of Parliamentary Studies and Training (BPST), Lok Sabha Secretariat in the Committee Room (Main), Parliament House Annexe, New Delhi, from 21 to 23 April 1999.

We reproduce below the text of the Inaugural Address delivered by the Speaker, Lok Sabha, Shri G.M.C. Balayogi, on 21 April 1999.

—Editor

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*Honourable Members and Friends:*

It is a matter of pleasure for me to welcome you all to this Orientation Programme being organised by the Bureau of Parliamentary Studies and Training of the Lok Sabha Secretariat.

Ever since its inception in 1976, the Bureau has been organising multi-faceted programmes of training in parliamentary processes and procedures for those who are entrusted with the responsibility of serving parliamentary institutions. In order to perform your responsibilities in right earnest, it is essential to familiarise yourself with procedural norms pertaining to the functioning of parliamentary institutions, Rules of Procedure and Conduct of Business, apart from the provisions of our Constitution. This Orientation Programme is meant to provide requisite common knowledge to you all in this respect.

To play a meaningful role as members, we must understand the significance of parliamentary institutions in our polity. It is a long drawn process which calls for the will and desire to excel. I am sure that this Programme will give you an opportunity to benefit from the experiences of some of our senior parliamentarians. It will go a long way in providing you with valuable insights into, and vital inputs on, the crucial question of how to become effective legislators.

It is our earnest endeavour that during the course of the training, the legislators are apprised of four significant facets of representation; first

and the foremost is that a legislator represents the constituency which elects him; second, he represents the political party on whose symbol and manifesto he contests the election; third, he represents the segment of a State in a broad sense; and finally, he represents and projects himself as an individual in the political scenario at the State level.

General awareness of the overall national interest is one more dimension added to this concept of representation. The legislators' concern must, therefore, reflect all these four aspects, besides protection of overall national interest as a matter of top priority. This representative character gives them a unique position and they serve as a link between the people and the government. How effectively and efficiently they discharge this primary duty of theirs, becomes instrumental in earning them a better image. The most important role which the legislators are called upon to play is to effectively represent their respective constituencies, protect their interests and ensure their development.

It is important for legislators to attend the sittings of the House regularly and take active part in its proceedings. There are numerous procedural devices available to raise matters of concern in the House and they should be made full use of. Legislators should come to the House with advance preparation and follow the Rules of Procedure as well as its customs and conventions while performing their functions.

As we all know, acquiring knowledge and information has its own significance in enriching one's horizon of thought. But, to make use of the acquired wisdom in an appropriate manner is yet another thing. I would suggest that you all must watch keenly the way your senior colleagues articulate themselves in the House and present their views in an organised manner.

There are times when heated debates take place in the House and tempers run high. In the heat of the moment when passions run high, members sometimes tend to use unacceptable language. On such occasions, particular care should be taken that views expressed are well within the parameters set by Rules of Procedure and parliamentary customs and conventions.

The legislator's status is an exalted one. Dignified conduct is one of the primary obligations of the legislator. Any improper conduct in the House and disrespect to the Chair tend to project the members in poor light. As such, the image of Legislature and its credibility as a representative institution largely depend on the role and behaviour of its members.

In my opinion, legislators should be shining examples of service

ORIENTATION PROGRAMME FOR  
THE MEMBERS OF

THE MIZORAM LEGISLATIVE ASSEMBLY

New Delhi: 21-23 April, 1999



The Speaker, Lok Sabha, Shri G.M.C. Balayogi inaugurating the Orientation Programme for the members of the Mizoram Legislative Assembly

and be willing to serve the nation and its people to the best of their ability, sincerity and integrity. I am reminded of Lord Bryce's remarks and I quote:

**"Democracy assumes not merely intelligence but an intelligence elevated by honour, purified by sympathy and stimulated by a sense of duty towards the community."**

I would like all of you to strive to become good legislators and I wish you all the very best in your future endeavours. I am sure you will find the deliberations of this Orientation Programme to be meaningful.

With these words, I have great pleasure in inaugurating this Orientation Programme.

Thank you.

## ADDRESS BY THE SPEAKER, LOK SABHA, SHRI G.M.C. BALAYOGI AT THE APPRECIATION COURSE FOR I.A.S. PROBATIONERS

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An Appreciation Course for I.A.S. Probationers was organised by the Bureau of Parliamentary Studies and Training (BPST), Lok Sabha Secretariat in New Delhi from 22 to 26 February 1999.

We reproduce below the text of the Address delivered by the Speaker, Lok Sabha, Shri G.M.C. Balayogi to the Probationers on 22 February 1999.

—Editor

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*Respected Secretary-General, Lok Sabha, Shri Gopalanji, Respected Additional Secretary, Lok Sabha Secretariat, Shri Malhotraji and Dear Friends:*

I am happy to be amidst you and I have pleasure in welcoming you all to the Bureau of Parliamentary Studies and Training for this Appreciation Course.

I congratulate all of you for having made it to the Civil Service. Since much of the public activity in our country originates from the Government, the Civil Services have a special position in our polity and in governance. Along with the special position goes the special responsibility of the Civil Service.

The Civil Servants should acquire an adequate understanding of what it means to be in the service of the society in a developing society like ours and what relations the Executive ought to have with the elected representatives of the people.

This Programme is geared to give you a good insight into various dimensions of the relationship between the Civil Servants and the Legislature in our parliamentary democracy. I am sure that all of you are familiar with the way our Constitution operates. Our Constitution has envisaged an organic relationship of mutual harmony among the three pillars of governance, that is Parliament, the Executive and the Judiciary. It is for the Legislature to legislate. The Government executes or implements policies and programmes. The Judiciary is the watch dog of the Constitution and the Rule of Law.



Our system broadly conforms to the Westminster model of governance. The Government is made responsible collectively to the Legislature for all its actions. The Government remains in office only so long as it enjoys the confidence of the Legislature. The Legislature has a number of procedural devices to ensure the Executive's accountability to the elected representatives of the people. This is the basic thrust of parliamentary democracy, be it in Britain or in India. However, we have not accepted the British model blindly. We have evolved the system to suit the needs of our developing society. In the process, we have developed many innovative devices which have enriched parliamentary practice. These devices are meant to help us in achieving the objective of providing good governance.

The Civil Servants, according to our system of government, are expected to be neutral. In fact, participating in politics or bringing political predilections in the official decision-making would attract the disciplinary rules against Civil Servants. Of late, one of the serious concerns expressed by the people is about the nexus between the politicians and the Civil Servants. The expression of this concern is on account of apprehension that the political conduct of the Civil Servants would result in the denial of equality before law and equal protection of laws for all citizens which is the essence of the Rule of Law. In their official business, Civil Servants would be having direct interaction with the legislators who are political leaders. They should resist the temptations of building an undesirable nexus with the political leaders. Indeed, as many of you would realise in the course of your Service, in the long run it is only the politically neutral, honest and fair officers who would be respected by those in positions of political power. Neutrality does not mean that they should develop any hostile attitude towards legislators or political leaders. The Executive arm of the Government consists of Ministers as well as the Civil Servants; together they constitute what is generally understood as Administration. Ministers are political executives and Civil Servants are permanent executives. They need to work in close cooperation. Rules and regulations are meant for uniformity of decision-making in comparable cases. But the Civil Servants need to ensure that governance does not become a matter of mechanical application of rules and regulations.

The Civil Service does wield significant authority in the matter of policy initiatives and in interpreting them and influencing decision-making. This authority of interpretation should be exercised positively to secure public good. With the advantage of continuity in office, knowledge of precedents and insight into implications of applying the given set of

rules and regulations, the Civil Service has the wherewithal and equipment to suggest their modification in a rational way to suit our dynamic overall socio-economic needs. Rules and regulations are not for ever. Indeed, even our Constitution has been envisaged as a flexible instrument and we have had 78 amendments since its adoption.

A lot of work in Government is of routine nature. Civil Servants get bogged down with the load of routine files and papers. In the process, often, there is even a tendency amongst Civil Servants to feel that parliamentary work is a distraction from their work. This tendency should not be allowed to grow. Indeed, briefing and preparing Ministers to answer questions and transact other business in the Legislature helps the Civil Servants preoccupied with routine, to review and analyse the performance of their Departments and get deep insights into problems of implementation which they may not otherwise get.

Sometimes, a tendency is also noticed of the Ministers evading replies to Questions in the Legislature. This adversely impacts on order in the House. This is also a reflection of the performance of the Civil Servants. Civil Servants are a link in a chain of accountability of the legislators to the people, of the Council of Ministers to the Legislature, of individual Ministers to the Prime Minister and the Council of Ministers and of Civil Servants to the Ministers. If the link of Civil Servants in this chain snaps or even gets weakened, accountability would suffer and our parliamentary system may decline ultimately. The Civil Servants would do well to familiarise themselves with the Rules of Procedure and Conduct of Business of the Houses so that they gain a good grounding on the expectations of the Legislature from the Executive.

Committees of Legislatures are as important as the Legislatures themselves. Indeed, substantive work, whether it be for making laws, or scrutiny of budget or of Public Accounts, or current performance of Departments, gets transacted in Committees. It is generally officers, and not Ministers, who appear before the Committees. This arrangement has been made out of design. Civil Servants, being the permanent executive, are expected to have the expertise to provide the required inputs for Committee work. Meaningful interaction between the Civil Servants and Legislature Committees helps in improving the overall quality of administration.

I need not over emphasise the need for dignified personal conduct on the part of the Civil Servants in their interaction with legislators. A disturbing matter is that very frequently, these days, I keep receiving complaints from members of Parliament about the rude behaviour of

Civil Servants, particularly those working in the field. Requests are made to take action against officers for breach of privilege on account of their misconduct. The conduct of the officers in given circumstances may or may not attract constitutional provisions relating to breach of privilege. But the frequency of complaints of misconduct by officers is not a good augury.

I hope the Civil Servants themselves proactively, and Civil Servants' training institutions, would evince special interest in orienting the Civil Servants on dignified and restrained conduct, particularly in their interface with those in public life.

I wish all of you success in your careers. Let your success also reflect in the ultimate improvement of the conditions of living of our people.

Thank you.

## FALL OF THE GOVERNMENT BY A SINGLE VOTE

G.C. MALHOTRA

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Thirteen months after the Atal Bihari Vajpayee Government won confidence of the House on 28 March 1998 by a margin of 15 votes (175 Ayes, 160 Noes), the Twelfth Lok Sabha withdrew its trust in the Council of Ministers on 17 April 1999 when the Motion "that this House expresses its Confidence in the Council of Ministers" was defeated on the floor by the narrowest margin of just a single vote with 269 members voting in favour of the Confidence Motion moved by Shri Atal Bihari Vajpayee and 270 against it.

The General Elections for the Twelfth Lok Sabha held in February-March 1998 had resulted in a hung House as no single party or alliance of parties could get a majority. Shri Vajpayee, Leader of the Bharatiya Janata Party (BJP) which had won the largest number of seats, was invited by the President, Shri K.R. Narayanan to form the Government after he was assured of majority support on the strength of his coalition parties which included the All India Anna Dravida Munnetra Kazhagam (AIADMK), Biju Janata Dal, Shiromani Akali Dal (S.A.D), West Bengal Trinamool Congress. Shiv Sena, Pattali Makkal Katchi, Haryana Lok Dal, Marumalarchi Dravida Munnetra Kazhagam (M.D.M.K.), Lok Shakti Party, Arunachal Congress, Haryana Vikas Party and some independents as also on the basis of the declared stand of the Telugu Desam Party (T.D.P.) to remain neutral.

The second floor test for the Vajpayee Government was necessitated when on 14 April 1999, the AIADMK party, a coalition partner having a strength of 18 members in the Lok Sabha, withdrew its support to the Government. The President, Shri K.R. Narayanan, thereupon, directed the Prime Minister, Shri Vajpayee to seek a Vote of Confidence.

The Leader of the AIADMK, Kumari Jayalalitha had earlier demanded the removal of the Defence Minister, Shri George Fernandes; reinstatement of the sacked Naval Chief, Admiral Vishnu Bhagwat; and a Joint Parliamentary Committee (JPC) probe into the charges levelled by Admiral Bhagwat against the Defence Minister. On 3 April 1999, the AIADMK leader had said that the continuance of her party in the Vajpayee-led

Government would depend on its response to these demands. The Coordination Committee of the coalition had earlier, on 27 March, unanimously rejected the Opposition demand for a JPC probe into the dismissal of Admiral Bhagwat. The Union Cabinet, on 5 April, rejected all the three demands of Kumari Jayalalitha. The Cabinet meeting was not attended by Ministers of the AIADMK party. Consequently, on 6 April, the two Ministers of AIADMK, Dr. M. Thambi Durai and Shri K.M.R. Janarthanan submitted their resignations to the Prime Minister which were accepted on 8 April 1999. When possibility of any rapprochement was ruled out, the AIADMK withdrew on 9 April from the Coordination Committee of the BJP-led coalition. The final step of breaking away from the coalition was taken on 14 April, when the AIADMK chief, Kumari Jayalalitha, handed over the letter of withdrawal of support to the President, Shri K.R. Narayanan.

Another party, the Indian National Lok Dal, led by Shri Om Prakash Chautala, with a strength of four members in the Lok Sabha, had earlier withdrawn support to the Vajpayee Government in February 1999 following rejection of its demand for withdrawal of the price hike on urea.

On 15 April 1999, the Prime Minister, Shri Vajpayee gave notice of a Confidence Motion seeking the trust of the Lok Sabha in his Council of Ministers. The Motion was admitted by the Speaker, Shri G.M.C. Balayogi and included in the Supplementary List of Business of that day, *i.e.* 15 April 1999. When the House met, Rule 32\* of the Rules of Procedure and Conduct of Business in Lok Sabha relating to Question Hour was suspended on a motion moved under Rule 388# by the Minister of Parliamentary Affairs, Shri P.R. Kumaramangalam and adopted by the House to enable it to take up the Confidence Motion. This was for the second time in 13 months that the Vajpayee Government came before the House with a Confidence Motion.

Moving the Confidence Motion, the Prime Minister, Shri Vajpayee said that the Opposition wanted to remove the Government but the picture thereafter was not clear. It was the demand of democracy that those who wanted to oust the Government should explain as to what type of Government they would bring, who would lead that Government and what would be its programmes.

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\* Rule 32: Unless the Speaker otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions.

# Rule 388: Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being.

Initiating the debate, the Leader of the Opposition in the Lok Sabha, Shri Sharad Pawar (Congress) welcomed the AIADMK's decision to withdraw support from the Vajpayee Government and said, it was in tune with what he called "people's disenchantment" with the 13-month-old Vajpayee Government. The Government had failed to ameliorate the problems of poverty and unemployment. It had been a total failure on all the fronts, be it the economic front, industrial sector or promotion of social harmony. Therefore, the Government had forfeited the right to rule the nation. He claimed that the Opposition would unitedly get a new Government for the 21st century soon after this Government was voted out.

Supporting the motion, the Home Minister, Shri L.K. Advani, called upon the Congress to desist from playing negative politics. In fact, there was nothing to say against the Government which conducted the nuclear test at Pokhran, test-fired the 'Agni' missile, started the bus service to Lahore, dynamically improved the situation in Kashmir and brought stability to the country's economy. It was amazing that the Left parties, who were critical of the Congress, were willing to extend support to a Congress-led Government. The Constitution of India provided for a secular State and all citizens were treated equally for the purpose of justice and provision of security. The Government was fully committed to this principle, said the Home Minister. The Government was proud that the year 1998 had been a riot-free year, by and large.

The Rashtriya Janata Dal (RJD) leader Shri Lalu Prasad asked the Prime Minister to resign without waiting for the voting. He claimed that the Prime Minister was falling on his own because the party supporting the Government had withdrawn its support.

Participating in the discussion, the Finance Minister, Shri Yashwant Sinha cautioned political parties against doing anything that would push back the nation's economy which, for the first time since Independence, had been put back on the rails. The economy of this country was not the responsibility of any particular party alone but of the whole House and everybody should try to understand this aspect.

The former Speaker of the Lok Sabha and Congress leader Shri P.A. Sangma decried the lack of governance and the denigration of institutions by the Government which would permanently damage the democratic system. He observed that if the institutions could be preserved and strengthened, the country would move forward, even with instability of the Government.

Defending his party's decision to withdraw support to the Vajpayee Government, the AIADMK leader Shri R. Muthiah accused the ruling

alliance of betrayal on various fronts, including non-implementation of the Sethu Samudram project; betrayal in the Cauvery Water issue; neglecting the views of AIADMK leader Kumari Jayalalitha in the Vishnu Bhagwat issue; and not acceding to the demand to dismiss the DMK Government in Tamil Nadu.

Shri Vaiko, (MDMK) cautioned Opposition parties not to become pawns in the hands of the Congress which, he said, pursued politics of destabilisation. The Vajpayee Government brought glory and credit to the country before the eyes of the world when the Pokhran tests were conducted and India became a nuclear-weapon State. Shri Vajpayee's bus journey to Pakistan gave a message for peaceful co-existence. If this Government fell, there would be no option other than elections.

Shri N.K. Premachandran, (RSP) felt that Shri Vajpayee, though an eminent personality, could not prove himself as an able leader, as his hands were tied. This Coalition Government was controlled by pressure groups of the coalition partners. Before taking any decision, the Prime Minister had to take dictats from some quarters which were remote-controlling the Government.

The Minister of State for Information and Broadcasting, Shri Mukhtar Abbas Naqvi observed that Shri Vajpayee was an able leader. He regretted that a deliberate propoganda had been unleashed that the minorities would not be safe under this Government. However, the fact was that the confidence among the minorities had built up. The Government wanted to give due rights to the minorities, weaker sections of society, backward people and the downtrodden.

Shri Sudhakar Reddy (CPI) claimed that the Pokhran nuclear tests had brought more serious threats to the country's security, contrary to the Government's claims. He said that the Government had miserably failed to control attacks on the minorities.

Shri Prabhunath Singh (Samata Party) observed that the Prime Minister had demonstrated his statemanship by resolving the Cauvery Water dispute and undertaking the historic bus journey to Lahore. Re-suming the debate on 16 April 1999, Shri Prabhunath Singh further observed that after the nuclear explosion, economic sanctions were imposed on the country by USA which were faced boldly under the leadership of Shri Vajpayee.

Shri Somnath Chatterjee (CPI-M) appealed to every section of the House to see to it that secularism be not compromised. He charged the Central Government of misusing political power by appointing an active politician belonging to the ruling party as the Governor of Bihar, a State

governed by another political party. He also blamed the Government for neglecting the working people.

Shri Murasoli Maran (DMK) said that in a federal country of continental dimensions like India, a coalition government was the best unifying factor. Unfortunately, we were yet to create a code of conduct for running a coalition government. The BJP had placed faith on unreliable elements. His party had decided to support the continuance of the present Government in the national interest and in the interest of the people of Tamil Nadu.

Opposing the motion, the former Defence Minister, Shri Mulayam Singh Yadav (Samajwadi Party) alleged that the Government had failed on all fronts, including external affairs and finance. He said that Government's failure to control prices had hit the common man badly due to the spiralling inflation. When the Government invoked Article 356 for proclamation of President's Rule in Bihar on the recommendation of the Governor and failed to get the Resolution passed in both the Houses of Parliament, it should have resigned then itself. Shri Yadav held the view that the matter concerning the security of the nation should not be made public. He was, therefore, against constitution of a Joint Parliamentary Committee in such matters.

Kumari Mamata Banerjee (West Bengal Trinamool Congress) warned the House about the consequences of instability brought in by political turmoil and of frequent elections on the nation's economy. She said the Vajpayee Government had come to power at a difficult time but had managed to bring some financial discipline and stability.

Participating in the discussion, the deputy leader of the Congress, Shri P. Shiv Shanker said that each Minister of this Government spoke in his own way and the Prime Minister had lost his own allies because of his mis-management. This Government was a Government of contradictions. It flawed in its working, if flawed in its priorities and the flaw was inherent in its very ideology itself. He charged the Government of being inefficient, unprincipled, dishonest and apathetic to the causes of the downtrodden classes. He charged the Government of only talking of consensual politics but not, at any point of time, having developed a consensus on important issues like the Prasar Bharati Bill which could not be passed in the Rajya Sabha.

The former Home Minister, Shri Indrajit Gupta (CPI) said that very often the BJP Government had to carry out the directions and decisions of the Rashtriya Swayam Sevak Sangh (RSS) which was practising back-seat driving and remote control. He complained that Shri



Vajpayee never took a strong and firm stand against those forces and organisations that were putting pressure on him. On the issue of the removal of the Naval Chief, Shri Gupta observed that not allowing the House to discuss this issue amounted to contempt of Parliament.

Participating in the discussion, the Defence Minister, Shri George Fernandes alleged that it had been the strategy of the Congress party to destabilise the Government of Shri Atal Bihari Vajpayee. He said that the attacks on Christians were a part of a big conspiracy being conducted by some people. The Government was not following the manifestoes of the different parties who were in the Government but the National Agenda for Governance.

Kumari Mayawati (BSP) alleged that the governments formed by the Congress party, the BJP and the Third Front had ignored the interests of Dalit, backward classes and minorities. She said that keeping in view the interest of *Bahujan Samaj*, her party had decided to abstain.

The former Prime Minister Shri Chandra Shekhar (Samajwadi Janata Party) said that it was not justified to conduct a debate in Parliament on corruption as it created an impression before the world that the country had nothing except corruption. He said that the nuclear bomb was a weapon of destruction and not meant for protection. Shri Chandra Shekhar also said that people who introduced liberalisation in the country had committed a crime. Many small scale industries and cottage industries had closed down or faced extinction due to liberalisation.

Shri K. Yerrannaidu (TDP) said that his party extended issue-based support to the BJP-led Government on the basis of the National Agenda for Governance. He said the nation needed stability which was the need of the hour.

The former Prime Minister Shri H.D. Devegowda (Janata Dal) said the Government was a traders' Government, which had neglected the farming community. Shri Devegowda said he had objected to the Pokhran tests.

The Minister of Chemicals and Fertilisers and Food and Consumer Affairs, Sardar Surjit Singh Barnala, (SAD) said Pokhran was a step for strengthening the security of India. There was also food security and the Government should continue as it was doing well. He observed that the Prime Minister's bus journey to Pakistan had helped in changing the attitudes of people of both the countries.

The former Finance Minister Shri P. Chidambaram [TMC(M)] observed that the period 1998-99, in terms of economic development, was

a wasted year. He charged the Government with making India virtually friendless in the world. He further stated that his party would fight against the twin evils of communalism and corruption.

Shri Madhukar Sirpoddar (Shiv Sena) pleaded that once a person was elected a member of the Lok Sabha, he should continue to be a member for a period of five years.

Shri K. Natwar Singh (Congress) charged the Government with destroying the national consensus on foreign policy and ruining India's relations with China, Pakistan, the United States and Europe.

Dr. Subramanian Swamy (Janata Party) observed that the AIADMK withdrew support to the Government as it gravely jeopardised the national security and demoralised the armed forces by dismissing Admiral Vishnu Bhagwat. The mere fact that the Government stoutly refused to agree to the formation of a JPC to look into the matter proved that the Government wanted to hide something.

Shri Anand Mohan, the lone member of the All India Rashtriya Janata Party, supported the motion saying that there was no difference between the Congress and the BJP in regard to economic policies.

Shri Kishan Singh Sangwan (Indian National Lok Dal) which had earlier withdrawn the support of its four members from the coalition government on the question of cut in the subsidies on food and fertilisers, however, supported the motion while making an appeal to the Government to be sympathetic to the farmers and safeguard their interests.

Shri G.M. Banatwalla (Muslim League) alleged that the Government had destroyed and shaken the secular credentials of India. The ideological sister organisations of BJP were given a free hand to whip up communal animosity, unleash violence and liquidate secularism.

Supporting the motion, the Minister of Steel and Mines, Shri Naveen Patnaik observed that the Government had kept India's economy stable when the economy of the world was crashing.

Speaking against the motion, Shri P.C. Thomas [Kerala Congress (M)] said that many incidents of atrocities on the minorities took place in Orissa, Madhya Pradesh and other parts of the country.

Replying to the debate on 17 April 1999, the Prime Minister, Shri Atal Bihari Vajpayee spoke of the Pokhran nuclear tests and Agni missiles and asserted that his Government neither buckled under international pressure nor would it ever do so on the question of national security which was of paramount importance. Shri Vajpayee also offered

to consider the demand for a JPC to go into the issue relating to the sacking of Admiral Vishnu Bhagwat after a discussion with senior leaders.

Accusing the Congress of plotting sinister designs to remove his Government, the Prime Minister said the BJP took the initiative of forming the coalition government since no other party had the ability to do so. He regretted that the AIADMK party had no consideration for the nation's vital interests when it decided to withdraw support to the Government. Shri Vajpayee said he was being accused by Opposition parties of ignoring the democratic norms. He said, instead of knocking at the door of the Rashtrapati Bhawan, the Opposition could have moved a No-Confidence Motion. Both Shrimati Indira Gandhi and Shri P.V. Narasimha Rao had led minority Governments, but never sought a confidence vote. Why was the Congress and others making it an issue now, he demanded. He said that the Opposition was taken into confidence on issues of national importance as a big country like India could not be governed without taking everyone along. The Opposition had its own responsibility towards the Government which it should carry out, Shri Vajpayee said.

The Prime Minister charged the Opposition with sabotaging the Women's Reservation Bill and said that the Government was ready to take up the issue now, if the Opposition was sincere on this. The Prime Minister, however, admitted that as the Government did not enjoy majority in the Rajya Sabha, important Bills of national importance were adopted with the support of the Opposition but some could not be taken up because of differences within the Opposition itself. Referring to the economic situation, he said his Government had inherited an economy in shambles but during the last six months, the situation had improved. He, however, cautioned that political instability was bound to have adverse impact on the economy, particularly when it was deliberately created so frequently. Shri Vajpayee said his government had made spectacular achievements in building national security, improving the economy, maintaining internal peace and enlisting the support of the countrymen on various national issues.

Before the voting, the House witnessed various arguments and counter-arguments from the Treasury and Opposition benches on the voting right of Shri Giridhar Gamang, a Congress MP who had become the Chief Minister of Orissa. Shri Gamang had not resigned from the membership of the Lok Sabha and was yet to be elected to the Orissa Legislative Assembly. The Speaker of the Lok Sabha, Shri G.M.C. Balayogi referred to certain similar instances in the past where it was observed by the Chair that while such Ministers continued to be

members, it would not be desirable for them to participate in the deliberations of the House. Accordingly, such members withdrew from the House forthwith. Since Shri Gamang continued to be a member of the Lok Sabha, the Speaker, Shri Balayogi left it to the good sense of the member as regards the question of casting his vote on the Confidence Motion. Shri Gamang later voted against the Motion.

The Confidence Motion moved by the Prime Minister, when put to vote, was lost by 269 to 270 votes. The fall of Government was triggered by the change of stand by the Bahujan Samaj Party which had five members in the Lok Sabha. The Bahujan Samaj Party earlier had declared that it would abstain from voting. However, it voted against the Confidence Motion. The National Conference member, Prof. Saifuddin Soz, going against his party's decision to support the Motion, also voted against the Motion. However, six members of DMK and the lone member of the All India Rashtriya Janata Party, Shri Anand Mohan, who were hitherto with the Opposition, voted in support of the Vajpayee Government.

After he lost the Confidence Motion, Shri Vajpayee called on the President, Shri K.R. Narayanan and submitted his resignation. He was, however, asked by the President to continue in office till alternative arrangements were made.

On 21 April 1999, the President invited the Congress party President Shrimati Sonia Gandhi for consultation and asked her to explore the possibility of forming a new Government at the Centre. The President also received suggestions from various political parties, including the BJP and its allies and individuals in this regard. In the evening of 21 April, a delegation of the BJP and its allies also met the President and submitted a list of 270 MPs, including the Speaker, supporting them. Shri Narayanan, meanwhile, consulted legal and constitutional experts on the subject.

On 25 April 1999, Shrimati Sonia Gandhi met the President and expressed her inability to form the Government. She also said that her party would not back the Third Front alternative. Later in the night, the President summoned the Prime Minister for consultation and conveyed his assessment that the 12th Lok Sabha was not capable of yielding a Government with a reasonable prospect of stability. On 26 April 1999, the Union Cabinet recommended to the President to dissolve the Lok Sabha and order fresh elections as early as possible. The President, Shri K.R. Narayanan, on the recommendation of the Union Cabinet, dissolved the 12th Lok Sabha on 26 April, 1999. A Rashtrapati Bhawan

**communique said that “the ruling alliance lost its majority because of lack of cohesion within its ranks and those who voted out the alliance showed the same disunity while trying to form an alternative Government... In this situation, the President reached the conclusion that time had arrived for the democratic will of the people to be ascertained once again, so that a government can be formed, which can confidently address the urgent needs of the people.”**

**IMMUNITY TO MEMBERS OF PARLIAMENT UNDER  
ARTICLE 105(2) OF THE CONSTITUTION FOR ANY  
VOTE GIVEN BY THEM IN PARLIAMENT  
(JHARKHAND MUKTI MORCHA CASE)\***

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*Genesis*

In the General Election for the Tenth Lok Sabha held in 1991, the Indian National Congress (I.N.C.) emerged as the single largest party and it formed the Government with Shri P.V. Narasimha Rao as the Prime Minister. During the Seventh Session of the Tenth Lok Sabha, on 28 July 1993, 'No-Confidence Motion' was moved against the Government by Shri Ajoy Mukhopadhyaya, a member belonging to CPI(M). At that time, the effective strength of the Lok Sabha was 528 and the Congress(I) had a strength of 251 members. Congress(I) was short of 14 members for a simple majority. The Motion of No-Confidence was taken up for the discussion in the Lok Sabha on 26 July 1993 and the debate continued till 28 July 1993. The Motion was, thereafter, put to vote that day. On 28 February 1996, Shri Ravindra Kumar of Rashtriya Mukti Morcha (R.M.M.) filed a complaint dated 1 February 1996 with the Central Bureau of Investigation (C.B.I.) wherein it was alleged that in July 1993, a criminal conspiracy was hatched by Sarvashri P.V. Narasimha Rao, Satish Sharma, Ajit Singh, V.C. Shukla, R.K. Dhawan and Lalit Suri to prove a majority of the Government on the Floor of the House on 28 July 1993 by bribing members of Parliament of different political parties, individuals and groups to an amount of over Rs. 3 crore and that in furtherance of the said criminal conspiracy a sum of Rs.1.10 crore was handed over by the aforementioned persons to Shri Suraj Mandal. On the basis of the said complaint, the CBI registered four cases under Section 13(2) read with Section 13(1)(2)(iii) of the Prevention of Corruption Act, 1988 *inter alia* against Sarvashri Shibu Soren, Simon Marandi and Shalendra Mahto, members of Parliament belonging to the Jharkhand Mukti Morcha Party (JMM).

These developments also found an echo in the Lok Sabha. During

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\* Contributed by Legislative Branch-I, Lok Sabha Secretariat

the 16th Session of the 10th Lok Sabha, on 11 March 1996, a question of privilege was sought to be raised in the House regarding the issue of alleged pay-off and inducements to members of JMM for not voting in favour of the No-Confidence Motion. The then Speaker, Shri Shivraj V. Patil while disallowing the notice observed ".....The matter is before the Court which may take a proper decision on the basis of the evidence that may be produced before it". Subsequently, in pursuance of the order dated 24 May 1996 passed by the Delhi High Court in Civil Writ Petition No. 23/96, another case was registered on 11 June 1996 against Sarvashri V.C. Shukla, R.K. Dhawan, Lalit Suri and others under Section 120-B IPC and Sections 7, 12, 13(2) read with Section 13(1)(d)(iii) of the Prevention of Corruption Act, 1988. After completing the investigation, the CBI submitted three charge sheets dated 30 October 1996, 9 December 1996 and 22 January 1997 in the Court of Special Judge, New Delhi.

Meanwhile, in a related development in the Lok Sabha, in October 1996 representations were made to Speaker, Eleventh Lok Sabha, Shri P.A. Sangma by Sarvashri Shibu Soren, member, Eleventh Lok Sabha and Sarvashri Suraj Mandal, Simon Marandi and Shailendra Mahto, members of the Tenth Lok Sabha in the matter.

Shri Shibu Soren, in his representation dated 5 October 1996 *inter alia* had posed a legal query, viz. "an allegation of bribe against a member of the House in connection with the voting in the House is a breach of privilege, which can only be inquired by the House and is not justiciable in a Court of Law."

Sarvashri Shibu Soren, Suraj Mandal, Simon Marandi and Shailendra Mahto, in their joint representation dated 18 October 1996, while referring to the ongoing case against them in the Court of Shri Ajit Bharihoke, Special Judge, Delhi in response to a Civil Writ Petition filed by R.M.M., had *inter alia* contended that "the investigation which is being conducted by the CBI into the aforesaid allegations, (their) arrest and the proceedings which are being pursued by them and others in various courts in respect of the same, are not only unconstitutional or without any jurisdiction, but constitute a serious encroachment upon the supremacy of the Lok Sabha in its exclusive field, its powers and privileges."

On the point of immunity to the members of Parliament from proceedings in any Court of Law, in respect of anything said or any vote given by them in Parliament or any Committee thereof, it had also been contended that "the entire proceedings of the learned High Court are barred not only by article 105(2) of the Constitution of India, but also

by the powers and privileges and the exclusive jurisdiction of the Lok Sabha to investigate any matter which involves breach of its privileges.”

On examination of this matter, it was felt that as there was no definitive judicial pronouncement on these issues till that time, the proper forum for raising such legal and constitutional points would therefore be a Court of Law. Shri Shibu Soren was thereafter informed in writing that as the constitutional and legal issues raised in his representation regarding the scope and extent of the immunity to members under article 105 of the Constitution involve precise interpretation, and the proper forum for raising such issues was therefore a Court of Law. The Member was accordingly requested that if he so desired, he might take up these constitutional and legal points through his counsel, with the appropriate court.

*Decision by the Special Judge, Shri Ajit Bharihoke*

The Special Judge, after hearing the arguments, passed the order dated 6 May 1997 wherein he held that there is sufficient evidence on record to justify framing of charges against all the appellants. The Special Judge also held that there is *prima facie* evidence of commission of offence under Section 193 of IPC by accused Nos. A-3 to A-5, *i.e.* Sarvashri Suraj Mandal, Shibu Soren and Shailendra Mahto.

Before the Special Judge, an objection was raised on behalf of the accused persons that the jurisdiction of the Court to try the case was barred under article 105(2) of the Constitution because the trial is in respect of matters which relate to the privileges and immunities of the House of Parliament, (Lok Sabha) and its members inasmuch as the foundation of the charge sheets is the allegation of acceptance of bribe by some members of Parliament for voting against the ‘No-Confidence Motion’ and that the controversy to be decided in this case would be in respect of the motive and action of members of Parliament pertaining to the vote given by them in relation to the ‘No-Confidence Motion’. The Revision petition against the said order of the Special Judge in the Delhi High Court was filed. After examination of the matter, the Delhi High Court found that there was no ground for interfering with the order passed by the Special Judge.

*Appeal to the Supreme Court of India*

Feeling aggrieved by the said judgement of the High Court, the appellants moved in appeal to the Supreme Court of India. The appeals were heard by a bench of three Judges of the Supreme Court. After hearing the arguments of the counsel for the appellants, the following



order was passed by that bench on 18 November 1997:—

“Among other questions a substantial question of law as to the interpretation of article 105 of the Constitution of India is raised in these petitions. These petitions are, therefore, required to be heard and disposed of by a Constitution Bench”.

*Deliberations by the Five-Judge Constitution-Bench of the Supreme Court*

In pursuance of the said order, the matter was placed before the five-judge Constitution Bench of the Supreme Court. At the commencement of the hearing, the Court passed the following order on 9 December 1997:—

By order dated 18 November 1997 these matters have been referred to this Court for the reason that among the questions, a substantial question of law as to the interpretation of article 105 of the Constitution of India is raised in these petitions. These petitions are, therefore, required to be heard and disposed of by a Constitution Bench. The learned counsel for the parties agree that the Constitution Bench may only deal with the questions relating to interpretation of article 105 of the Constitution and the applicability of the Prevention of Corruption Act to a member of Parliament and member of State Legislative Assembly and the other question can be considered by the Division Bench.

*Supreme Court's Judgement*

The five-judge Constitution bench of the Supreme Court delivered their judgement in the matter on 19 April 1998.

The two basic questions formulated by the Court for its consideration were as follows:—

- (i) Does article 105 of the Constitution confer any immunity on a member of Parliament from being prosecuted in a criminal court for an offence involving offer or acceptance of bribe?
- (ii) Is a member of Parliament excluded from the ambit of the Prevention of Corruption Act, 1988 for the reason that: (a) he is not a person who can be regarded as a “public servant” as defined under Section 2(c) of the said Act, and (b) he is not a person comprehended in clauses (a), (b) and (c) of sub-section (1) of Section 19 of the said Act and there is no authority competent to grant sanction for his prosecution under the said Act?

Three separate decisions were delivered by the five-judge bench —

first by Justice S.C. Agarwal and Justice A.S. Anand; the second by Justice G.N. Ray; and the third by Justice S.P. Bharucha and Justice S. Rajendra Babu.

The learned judges put the accused/appellants into two broad categories: (a) the alleged bribe takers; and (b) the alleged bribe givers. The first category was further divided into two sub-categories—those who voted in the House on the Motion of No-Confidence and those who did not vote on the motion.

The majority and minority judgments on each of the above two points and the rationale adopted for the judgement may be summarised in brief as follows:—

- (i) Does article 105 of the Constitution confer any immunity on a member of Parliament from being prosecuted in a criminal court for an offence involving offer or acceptance or bribe?

#### *Majority Judgement*

The Majority Judgement, delivered by Justice S.P. Bharucha and Justice S. Rajendra Babu, Justice G.N. Ray concurring with them in a separate judgement, held that the alleged bribe takers, other than Shri Ajit Singh, have the protection of article 105(2) and are not answerable in a Court of Law for the alleged conspiracy and agreement. Shri Ajit Singh, not having cast his vote on the Motion of No-Confidence, derives no immunity from article 105(2). The alleged bribe givers do not enjoy an immunity. The criminal prosecution against them must, therefore, go ahead.

#### *Rationale*

“The charge against the alleged bribe takers is that they were party to a criminal conspiracy and agreed to or entered into an agreement with the alleged bribe givers to defeat the No-Confidence Motion....by illegal means..... The stated object of the alleged conspiracy and agreement is to defeat the No-Confidence Motion and the alleged bribe takers are said to have received monies as a motive or reward for defeating it. The nexus between the alleged conspiracy and bribe and the No-Confidence Motion is explicit. The charge is that the alleged bribe takers received the bribes to secure the defeat of the No-Confidence Motion.... We do not think that we can ignore the fact that the votes were cast and, if the facts alleged against the bribe takers are true, that they were cast pursuant to the alleged conspiracy and agreement. It must then follow, given that the expression “in respect of” must receive a broad meaning, that the alleged conspiracy and agreement had a nexus to and were in respect of those votes and that the proposed inquiry in the criminal

proceedings is in regard to the motivation thereof. It is difficult to agree with the learned Attorney General that, though the words "in respect of" must receive a broad meaning, the protection under article 105(2) is limited to court proceedings that impugn the speech that is given or the vote that is cast or arise thereout or that the object of the protection would be fully satisfied thereby. The object of the protection is to enable members to speak their mind in Parliament and vote in the same way, freed of the fear of being made answerable on that account in a Court of Law..... Article 105(2) does not say, which it would have if the learned Attorney General were right, that a member is not liable for what he has said or how he has voted. While imputing no such motive to the present prosecution, it is not difficult to envisage a member who has made a speech or cast a vote that is not to the liking of the powers that be being troubled by a prosecution alleging that he had been party to an agreement and conspiracy to achieve a certain result in Parliament and had been paid a bribe."

"The protections to be enjoyed by a member of Parliament as contained in sub-article (2) of article 105 essentially flows from the freedom of speech guaranteed under sub-article (1) of article 105. Both the sub-articles (1) and (2) complement each other and indicate the true content of freedom of speech and freedom to exercise the right to vote envisaged in article 105 of the Constitution. The expression "in respect of" appearing in several articles of the Constitution and in some other legislative provisions has been noticed in a number of decisions of this Court. The correct interpretation of the expression "in respect of" cannot be made under any rigid formula but must be appreciated with references to the context in which it has been used and the purpose to be achieved under the provision in question. The context in which the expression "in respect of" has been used in sub-article (2) of article 105 and the purpose for which the freedom of speech and freedom to vote have been guaranteed in sub-article (2) of the article 105 do not permit any restriction or curtailment of such right expressly given under sub-article (1) and sub-article (2) of article 105 of the Constitution. It must, however, be made clear that the protection under sub-article (2) of article 105 of the Constitution must relate to the vote actually given and speech actually made in Parliament by a member of Parliament."

"Mr. Rao submitted that since, by reason of the provisions of article 105(2), the alleged bribe takers had committed no offence, the alleged bribe givers had also committed no offence. Article 105(2) does not provide that what is otherwise an offence is not an offence when it is committed by a member of Parliament and has a connection with his

speech or vote therein. What is provided thereby is that a member of Parliament shall not be answerable in a Court of Law for something that has a nexus to his speech or vote in Parliament. If a member of Parliament has by his speech or vote in Parliament, committed an offence, he enjoys, by reason of article 105(2), immunity from prosecution therefor. Those who have conspired with the member of Parliament in the commission of that offence have no such immunity. They can, therefore, be prosecuted for it."

### *Minority Judgement*

Minority Judgement delivered by Justice S.C. Agarwal and Justice A.S. Anand held that a member of Parliament does not enjoy immunity under article 105(2) or under article 105(3) from being prosecuted before a criminal court for an offence involving offer or acceptance of bribe for the purpose of speaking or by giving his vote in Parliament or in any committee thereof.

### *Rationale*

"The expression 'in respect of' precedes the words 'anything said or any vote given' in article 105(2). The words 'anything said or any vote given' can only mean speech that has already been made or a vote that has already been given. The immunity from liability therefore, comes into play only if a speech has been made or vote has been given. The immunity would not be available in a case where a speech has not been made or a vote has not been given... If the construction placed by Shri Rao on the expression 'in respect of' is adopted, a member would be liable to be prosecuted on a charge of bribery if he accepts bribe for not speaking or for not giving his vote on a matter under consideration before the House but he would enjoy immunity from prosecution for such a charge if he accepts bribe for speaking or giving his vote in Parliament in a particular manner and he speaks or gives his vote in Parliament in that manner. It is difficult to conceive that the framers of the Constitution intended to make such a distinction in the matter of grant of immunity between a member of Parliament who receives bribe for speaking or giving his vote in Parliament in a particular manner and speaks or gives his vote in that manner and a member of Parliament who receives bribe for not speaking or not giving his vote on a particular matter coming up before the House and does not speak or give his vote as per the agreement so as to confer an immunity from prosecution on charge of bribery on the former but denying such immunity to the latter. Such an anomalous situation would be avoided if the words 'in respect of' in article 105(2) are construed to mean 'arising out of'. If the expression 'in respect of' is thus construed, the immunity conferred under article

105(2) would not be confined to liability that arises out of or is attributable to something that has been said or to a vote that has been given by a member in Parliament or any committee thereof. The immunity would be available only if the speech that has been made or the vote that has been given is an essential and integral part of the cause of action for the proceedings giving rise to the liability. The immunity would not be available to give protection against liability for an act that precedes the making of the speech or giving of vote by a member in Parliament even though it may have a connection with the speech made or the vote given by the member if such an act gives rise to liability which arises independently and does not depend on the making of the speech or the giving of vote in Parliament by the member. Such an independent liability cannot be regarded as liability in respect of anything said or vote given by the member in Parliament. The liability for which immunity can be claimed under article 105(2) is the liability that has arisen as a consequence of the speech that has been made or the vote that has been given in Parliament.”

“The construction placed by us on the expression ‘in respect of’ in article 105(2) raises the question: Is the liability to be prosecuted arising from acceptance of bribe by a member of Parliament for the purpose of speaking or giving his vote in Parliament in a particular manner on a matter pending consideration before the House an independent liability which cannot be said to arise out of anything said or any vote given by the member in Parliament? In our opinion, this question must be answered in the affirmative. The offence of bribery is made out against the receiver if he takes or agrees to take money for promise to act in a certain way. The offence is complete with the acceptance of the money or on the agreement to accept the money being concluded and is not dependent on the performance of the illegal promise by the receiver. The receiver of the money will be treated to have committed the offence even when he defaults in the illegal bargain. For proving the offence of bribery all that is required to be established is that the offender has received or agreed to receive money for a promise to act in a certain way and it is not necessary to go further and prove that he actually acted in that way”.

“The offence of criminal conspiracy is made out when two or more persons agree to do or cause to be done an illegal act or when two or more persons agree to do or cause to be done by illegal means an act which was not illegal. In view of the proviso to Section 120 A IPC, an agreement to commit an offence shall by itself amount to criminal conspiracy and it is not necessary that some act besides the agree-

ment should be done by one or more parties to such agreement in pursuance thereof. This means that the offence of criminal conspiracy would be committed if two or more persons enter into an agreement to commit the offence of bribery and it is immaterial whether in pursuance of that agreement the act that was agreed to be done was done or not.

The criminal liability incurred by a member of Parliament who has accepted bribe for speaking or giving his vote in Parliament in a particular manner thus arises independently of the making of the speech or giving of vote by the member and the said liability cannot, therefore, be regarded as a liability 'in respect of anything said or any vote given' in Parliament. We are, therefore, of the opinion that the protection granted under article 105(2) cannot be invoked by any of the appellants to claim immunity from prosecution".

- (ii) Is a member of Parliament excluded from the ambit of the Prevention of Corruption Act, 1988 for the reason that: (a) he is not a person who can be regarded as a "public servant" as defined under Section 2(c) of the said Act, and (b) he is not a person comprehended in clauses (a), (b) and (c) of sub-section (1) of Section 19 of the said Act and there is no authority competent to grant sanction for his prosecution under the said Act?

On this issue, strictly speaking there were no majority or minority decisions. All the three judgements held that members of Parliament are 'Public servants'.

However, according to Justice Bharucha and Justice Rajendra Babu, the members of Parliament cannot be prosecuted for offences under Section 7, 10, 11 and 13 of the Prevention of Corruption Act, 1988 because of want of authority competent to grant sanction.

According to Justice Agarwal and Justice Anand, since there is no authority competent to remove a member of Parliament and to grant sanction for his prosecution under Section 19(1) of the Act, the court can take cognizance of the offences mentioned in Section 19(1) in the absence of sanction but till provision is made by Parliament in that regard by suitable amendment in the law, the prosecuting agency, before filing a charge-sheet in respect of an offence punishable under Section 7, 10, 11, 13 and 15 of the Prevention of Corruption Act, 1988 against a member of Parliament in a criminal court, shall obtain the permission of the Chairman, Rajya Sabha/Speaker, Lok Sabha as the case may be.

Justice G.N. Ray concurred with this judgement.

***Rationale***

“Although in the Constitution the word ‘office’ has not been used in the provisions relating to members of Parliament and members of State Legislature but in other parliamentary enactments relating to members of Parliament the word ‘office’ has been used. Having regard to the provisions of the Constitution and the Representation of the People Act, 1951 as well as the Salary, Allowances and Pension of Member of Parliament Act, 1954 and the meaning that has been given to the expression ‘office’ in the decision of this Court, we are of the view that membership of Parliament is an ‘office’ inasmuch as it is a position carrying certain responsibilities which are of public character and it has existence independent of the holder of the office. It must, therefore, be held that the member of Parliament holds an ‘office’.

The next question is whether a member of Parliament is authorised or required to perform any public duty by virtue of his office. As mentioned earlier, in *R.S. Nayak V. A.R. Antulay* this Court said that though a member of the State Legislature is not performing any public duty either as directed by the Government or for the Government but he no doubt performs public duties cast on him by the Constitution and by his electorate and he discharges constitutional obligations for which he is remunerated fees under the Constitution.”

“In the 1988 Act, the expression ‘public duty’ has been defined in Section 2(b) to mean a duty in the discharge of which the State, the public or the community at large has an interest.”

“The Form of Oath or Affirmation which is required to be made by a member of Parliament (as prescribed in Third Schedule to the Constitution) is in these terms:

“I, A.B. having been elected (or nominated) a member of the Council of States (or the House of the People) do swear in the name of God/ Solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter”.

“The words ‘faithfully discharge the duty upon which I am about to enter’ show that a member of Parliament is required to discharge certain duties after he is sworn in as a member of Parliament. Under the Constitution, the Union Executive is responsible to Parliament and members of Parliament act as watchdogs on the functioning of the Council of Ministers. In addition, a member of Parliament plays an important role in parliamentary proceedings, including enactment of

legislation, which is a sovereign function. The duties discharged by him are such in which the State, the public and the community at large have an interest and the said duties are, therefore, public duties. It can be said that a member of Parliament is authorised and required by the Constitution to perform these duties and the said duties are performed by him by virtue of his office.”

“We are, therefore, of the view that a member of Parliament holds an office and by virtue of such office he is required or authorised to perform duties and such duties are in the nature of public duties. A member of Parliament would, therefore, fall within the ambit of sub-clause (viii) of clause (c) of Section 2 of the 1988 Act.”

One important observation made by the learned judges (Justice Bharucha and Justice Rajendra Babu) is that Parliament may proceed against the alleged bribe givers as well as the bribe takers for breach of privilege and contempt.

#### *Subsequent developments*

In November 1998, the Union Government filed a petition seeking review of the above judgement of the Supreme Court. On 16 December 1998, five-judge Constitution Bench of the Supreme Court dismissed the Union Government's review petition on the ground of inordinate delay in filing of the same. The bench was headed by Chief Justice A.S. Anand and consisted of Justices S.P. Bharucha, K. Venkatasami, B.N. Kirpal and S. Rajendra Babu. The Chief Justice, in his order, observed:

“There is inordinate delay<sup>4</sup> in filing the review petition. The application seeking condonation of the delay contains no reasonable or satisfactory explanation. It is merely mentioned that the delay occurred due to paucity of staff..... It is hardly any ground for condonation of delay. The application for condonation of delay is dismissed and as a consequence, the review petition is also dismissed as time barred.”

On 5 May 1999, the Supreme Court of India while disposing of all appeals to it moved by Shri P.V. Narasimha Rao and others against the order of the Delhi High Court dismissing the appellants' revision petition against the order of Special Judge, Delhi High Court, Shri Ajit Bharihoke, *inter alia* passed the following order:

“During the pendency of these appeals, as this Court had not granted any stay of further proceeding, the trial has already

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4. Under the Supreme Court Rules, a petition seeking review of the Supreme Court's verdict has to be filed within 30 days of the verdict.



commenced and is continuing. In view of the questions already answered by the Constitution Bench on the issues posed before their lordships, it is not necessary for us to go into any other questions raised in these appeals since those questions have to be answered by the learned Trial Judge bearing in mind the law laid down by the Constitution Bench in the aforesaid case”

In Pursuance of the above order of the Supreme Court, the alleged bribe takers moved applications for their discharge claiming immunity from prosecution in view of their parliamentary privilege under article 105(2) of the Constitution.

These applications were contested by the prosecution *vide* its reply dated 31 May 1999 wherein it was alleged that the judgment of Constitution Bench of the Supreme Court dated 17 April 1999 cannot be construed to have conferred immunity to alleged bribe takers (applicants) for the act of abetment of commission of offence punishable under Section 7 of the P.C. Act, 1988. Therefore, this trial against them should proceed under Section 12 of the P.C. Act, 1988. It was further alleged that the accused Sarvashri Shibu Soren, Suraj Mandal and Simon Marandi had also been charged with offence punishable under Section 193 IPC, which was allegedly committed during the pendency of investigation of this case. Thus, the aforesaid act having no direct nexus with the votes given by the said applicants in the Parliament, the trial on aforesaid charge should proceed. It was also alleged that so far as accused Shri Ajit Singh was concerned, Supreme Court had categorically held that he was not entitled to protection of article 105(2) of Constitution of India; therefore, there was no merit in his plea seeking immunity under article 105(2) of the Constitution of India as well as discharge in this case.

After consideration of the submissions made by the applicants and the prosecution, the Special Judge, CBI delivered the following Judgment on 4 June 1999:

- (i) “All the applicants have been charged for having committed offence of conspiracy punishable under Section 120-B IPC read with Sections 7, 12 and 13 (2) read with 13(1) (d) of P.C. Act, 1988 as well as substantive offences punishable under Section 7 of the P.C. Act, 1988 and 13(2) read with 13(1) (d) of P.C. Act, 1988. Besides that, accused Suraj Mandal, Shibu Soren and Simon Marandi have also been charged for the offence punishable under Section 193 IPC. There is a factual difference pertaining to voting pattern on No-Confidence Motion in the role of accused Ajit Singh and other applicant-accused persons. As per record, the applicants except Ajit Singh voted against the

No-Confidence Motion, whereas Ajit Singh voted in favour of No-Confidence Motion....”

- (ii) “It is obvious that as per majority view of the Constitution Bench of the Apex Court all the applicants except Ajit Singh are entitled to immunity conferred by article 105(2) of the Constitution of India. Now the question arises as to how far this immunity can be extended in case of the applicants who admittedly were members of Parliament at the relevant time. Clue to answer to this question can be found in para nos. 134 to 137 of the Judgement and para no. 143 of the Judgement which reads as follows:—

“Our conclusion is that the alleged bribe, takers other than Ajit Singh, have the protection of article 105(2) and are not answerable in a Court of Law for the alleged conspiracy and agreement. The charges against them must fail Ajit Singh, not having cast a vote on the No-Confidence Motion, derives no immunity from article 105(2).”

- (iii) “Perusal of the observation of Honourable Justice Bharucha in the above referred judgment makes it clear that majority view of the Constitution Bench of Honourable Supreme Court is that article 105(2) of the Constitution should be given a broader interpretation and immunity granted *vide* said article is not only available to the applicants against the criminal proceedings regarding their alleged act of taking bribe for voting against the No-Confidence Motion, but it is also available against the alleged conspiracy by the bribe takers to defeat the No-Confidence Motion by illegal means because the nexus between the alleged conspiracy and the bribe and No-Confidence Motion is explicit. Conclusion of Honourable Justice Bharucha in para no. 143 of the Judgement reported in (1998) 4 SCC 425 makes it clear that after analysing the facts of the case and articles 105(2) of the Constitution *vis a vis* the provisions of Prevention of Corruption Act, majority have concluded that alleged bribe takers other than Ajit Singh have protection of article 105(2) of the Constitution and they are not answerable in the Court of Law for the alleged conspiracy and agreement. The charges against them must fail.... Thus conclusion of majority view of Constitution Bench is clear that applicants namely Suraj Mandal, Shibu Soren, Simon Marandi, Ram Lakhan Singh Yadav, Ram Sharan Yadav, Roshan Lal, Anadi Charan Das, Abhay Pratap Singh and Haji Gulam Mohammed Khan are entitled to immunity under article 105(2) of the Constitution, so far as the charges under Section 120-B IPC, read with sections 7, 12 and 13(2) read with 13(1) (d) of P.C. Act, 1988 and substantive charges

under Section 7 and 13(2) read with 13(1) (d) of PC Act, 1988 are concerned. Thus in my view, they cannot be proceeded against the aforesaid charges and said charges must be dropped.”

- (iv) “Now the question arises, if the aforesaid immunity under article 105(2) of P.C. Act, 1988 can be extended to accused Suraj Mandal, Shibu Soren and Simon Marandi who have charges for the offence punishable under Section 193 IPC? Allegations against them are that during the pendency of investigation of the present case, while writ petition no. 789/96 was pending disposal in Honourable High Court of Delhi in between February and April 1996 at Delhi, Ranchi and other places, said accused persons caused to bring false evidence into existence by fabricating or causing to fabricate the documents or records, *i.e.* to JMM Central Office, Ranchi in order to create an evidence to the effect that the amounts deposited in their accounts were actually donations received by the party and not the alleged bribe amount.”
- (v) “As per evidence collected by investigating Officer, voting on No-Confidence Motion was done in July 1993 and fabrication of the evidence have allegedly been done during February to April 1996 when the investigation ;of this case was going on. Considering such a long time gap between the voting and the alleged fabrication of evidence/record, it cannot be said that there is any nexus between the actual vote given by these accused persons in the Parliament and the fabrication. Alleged fabrication of the evidence is a subsequent act on the part of applicant-accused persons not only to create a defence for use in judicial proceedings against them, but said fabricated evidence can be used as a defence against the accused persons who are being prosecuted for having conspired to abet the act of taking bribe by the alleged bribe takers. Thus, in my opinion, the charge under Section 193 IPC framed against Suraj Mandal, Shibu Soren and Simon Marandi may be having a remote connection to the other charges against them, but it has no direct nexus with the vote given by them in the Parliament. As such, aforesaid charges cannot be dropped. Ifmunity under article 105(2) of the Constitution is only in respect of anything said or any vote given by member of Parliament in the Parliament, but alleged act which is subject matter of charge under Section 193 IPC, has been committed outside the Parliament and after a lapse of more than 2 1/2 years from the vote given by the accused persons in the Parliament. Now, therefore, no nexus can be drawn between vote given by accused and fabrication. Thus, I am of the view that applicants can be tried for charges under section 193 IPC....“

- (vi) "His (Shri Ajit Singh's) role in the episode is different from the role of other alleged bribe takers. As per evidence collected during investigation, other alleged bribe takers had voted against the No-Confidence Motion and they had allegedly received bribe in furtherance of conspiracy for defeating the Confidence Motion by voting against it. However, in the case of accused Ajit Singh as per his own contention he has voted in favour of No-Confidence Motion, whereas charges against him are that he entered into a criminal conspiracy with others to defeat No-Confidence Motion by illegal means and agreed to obtain illegal gratification other than his legal remuneration from the alleged bribe givers as a motive or reward for defeating the No-Confidence Motion and in furtherance of said agreement he also accepted and obtained illegal gratification of Rs. 300 lakh for self as well as other Janata Dal (Ajit Group) MPs. If we analyse aforesaid charges framed against the accused, Ajit Singh's alleged motive of his having entered into conspiracy and having accepted illegal gratification for self and others, was to defeat the No-Confidence Motion by voting against it. However, admittedly he has voted in favour of No-Confidence Motion, therefore, no nexus can be derived between the alleged motive of Ajit Singh for voting in favour of No-Confidence Motion and his motive relating to conspiracy in question and acceptance of illegal gratification. Thus in my view, immunity under article 105(2) cannot be extended to him. It may not be out of place to mention that after judgement of Constitution Bench was pronounced, Ajit Singh admittedly filed a review petition in Honourable Supreme Court. He admittedly took the plea in his review petition that he has actually voted in favour of No-Confidence and he has been denied immunity by the judgement of Constitution Bench on mis-conception of the fact that he did not vote on No-Confidence Motion. Said review petition was admittedly dismissed by Honourable Supreme Court. Mere fact that Honourable Supreme Court dismissed the review petition even after the fact of vote given by Ajit Singh on No-Confidence Motion was brought to their notice, makes it clear that as per Apex Court, Ajit Singh is not entitled to the immunity under article 105(2) of the Constitution. Reason is obvious. The motive of vote given by Ajit Singh in favour of No-Confidence Motion is entirely different from the motive of his having allegedly accepted the bribe. Thus no nexus could be drawn between the motive of Ajit Singh voting in favour of No-Confidence Motion and his motive of entering into alleged conspiracy and taking illegal gratification. Thus, in my opinion, in view of categorical finding of majority view of Constitution Bench Ajit Singh is not entitled to be discharged on the basis of immunity under article 105(2) of the Constitution of India."

- (vii) "The act of abetment by alleged bribe takers has a direct nexus with their having accepted illegal gratification pursuant to the abetment as well as the motive behind the vote given in the Parliament. Therefore, in view of the majority view of the Constitution Bench of Apex Court, immunity under article 105(2) of the Constitution also extends to the alleged act of conspiracy and abetment."
- (viii) "In view of my discussion above, I conclude that all the applicants except Ajit Singh are entitled to immunity under article 105(2) of the Constitution in relation to charges under section 120-B IPC read with Sections 7, 12 and 13(2) read with 13(1) (d) of P.C. Act, 1988, but prosecution of accused persons Suraj Mandal, Shibu Soren and Simon Marandi shall proceed for offence punishable under Section 193 IPC. I further conclude that applicant Ajit Singh is not entitled to immunity under article 105(2) of the Constitution and his trial on charges framed against him shall proceed. As a result of above said conclusion, accused Ram Lakhan Singh Yadav, Ram Sharan Yadav, Roshan Lal, Anadi Charan Das, Abhay Pratab Singh, and Haji Gulam Mohammad Khan are hereby discharged and all the charges except under Section 193 IPC against accused Suraj Mandal, Shibu Soren and Simon Marandi are dropped."

## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCES AND SYMPOSIA

*Meeting of the Standing Committee of the Conference of Commonwealth Speakers and Presiding Officers:* The Meeting of the Standing Committee of the Conference of Commonwealth Speakers and Presiding Officers was held in Ottawa, Canada from 5 to 8 January 1999. The Speaker, Lok Sabha, Shri G.M.C. Balayogi, accompanied by the Secretary-General, Lok Sabha, Shri S. Gopalan attended the meetings in his capacity as a co-opted member of the Standing Committee.

*Commonwealth Parliamentary Association Post-Election Seminar:* The Commonwealth Parliamentary Association (CPA) Post-Election Seminar was held in Port-of-Spain, Trinidad & Tobago, from 10 to 12 February 1999. Shri P.A. Sangma, MP attended the Seminar from the Parliament of India.

*CPA/Wilton Park Conference:* The CPA/Wilton Park Conference on "Parliamentary Democracy: Is there a Perfect Model?" organized by the CPA in cooperation with the Wilton Park, an executive agency of the UK Foreign and Commonwealth Office, was held in West Sussex, UK from 22 to 26 February 1999. Shri P. Shiv Shanker, MP attended the Conference from the Parliament of India.

*Third Conference of the Association of SAARC Speakers and Parliamentarians:* The Third Conference of the Association of SAARC Speakers and Parliamentarians was held in Dhaka, Bangladesh from 18 to 22 March 1999. The Indian Delegation to the Conference was led by the Speaker, Lok Sabha, Shri G.M.C. Balayogi. The other members of the Delegation were Sarvashri Rupchand Pal, Chetan Chauhan, S.S. Palanimanickam, A. Siddaraju and Dr. Shakeel Ahmed, all members of Parliament and the Secretary General, Lok Sabha, Shri S. Gopalan, and Shri Busi Sam Bob, Secretary to the Speaker, Lok Sabha., Shri M. Rajagopalan Nair, Director, Lok Sabha Secretariat was the Secretary to the Delegation.

The Conference discussed the following subjects:

- (i) Ethical Standards of Parliamentarians and Conflict of Interest;

(ii) Communication and Exchange of Information among SAARC Countries.

India presented a Keynote Paper on "Communication and Exchange of Information among SAARC Countries" at the Conference.

*Second Tripartite Meeting of Parliaments, Governments and Inter-Governmental Organisations:* The Second Tripartite Meeting of Parliaments, Governments and Inter-Governmental Organisations was held in New York from 30 to 31 March 1999. The meeting was organised by the Inter-Parliamentary Union (IPU) with the support of the United Nations Division for Social Policy and Development and the United Nations Development Programme (UNDP) with an objective to take stock of the action taken by the Parliaments since the Social Development Summit held at Copenhagen in 1994.

Shri P. Upendra, MP from India was one of the seven parliamentarians from various continents nominated by the IPU to attend the above meeting. He was also elected as the Chairman of the meeting.

The meeting adopted a Report containing the summary of the discussions that took place among the representatives of Parliaments, Governments and Inter-Governmental Organisations.

### **BIRTH ANNIVERSARIES OF NATIONAL LEADERS**

On the birth anniversaries of those national leaders whose portraits adorn the Central Hall of Parliament House, functions are organised under the auspices of the Indian Parliamentary Group (IPG) to pay tributes to the leaders. Booklets containing profiles of these leaders, prepared by the Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat, are also brought out on the occasion.

The birth anniversaries of the following leaders were celebrated during the period 1 January to 31 March 1999.

*Netaji Subhas Chandra Bose:* On the occasion of the birth anniversary of Netaji Subhas Chandra Bose, a function was held on 23 January 1999. The Home Minister, Shri L.K. Advani; the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed; members of Parliament; and former members of Parliament and others paid floral tributes to Netaji.

*Lala Lajpat Rai:* On the occasion of the birth anniversary of Lala Lajpat Rai, a function was held on 28 January 1999. The Home Minister, Shri L.K. Advani; the Leader of the Opposition in the Rajya Sabha, Dr. Manmohan Singh; the Leader of the Opposition in the Lok Sabha,

Shri Sharad Pawar; members of Parliament; and former members of Parliament and others paid floral tributes to Lala Lajpat Rai.

*Smt. Sarojini Naidu:* On the occasion of the birth anniversary of Smt. Sarojini Naidu, a function was held on 13 February 1999. Members of Parliament, former members of Parliament and others paid floral tributes to Smt. Sarojini Naidu.

*Shri Morarji Desai:* On the occasion of the birth anniversary of Shri Morarji Desai, a function was held on 28 February 1999. The Leader of the Opposition in the Rajya Sabha, Dr. Manmohan Singh; the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed; members of Parliament; and former members of Parliament and others paid floral tributes to Shri Desai.

*Dr. Rammanohar Lohia:* On the occasion of the birth anniversary of Dr. Rammanohar Lohia, a function was held on 23 March 1999. The Minister of Defence, Shri George Fernandes; the Leader of the Opposition in the Rajya Sabha, Dr. Manmohan Singh; members of Parliament; and former members of Parliament and others paid floral tributes to Dr. Lohia.

## **EXCHANGE OF PARLIAMENTARY DELEGATIONS**

### **PARLIAMENTARY DELEGATIONS VISITING INDIA**

*Federal Council of Russian Federation:* On our invitation, a 20-member Parliamentary Delegation from the Federal Council of the Russian Federation, led by the Chairman, Federation Council, Mr. Yegor S. Stroeve, visited India from 8 to 10 February 1999.

The Delegation called on the President, Shri K.R. Narayanan; the Speaker, Lok Sabha, Shri G.M.C. Balayogi; and the Home Minister, Shri L.K. Advani on 9 February 1999. The Speaker, Lok Sabha hosted a banquet in their honour the same day. The Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant on 10 February 1999.

*Hungary:* On our invitation, a 10-member Hungarian Parliamentary Delegation led by the Speaker of the National Assembly of Hungary, Dr. Janos Ader, visited India from 7 to 13 March 1999.

The Delegation called on the Speaker, Lok Sabha, Shri G.M.C. Balayogi and the Minister of Power and Parliamentary Affairs, Shri P.R. Kumaramangalam on 8 March 1999. The Speaker, Lok Sabha hosted a banquet in their honour the same day. The Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant;



the Prime Minister, Shri Atal Bihari Vajpayee; and the Leader of the Opposition in the Lok Sabha, Shri Sharad Pawar on 9 March 1999.

Besides Delhi, the Delegation visited Agra, Hyderabad and Chennai.

*Czech Republic:* On our invitation, a 13-member Czech Parliamentary Delegation, led by the President of the Chamber of Deputies of the Parliament of the Czech Republic, Mr. Vaclav Klaus, visited India from 8 to 13 March 1999.

The Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant; the Speaker, Lok Sabha, Shri G.M.C. Balayogi; and the Minister of Power of Parliamentary Affairs, Shri P.R. Kumaramangalam on 10 March 1999. The Speaker, Lok Sabha hosted a banquet in their honour the same day. The Delegation called on the Prime Minister, Shri Atal Bihari Vajpayee and the Minister of External Affairs, Shri Jaswant Singh on 11 March 1999.

Besides Delhi, the Delegation visited Agra and Mumbai.

*Vietnam:* On our invitation, an 8-member Vietnamese Parliamentary Delegation, led by the Vice-Chairman of the National Assembly, Dr.(Prof.) Vu Dinh Cu visited India from 13 to 21 March 1999.

The Delegation called on the Speaker, Lok Sabha, Shri G.M.C. Balayogi; the Minister of Power and Parliamentary Affairs, Shri P.R. Kumaramangalam; and the Leader of the Opposition in the Lok Sabha, Shri Sharad Pawar on 15 March 1999. The Deputy Speaker, Lok Sabha, Shri P.M. Sayeed hosted a banquet in their honour the same day. The Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant and the Minister of State for External Affairs, Smt. Vasundhara Raje on 16 March 1999.

Besides Delhi, the Delegation visited Agra, Bangalore and Mysore.

*Croatia:* On our invitation, an 11-member Croatian Parliamentary Delegation, led by the Vice-President and acting President of the Croatian Parliament, Mr. Vladimir Seks visited India from 27 March to 3 April 1999.

The Delegation called on the Minister of State for Petroleum and Natural Gas and Parliamentary Affairs, Shri S.K. Gangwar on 30 March 1999, who also hosted a banquet in their honour the same day. The Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant; the Speaker, Lok Sabha, Shri G.M.C. Balayogi; and the Minister of State for External Affairs, Smt. Vasundhara Raje on 31 March 1999.

Besides Delhi, the Delegation visited Agra, Faridabad, Goa and Mumbai.

*Russian-Indo Parliamentary Friendship Group:* On our invitation, a 5-member Delegation of the Russian-Indo Parliamentary Friendship Group, led by its Chairman, Dr. Anatoly Ivanovich Lukyanov who is the Chairman of the Committee on Legislation, Court and Legal Reforms of the State Duma, visited India from 18 to 22 April 1999.

The visiting Group called on the Speaker, Lok Sabha, Shri G.M.C. Balayogi on 19 April 1999. The Deputy Speaker, Lok Sabha, Shri P.M. Sayeed hosted a banquet in their honour on 19 April 1999.

Besides Delhi, the Delegation visited Jaipur.

### **BUREAU OF PARLIAMENTARY STUDIES AND TRAINING**

During the period 1 January to 31 March 1999, the Bureau of Parliamentary Studies and Training (BPST), Lok Sabha Secretariat organised the following Courses/Programmes:

*Orientation Programme:* An Orientation Programme for new members of the Madhya Pradesh Vidhan Sabha was organised under the joint auspices of the BPST and the Madhya Pradesh Vidhan Sabha Secretariat from 16 to 18 February 1999 in Bhopal. The Programme was inaugurated by the Speaker, Lok Sabha, Shri G.M.C. Balayogi.\* The Speaker, Madhya Pradesh Vidhan Sabha, Shri Shrinivas Tiwari presided over most of the sessions of the Programme. The Orientation Programme was attended by a number of Ministers and members of the Madhya Pradesh Vidhan Sabha. On the concluding day, the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed delivered the valedictory address.

*Study Mission of South African Delegation:* Meetings were organised for a South African Delegation consisting of three members of the Parliament of South Africa, one academician and one officer from the National Democratic Institute for International Affairs. The Delegation was on a Study Tour to India from 24 to 29 January 1999 to meet politicians and academicians to discuss Centre-State relations in India.

*Appreciation Courses:* Appreciation Courses in Parliamentary Processes and Procedures were organised for the following:

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\* For the text of the Address, see Feature "Inaugural Address by the Speaker, Lok Sabha, Shri G.M.C. Balayogi at Orientation Programme for the Newly-elected Members of the Madhya Pradesh Vidhan Sabha", Vol. XLV, No. 1, March 1999, pp. 17-20

- (i) Indian Audit and Accounts Service; and Indian Railway Stores Service (18 to 22 January 1999);
- (ii) Indian Administrative Service (22 to 26 February 1999); and
- (iii) Indian Revenue Service (8 to 12 March 1999).

*Attachment Programmes:* The following Attachment Programmes were organised:

- (i) Mr. K.C. Munroop, Seargeant-At-Arms of the National Assembly of Mauritius with Watch and Ward of our Parliament from 1 to 12 March 1999; and
- (ii) Officers of Karnataka Legislative Assembly Secretariat with various branches of the Lok Sabha Secretariat from 15 to 19 March 1999

*Training Programme for Officers of the Lok Sabha Secretariat:* Training Classes in Stenography in Hindi and English for the candidates appearing in the Departmental Tests in the Lok Sabha Secretariat were organised from 4 January to 22 February 1999.

*Study Visits:* Twelve Study visits were organised for the participants from various leading Training/Educational Institutions.

### **NEW SECRETARY—GENERAL OF LOK SABHA**

Consequent upon the expiry of the term of Shri S. Gopalan as Secretary-General, Lok Sabha, on 14 July 1999, the Honourable Speaker, Lok Sabha, Shri G.M.C. Balayogi appointed Shri G.C. Malhotra, Additional Secretary, Lok Sabha Secretariat as Secretary-General in the rank and status of Cabinet Secretary with effect from 14 July 1999 (afternoon).

While finalising the appointment of the Secretary-General, the Speaker held discussions with Leaders of various political parties in Parliament. By appointing Shri Malhotra as the new Secretary-General, the Speaker, Shri Balayogi restored the tradition of appointing the senior-most officer of the Secretariat to man the highest position in the Lok Sabha Secretariat as the post of Secretary-General, Lok Sabha, has generally been held by senior Lok Sabha Officers.

### **Shri G.C. Malhotra—A life-sketch**

Born on 24 July 1943 in Lahore (now in Pakistan), Shri G.C. Malhotra has had a brilliant academic career. He obtained high University positions in M.A. (Economics) from Meerut University; and LL.B. and LL.M., from Delhi University.

Shri Malhotra has been serving parliamentary institutions for nearly three decades. Since 1970, he has distinguished himself in various capacities in the Lok Sabha Secretariat and has been associated with almost every area of the functioning of the Parliament of India. Besides being the Additional Secretary and an Officer at the Table of the House from 1997 to 1999, he held the positions of Joint Secretary from 1994 to 1997 and Director (LARRDIS)\* from 1991 to 1994.

He worked as the Assistant Returning Officer for the election to the Office of the President of India held in 1997.

For more than four years, from 1986 to 1990, Shri Malhotra went on deputation to the Delhi Administration as Deputy Secretary and as Secretary-in-Charge he looked after the entire legislative work of the Delhi Metropolitan Council of the then Union territory of Delhi.

Closely observing the proceedings of the Lok Sabha over the years, Shri Malhotra is an expert in parliamentary practices and procedures, rules, conventions, etc. He has contributed well researched articles in books and several other publications and periodicals published in India and abroad on subjects of constitutional, legal and parliamentary interest. Recently, Shri Malhotra authored a book *Motions of Confidence and No-Confidence* which was widely acclaimed. He earlier co-edited a book titled *Delhi Metropolitan Council—A Study, 1966-89*. In partial fulfilment of the award of LL.M. degree by the University of Delhi, he wrote a dissertation on the subject of 'Parliamentary Privileges'. Shri Malhotra was the Associate Editor of several books and periodicals and was associated with various other publications brought out by the Lok Sabha Secretariat.

As an Officer on the Faculty of the Bureau of Parliamentary Studies and Training, Institute of Constitutional and Parliamentary Studies and National Institute of Financial Management, Shri Malhotra has delivered numerous lectures on various aspects of the Constitution of India and almost on every theme of parliamentary practice and procedure to different categories of trainees, including members of Parliament and State Legislatures, senior Government officials, Probationers of All-India Services and Parliamentary Fellows from India and abroad.

Shri Malhotra has been guiding from time to time Parliamentary Fellows of the Lok Sabha Secretariat and Institute of Constitutional and Parliamentary Studies in the preparation of their dissertations on different parliamentary themes in partial fulfilment of their research studies.

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\* Parliament Library and Reference, Research, Documentation and Information Service

Widely travelled abroad either as Secretary to Indian Parliamentary Delegations, or for participating in various International Conferences or for study of the functioning of foreign Parliaments, Shri Malhotra has acquired a deep insight into the intricate areas of parliamentary functioning worldwide. He visited the United Kingdom, Germany and France in January-April 1992 to study the functioning of the parliamentary and political systems in those countries. He participated in the International Conferences of Heads of Parliamentary Libraries held in Spain in August 1993; Thailand in May 1994; and in Cuba in August 1994. Shri Malhotra was Secretary to the Indian Parliamentary Delegation to the World Tourism Conference in Indonesia in September 1996 and was also Secretary to the Indian Parliamentarians Team on Ethics to Australia, United Kingdom and USA in June-July 1997. He was one of the 25 Commonwealth participants in the Workshop on the "Role of Opposition" organised by the Commonwealth Secretariat and the Commonwealth Parliamentary Association in UK in June 1998. He was a member of the Indian Parliamentary Delegation to the 101st Inter-Parliamentary Conference in Belgium in April 1999 and also of the Indian Parliamentary Delegation to the Meeting of the Asia-Pacific Group of the Inter-Parliamentary Union (IPU) held in Mongolia in July 1999. In May 1999, he participated as a Resource Person in the Workshop for Legislative Clerks of the Nigerian Legislatures, at the invitation of the Commonwealth Parliamentary Association (CPA) and the National Assembly of Nigeria in Abuja.

As Secretary-General, Lok Sabha, Shri Malhotra is also the Secretary-General of the Indian Parliamentary Group (IPG) which functions as the National Group of the IPU and as the India Branch of the CPA. He is also *ex officio* member of the Association of Secretaries-General of Parliaments (ASGP) and the Society of Clerks-at-the-Table in Commonwealth Parliaments.

Shri Malhotra has been actively associated with the computerisation and modernisation of the Lok Sabha Secretariat, especially in the field of information management in the Indian Parliament. He has also been closely associated with the Parliament Library Project, a state-of-the-art Library building nearing completion which will cater to all the information requirements of the members of both the Houses of Parliament, as also the televising of proceedings of the Lok Sabha.

Presently, Shri Malhotra is the Editor of all the Journals and periodicals and several other departmental publications brought out by the Lok Sabha Secretariat in English and in Hindi.

Shri Malhotra is interested in reading, writing and walking.

## PROCEDURAL MATTERS

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### LOK SABHA

*Instances when copies of documents were circulated to members without being laid on the Table:* On 23 December 1998, after introducing the Bihar Reorganisation Bill, 1998, the Minister of Home Affairs, Shri L.K. Advani, who had earlier sought the permission of the Speaker, Shri G.M.C. Balayogi to lay a copy of the views of the State Legislature of Bihar on the Bihar Reorganisation Bill, 1998, could not lay the same on the Table due to interruptions in the House. Later, due to continued interruptions, the House was adjourned *sine die* the same day. Therefore, copies of the views of the State Legislature of Bihar on the Bihar Reorganisation Bill, 1998, were not circulated to members. Later, on 18 January 1999, on request from the Minister of Home Affairs, Shri L.K. Advani, it was decided to circulate copies of the views of the Bihar Legislative Assembly/Council. The documents were circulated to members on 25 February 1999 through the Distribution Branch of the Lok Sabha Secretariat without the documents being laid on the Table.

The copies of the Report of the Commission on Centre-State Relations (Sarkaria Commission) in Hindi and English versions received from the Ministry of Home Affairs in February 1999 were circulated to the members from the Publications Counter of the Lok Sabha Secretariat on 24 February 1999 without being laid on the Table. Members were informed about the same through Bulletin Part-II. Earlier, on 18 February 1988 and 14 July 1988, copies of the same Report in English and Hindi versions were also circulated from the Publications Counter to the members of the Eighth Lok Sabha. The Report was not laid on the Table.

On 25 March 1999, the Minister of Commerce, Shri Ramakrishna Hegde sought the permission of the Speaker, Shri G.M.C. Balayogi to announce the Exim Policy 1997-2000 incorporating amendments made upto 31 March 1999, on 31 March 1999. The Minister further stated that due to the short recess of Parliament, the Exim Policy would be laid on the Table when the House met after the recess. With prior permission of the Speaker, the Exim Policy was announced by the Minister of

Commerce, Shri Ramakrishna Hegde on 31 March 1999 and copies of the Policy along with the Handbook of Procedure were kept in the Parliament Library. Copies were also circulated to members through the Publications Counter the same day. Members were informed about the same through a para in Bulletin Part-II.

On 15 April 1999, when the House met after recess, the Motion of Confidence in the Council of Ministers was taken up and discussion thereon continued till 17 April 1999, and no paper was included in the list of Business for being laid on the Table during the period. On 17 April 1999, the motion was negatived and on 22 April 1999, the House was adjourned *sine die*. Later, on 26 April 1999, the House was dissolved. Therefore, the Exim Policy could not be laid on the Table.

*Instance where resignation tendered by a member was treated as withdrawn on member's request not to pursue it further:* On 15 February 1999, Shri Sushil Chandra Varma, an elected member of the Twelfth Lok Sabha from Bhopal Constituency of Madhya Pradesh sent a letter of his resignation from membership of the Lok Sabha. With a view to ensuring that the resignation was voluntary and genuine, Shri Varma was requested under the Speaker's Direction, through a letter on 23 February 1999, to confirm whether his resignation was voluntary and genuine. Meanwhile, the member not only participated in the voting held on 26 February 1999, but also started signing Members' Attendance Register from 8 March 1999 onwards. When the member was reminded and asked to meet the Speaker in his Chamber, he met the Speaker in his Chamber and promised to send a letter in writing. On 19 March 1999, *vide* his letter, Shri Varma stated that the issues that motivated him to tender his resignation had since been sorted out by the concerned Ministry and requested the Speaker not to pursue the matter any further. The Speaker, Shri G.M.C. Balayogi, thereupon, accepted his request and the resignation tendered by Shri Varma was treated as withdrawn.

*Instance where period of membership of a member was not counted for pension purposes as he ceased to be a member of the House on his election being declared void by the High Court:* Shri Vidyacharan Shukla, former member had requested the Lok Sabha Secretariat that the period of his membership in the Tenth Lok Sabha may be reckoned with for computing his pension.

The election of Shri V.C. Shukla to the Tenth Lok Sabha was set aside by the Madhya Pradesh High Court *vide* their order dated 20 February 1996. Shri Shukla went in appeal to the Supreme Court

against the judgement of the Madhya Pradesh High Court. The Supreme Court, *vide* their order dated 13 December 1996, while directing the competent authority to compute pension of Shri Shukla for the period he had served as a member of Parliament prior to the Tenth Lok Sabha, did not deal with his pensionary benefits for the period of his membership in the Tenth Lok Sabha. In the meantime, the Tenth Lok Sabha was dissolved and Shri Shukla moved an interim application in the Supreme Court to seek its permission to withdraw the appeal filed by him as the same had become infructuous.

Legal opinion of the Ministry of Law was sought regarding membership and pensionary benefits of Shri Shukla for the period of his membership in the Tenth Lok Sabha. They advised the Lok Sabha Secretariat that it was the appeal in the Supreme Court which became infructuous and not the order of the Madhya Pradesh High Court wherein the election of Shri Shukla was declared void and set aside. Therefore, Shri Shukla could not be treated as a member of the Tenth Lok Sabha and would not be entitled to receive pensionary benefits for the period he had served the Tenth Lok Sabha. However, as per section 107(2) of the Representation of People Act, when the election of any candidate had been set aside by the High Court by making an order under section 98 of the said Act, the acts and proceedings in which Shri Shukla had participated as a member of Parliament should not be invalidated by reasons of the order made by the High Court.

*Instance when sittings fixed for particular days were cancelled:* The Business Advisory Committee of the Twelfth Lok Sabha, in its 9th Report presented to the House on 24 February 1999, recommended that the sittings of the House fixed for 1 and 3 March 1999 might be cancelled. The Report was adopted by the House on 25 February 1999. Accordingly, sittings fixed for 1 and 3 March 1999 were cancelled. Information regarding the same was published in Bulletin Part-II and Office Memorandum was issued to all Ministries/Departments and other concerned.

*Instance when a correction slip bearing signature, name and Division No. of a member who was not found present in the House during the course of Division when called by the Speaker, was taken into account before the announcement of the final result of the Division:* On 26 February 1999, Division was held through Automatic Vote Recording (AVR) machine on the Motion for adoption of the Statutory Resolution on the Proclamation issued by the President on 12 February 1999 under article 356 of the Constitution in relation to the State of Bihar moved



by the Minister of Home Affairs, Shri L.K. Advani. While examining the correction slips received from the various sectors of the House, a correction slip bearing the signature, name and Division No. (380) of Shri A.B.A. Ghani Khan Choudhary was received along with other slips. As Shri Choudhary was not present in the House, the matter was immediately brought to the notice of the Speaker. An announcement enquiring about his presence in the Chamber was made by the Speaker. However, he could not be located in the House. The Speaker after taking into account the vote of Shri Choudhary, announced the result in the House. The Minister of State for Parliamentary Affairs, Shri Ram Naik in his letter, dated 26 February 1999, requested the Speaker to conduct an enquiry into the matter. A few other members also wrote to the Speaker and raised the issue in the House. The matter was also discussed in the meeting of the Speaker with Leaders of all Parties held on 11 March 1999. Later, Shri Ghani Khan Choudhary met the Speaker and gave his version. The Speaker desired that the member might be requested to give in writing the statement made by him.

In spite of efforts, neither Shri Ghani Khan Choudhary could be contacted nor did he provide a written statement to the Speaker. In the meantime the Twelfth Lok Sabha was dissolved and the matter was treated as closed and there was no change in the result as announced by the Speaker in the House on 26 February 1999.

*Instance when members were permitted to cast their votes by filling of slips from the Inner Lobby:* On 26 February 1999, Division was to take place on the Statutory Resolution on the Proclamation issued by the President on 12 February 1999 under article 356 of the Constitution in relation to the State of Bihar moved by the Minister of Home Affairs, Shri L.K. Advani. The Minister of Parliamentary Affairs, Shri P.R. Kumaramangalam requested the Speaker, Shri G.M.C. Balayogi to permit Smt. Vijaya Raje Scindia and Sarvashri Shivraj Singh Chouhan and Vaidya Vishnu Datt, members, to vote from the Inner Lobby as they were very ill and not in a position to come inside the House to cast their votes.

After taking the sense of the House, the Speaker permitted the members to exercise their votes by filling up of slips from the Inner Lobby.

Division was held by operating the Automatic Vote Recording (AVR) machine. However, as permitted by the Speaker, the above mentioned members exercised their votes by filling up slips from the Inner Lobby.

**Members should not use President's name to influence the debate:** On 26 February 1999, the Minister of Parliamentary Affairs, Shri P.R. Kumaramangalam submitted that some members' while speaking on the Statutory Resolution seeking approval of President's Rule in the State of Bihar, had inadvertently used the name of the President of India to influence the debate. He requested the Chair to look into the debate and remove those portions which might amount to transgression of Rule 352(vi). Thereupon, the Speaker, Shri G.M.C. Balayogi observed:

"In this regard, the Chair also wants to make some observations. Rule 352 (vi) of the Rules of Procedure and Conduct of Business in Lok Sabha regarding the Rules to be observed by the members while speaking is clear and categorical.

352. A member while speaking shall not—

(vi) use President's name for the purpose of influencing the debate.

Therefore, the proceedings relating to the Resolution for approval of the imposition of President's Rule in Bihar and discussion thereon will be scrutinised thoroughly and those parts of the proceedings which are violative of Rule 352 (vi) will be removed therefrom and shall not form part of the same."

**Instance when the House sat on a closed holiday and when the General Budget was presented at 1100 hrs:** On the suggestion of the Government, a sitting of the House was fixed for 27 February 1999, at 1100 hrs. even though it was a close holiday, especially for the presentation of the Budget (General), 1999-2000. The date was also included in the provisional calendar of sittings. Accordingly, the House met at 1100 hrs. on 27 February 1999 and the Minister of Finance, Shri Yashwant Sinha presented the Budget (General), 1999-2000 as against the practice of presenting the General Budget at 1700 hrs.

On Thursday, 11 March 1999, the Deputy Speaker, Shri P.M. Sayeed announced in the House that in order to enable more members to participate in the General Discussion on the Budget (Railways), 1999-2000, the House might sit on Saturday, 13 March 1999. The House agreed to that. Accordingly, the House sat on that day.

Information regarding the same was published in the Bulletin Part-II and Office Memorandum was issued to all Ministries/Departments and others concerned.

**No message is sent to the other House on adoption of a Statutory Resolution:** On 4 March 1999, at about 1150 hrs., Shri Chandra Shekhar

raised a point whether a message had been transmitted to the other House about the adoption by the House of the Statutory Resolution regarding approval of the Proclamation issued by the President on 12 February 1999 under article 356 of the Constitution in relation to the State of Bihar. Since members of the Rashtriya Janata Dal and the Samajwadi Party came to the well of the House, the Speaker, Shri G.M.C. Balayogi adjourned the House till 1330 hrs. When the House re-assembled at 1330 hrs., the Deputy Speaker, Shri P.M. Sayeed, who was in the Chair, observed:

“.....there is no stipulation in the Rules of Procedure and Conduct of Business in Lok Sabha for sending any message to the other House on adoption of Statutory Resolution. The only requirement under the Rules is that an intimation is to be sent to the concerned Minister on adoption of the Resolution. The Statutory Resolution in relation to the State of Bihar was passed by the House in the night of 26 February 1999 and the requisite intimation was sent to the concerned Ministry on 27 February 1999”.

*National issues can be raised during Zero Hour:* On 9 March 1999, at 1327 hrs., when members were raising matters of urgent public importance, one member, Shri S. Mallikarjunaiah submitted that he was not able to ventilate his grievances on the floor of the House about the burning problems of his constituency. Thereupon, the Deputy Speaker, Shri P.M. Sayeed observed:

“.....normally the national issues can be raised during 'Zero Hour'. You can raise matters relating to your constituency under Rule 377”.

*Instance when the House was adjourned for a few minutes due to defect in the interpretation system:* On 11 March 1999, at about 1626 hrs., when the Leader of the Opposition, Shri Sharad Pawar was speaking on the Motion of Thanks to the President for his Address, one member, Prof. A.K. Premajam pointed out that she could not follow Shri Sharad Pawar's speech in Hindi as interpretation service from Hindi to English was out of order at that time. Several other members also raised the same issue. At 1629 hrs., the Chairman, Dr. Laxminarayan Pandey adjourned the House till 1640 hrs. in order to rectify the defect in the interpretation system.

*Instance when members were allowed to lay their written speeches on the Table:* On 13 March 1999, during the General Discussion on the Budget (Railways), 1999-2000, due to long list of participants in the

debate and paucity of time, the Speaker, Shri G.M.C. Balayogi allowed members to lay their written speeches on the Table of the House, subject to observance of the following conditions:

- (i) Members should be present in the House;
- (ii) Speeches should relate exclusively to the Railway Budget;
- (iii) Speeches shall be incorporated in the debates subject to normal scrutiny; and
- (iv) It shall not be treated as a precedent.

Accordingly, 110 members laid their written speeches on 13 March 1999.

*Instance when the House sat till the next day:* On 16 March 1999, the House sat from 1100 hrs. to 0021 hrs. on 17 March 1999 in connection with the General Discussion on the Budget (General), 1999-2000.

On 16 April 1999, the House sat from 1100 hrs. to 0535 hrs. on 17 April 1999 in connection with the discussion on the Motion of Confidence in the Council of Ministers.

*Need for strict adherence to time schedule in respect of Private Members' Bills and Resolutions to accommodate more Private Members' Business:* On 18 March 1999, at about 1534 hrs., before taking up Private Members' Business listed for the day, the Deputy Speaker, Shri P.M. Sayeed, observed:

The last two and a half hours on a Friday are allotted for the transaction of the Private Members' business. These two and a half hours are utilised for consideration of Bills and Resolutions on alternate weeks. On the basis of ballot, only four Bills and three Resolutions respectively are listed for consideration by the House on a sitting earmarked for transaction of a particular type of business. The Committee on Private Members' Bills and Resolutions generally allots two hours for discussion of a Bill or a Resolution. However, it has been observed that this time limit of two hours is not adhered to and time has to be extended by the House in almost every case. There have been occasions when discussion on a Bill or a Resolution has exceeded five hours or more. As a result, members whose Bills or Resolutions next in priority are included in the List of Business are deprived of their chance to move their Bills or Resolutions. Consequently, only a few Bills and Resolutions come up before the House for discussion.

Rule 296 of the Rules of Procedure and Conduct of Business in Lok Sabha provides that the time recommended by the Committee in respect of Bills and Resolutions as approved by the House shall take effect as if it were an order of the House. Several members have been requesting from time to time that the provision of rule should be followed in letter and spirit.

With a view to enabling more number of members to move their Bills or Resolutions, I propose that henceforth the time as recommended by the Committee on Private Members' Bills and Resolutions and agreed to by the House may be strictly adhered to and time should not be extended in any case. I would like to impress upon the members the need to follow the time schedule and I request the members to be brief in their speeches.

*Instance when two Calling Attention Notices listed in the List of Business one after another could not be taken up due to pandemonium:* Two Calling Attention notices regarding—(i) "Situation arising out of non-clearance of revival packages in respect of Sindri Fertilizer Unit of Fertilizer Corporation of India and Durgapur and Barauni Units of Hindustan Fertilizer Corporation Ltd.," and (ii) "Situation arising out of acquisition of land of the farmers by the Development Authorities of various States especially in big towns at a very cheap rate and subsequent sale thereof at a very high rate thereby adversely affecting the interests of farmers," were listed for 18 March 1999.

However, due to continued interruptions in the House, the items could not be taken up and the Lok Sabha was adjourned till 12 April 1999.

Subsequently, when the House met again on 15 April 1999, discussion on the Motion of Confidence in the Council of Ministers was taken up. Following the defeat of the Motion of Confidence the Prime Minister, Shri Atal Bihari Vajpayee resigned and the Lok Sabha was dissolved on 26 April 1999. Therefore, the Calling Attention Notices could not be taken up and lapsed.

*Instance when mistake in counting of Division slips detected after the announcement of the Division result was corrected in debates by a foot note:* On 28 March 1998, a Division was held through distribution

of slips on the Motion of Confidence in the Council of Ministers moved by the Prime Minister, Shri Atal Bihari Vajpayee. The final result of the Division as announced by the Speaker, Shri G.M.C. Balayogi, was: Ayes: 274; Notes: 261.

However, after rechecking, it was found that one 'Ayes' slip filled by Shri Surender Singh, member had been counted along with 'Noes' slips.

Subsequently, it was decided to correct the mistake in the printed debates. The result of the Division was shown in the printed debates as corrected viz. Ayes: 275; Noes: 260 along with an asterisk mark with a foot note.

King Hussain of Jordan passed away on 7 February 1999. On a suggestion of the Ministry of External Affairs, it was decided to make obituary reference in respect of King Hussain in the House along with other obituary references. Thereafter the House met on 22 February 1999, the opening day of the budget session, half-an-hour after the conclusion of the Address by the President. Obituary references were made in the House to the passing away of Prof. G.G. Swell, former Deputy Speaker, Lok Sabha, King Hussain of Jordan and others by the Speaker, Shri G.M.C. Balayogi. However, the House was not adjourned immediately after the obituary references, but only on conclusion of formal items of business before it.

*Instance when the Lok Sabha was not prorogued but the House was dissolved by the President:* The Fourth Session of the Twelfth Lok Sabha, which commenced on 22 February 1999, was scheduled to conclude on 14 May 1999 but the Lok Sabha was adjourned *sine die* on 22 April 1999. Thereafter, the Lok Sabha was not prorogued but was dissolved by the President on 26 April 1999.

*Casting of a vote by a member in the Lok Sabha who had assumed the office of Chief Minister of a State:* On 17 April 1999, before the Motion of Confidence in the Council of Ministers was put to vote of the House, the Minister of Parliamentary Affairs, Shri P.R. Kumaramangalam submitted that as per convention, the Chief Minister of Orissa, Shri Giridhar Gamang, should not be allowed to cast his vote. The Leader of the Opposition, Shri Sharad Pawar and some other members of the Opposition submitted that since Shri Giridhar Gamang continued to be a member of the House, he was entitled to cast his vote on the Motion of Confidence in the Council of Ministers. Thereupon, the Speaker, Shri G.M.C. Balayogi observed:

"With regard to the notice received from the Parliamentary Affairs Minister on Shri Giridhar Gamang's attendance in the House, as per provision of Article 101(4) of the Constitution, if a member of Lok Sabha is, without permission of the House, absent from all meetings of the Lok Sabha for a period of sixty days, the House may declare his seat vacant.

There are instances where members, on their appointment as Ministers in the States, have signed the Attendance Register of Lok Sabha to avoid loss of seats for non-attendance in the House.

However, in a few instances, it has been observed from the Chair that while such Ministers continued to be members, it would not be desirable for them to participate in the deliberations of the House. Accordingly, such members withdrew from the House forthwith.

Shri Giridhar Gamang who is the Chief Minister of Orissa continues to be a member of Lok Sabha. He has come to cast his vote on the Confidence Motion. In view of the aforesaid, I leave it to the good sense of the member as regards the question of casting his vote on the Confidence Motion."

Later, Shri Giridhar Gamang voted against the Confidence Motion.

*Instance when on request of a Leader of a particular party, sittings of Lok Sabha did not commence on scheduled dates and when the House sat on a closed holiday:* The Leader of the Samajwadi Party in the Lok Sabha, Shri Mulayam Singh Yadav, sent a letter on 1 April 1999 to the Speaker, Shri G.M.C. Balayogi requesting that the second phase of the Budget Session which was to commence from 12 April 1999 might commence from 15 April 1999 as most of the members would be in their constituencies in connection with Vaisakhi and the birth anniversary of Dr. B.R. Ambedkar and also the Indian Parliamentary Delegation would be attending the Inter Parliamentary Union (IPU) Conference at Brussels from 12 to 14 April 1999. Shri Yadav requested that sittings fixed for 12 and 13 April 1999 (14 April being Parliamentary holiday), might be cancelled and the Lok Sabha might sit on Saturday, 17 April 1999 to dispose of urgent parliamentary business.

The Minister of Parliamentary Affairs, who was addressed in the

matter, after consulting the leader of the CPI(M), agreed to the proposal. The Leader of the Opposition also had no objection to the proposal. Accordingly, the second phase of the Budget Session started on 15 April 1999. The House also sat on Saturday, 17 April 1999 for the transaction of essential government business.

Information was published in the Bulletin Part II and Office Memorandum was issued to all Ministries/Departments and others concerned.

*Instance when no correction was made in the result shown on the Display Board on a Division against the request of a member:* On 17 April 1999, Shri R. Muthiah represented that in the Division held on that day on the Motion of the Confidence in the Council of Ministers, he had pressed Red 'N' button (for Noes) but in the computer print-out, his vote was not recorded. He requested that since the computer had printed only 'No Vote' against his name, the mistake might be corrected.

The matter was enquired into and got examined through the CPWD authorities and their report said that:

The only possible reason appears to be that the members on seat No. 101 might have left the buttons a few milliseconds before the display of '00' in Timing Board and before the second gong. While the computer could sense this change immediately and interpreted as "No Vote" before it could send appropriate signal to the display board, the countdown ended, thus retaining the "N" light (Noes) on the display board. Such incidents are, however, extremely rare.

From the above, it is evident that the member from Seat No. 101 did operate 'Noes' button.

The Speaker, Shri G.M.C. Balayogi permitted the member to raise the matter in the House through a personal explanation on 22 April 1999.

The member was informed accordingly through a letter. The member requested for further clarification. However, the matter was treated as closed and no further clarification was given. No correction in the result was made.



## **STATE LEGISLATURES**

### **MAHARASHTRA LEGISLATIVE ASSEMBLY**

*Amendment to Rules of Procedure:* The Rules Committee of the Assembly presented its report on 18 December 1998. The report was accepted by the House without any recommendations. In implementing the recommendations, the notice period in respect of Starred Questions was reduced from 45 clear days to 30 clear days. Consequently, the period for sending answers by the Ministerial Departments came down to 18 days from 30 days. The report also contained a provision for the setting up of a Committee on Rights and Welfare of Women. Rules 242 A and 242 B were accordingly inserted in Maharashtra Legislative Assembly Rules of the purpose.

## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 JANUARY TO 31 MARCH 1999)

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

—Editor

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### INDIA

#### DEVELOPMENTS AT THE UNION

*Death of former Deputy Speaker:* On 26 January 1999, former Deputy Speaker of the Lok Sabha, Prof. G.G. Swell passed away.

*Resignation of Member:* On 27 January 1999, Shri Aslam Sher Khan, a member and former Union Minister resigned from the BJP.

*Resignation of Minister:* On 30 January 1999, the Union Minister of Parliamentary Affairs, Shri Madan Lal Khurana resigned from the Union Council of Ministers.

*Reallocation of Portfolios:* On 3 February 1999, the Prime Minister, Shri Atal Bihari Vajpayee reallocated the portfolios by way of additional charge. The Ministers and their portfolios are:

Shri Pramod Mahajan: *Ministry of Food Processing Industries*; Shri Rangarajan Kumaramangalam: *Non-Conventional Energy Sources*; Shri Jaswant Singh: *Department of Electronics*; and Dr. Murli Manohar Joshi: *Department of Ocean Development*.

On 16 February 1999, the Minister of State for Petroleum and Natural Gas, Shri Santosh Kumar Gangwar and the Minister of State for Information and Broadcasting, Shri Mukhtar Abbas Naqvi were given the additional charge of the Ministry of Parliamentary Affairs.

On 1 March 1999, the Minister of State in the Ministry of Human Resource Development, Kumari Uma Bharati was given independent charge of the Departments of Youth Affairs, Sports and Women and Child Development.

**Budget Session of Parliament:** The Budget Session of Parliament commenced on 22 February 1999 with the address by the President, to members of both Houses assembled together in the Central Hall. The Lok Sabha and the Rajya Sabha were adjourned on 19 March 1999 to facilitate the Departmentally-related Standing Committees of Parliament to examine the Demands for Grants of the Union Ministries/Departments assigned to them and submit their reports to the House.

**Support withdrawn:** On 16 February 1999, the Indian National Lok Dal leader, Shri Om Prakash Chautala announced withdrawal of support to the BJP-led Government.

**Railway Budget presented:** On 25 February 1999, the Railway Minister, Shri Nitish Kumar presented the Railway Budget for the year 1999-2000 in Parliament.

**Union Budget presented:** On 27 February 1999, the Union Finance Minister, Shri Yashwant Sinha presented the Annual Budget for the year 1999-2000 in Parliament.

## AROUND THE STATES

### ARUNACHAL PRADESH

**Political developments:** On 9 January 1999, seven Ministers belonging to the Nyishi community of the State resigned from the Gegong Apang Ministry in response to the call given by the Nyishi Elite Society (NES) and the All Nyishi Students Union (ANSU). The Ministers were: Sarvashri Kameng Dolo, Nabam Tuki, Hari Natung, Medhi Dodum, Takom Sanjoy, Kahfa Bengia and Bida Taku.

On 10 January 1999, the Governor of Arunachal Pradesh, Shri Mata Prasad asked the Chief Minister, Shri Gegong Apang to prove the majority of the Government on the floor of the House on 18 January 1999.

On 11 January 1999, four more Ministers, Sarvashri C.T. Mein, Lijum Ronya, Kento Ete and Tsering Gyurme resigned.

On 13 January 1999, two more Ministers, Sarvashri Naresh Glow and T.G. Rimpoche resigned.

On 14 January 1999, the break away group of ruling Arunachal Congress claimed a split in the party's wing with one of the two members in the Lok Sabha switching allegiance to the newly formed Arunachal Congress (M). Meanwhile, the strength of the AC(M) rose to 36 in the 60-member State Assembly.

### GOA

*Political developments:* On 4 February 1999, the Luizinho Faleiro Ministry was reduced to a minority after two Cabinet Ministers, Shri J.M. Vaz and Shri Dev Mandrekar crossed over to former Chief Minister, Shri Wilfred D'Souza's Goa Rajiv Congress Party (GRCP). Meanwhile, the Governor, Lt. Gen(Retd) J.F.R. Jacob asked and the Chief Minister to prove the majority on the floor of the House on 8 February 1999.

On 8 February 1999, the Chief Minister, Shri Luizinho Faleiro resigned ahead of the Confidence Vote in the State Legislative Assembly, recommending dissolution of the House.

On 9 February 1999, following the Governor's report, the Union Cabinet recommended the imposition of President's Rule and dissolution of the Assembly to be followed by fresh elections in the State.

On 10 February 1999, the President, Shri K.R. Narayanan dissolved the 40-member State Legislative Assembly and ordered fresh elections.

On 10 March 1999, the Parliament approved the resolution imposing President's Rule in the State.

### GUJARAT

*By-elections results:* In the by-elections to the State Legislative Assembly held on 22 February 1999, the BJP and the Congress(I) won one seat each.

*New Governor:* Shri Sundar Singh Bhandari was sworn in as the Governor of Gujarat on 18 March 1999.

### HARYANA

*Expansion of Cabinet:* On 10 March 1999, the Chief Minister, Shri Bansi Lal dropped two Ministers—Shri Jaswant Singh and Shri Krishna Gahlawat and inducted four new Ministers. They are: Sarvashri Kapur Chand, Bijender Singh, Azad Mohammed and Jagdish Nayar.

### KARNATAKA

*Expansion of Cabinet:* On 31 January 1999, the Chief Minister, Shri J.H. Patel inducted Shri B.L. Shankar in the State Cabinet as Cabinet Minister.

*Resignation of Minister:* On 2 March 1999, the Governor, Shri Khursheed Alam Khan accepted the resignation of Minister of State for Institutional Finance, Shri D.T. Jayakumar from the State Cabinet.

## **KERALA**

*Resignation of Minister:* On 10 January 1999, the Transport Minister, Shri P.R. Kurup resigned from Office. Shri Neelalohithadasan Nadar was appointed as the new Transport Minister.

## **MADHYA PRADESH**

*Election of Deputy Speaker:* On 10 February 1999, Shri Ishwardas Rohani of the BJP was unanimously elected Deputy Speaker of the State Legislative Assembly.

*By-election results:* In the by-elections to the State Legislative Assembly held on 22 February 1999, the BJP and the Congress won one seat each.

## **MAHARASHTRA**

*Political developments:* On 30 January 1999, the Chief Minister, Shri Manohar Joshi resigned from Office.

On 1 February 1999, Shri Narayan Rane was sworn in as the Chief Minister along with all the Ministers in the Manohar Joshi Government and seven new Ministers. The new Ministers are: Sarvashri Kalidas Kolambkar, Udayan Raje Bhosale, Uttamprakash Khandare, Badamrao Pandit, Sudhir Mungantiwar, Vishnu Savra and Smt. Manisha Nimkar.

*Resignation of Minister:* On 16 March 1999, the Minister of State for Urban Development, Shri Ravindra Mane resigned from Office.

## **MIZORAM**

*By-election results:* The Mizo National Front (MNF) won the lone seat in the State Legislative Assembly for which by-election was held on 22 February 1999.

## **ORISSA**

*Political developments:* On 9 February 1999, the Chief Minister, Shri J.B. Patnaik resigned from Office owning "moral responsibility" for the series of attacks on Christians in the State.

On 12 February 1999, the acting Governor, Shri C. Rangarajan accepted the resignation tendered by the Chief Minister.

On 17 February 1999, Shri Giridhar Gamang was sworn in as the new Chief Minister.

On 22 February 1999, the Chief Minister expanded the State Cabinet. The new Ministers and their portfolios are:

*Cabinet Ministers:* Shri Basanta Kumar Biswal: *Water Resources Agriculture, Co-operation & Parliamentary Affairs*; Shri Kanhu Charan Lenka: *Rural Development & Panchayati Raj*; Shri Durge Shankar Patnaik: *Labour & Employment & Public Enterprises*; Shri Niranjan Patnaik: *Energy & Health & Family Welfare*; Shri Bhagabat Prasad Mohanty: *Higher Education, Public Grievances & Pension Administration*; Shri Bhupinder Singh: *Works, Urban Development & Information & Public Relations*; Shri Matlub Ali: *Food Supplies & Consumer Welfare & School & Mass Education*; Shri Raghunath Patnaik: *Finance & Law*; Shri Jagannath Patnaik: *Revenue & Fisheries and Animal Resources Development*; Shri Gajadhar Majhi: *Scheduled Tribes & Scheduled Castes Development*; Shri Netrananda Mallick: *Tourism & Planning & Co-ordination*; and Smt. Saraswati Hembrum: *Women & Child Development*.

*Ministers of State (Independent Charge):* Shri Prakash Chaudhary Debata: *Transport*; Shri Suresh Kumar Routray: *Excise & Sports & Youth Services*; Shri Nabin Chandra Narayan Das: *Commerce*; Shri Haladhar Karjee: *Steel & Mines*; and Smt. Bijaya Laxmi Sahu: *Textiles & Handloom*.

*Ministers of State:* Shri Devendra Nath Mansingh: *Industries*; Shri Ananta Ram Majhi: *Health & Family Welfare*; Shri Padmalochan Panda: *Fisheries & Animal Resources Development*; Shri Ripunath Seth: *School & Mass Education*; Shri Prasad Kumar Harichandan: *Home, Science & Technology & Culture*; Shri Surendra Singh Bhoi: *Forests and Environment*; Shri Ganeswar Bahera: *Food Supplies & Consumer Welfare*; Smt. Usharani Panda: *Urban Development*; and Smt. Parama Poojari: *Rural Development & Panchayat Raj*.

*Resignation of Minister:* On 23 March 1999, the Minister of State for Health and Family Welfare, Shri Ananta Ram Majhi resigned from the State Legislative Assembly. The Speaker, Shri Chintamani Dyan Samantara accepted the resignation.

## RAJASTHAN

*Election of Speaker:* Shri Paras Ram Maderna of the Congress(I) was unanimously elected as the Speaker of the State Legislative Assembly on 6 January 1999.

*New Governor:* On 13 January 1999, the Governor of Gujarat, Justice (Retd.) Anshuman Singh was transferred as the Governor of Rajasthan to fill the vacancy caused by the death of Shri Darbara Singh on 25 May 1998.

*By-election results:* The Congress (I) won all the four seats for which by-elections were held on 22 February 1999.

### **UTTAR PRADESH**

*Resignation of Minister:* On 31 March 1999, the Minister of State for Family Welfare (Independent Chagre), Shri Devendra Singh Bhole resigned from the State Cabinet. The resignation was accepted.

### **WEST BENGAL**

*Death of MLA:* On 18 March 1999, Shri Sukumar Das, an MLA belonging to the Congress(I), passed away.

### **DEVELOPMENTS ABROAD**

#### **BAHRAIN**

*Death of Emir:* On 6 March 1999, Emir Sheikh-isa-bin Salman al Khalifa passed away.

#### **BANGLADESH**

*New Minister:* On 12 March 1999, Mr. Mohammad Nasim was appointed as the new Home Minister.

#### **GERMANY**

*Resignation of Minister:* On 11 March 1999, the Finance Minister, Mr. Oskar Lafontaine resigned from Office.

#### **JAPAN**

*Coalition Government formed:* On 14 January 1999, the Prime Minister, Mr. Keizo Obuchi formed a Liberal Democratic Party (LDP)-led Coalition Government.

*Resignation of Minister:* On 8 March 1999, the Justice Minister, Mr. Shozaburo Makamura resigned from Office. Mr. Takao Jinnouchi was appointed as the new Justice Minister.

#### **JORDAN**

*Death of King:* On 7 February 1999, King Hussain passed away. Prince Abdullah Al-Hussein was sworn in as Regent on 6 February 1999.

*New Prime Minister:* On 5 March 1999, King Abdullah named Mr. Abdul-Raouf Rawad eh as the new Prime Minister.

**KAZAKHSTAN**

*President elected:* On 11 January 1999, Mr. Nursultan Nazarbayev was elected as the President of Kazakhstan.

**MALAYSIA**

*New Deputy Prime Minister:* On 8 January 1999, the Prime Minister, Mr. Mahathir Mohammed named the Foreign Minister, Mr. Abdullah Ahmad Badawi as the new Deputy Prime Minister.

**NEPAL**

*General Elections:* On 15 January 1999, on the recommendation of the Prime Minister Mr. Girija Prasad Koirala, King Birendra dissolved the House of Representatives and fixed 3 May 1999 for the General Elections.

**NORWAY**

*New Minister:* On 15 March 1999, Mrs. E. Loewer was appointed as the Defence Minister, the first woman to hold the post.

**PARAGUAY**

*Resignation of President:* On 29 March 1999, the President, Mr. Raul Cubas resigned from Office.

*New President:* The Leader of the Senate, Mr. Luis Gonzalez Macchi was sworn in as the new President.

**PERU**

*New Prime Minister:* On 4 January 1999, the President, Mr. Alberto Fujimori appointed Mr. Víctor Joy Way as the new Prime Minister.

**POLAND**

*Resignation of Minister:* On 16 March 1999, the Farm Minister, Mr. Jacek Janiszewski resigned from Office.

**USA**

*Election of Speaker:* On 6 January 1999, Mr. Dennis Hastert was elected the new Speaker of the House of Representatives.



## DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

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The Eleventh All-India Whips' Conference held in Bangalore in January 1994, *inter alia*, had recommended that the Chief Whips of recognised Opposition Parties in Parliament and the State Legislatures should be provided secretarial assistance and facilities of telephone and office accommodation in the premises of Legislatures by giving them statutory recognition.

The Twelfth All-India Whips' Conference held in Srinagar on 21 and 22 August 1997 further deliberated the issue relating to the facilities to be extended to Whips. The smooth functioning of the parliamentary system depends on the efficiency of the party machinery in the Legislatures. The Chief Whips and Leaders of the parties and groups in Parliament are important party functionaries who fulfil an important public purpose. After due consideration of the matter as a whole and to implement the recommendations of the All-India Whips' Conferences, it was proposed to provide for secretarial and telephone facilities to the Leaders and Chief Whips of recognised parties and recognised groups in Parliament. The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Bill, 1998 which sought to achieve the above objects was passed by the Lok Sabha and the Rajya Sabha on 18 December and 21 December 1998, respectively. The Bill received the President's assent on 7 January 1999.

Former members of Parliament had been availing free rail travel facility in AC two-tier class along with one companion in Indian railways on the basis of executive instructions issued by the Ministry of Railways. Subsequently, the said facility was annulled by the Allahabad High Court's judgment and order dated 16 December 1998 passed in Civil Misc. W.P. No. 12856-Sqn. Ldr. H.S. Kulshrestha Vs. Union of India—which declared the free rail pass as illegal. Due to the sudden withdrawal of the aforesaid facility, former members of Parliament experienced considerable difficulty in travelling for providing their services to the welfare of the people. Representations were also received for restoration of the above facility immediately to enable former members to continue their services to the people. As the Parliament was not in Session and the above facility was to be restored immediately, the Salary, Allowances and Pension of Members of Parliament (Amendment) Ordinance, 1999 was promulgated by the President on 18 January 1999.

The Joint Committee on Salaries and Allowances of Members of Parliament had made several recommendations for increasing the existing facilities and allowances of members of Parliament and pension of former members of Parliament. It was proposed to implement, *inter alia*, the following recommendations as accepted by the Government: (i) relaxation in the minimum eligibility period of four years for drawal of pension for ex-members of Parliament whose elections have been delayed due to terrorism, insurgency or public

order problem; (ii) to make eligible for grant of minimum pension of Rs. 2500 per month to those who have completed two terms of the Lok Sabha and also to members of Provisional Parliament; (iii) members of Parliament and their spouses may be enabled to travel by air-conditioned first class and by executive class in any train without any restrictions, *i.e.* from any place to any other place in India without any restriction on the number of journeys; (iv) members of Parliament may be allowed to avail the facility of thirty-two single air journeys in a year or with any number of relatives and companions within this ceiling.

The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1999, which sought to give effect to the above objects and to replace the Ordinance was passed by the Lok Sabha and the Rajya Sabha on 8 March and 10 March 1999, respectively. The Bill received the President's assent on 22 March 1999.

When an officer of the State Judicial Service is appointed as a Judge of a High Court, his leave account is regulated under the relevant provision of the High Court Judges (Salaries and Conditions of Service) Act, 1954. Under the aforesaid provision, a Judge is entitled to carry forward only the leave earned to the extent of 240 days. Judges are not entitled to carry forward the half-pay leave in their leave account in the Judicial Service. Representations were received from certain Judges, requesting for a provision in the High Court Judges Act to enable them to avail the benefit of carry-forward of half-pay leave. Keeping in view the above, it was proposed to make a suitable amendment to the High Court Judges Act to provide for the same. Similarly, the Registry of the Supreme Court requested for deleting the restrictions of 240 days for the carry-forward of leave on full allowances when a Judge of High Court is elevated to the Supreme Court. It was proposed to accede to the request and the restriction of 240 days provided under section 4(2) (a) (iii) of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, was proposed to be done away with.

A High Court Judge or a Supreme Court Judge is entitled, without payment of rent, to the use of official residence. Where a Judge is not availing of such facility he is paid every month an allowance of Rs. 2500/- in the case of a Judge of a High Court and Rs. 3000/- in the case of a Judge of the Supreme Court. Although there had been a steep increase in the market rent of houses, the allowances payable to the Judges in lieu of official residence remained static since 1986. This acted as a serious disincentive for Judges to occupy their own houses and accept the facility of House Rent Allowance (HRA). Accordingly, it was proposed to increase HRA to Rs. 10000 per month in respect of the High Court and the Supreme Court Judges.

The rates of pension of the Judges of the High Courts and the Supreme Court were last enhanced with effect from 1 November 1986 by the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986. The Fifth Central Pay Commission recommended revision in the pensionary benefits of the Central Government employees including the members of All India Services. The revised pension rules came into force from 1 January 1996. In view of the foregoing, a necessity was felt to increase the pension, additional pension and maximum pension of the Judges of the High Courts and the Supreme Court suitably. It was also proposed to enhance the entitlement

of family pension from fifty per cent to sixty per cent of the pension admissible to a Judge up to the age of sixty-five years of such Judge had he survived, or first seven years after his death, whichever was earlier, and thereafter from twenty-five per cent to thirty per cent of his pension subject to a minimum of Rs. 1,275/- per month. In the case of a Judge who had been elevated from the Bar, the existing provision provided for computation of death-cum-retirement gratuity amounting to 20 days' salary for each completed year of service unlike of half-yearly basis applicable in the case of a Central Government employee. It was proposed to grant ten days' salary as gratuity for each completed one-half year of service. It was also proposed to remove the ceiling of Rs. 8,000 per annum as special additional pension in compliance with the order dated 20 January 1991 of the Supreme Court of India in the matter of Justice M.L. Jain Vs. Union of India. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 1998 which sought to achieve the above objects was passed by the Lok Sabha and the Rajya Sabha on 17 December and 21 December 1998, respectively. The Bill received the President's assent on 8 January 1999.

We reproduce here the texts of the above Acts.

—Editor

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### THE LEADERS AND CHIEF WHIPS OF RECOGNISED PARTIES AND GROUPS IN PARLIAMENT (FACILITIES) ACT, 1998

*An Act to provide for facilities to Leaders and Chief Whips of recognised parties and groups in Parliament.*

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

1. *Short title and commencement:* (1) This Act may be called the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions:* In this Act, unless the context otherwise requires,—

(a) “recognised group” means,—

(i) in relation to the Council of States, every group of parties recognised for the purposes of this Act by the Chairman under the rules regulating the procedure of that House;

(ii) in relation to the House of the People, every group of parties recognised for the purposes of this Act by the Speaker under the rules regulating the procedure of that House;

(b) “recognised party” means,—

- (i) in relation to the Council of States, every party which is recognised for the purposes of this Act by the Chairman under the rules regulating the procedure of that House;
- (ii) in relation to the House of the People, every party which is recognised for the purposes of this Act by the Speaker under the rules regulating the procedure of that House.

**3. Facilities to the Leaders and Chief Whips of recognised groups and parties:** Subject to any rules made in this behalf by the Central Government, each leader (other than the Leader of the Opposition as defined in section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977) and each Chief Whip of a recognised group and a recognised party shall be entitled to telephone and secretarial facilities.

**4. Power to make rules:** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**5. Amendment of section 3 of Act 10 of 1959:** In the Parliament (Prevention of Disqualification) Act, 1959, in section 3,—

- (i) after clause (ab), the following clause shall be inserted, namely:—  
“(ac) the office of each leader of a recognised party and a recognised group in either House of Parliament;”;
- (ii) after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

*Explanation 3.*—In clause (ac), the expressions “recognised party” and “recognised group” shall have the meanings assigned to them in the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998.’

**THE SALARY, ALLOWANCES AND PENSION OF MEMBERS  
OF PARLIAMENT (AMENDMENT) ACT, 1999**

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

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

**1. Short title and commencement:** (1) This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999.

(2) Save as otherwise provided in this Act, it shall come into force at once.

**2. Amendment of section 5:** In the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), in section 5,—

- (i) in sub-section (2), for the words “either alone or along with companion or spouse,” the words “either alone or along with spouse or any number of companions or relatives,” shall be substituted;
- (ii) in *Explanation III*, for the words, “the companion or the spouse shall be added in computing the limit of twenty-eight journeys specified in the proviso to that sub-section”, the words “spouse, companions or relatives shall be added in computing the limit of thirty-two journeys specified in the proviso to that sub-section” shall be substituted.

**3. Amendment of section 6.** In section 6 of the principal Act, in sub-section (1), (3) and (4), for the words “air-conditioned two-tier”, wherever they occur, the words “first class air-conditioned or executive class of any train” shall be substituted.

**4. Substitution of new section for section 6B:** For section 6B of the principal Act, the following section shall be substituted, namely:—

*“6B. Travel facilities to members:* Without prejudice to the other provisions of this Act, every member shall be entitled to—

- (i) one free air-conditioned two-tier class railway pass for one person to accompany the member when he travels by rail; and
- (ii) free travel by any railway in India in first class air-conditioned or executive class in any train with the spouse, if any, of the member from any place in India to any other place in India

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

**5. Amendment of section 8A.** In section 8A of the principal Act, in sub-section (1)—

- (a) in the second and third provisos, for the words “one thousand and four hundred rupees per mensem”, the words “two thousand and five hundred rupees per mensem” shall respectively be deemed to have been substituted with effect from the 20th day of August, 1998;
- (b) after *Explanation 2*, the following *Explanation* shall be deemed to have been inserted with effect from the 9th day of September, 1976, namely:—

*“Explanation 3.—Where in any General Election held for the purpose of constituting a new House of the People, poll could not be taken in any Parliamentary constituency or any part thereof on the date originally fixed under clause (d) of section 30 of the Representation of the People Act, 1951 on account of such constituency or any part thereof being affected by terrorism, insurgency or public order problem, the member elected to such House from such constituency shall be deemed, for the purposes of this sub-section, to have served as member for such House from the date of publication, under section 73 of the said Act, of the notification relating to such House and he shall be entitled to receive pension at the rate admissible under the law for the time being in force on and from the date on which the dissolution of such House took place.”*

**6. Insertion of new section 8AA.** After section 8A of the principal Act, the following section shall be deemed to have been inserted with effect from the 18th day of January, 1999, namely:—

*“8AA. Travel facility to ex-members: With effect from the 18th day of January, 1999, every person who is not a sitting member but has served for any period as a member of either House of Parliament shall be entitled along with a companion to travel in any train by any railway in India in air-conditioned two-tier class without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament, as the case may be.”*

**7. Repeal and saving:** (1) The Salary, Allowances and Pension of

Members of Parliament (Amendment) Ordinance, 1999 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

## **THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 1998**

*An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958*

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

### **CHAPTER I PRELIMINARY**

1. *Short title and commencement:* (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998.

(2) Sections 4, 6, 9 and 11 shall be deemed to have come into force on the 1st day of January, 1996 and the remaining provisions of this Act shall come into force at once.

### **CHAPTER II AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954**

2. *Amendment of Section 4:* In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 4, in sub-section (2), in clause (a), in sub-clause (iii), the words "so, however, that such period shall not exceed two hundred and forty days in terms of leave on full allowances" shall be omitted.

3. *Insertion of new section 4A:* After section 4 of the High Court Judges Act, the following section shall be inserted, namely:—

"4A. *Leave encashment:* A Judge shall be entitled in his entire service; including the period of service rendered in a pensionable post under the Union and State or on re-employment, if any, to claim to cash

equivalent of leave salary on his retirement in respect of the period of earned leave at his credit, to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955."

**4. Amendment of section 17A:** In section 17A of the High Court Judges Act,—

(a) in sub-section (1)—

- (i) for the words "fifty per cent.", the words "sixty per cent." shall be substituted;
- (ii) for the words "three hundred and seventy-five rupees", the words "twelve hundred and seventy-five rupees" shall be substituted;

(b) in sub-section (3), in clause (ii):—

- (i) for the words "twenty days", the words "ten days" shall be substituted;
- (ii) for the words "each completed year", the words "each completed six months period" shall be substituted.

**5. Amendment of section 22A:** In section 22A of the High Court Judges Act, in sub-section (2), for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

**6. Amendment of the first Schedule:** In the First Schedule to the High Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (a), for the letters and figures "Rs. 4,500", the letters and figures "Rs. 14,630" shall be substituted;

(B) in clause (b), for the letters and figures "Rs. 3,430", the letters and figures "Rs. 11,150" shall be substituted;

(C) in the proviso, for the letters and figures "Rs. 54,000" and "Rs. 48,000", the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000" shall respectively be substituted;

(ii) in paragraph 8, for the letters and figures "Rs. 54,000", the letters and figures "Rs. 1,80,000" shall be substituted;

(iii) in paragraph 9, for the letters and figures "Rs. 15,750", the letters and figures "Rs. 51,190" shall be substituted;

(b) in Part II,—

(i) in the proviso to paragraph 2, for the letters and figures "Rs.54,000" and "Rs. 48,000", the letters and figures "Rs.1,80,000"



and "Rs. 1,56,000" shall respectively be substituted;

(ii) in paragraph 3, for the figures "3,466", "4,160", "4,851", "5,545", "6,240" and "6,933", the figures "11,265", "13,520", "15,766", "18,022", "20,280" and "22,533" shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b),—

(a) for the letters and figures "Rs. 1,600", the letters and figures "Rs. 5,200" shall be substituted;

(b) the portion beginning with the words "but in no case such additional or special pension" and ending with the words, letters and figures "shall exceed Rs. 8,000 per annum" shall be omitted;

(B) in the proviso, for the letters and figures "Rs. 54,000" and "Rs. 48,000", the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000" shall respectively be substituted.

### CHAPTER III

#### AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

**7. Amendment of Section 4:** In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 4, in sub-section (2), in clause (a), in sub-clause (iii), the words "so, however, that such period shall not exceed two hundred and forty days in terms of leave on full allowances" shall be omitted.

**8. Insertion of new section 4A:** After section 4 of the Supreme Court Judges Act, the following section shall be inserted, namely:—

**"4A. Leave encashment.** A Judge shall be entitled in his entire service, including the period of service rendered either as a Judge of a High Court or in a pensionable post under the Union or a State or on re-employment, if any, to claim the cash equivalent of leave salary on his retirement in respect of the period of earned leave at his credit, to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955."

**9. Amendment of section 16A:** In section 16A of the Supreme Court Judges Act,—

(a) in sub-section (1),—

- (i) in clause (a), for the words "fifty per cent", the words "sixty per cent." shall be substituted;
  - (ii) in clause (b), for the words "twenty-five per cent.", the words "thirty per cent." shall be substituted;
- (b) in sub-section (2), in clause (ii),—
- (i) for the words "twenty days", the words "ten days" shall be substituted;
  - (ii) for the words "each completed year", the words "each completed six months period" shall be substituted.

**10. Amendment of section 23:** In section 23 of the Supreme Court Judges Act, in sub-section (1A), for the words "three thousand rupees", the words "ten thousand rupees" shall be substituted.

**11. Amendment of the Schedule:** In the Schedule to the Supreme Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 1,235", "Rs.37,500" and "Rs. 3,150", the letters and figures "Rs. 4,020", "Rs. 1,21,880" and "Rs. 10,240" shall respectively be substituted;

(B) in the proviso, for the letters and figures "Rs. 60,000", the letters and figures "Rs. 1,98,000" shall be substituted;

(ii) in the proviso to paragraph 3, for the letters and figures "Rs.54,000", the letters and figures "Rs. 1,80,000" shall be substituted;

(iii) in paragraph 5, for the letters and figures "Rs. 19,700", the letters and figures "Rs. 64,030" shall be substituted;

(b) in Part II,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 3,454", the letters and figures "Rs. 11,265" shall be substituted;

(B) in the proviso, for the letters and figures "Rs.60,000" and "Rs. 54,000", the letters and figures "Rs. 1,98,000" and "Rs.1,80,000" shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b),—

(a) for the letters and figures "Rs. 1,600", the letters and figures "Rs. 5,200" shall be substituted;

(b) the portion beginning with the words "but in no case such additional or special pension" and ending with the words, letters and figures "shall exceed Rs. 8,000 per annum" shall be omitted;

(B) in the proviso, for the letters and figures "Rs. 60,000" and "Rs. 54,000", the letters and figures "Rs. 1,98,000" and "Rs.1,80,000" shall respectively be substituted.

## SESSIONAL REVIEW

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### TWELFTH LOK SABHA

#### FOURTH SESSION

The Fourth Session of the Twelfth Lok Sabha, which commenced on 22 February 1999, was adjourned on 18 March 1999 till 12 April 1999, to enable the Departmentally-related Standing Committees of Parliament to examine the Demands for Grants of the Ministries/Departments assigned to them and report back to the House. The House was scheduled to sit on 12 April 1999, but due to certain political developments, the Lok Sabha met on 15, 16 and 17 April 1999 and that too to discuss the Motion of Confidence in the Council of Ministers. The Session was scheduled to conclude on 14 May 1999; however, following the defeat of the Confidence Motion and the subsequent resignation by the Prime Minister, the House was adjourned *sine die* on 22 April 1999. Later, the Twelfth Lok Sabha was dissolved on 26 April 1999 even though the House was not prorogued after the adjournment *sine die* at the end of the Fourth Session. A resume of some of the important discussions held and other business transacted during the period is given below.

#### DISCUSSIONS/STATEMENTS

*Motion of Thanks to the President for his Address to Members of Parliament:* On 22 February 1999, the President of India, Shri K.R. Narayanan addressed\* the members of both Houses of Parliament assembled together in the Central Hall of Parliament House at the commencement of the First Session of the year.

The Motion of Thanks to the President for his Address was moved by Shrimati Sushma Swaraj on 11 March 1999. The discussion on the motion took place on 11, 12 and 15 March 1999. Moving the motion, Shrimati Sushma Swaraj said the President's Address on the one hand provided details of achievements of the Government and on the other revealed its future programmes. The Government's first commitment

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\* For the text of the Address, see Feature "Address by the President to Parliament", *The Journal of Parliamentary Information*, Vol. XLV, No. 1, March 1999, pp. 3-16

was national security. The nuclear explosions conducted in Pokhran on 11 and 13 May 1998 were a reaffirmation of this commitment. A minority Government had many limitations. Despite such limitations, the present Government had performed work which might be a guideline in the times to come.

Participating in the discussion\*, Shri Sharad Pawar said that it should be the responsibility of the Government to instill confidence among the lower strata of the society and to ensure their safety. India should see how the neighbouring countries were attempting to get rid of poverty. India was sincere in its approach to establish good neighbourly relations; as such, any effort to thwart these attempts by any external force and communal elements within the country should be defeated.

Participating in the discussion, Shri Somnath Chatterjee said that the country needed dedication to the basic features of the Constitution—federalism, parliamentary democracy and secularism.

On 12 March 1999, speaking on the motion, Shri Indrajit Gupta said that we should collectively take steps to see that the attacks on secularism and pluralism and the dangerous tinkering with the morale and discipline of the armed forces were not allowed to continue.

Intervening in the discussion, the Minister of State in Ministries of Information and Broadcasting and Parliamentary Affairs, Shri Mukhtar Abbas Naqvi said that the Government had created confidence among the minorities. It had taken stringent action against those who indulged in corrupt practices. It had also extended the hand of friendship towards Pakistan. He urged all parties to rise above party considerations on national issues.

Taking part in the discussion, Prof. Saifuddin Soz said that militancy had been controlled in the State of Jammu and Kashmir. The Government must provide adequate funding for the rehabilitation of orphans and widows in the State.

Shri Kishan Singh Sangwan said that farmers should get adequate water, power, seeds and appropriate price for their produce.

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\* Others who took part in the discussion were: Sarvashri Ajit Kumar Panja, C. Sreenivasan, Mohan Singh, Bashist Narayan Singh, Virendra Singh, Hira Lal Roy, Mufti Mohammed Sayeed, T.R. Baalu, Mohan Rawale, N. Dennis, B.M. Mensinkai, Dada Baburao Paranjpe, E. Ahamed, Joachim Baxla, Motilal Vora, Raja Paramasivam, Shailendra Kumar, Sansuma Khunggur Bwiswmuthiary, Bijoy Krishna Handique, Nakli Singh, K.D. Sultanpuri, S. Mallikarjunaiah, Baswaraj Patil Sedam, Ravi Prakash Verma, Nepal Chandra Das, Dr. Raghuvansh Prasad Singh, Dr. Shafiqur Rahman Barq, Major Gen. (Retd.) Bhuvan Chandra Khanduri, and Prof. A.K. Premajam

Shri A.F. Golam Osmani said that intolerance had been raising its ugly head in the country and should be fought in unison.

Replying to the discussion on 15 March 1999, the Prime Minister, Shri Atal Bihari Vajpayee said that during the previous one year, the Government had tried to improve the situation in the country. India had conducted the Pokhran tests keeping in view its security requirements. In its relations with Pakistan, the Lahore Declaration was made and a Memorandum of Understanding signed by the foreign Secretaries of the two countries. India wanted to solve all disputes through talks with Pakistan. The Lahore Declaration had expressed the commitment of the two countries to fight against terrorism in all its forms. Both the countries had reaffirmed their faith in the Shimla Agreement. India's relations with all SAARC countries had also been strengthened.

As regards assaults on Christians, the Prime Minister said that such incidents should not take place in the country. The media should exercise restraint while reporting such incidents which might provoke the people. It is the duty of the Government to protect the life of every citizen, particularly those belonging to the minority communities. Steps would be taken to ensure that law and order situation would remain under control, he added.

The motion was adopted.

*The Budget (Railways) 1999-2000* : On 25 February 1999, presenting the Railway Budget for 1999-2000 in the House, the Minister of Railways, Shri Nitish Kumar said that a 'Status Paper' and a 'White Paper' had been placed before Parliament to help appreciate the financial position, shortage of resources and various challenges and difficulties faced by the Indian Railways.

The Minister proposed to declare the year 1999-2000 as the 'Passenger Year'. One of the most important goals had been to continuously improve passenger amenities. With the establishment of 'Rail Net' and the computers provided at 150 stations, it would be possible to monitor passenger complaints at the Divisional, Zonal and Railway Board levels. A 'Railway Safety Review Committee' had been functioning to conduct a detailed review of the existing safety measures and to suggest ways for making them more effective.

During the financial year (1998-99), the loading of petroleum products, fertilisers and other goods was higher than the budgetary target as well as the actuals of the previous year for the first nine months. The reduced demand of core sector commodities such as coal, foodgrains, iron and steel, cement and iron ore, etc. had affected the freight traffic.

Against the budgetary forecast of 450 million tonnes, it was expected that Railways would achieve a loading of around 424 million tonnes. With the drop in freight traffic, it was expected that there would be a shortfall of Rs.1,056 crore in the earnings as compared to the target for the year, despite increase in passenger and other sundry earnings. Gross Traffic Receipts had been scaled down from the budget estimates of Rs.31,472 crore to 30,416 crore. Innovative marketing efforts were being made to increase loading on the railways.

With a view to increasing revenue, the Ministry of Railways had reduced the classification of some commodities and had also given 'Volume Discount'. In addition, the facility of two-point rake loading had been provided at some stations and supply of rakes was being made in less than 48 hours. A special package had been provided for the steel sector to attract traffic to Railways.

Improvements were also being made in the functioning of the Railway Protection Force (RPF) and necessary action had been initiated to give more investigative powers to the officers of RPF. Approval had already been given for setting up of two additional battalions for the Railway Protection Special Force.

The ordinary working expenses of the Railways had been estimated at Rs.25,740 crore, which was higher than the Revised Estimates of the current year of Rs.23,375 crore. This increase provided for higher levels of expenditure on materials and contractual payments required for maintenance purposes with due regard to safety. The expenditure on security had also been enhanced.

The pensionary liability in 1999-2000 was estimated at Rs.3,300 crore.

The total working expenses would amount to Rs.30,283 crore, leading to Net Traffic Receipts of Rs.2,128 crore. In the year 1999-2000, an outlay of Rs. 350 crore had been provided for railway electrification and a target of electrifying 500 route km. had been kept.

The combined discussion on the Budget (Railways), 1999-2000, the Resolution moved by the Minister of Railways in respect of the Second Report of the Railway Convention Committee, the Demands for Grants on Account in respect of Budget (Railways), 1999-2000, the Supplementary Demands for Grants in respect of Budget (Railways), 1998-99 and Demands for Excess Grants in respect of Budget (Railways), 1996-97 commenced on 13 March 1999.

Initiating the discussion, Shri P. Upendra said that the Railway

Budget, did not tackle the basic problems faced by the Railways. The freight traffic was not coming upto the mark. There were problems like the growing expenses and the deficits, the mismatch between the economic growth and the rail infrastructure development, growing social burden, backlog in track maintenance, overhaul of coaches, rolling stocks, etc.

Participating in the discussion\*, Shri K. Yerrannaidu said that the Railways should ensure safety, cleanliness, maintenance and punctuality. Priority should be given to backward areas, and for expanding the network in those areas, which have not been covered since Independence.

Prof. Saifuddin Soz said that Railway construction would not take

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\* Others who took part in the discussion were: Sarvashri H.D. Deve Gowda, Basudeb Acharia, Mitra Sen Yadav, Chinnappa Gopal, Shailendra Kumar, Mohan Singh, Sudip Bandopadhyay, Prabhunath Singh, Motilal Vora, Baswaraj Patil Sedam, Nepal Chandra Das, Chandrasekhar Sahu, Surendran Chengara, Rama Nand Singh, Virendra Kumar, Mahabendra Shah, Bhatruhari Mahatab, Larang Sai, Bhagwan Shankar Rawat, Raju Rana, Madhab Rajbangshi, Chandramani Tripathi, K. Bapiraju, Rajendra Agnihotri, C. Kuppusami, K. Yerrannaidu, P. Rajarethnam, Shantilal Chaplot, Thawar Chand Gehlot, Sriram Chauhan, Ranen Barman, Ram Tahal Chaudhary, Indrajeet Mishra, Surender Singh Barwala, Haribhai Choudhary, K.D. Sultanpuri, U.V. Krishnan Raju, Prakash Yashwant Ambedkar, Anantha Venkatarami Reddy, Prashanna Acharya, Rameshwar Patidar, Ramesh Chandra Dwivedi, K. Palaniswami, B.M. Mensinkai, Lal Bihari Tiwari, Mathan M. Master, Lal Muni Choubey, Bashist Narayan Singh, Prabhash Chandra Tiwari, Mullappally Ramachandran, Abdul Hasnat Khan, Kishan Lal Diler, Tejveer Singh, Daya Singh Sodhi, Ram Pal Singh, Janardhan Prasad Mishra, T. Govindan, Ganga Charan Rajput, Samar Chowdhary, Shyam Bihari Mishra, P.S. Gadhavi, C. Sreenivasan, M. Durai, T. Shanmugam, S. Mallikarjunaih, Chatin Singh Samaon, K. Krishnamoorthy, Sai Prathap Annayagari, M. Thiyagarajan, Satya Pal Jain, Bikram Keshari Deo, P. Sankaran, M.B. Patil, A. Ganeshamurthi, N.N. Krishnadass, George Eden, Ajaya Kumar, Lakshman Chandra Seth, M. Selvarasu, Jagadambi Prasad Yadav, Khagapati Pradhani, Rama Chandra Mallick, Shakuni Chowdhary, Bachi Singh 'Bachda' Rawat, Punnu Lal Mohale, Aditya Nath, Nand Kumar Singh Chauhan, Ram Shakal, Ashok Argal, S. Murugesan, Mohan Rawale, Varkala Radhakrishnan, B.M. Mensinkai, Ravi Prakash Verma, Jual Oram, Sansuma Khunggur Biswamurthiary, Harpal Singh Sathi, G. Ganga Reddy, Chetan Chauhan, Bhaskar Rao Patil Datta Meghe, Raj Vir Singh, K.H. Muniyappa, Anup Lal Yadav, Shankar Pannu, Braja Kishore Tripathi, Ashok Pradhan, Shankar Prasad Jaiswal, Ranjib Biswal, Hira Lal Roy, Sunil Khan, H.P. Singh, Braj Mohan Ram, Raj Narayan Pasi, Balasaheb Vikhe-Patil, S. Gangadhar, Sohan Veer Singh, Bajinath Rawat, Maj. Gen.(Retd.) Bhuwan Chandra Khanduri, Dr. Raghuvansh Prasad Singh, Dr. Shakeel Ahmad, Dr. Ram Lakhan Singh, Dr. Prasanna Kumar Patasani, Dr. Laxmi Narayan Pandey, Dr. Vallabh Bhai Kathiria, Dr. Madan Prasad Jaiswal, Dr. Ram Krishna Kusmaria, Dr. Ashok Kumar Patel, Dr. Vijay Sonkar Shastri, Dr. Shafiqur Rahman Barq, Dr. Ravi Mallu, Prof. Chaman Lal Gupta, Prof. Ajit Kumar Mehta and Dr. V. Saroja, Prof. A.K. Premajam, Smt. Sumitra Mahajan, Smt. Bhavana Chikhalla, Smt. Sangeeta Kumari Singh Deo, Smt. Usha Verma, Smt. Shiela Gautam, Smt. Sukhada Mishra, Smt. Minati Sen, and Smt. Jayaben Bharat Kumar Thakkar



place in Kashmir unless it was a special project like the Konkan Railway.

Taking part in the discussion, Shri Madhukar Sirpotdar congratulated the Railway Minister for presenting a good and well balanced budget. He urged the Minister to have an open mind as regards the redressal of the grievances of Railway employees in general and railway motor men of Mumbai in particular.

After the discussion and the reply by the Minister of Railways, all the Demands for Grants on Accounts in respect of the Budget (Railways), 1999-2000 were voted in full. The Resolution in respect of the Second Report of the Railway Convention Committee was adopted. All the Supplementary Demands for Grants (Railways), 1998-99 were voted in full. The Appropriation Bills were also introduced and subsequently passed.

On 22 April 1999, the House voted in full all Demands for Grants in respect of Budget Railways 1999-2000. The relevant Appropriation Bills were also introduced and later passed.

*The Budget (General), 1999-2000* : On 27 February 1999, presenting the Budget for 1999-2000, the Minister of Finance, Shri Yashwant Sinha said that the decade of the nineties had witnessed extraordinary changes; it began with the collapse of the centrally planned economies and ending with the market economies facing a serious crisis.

As regards our country, India had to contend with an additional challenge in the nature of economic sanctions imposed on it after the Pokhran nuclear tests. Despite the hostile economic environment, India's GDP growth in 1998-99 had accelerated to 5.8 per cent compared to 5 per cent the previous year. Since the beginning of 1998-99, India had added \$2 billion to its foreign currency reserves as of February 1999.

The broad strategy of the Budget was six-fold, viz. to begin a medium-term process of revenue and fiscal deficit reduction along the lines indicated in the Ninth Plan, which would free more resources for productive investment and growth; to undertake a major reform of indirect taxes to promote productivity and employment; to deepen and widen economic reforms in all major sectors and accelerate internal liberalization to release the productive energies and creativity of our farmers, manufacturers, traders and service providers; to safeguard the economy from external shocks, revive exports and stimulate the domestic engines for growth revival; to strengthen the knowledge-based industries; and to revitalise and redirect public programmes for human development, encompassing food security, health care, education,

employment and shelter. The current year's growth performance had underlined the critical importance of agriculture in our country. A multi pronged programme was proposed to further strengthen India's rural economy. The Rural Infrastructure Development Fund (RIDF) had emerged as an important scheme for financing rural infrastructure projects of the State Governments. The scope of RIDF would also be widened to allow lending to Gram Panchayats, self-help groups and other eligible organisations for implementing village level infrastructure projects. It was proposed to declare 1999-2000 as the 'Year of the Gram Sabha' to affirm the resolve to set the process of decentralised democracy in motion with human development as the core objective of planning.

As regards shelter in urban areas, the Government had already taken major steps for encouraging housing development. To enhance the availability of banking funds to the housing sector, the RBI would be advising scheduled commercial banks to lend up to 3 per cent of their incremental deposits for housing finance. The National Housing Bank had proposed a scheme which would entail a reduction in the interest rates of small borrowers.

The Industries (Development and Regulation) Act would be reviewed and remanded so that the focus would be shifted to development of industry rather than its regulation. The Government had already undertaken important legislative and other reform initiatives in key infrastructure sectors such as power, telecom, roads and ports. A vibrant capital market would be essential for providing the much needed funds for the infrastructure sector. Infrastructure projects needed long-term funds which would require a deep and well-functioning debt market. With a view to modernising the debt market and introducing paperless trading the segment, the Government proposed to abolish stamp duty on transfer of debt instruments within the depository mode.

The Government's strategy towards public sector enterprises would continue to encompass a judicious mix of strengthening strategic units, privatising non-strategic ones through gradual disinvestment or strategic sale and devising viable rehabilitation strategies for weak units.

In the budget estimates for 1999-2000, the total expenditure was estimated at Rs.2,84,003 crore, of which Rs.77,000 crore was for Plan and Rs.2,07,003 crore for non-Plan expenditures.

The budget support for the Central, State and Union territory Plans had been placed at Rs. 77,000 crore, marking an increase of Rs. 8,629 crore over the revised estimates of 1998-99.

The Plan for 1999-2000 focused on basic human development

needs such as education, health care, social welfare, housing and water supply. Thus, out of the total gross budgetary support of Rs. 44,000 crore for the Central Plan, 1999-2000, Rs.31,035 crore had been provided to 18 Ministries/Departments covered by the Prime Minister's Special Action Plan.

Compared to the revised estimates of 1998-1999, the outlay for Plan programmes had been significantly increased in certain priority sectors. For example, the increase was 34.5 per cent in agriculture and allied activities and 21.9 per cent in social services.

The non-Plan expenditure in 1999-2000 was estimated at Rs.2,07,003 crore compared to Rs.2,13,541 crore in the revised estimates of 1998-1999. Further, need-based budgetary support would be provided during the course of the year.

The budget proposals contained a package for the small scale industry (SSI) sector. As a measure to further simplification of administrative procedures, the Budget proposed to permit SSI units to pay excise duty on a monthly basis with effect from 1 June 1999, which would also improve the liquidity position of manufacturing units in the SSI sector.

As a result of the various proposals made in the Budget on indirect taxes, the estimated revenue in 1999-2000 would be Rs. 1,17,625 crore, including a component of the net additional resource mobilisation of Rs.6,234 crore.

With the growing liberalisation of economy, there had been a need for industrial restructuring so that companies would focus on their core activities. The corporate sector had been voicing the need for a flexible fiscal policy for regulating business re-organisations. In response to that, a comprehensive set of amendments to the Income Tax Act had been proposed to make such business re-organisations fully tax neutral.

As a result of the various proposals made in the Budget on the direct taxes, the estimated revenue in 1999-2000 would be Rs.59,235 crore, including a component of net additional resource mobilisation of Rs.3,100 crore.

The Budget proposed to reduce the revenue and fiscal deficits by 0.7 per cent and 0.6 per cent of GDP, respectively. At this rate of reduction, the revenue deficit would be eliminated in four years and the fiscal deficit would decline below two per cent of GDP. The Budget also proposed major reform of excise taxes.

The combined discussion on the Budget (General), 1999-2000, the

**Demands for Grants on Account for 1999-2000, the Supplementary Demands for Grants in respect of Budget (General), 1998-99, and the Demands for Excess Grants in respect of Budget (General), 1996-97 took place 15-16 March 1999.**

Taking part in the discussion on the Budget, Shri Mohan Singh said that no step had been taken to solve the problems of the poor people of the country.

Participating in the discussion\*, Shri Vaiko said that for the first time the Gram Panchayats had been given a pivotal role. The Gram Panchayats would have the sole authority in the preparation of the annual Action Plan and their implementation. Another important innovation of the Budget was the simplification of excise and customs rate structure.

Participating in the discussion, Shri P. Chidambaram complemented the Finance Minister for several good measures in the Budget like the continuation of the Accelerated Irrigation Benefit Programme, the RIDF, the proposal for a Technology Mission for vaccines and an Expenditure Reforms Commission. It brought back the country and the Government to the path of reforms, he added.

Shri Sultan Salahuddin Owaisi stated that nothing was being done to improve the condition of the minorities.

Taking part in the debate, Shri Anand Mohan said that the largest backward State of the country should get special opportunities in the budgetary proposals.

Shri A.F. Golam Osmani suggested that the Finance Minister should announce some schemes like Kar Vivad Samadhan Scheme for the North-Eastern Region.

Replying to the debate on 16 March 1999, the Minister of Finance, Shri Yashwant Sinha said that whatever action the Government had taken through the Budget would not in any way be a threat to the sovereignty of the nation. During the first few months of the year there was some inflation but the country had contained it. Keeping in view the international situation, the Government had raised money through NRIs.

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\* Others who took part in the discussion were: Sarvashri Shanta Kumar, Nandendla Bhaskara Rao, Rupchand Pal, Kanchi Panneerselvam, Prabhat Kumar Samantaray, V.V. Raghavan, Bhupinder Singh Hooda, T.R. Baalu, Prakash Vishwanath Paranjpe, Pramothesh Mukerjee, Ramdas Athawale, Manoranjan Bhakta, Datta Meghe, B.M. Mensinkai, Magunta Sreenivasulu Reddy, Sansuma Khunggur Bwlswmuthiary, K.H. Muniyappa, Dr. Balram Jakhar, Dr. S. Venugopalachary, Dr. Bikram Sarkar, Dr. B.N. Reddy, Dr. Raghuvansh Prasad Singh, Prof. Prem Singh Chandumajra and Smt. Kailasho Devi

There had been a financial crisis throughout the world and the Government had taken effective steps to meet the situation.

Industrial production had declined by 3 per cent but there had been good agricultural production. Special emphasis was laid on agriculture, rural economy and rural industries. Similar packages as had been announced for the North-Eastern States in the Budget would be provided to Andaman and Nicobar Islands, Lakshadweep, and Jammu and Kashmir.

All the Demands for Grants on Account (General), 1999-2000 all the Supplementary Demands for Grants in respect of Budget (General), 1998-99, and all the Demands for Excess Grants in respect of Budget (General) 1996-97, were voted in full. The relevant Appropriation Bills, were also passed.

On 22 April 1999, the House passed all the Demands for Grants (both Revenue Account and Capital Account) in respect of the Budget (General) 1999-2000. The relevant Appropriation Bill as well as the Finance Bill, 1999 were also passed without discussion.

*Motion of Confidence in the Council of Ministers:* On 15 April 1999, moving the Motion that the House expresses its confidence in the Council of Ministers, the Prime Minister, Shri Atal Bihari Vajpayee said that democracy demanded that those who wanted to oust his Government should explain as to what type of Government they would bring and what would be its programmes.

Opposing the motion, Shri Sharad Pawar said that the Government had been a total failure on all the fronts be it economic front, industrial sector or promoting social harmony. No steps had been taken on important issues like universalisation of primary education or giving equal rights to women.

Taking part in the discussion\*, the Minister of Home Affairs, Shri L.K. Advani said that while opposing any Government, we should suggest an alternative arrangement. In fact, there was nothing to say against the Vajpayee Government which conducted the nuclear tests at Pokhran, test-fired the 'Agni' missile, started the bus service to Lahore, improved the situation in Kashmir and brought stability to the country's economy.

Shri Lalu Prasad said that his party wanted communalism to be

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\* Others who took part in the discussion were: Sarvashri P.A. Sangma, R. Muthiah, N.K. Premachandran, S. Sudhakar Reddy, Prabhunath Singh, P. Shiv Shanker, H.D. Deve Gowda, K. Natwar Singh, Ramdas Athawale, and Dr. Raghuvansh Prasad Singh

removed from the country and asked the Prime Minister to resign without waiting for the voting.

The Finance Minister, Shri Yashwant Sinha said that the GDP growth during the last year was 5 per cent and in the current year it could be 5.8 per cent. The foodgrains production would be touching 195 million tonnes. Thus, despite recession, the Indian economy was well on rails.

Participating in the discussion, Shri Vaiko said that there was an attempt to destabilise the Government and democracy. The mandate of the people should be respected and honoured and democracy should be protected.

The Minister of State in the Ministries of Information and Broadcasting and Parliamentary Affairs, Shri Mukhtar Abbas Naqvi said that during the tenure of the Government, the confidence among the minorities had built up. The Government wanted to give due rights to the minorities, weaker sections of society, backward people and the downtrodden.

Opposing the motion, on 16 April 1999, Shri Somnath Chatterjee said that the unity and integrity of the country was important and secularism was the basic foundation of the country, no one should not compromise on that.

Shri Murasoli Maran supported the continuance of the Government and said that a coalition government was the best unifying factor for a country like India.

Participating in the discussion, Shri Mulayam Singh Yadav said that to preserve the unity of the country, India had opted for secularism. The Government had attacked the unity of the country. It had tried to take political mileage out of the Pokhran nuclear tests thereby denigrating the prestige of the scientists.

Kumari Mamata Banerjee said that we would have to fight against corruption, unemployment and the forces which wanted to divide and disintegrate the country.

Taking part in the discussion, Shri Indrajit Gupta said that the composite and pluralistic society and their main valued were under constant pressure and threat because of various forces. If that was allowed to go on, then the unity of the country would be destroyed.

The Minister of Defence, Shri George Fernandes said that the attacks on Christians had been a part of a larger conspiracy being conducted by vested interests.

Kumari Mayawati said that the interests of the Dalit, backwards and

minorities could not be protected by the Vajpayee Government.

Participating in the discussion, Shri Chandra Shekhar said that after liberalisation, many small scale industries and cottage industries had closed down or had faced extinction. The solution to all the issues lay in tapping the potential of our youth, the farmers in rural areas and in the strong hands of the labourers working in the factories.

Shri K. Yerrannaidu said that the nation needed stability; as such, the TDP would continue to adhere to the principle of an issue-based support to the BJP.

The Minister of Chemicals and Fertilisers and Food and Consumer Affairs, Sardar Surjit Singh Barnala said that Pokhran-II was a step in the direction of further ensuring the security of the country. The Prime Minister's bus journey to Lahore had helped in changing the attitudes of people of both the countries.

Participating in the discussion, Shri P. Chidambaram said that communalism and corruption were major evils which would have to be fought unitedly.

Shri Madhukar Sirpotdar said that as far as the nation was concerned we all should stand together and save the country.

Dr. Subramanian Swamy said that the issue was the betrayal of the nation itself as was evidenced by the undermining of the morale of the armed forces by the dismissal of the Naval Chief, Admiral Vishnu Bhagwat.

Supporting the motion, Shri Anand Mohan said that despite economic sanctions, the Government had made all efforts to bail out the country from an impending economic crisis.

Shri Amar Roy Pradhan said that regional imbalances had widened further under the Vajpayee Government.

Supporting the motion, Shri Kishan Singh Sangwan said that the Government had brought credit to the country throughout the world through its foreign policy. India's defence had become stronger and there had been a spectacular improvement in the economy.

Shri Sultan Salahuddin Owaisi said that no concrete effort had been made so far for imparting education to the minorities. The Minority Commission had also not been given any legal powers.

Shri G.M. Banatwalla said that the Government had distorted and shaken the secular credentials of India and had put defence of the country in peril.

Supporting the motion, the Minister of Steel and Mines, Shri Naveen Patnaik said that the Government had kept India's economy stable even as the global economy was crashing.

Taking part in the debate, Shri P.C. Thomas said that during the tenure of the Vajpayee Government, the country had been facing many difficulties like atrocities on the minorities, suicides by farmers in many parts of the country etc.

Replying to the discussion on 17 April 1999, the Prime Minister, Shri Atal Bihari Vajpayee said that if the Opposition wanted to test the majority of the Government, it could have brought a No-Confidence Motion. The Government had improved the situation in every field—whether it was economy, national security or relations with different countries. He assured the farmers that every possible measure would be taken to lighten their burden. For the unity of the country, strengthening of democracy was a must. The Government had taken all necessary decisions in the interest of the country with full vigour and determination.

The motion was negatived.

*Statutory Resolution regarding Approval of Proclamation issued by the President in relation to the State of Bihar:* Moving the Statutory Resolution on 25 February 1999, the Minister of Home Affairs, Shri L.K. Advani said that the situation in Bihar had not developed all of a sudden; instead people were worried about that for a long time. The Union Government had taken the decision that article 356 should be invoked with a view to protecting the interests of the people of Bihar. According to the report of the Governor of Bihar, there were 500 incidents of violence in which about 600 people had been killed. The reason for such violence was non-implementation of land reforms and the strained relations between the landlords and agricultural labour.

Opposing the Resolution, Shri Sharad Pawar said that there was no need for dismissing the Government as the Government was commanding a clear majority.

Taking part in the discussion\*, Shri Somnath Chatterjee said that there were well established provisions and observations of the Judiciary

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\* Others who took part in the discussion were: Sarvashri Krishan Lal Sharma, Prabhunath Singh, R. Muthiah, S.S. Palanimanickam, N.K. Premachandran, R.S. Gavai, Sushil Kumar Shinde, Bir Singh Mahato, Shakuni Choudhary, Tathagata Satpathy, Dr. Shakel Ahmad, Dr. Jayanta Rongpi, Prof. Prem Singh Chandumajra and Prof. (Shrimati) Rita Verma



that article 356 could not be utilised for mere breakdown of law and order machinery or even for misgovernance. He felt that the Proclamation was *mala fide* in its intent.

Shri Lalu Prasad said that dictatorship should not be encouraged. A popular Government of the poor, downtrodden and of backwards had been dismissed. He appealed to the House to reject the Resolution.

Opposing the Resolution, on 26 February 1999, Shri Indrajit Gupta said that article 263 of the Constitution provided for the creation of an Inter-State Council through which differences about the relationship between the Centre and the States could be discussed. The use of article 263 had become very important to discuss inter-State issues and inter-State disputes.

Shri Chandra Shekhar said that if any Cabinet would make any recommendation about the imposition of President's Rule, it should prove and explain the circumstances under which it was compelled to do so.

Participating in the discussion, Shri Mulayam Singh Yadav said that leaders of all parties should be invited to discuss the situation the country; the imposition of President's rule in Bihar should be withdrawn.

Kumari Mayawati said that it was the duty of the Government of the State to protect the lives of the Dalits.

The Minister of Defence, Shri George Fernandes clarified that the Samata Party had said in its manifesto that all the problems of the people of Bihar would be addressed and resolved. The Statutory Resolution had been brought for the future of the people of Bihar.

Taking part in the discussion, Shri Madhukar Sirpotdar said that from the developments which had been taking place in Bihar, it was a fit case for the imposition of President's Rule.

Prof. Saifuddin Soz said that the use of article 356 caused despair in the country; therefore it should not be accepted.

Kumari Mamata Banerjee said that because of article 356, the Union Government could intervene to look after the common people and check atrocities against minorities.

Shri K. Yerranna said that all were aware of the incidents that took place in Bihar against the Dalits. In those circumstances, the Telugu Desam Party had decided to support the Centre's stand.

Participating in the discussion, Shri G.M. Banatwalla said that there

was need for amendment of article 356 to incorporate safeguards against its misuse or abuse.

Opposing the Resolution, Shri Kishan Singh Sangwan said that most of the time article 356 had been abused in the country.

Shri Sultan Salahuddin Owaisi said that the basis for imposing President's Rule in Bihar was very weak.

Replying to the discussion, the Minister of Home Affairs, Shri L.K. Advani said that the situation in Bihar had deteriorated extraordinarily which called for the enforcement of article 356. He agreed that if the Central Government had imposed article 356 merely over deterioration of law and order situation, it amounted to misuse. It was the duty of the Union Government to see that the Government of every State was carried on in accordance with the provisions of the Constitution.

The Statutory Resolution was adopted. (On 8 March 1999, the Home Minister, Shri L.K. Advani informed the House that the Union Cabinet which met earlier in the day had decided to recommend to the President of India to revoke President's rule in Bihar.)

## **B. LEGISLATIVE BUSINESS**

*Statutory Resolution regarding Disapproval of the Companies (Amendment) Ordinance, 1999 and the Companies (Amendment) Bill, 1998\**: Moving the Statutory Resolution on 5 March 1999, Shri V.V. Raghavan\*\* said that the above Ordinance did not care for the people. The Companies Act, the Security Exchange Bank of India (SEBI) rules, etc. would have to be thoroughly scrutinised.

The Minister of Law, Justice and Company Affairs and Surface Transport, Dr. M. Thambi Durai said that following representations made by various organisations and in order to ensure that the economy was revived, the Government had brought forward the Ordinance. The Bill had already been pending before the Standing Committee. The Bill would provide for a facility to the investor to make nominations in respect of fixed deposits, shares and debentures in favour of a person who would hold those shares and debentures or would get the benefit from the fixed deposits in the event of the investor's death.

The Statutory Resolution was negatived and the Bill, as amended, was passed.

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\* The Bill was introduced in the Lok Sabha on 22 December 1998

\*\* Shri Raju Singh also took part in the discussion

*The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1999\**: Moving that the Bill be taken into consideration, on 8 March 1999, the Minister of Power, Parliamentary Affairs and Non-Conventional Energy Sources, Shri P.R. Kumaramangalam said that provision was made in the Bill to enable members of Parliament to take with them any number of relatives or companions on such journeys within the ceiling of 32 single air journeys in a year. It was proposed to relax the relevant provisions to enable the members of Parliament and their spouses only to travel by air-conditioned first class from any place to any other place in India without any restrictions. It was also proposed to cover former members of Parliament who had completed two terms of Lok Sabha and members of Provisional Parliament for grant of minimum pension of Rs.2,500 per month with effect from 20 August 1998. Former members of Parliament had been availing free rail travel facility in air-conditioned two-tier class along with one companion in the Indian Railways on the basis of executive instructions issued by the Ministry of Railways. The facility was annulled by the Allahabad High Court. Keeping in view the difficulties experienced by the former members to provide services to the people, the facility was restored by promulgating the Salary, Allowances and Pension of Members of Parliament (Amendment) Ordinance, 1999 with effect from 18 January 1999. The provision contained in the said Ordinance was being replaced by legislation.

The Minister of Power, Parliamentary Affairs and Non-Conventional Energy Sources, Shri P.R. Kumaramangalam replied to the debate\*\*.

The Bill was passed.

*Statutory Resolution regarding Disapproval of the Patents (Amendment) Ordinance, 1999 and the Patents (Amendment) Bill, 1998\*\*\**: Moving the Statutory Resolution on 9 March 1999, Shri V.V. Raghavan said that an Ordinance was promulgated for amending the Patent Act to grant Exclusive Marketing Rights (EMR) to foreign companies involved in the production of pharmaceutical drugs and agricultural chemicals. The amendment promulgated through the Ordinance granting the EMR was unwanted.

The Minister of Industry, Shri Sikander Bakht moved that the Bill be taken into consideration.

\* The Bill was introduced in the Lok Sabha on 5 March 1999

\*\* Those who took part in the discussion were: Sarvashri Rao Singh, Mohan Singh, K. Bapiraju, Satya Pal Jain, Shailendra Kumar, Kalpnath Rai, Prabhunath Singh, Prabhu Dayal Katheria, Ramdas Athawale, Kharabela Swain, B.M. Mensinkai, and Dr. Sushil Indora and Dr. Raghuvansh Prasad Singh

\*\*\* The Bill as passed by the Rajya Sabha, was laid on the Table of the Lok Sabha on 23 December 1998

Participating in the discussion\*, Dr. Subramanian Swamy said that on two issues, the World Trade Organisation (WTO) would not accept the Bill, *i.e.*, first it violated article 70.9 of the Trade Related Intellectual Property Rights (TRIPs) and secondly on the EMR, the application would be reviewed by the Patents Examiner in India.

Opposing the Bill, on 10 March 1999, Shri Chandra Shekhar said that once the Bill was passed, India would suffer a lot in respect of medicines and agro-products. We would have to strive against turning the country into a market place.

Shri Somnath Chatterjee said that the proposed legislation would play havoc with the country and was not in the interests of the people.

Replying to the discussion, the Minister of Industry, Shri Sikander Bakht said that the EMR had been brought in with a very limited objective. India would have to go in for 'product patent' ultimately. The Government wanted to give an opportunity to restructure the pharmaceutical industries in the country. It had constituted a Committee comprising scientists who would advise on the issue of patent. The Government wanted a safe passage of patents for the country upto 2005 A.D. It had been trying to ensure that product patent' would not come up before 2005 A.D. The Government would not allow any country to play with India's bio-diversity and plant variety.

The Statutory Resolution was negatived and the Bill, as amended, was passed.

### C. QUESTION HOUR

During the Fourth Session, in all, 31,240 notices of questions (25,767 Starred, 5,461 Unstarred and 12 Short Notice Questions) were received. Out of these, 380 Questions were admitted as Starred and 3,902 as Unstarred and none was admitted as Short Notice Question.

On the first day of the Session *i.e.* 22 February 1999, there was no Question Hour. The sittings of the Lok Sabha fixed for 1 and 3 March 1999 were cancelled. Starred Questions listed for these days were treated as Unstarred and their answers, together with the answers to Unstarred Questions, were printed in the official report for those days.

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\* Others who took part in the discussion were: Sarvashri Prithviraj D. Chavan, Kharabela Swain, Rupchand Pal, Shailendra Kumar, Balasaheb Vikhe Patil, T.R. Bалу, Pramothes Mukherjee, A.C. Jus, V.V. Raadhavan, Prof. Prem Singh Chandumajra, Prof. R.P. Pramanik, Shrimati Geeta Mukherjee, and Shrimati Kallasho Devi

The sittings of the Lok Sabha fixed for 12 and 13 April 1999 were also cancelled. As such, Questions Lists of these days were not printed and circulated to members and Ministries.

Due to interruptions in the House on 17 March 1999, Starred Questions listed for the day was treated as Unstarred and their answers together with the answers to Unstarred Questions, were printed in the official report for the day.

The Question Hour for 15 and 16 April 1999 was suspended. The replied to Starred Questions listed for these days were treated as Unstarred and their answers, together with the answers to Unstarred Questions, were printed in the official report for those days.

*Daily Average of Questions:* The average number of Starred Questions answered orally in the House during the Session was 3. The maximum number of Starred Questions answered was 4 on 26 February 1999 and 4, 5, 9, 10, 11, 12 and 18 March 1999. The average number of questions in the Unstarred List was 205 against the prescribed limit of 230, the minimum number being 135 on 24 February 1999.

*Half-an-Hour Discussion:* In all, 10 notices of Half-an-Hour Discussions were received during the Session. None was admitted.

#### **D. OBITUARY REFERENCES**

On the opening day of the Session, on 22 February 1999 obituary references were made on the passing away of King Hussain of Jordan and Prof. G.G. Swell, former Deputy Speaker of the Lok Sabha.

During the Session, obituary references were also made on the passing away of Sarvashri Shivendra Bahadur Singh, K.T. Achuthan, R.G. Tiwari, Mohan Lal Pipil, G. Narayan Reddy, A.M. Chellachami, Ram Naresh Singh, George Joseph Mundackal, Damodar Pandey, and A.K.A. Abdul Samad, all former members of Parliament.

A reference was also made on the loss of lives in a crash of an Indian Air Force aircraft in Pappan Kalan in South West Delhi on 7 March 1999. Obituary reference was also made on the loss of lives in a major fire at the jhuggi clusters near Vijay Ghat in Jamuna Pushta in New Delhi on 14 March 1999. On 15 April 1999, Obituary reference was made to the major earthquake in the Garhwal region 29 March 1999 and several parts of North India resulting in large scale loss of lives and property.

**RAJYA SABHA****ONE HUNDRED AND EIGHTY-SIXTH SESSION\***

The Rajya Sabha, which met for its One Hundred and Eighty-sixth (186th) Session on 22 February 1999, was adjourned on 19 March 1999, to meet again on 15, 19, 22 and 23 April 1999. The House was adjourned *sine die* on 23 April 1999 and was then prorogued by the President on 29 April 1999.

A resume of some of the important discussions held and other business transacted during the period is given below:

**A. DISCUSSIONS/STATEMENTS**

*Motion of Thanks on the Address by the President:* The discussion on the Motion of Thanks on the Address\*\* by the President to the members of Parliament took place on 24, 25 and 26 February and 8, 9 and 10 March 1999.

Initiating the discussion on 24 February 1999, Prof. Vijay Kumar Malhotra said that judicial commissions were enquiring into the incidents of atrocities on minorities in Gujarat, Madhya Pradesh and Orissa. He hailed the nuclear tests conducted in May 1998 at Pokhran as a great achievement of the Government. The Government had formulated plans for youths, women, children, sports persons and farmers and for the construction of Express ways all over India.

Participating in the discussion, Dr. Manmohan Singh expressed his concern about the protection of the constitutional liberties of people. He said that confidence among the investors and consumers had reduced because of the Government's obscurantist policies. He expressed the need for politics of morality as an instrument of purposeful social change. India's unity could be strengthened by respecting its diversity. India and its neighbours needed to negotiate the norms to stabilize the South-Asian nuclear environment for regional nuclear safety and cooperation. The Pokhran tests disrupted the sense of cohesion and common purpose which guided India's foreign policy. He acknowledged the Prime Minister's trip to Lahore as a constructive initiative in regard to relations with neighbours.

Shri E. Balanandan called for the protection and safeguarding of India's unity and expressed concern over the country's economic situation after the nuclear explosion in Pokhran.

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

\*\* For the text of the Address, see Feature "Address by the President to Parliament", *The Journal of Parliamentary Information*, Vol. XLV, No. 1, March 1999, pp. 3-16

Shri J. Chitharanjan decried the failure of the Government to control agricultural prices in 1998 and the lack of transparency with regard to the Pokharan nuclear tests and the imposition of President's rule in Bihar.

Participating in the discussion, Shri R. Margabandhu said that the Government had to ensure that agricultural land was protected, and to restrict the indiscriminate exploitation of underground water. Referring to the new Agricultural Policy, he said that the interests of agriculturists and consumers had to be safeguarded. The State Government had to take steps to contain terrorism and protect the life and property of common people.

Shri Satishchandra Sitaram Pradhan urged the Government to resolve the border issue between Karnataka and Maharashtra. More avenues of employment had to be provided to the rural people to check migration. He supported the imposition of President's rule in Goa and Bihar and called for clear guidelines on Article 356 of the Constitution to check its misuse.

Replying to the discussion\* on 10 March 1999, the Prime Minister, Shri Atal Bihari Vajpayee said that India's relations with neighbouring countries including Pakistan, China, Nepal, Bhutan and Myanmar had immensely improved in the previous year. The introduction of the bus service between India and Pakistan had yielded good results. Plans were afoot to introduce a similar bus service between India and Bangladesh. The world community had developed a proper understanding about India's approach towards nuclear disarmament. The Government wanted to resolve all internal problems within the frame-work of the Constitution. The Government believed in secularism; the communal situation had also improved in the country. He said that violence against minorities would not be allowed and that the feeling of insecurity among the minorities was a matter of grave concern to all.

The Prime Minister appreciated the efforts of the farmers in making a record production of foodgrains in the country. He, however, pointed out the need to look into proper storage system by the Food Corporation of India.

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\* Others who took part in the discussion were Sarvashri Sangh Priya Gautam, Ranganath Misra, Sanatan Bisi, O. Rajagopal, Janeshwar Misra, John F. Fernandes, M. Venkaiah Naidu, Lachhman Singh, V.P. Duraisamy, Ahmed Patel, C. Apok Jamir, Vayalar Ravi, Rumandla Ramachandraiah, Gandhi Azad, Kapil Sibal, Kartar Singh Duggal, Hiphel, Maulana Obaidullah Khan Azmi, Maurice Kujur, R.N. Arya, Sharief-ud-Din Shariq, Suresh A. Keswani, C.P. Thirunavukkarasu, D.P. Yadav, N. Thalavai Sundaram, H.K. Javare Gowda, Brahmakumar Bhatt, Ramachandra Khuntia, Dr. Ramendra Kumar Yadav Ravi, Dr. C. Narayana Reddy, Dr. Raja Ramanna, Dr. M.N. Das, Shrimati Kamla Sinha, Prof. (Shrimati) Bharati Ray and Shrimati Saroj Dubey

The Motion was adopted.

*Statement by the Minister of External Affairs regarding the visit of the Prime Minister to Pakistan:* On 26 February 1999, the Minister of External Affairs, Shri Jaswant Singh made a Statement in the House on the visit of the Prime Minister, Shri Atal Bihari Vajpayee to Pakistan. He described the Prime Minister's visit to Pakistan on the inauguration of the Delhi-Lahore-Delhi bus service on 20-21 February 1999 as the most significant event between India and Pakistan over a quarter of a century. The Lahore Declaration was a landmark for the peace and security of the two nations. The Prime Ministers of both the countries had agreed to intensify efforts to resolve all issues, including the issue of Jammu and Kashmir, through a composite dialogue process; refrain from intervention and interference in each other's internal affairs; combat the menace of terrorism in all its forms and manifestations; protect human rights; take immediate steps to reduce the risk of accidental or unauthorised use of nuclear weapons; and discuss confidence building measures in the nuclear and conventional fields to prevent conflict. They had also reaffirmed their commitment to the objectives of SAARC and to work towards the realisation of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the people of their countries.

The Minister stated that pursuant to directives issued by the two Prime Ministers to identify measures aimed at promoting an environment of peace and security between the two countries, the Foreign Secretaries of India and Pakistan had signed a Memorandum of Understanding on 21 February 1999. The Prime Ministers had also explored avenues for meaningful cooperation and agreed on the need to enhance people-to-people contact, address humanitarian issues and cooperate in technological as well as economic matters. They had agreed that the two sides had to undertake consultations on the World Trade Organisation (WTO) issues with a view to coordinating respective positions, determine areas of cooperation in information technology, particularly for tackling problems of Y2K and also to hold discussions on the liberalisation of visa and travel regime. The Indian Prime Minister had also proposed the re-opening of the check post on the Rajasthan-Sindh border. Addressing humanitarian issues, the Prime Ministers had agreed to appoint a two-member committee at the Ministerial level to examine matter relating to civilian detainees and the missing Prisoners of war (PoWs).

Replying to the points raised by the members, the Minister said that the two Prime Ministers had declared that their respective Governments would refrain from intervention and interference in each other's internal



affairs. The Lahore Declaration and the Memorandum of Understanding reiterated the determination of both countries to implement the Simla Agreement in letter and spirit. The Minister added that an invitation had been extended to the Prime Minister to Pakistan to visit India.

*Short Duration Discussion on Issues raised by the former Advisor to the Finance Minister and the Alleged Improprieties arising therefrom:* A Short Duration Discussion in this regard took place on 13 and 15 March 1999.

Participating in the discussion on 13 March 1999, Dr. Manmohan Singh said there were norms, principles and procedures to be followed in the interest of fair governance and in the larger national interests. The question was how the referral prices for certain categories of imported steel belonging to hot-rolled coils were fixed. The former advisor to the Finance Minister, Shri Mohan Guruswamy, had alleged that the matter had been referred to an Inter-Ministerial Committee which, after a careful consideration of all factors, had fixed the price at 247 dollars a tonne. But when the final orders were passed, the notified price had been 302 dollars and not 247 dollars a tonne. He pointed out that it had conferred an extra benefit to certain producers of steel to the extent of nearly 50 dollars per tonne. It was necessary for the country to be satisfied that no ulterior considerations weighed with the Government in raising the price.

Dr. Manmohan Singh said that there had to be a transparent mechanism in the management of financial institutions belonging to the public sector. With regard to the Unit Trust of India, and the issue of a particular entity wanting to acquire a controlling interest, he said that the former Advisor to the Finance Minister had placed materials which had appeared in newspapers on the subject matter of discussion of prices of shares and as to what share could be bought and at what prices. He also mentioned that the former Advisor had referred to the suspicious manner in which the Tata Airlines case had been handled in the Ministry of Civil Aviation. These cases raised concern amounting to ethical impropriety and called for a probe by a Joint Parliamentary Committee (JPC), Dr. Singh added.

Intervening in the discussion on 15 March 1999, the Minister of Urban Affairs and Employment, Shri Ram Jethmalani argued against the appointment of a JPC unless the allegations made out a case of great want of integrity in the Government and were sustained by *prima facie* good evidence.

Shri J. Chitharanjan also demanded constitution of a JPC to find out the truth in the issues involving the Government raised by the former

Advisor. The issues of the referral price for steel and the sale of shares of ITC to a foreign monopolistic company were pertinent issues which affected the future of the country and endangered its democratic functioning.

Shri R. Margabandu said that if a case had to go to a court, there had to be a *prime facie* case. He also questioned the necessity of a JPC as the allegations of the former Advisor were unsubstantiated.

Replying to the discussion\*, the Minister of Finance, Shri Yashwant Sinha said that Shri Mohan Guruswamy's charges assumed importance because he had been in a very crucial position as Advisor to the Finance Minister. He argued that the alleged differences between the Prime Minister, Shri Atal Bihari Vajpayee and the Home Minister, Shri L.K. Advani were issues with which Shri Guruswamy was not concerned as advisor to the Finance Minister.

Regarding the allegation that the Government tried to dispose the shares of the ITC that the UTI held to the British American Tobacco Company (BAT), he said that the UTI had not received any offer from BAT for sale of its ITC shares to BAT nor had it considered any proposal to dispose the UTI shares to anybody else.

The Finance Minister, expressed support for the autonomy of financial institutions. The Inter-Ministerial Committee appointed to go into the problem of the steel industry had not recommended any price. Since it was not in the national interest to allow either the steel sector or the financial institutions to go down, he had authorised his Advisor to call a meeting of the financial institutions to discuss the general issues which were involved in the steel sector. As far as financing of Enron was concerned, the Government had done away with the forty per cent ceiling in order to promote Indian producers and suppliers. No RBI to SEBI norms had been violated in the financing of G-capital by financial institutions. There was absolutely no case for a JPC, he added.

Concluding the discussion, the Minister of Steel and Mines, Shri Naveen Patnaik said that the Vasudevji Committee, set up by the Finance Minister, Shri Yashwant Sinha under the Principal Secretary in the Finance Ministry, had decided to take measures to improve the lot of the steel sector.

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\* Others who took part in the discussion were: Sarvashri Arun Shourie, Md. Salim, Jitendra Prasad, Sanatan Bisi, N.K.P. Salve, M. Venkalah Naidu, Amar Singh, Ram Deo Bhandari, C.P. Thirunavukkarasu, Mukesh R. Patel, Jayant Kumar Malhoutra, Vayalar Ravi, T.N. Chaturvedi, Sanjay Nirupam and Maulana Obaidullah Khan Azmi

## B. LEGISLATIVE BUSINESS

*Statutory Resolution seeking disapproval of the Companies (Amendment) Ordinance, 1999 and The Companies (Amendment) Bill, 1999\**: Moving the Motion for consideration of the Bill on 10 March 1999, the Minister of Law, Justice and Company Affairs and Surface Transport, Shri M. Thambi Durai said that the Bill sought to allow companies to buy-back their shares up to 25 per cent of the paid-up capital of the company after depositing requisite funds in Escrow Account. It made liberal provisions allowing companies to make inter-corporate investments or give loans or provide guarantee upto 60 per cent of the paid-up capital and reserves, where there was no defaults in repayment of loan/interest to public financial institutions. It also provided a facility to the investor to make nominations in respect of fixed deposits, shares or debentures in favour of a person who would hold these shares or debentures or would get the benefit of fixed deposit receipt in the event of his death. It further proposed to make a provision for the establishment of Investor Education and Protection Fund which would be in the interest of investors. These measures would result in better corporate governance and ensure that companies were not allowed to divert their funds against the interests of the investors. Administrative measures were also being streamlined and tightened to take severe action against unscrupulous corporate entities and their directors.

Moving the Statutory Resolution seeking disapproval of the Companies (Amendment) Ordinance, 1999 on 12 March 1999, Shri Balwant Singh Ramoowalia said that he opposed the Companies (Amendment) Ordinance, 1999 for adding some new provisions and dropping our some of the existing provisions from the Companies Act as it could lead to a scam. Though it could be seen as liberalising the Companies Act and also as giving more opportunities to the investors, a company would not be able to freely incorporate subsidiary companies without obtaining the approval of the Central Government.

Replying to the debate\*\* on 12 March 1999, the Minister of Law, Justice and Company Affairs and Surface Transport, Shri M. Thambi Durai said that the Bill contained certain urgent measures to help the corporate sector and boost the economy. The purpose of the Bill was to see that foreign companies did not take over the good companies.

The resolution was negated. The Motion for consideration of the Bill, Clauses etc., was adopted and the Bill was passed.

\* The Bill, as passed by Lok Sabha, was laid on the Table on 8 March 1999

\*\* Others who took part in the discussion were: Sarvashri Gopalsinh G. Solanki, Jibon Roy, C. Ramachandralah, Gurudas Das Gupta, Prem Chand Gupta, V.P. Duraisamy, R. Margabandu, C.P. Thirunavukkarasu and Kumari Mabel Rebello

**Statutory Resolution seeking disapproval of the Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999 and The Urban Land (Ceiling and Regulation) Repeal Bill, 1999\***: Moving the Statutory Resolution on 15 March 1999, Shri Gurudas Das Gupta said that the legislation would lead to land speculation in the country. It would lead to investment of black money in urban land business affecting the economy.

Moving the motion for consideration of the Bill, the Minister of Urban Affairs and Employment, Shri Ram Jethmalani\*\* said on 15 March 1999 that the objective of the repeal was to provide housing for the poor, to help the revival of the country's economy in general, and to introduce some moral cleanliness in the Government.

The Resolution was negatived. The motion for consideration of the Bill, clauses, etc., was adopted and the Bill was passed.

### C. QUESTION HOUR

During the One Hundred and Eighty-sixth Session of the Rajya Sabha, 11,097 notices of questions (10,454 Starred and 643 Unstarred) were received. Out of the these, 400 Questions were admitted as Starred and 3,100 as Unstarred. No Short Notice Question was received. Total number of notices of questions received in Hindi was 2,705.

*Daily Average of Questions*: For each days, the list of Starred Questions contained 20 Questions. On an average, 2.75 questions were orally answered per sitting. The maximum number of Questions orally answered on a particular day was 6 on 12 and 17 March 1999 and the minimum number of Questions orally answered was 3 on 8, 9 and 10 March 1999. The number of Unstarred Questions listed on each day was 155.

*Half-an-Hour Discussions*: Out of the eleven notices of Half-an-Hour Discussion received, none was admitted for discussed.

### D. OBITUARY REFERENCES

During the Session, obituary references were made to the passing away of King Hussain of Jordan; Sarvashri Baleshwar Dayal, G.G. Swell, Mohammad Rahamathulla, Gaddam Narayana Reddy, Hayat Ulla Ansari, H.R. Basavaraj, A.K.A. Abdul Samad, Sardar Raghbir Singh Panj hazari, Dr. Z.A. Ahmad and Shrimati C. Ammanna Raja, all former members. Members stood in silence as a mark of respect to the deceased.

\* The Bill, as passed by the Lok Sabha, was laid on the Table on 9 March 1999

\*\* Others who took part in the discussion were : Sarvashri S.B. Chavan, Onkar Singh Lakhawat, Santosh Bagrodia, A. Vijaya Raghavan, N. Thalavai Sundaram, C.P. Thirunavukkarasu, N.R. Dasani, John F. Fernandes, and Dr. D. Masthan

## STATE LEGISLATURES

## ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY\*

The Second Arunachal Pradesh Legislative Assembly commenced its Twelfth Session on 18 January 1999, and after recess on 19 and 20 January, the House was adjourned *sine die* on 21 January 1999 and was subsequently prorogued.

*Address by the Governor:* The Governor of Arunachal Pradesh addressed the House on 18 January 1999. The Doordarshan Kendra, Itanagar covered the proceedings of the Session.

*Confidence Motion:* The Session was convened due to political instability prevailing in the ruling party (the Arunachal Congress) on the issue of leadership. The ruling party had a split and its leader, Shri Gegong Apang was facing a crisis. A group of legislators were supporting Shri Mukut Mithi as the leader and a new party Arunachal Congress (M) was formed. Under the circumstances, the Governor of Arunachal Pradesh summoned the Assembly to meet on 18 January 1999 so that the Chief Minister, Shri Gegong Apang could seek a Vote of Confidence on the floor of the House.

The Chief Minister, Shri Gegong Apang moved the Confidence Motion, made a speech and walked out of the House. Subsequently, the Chief Minister submitted his resignation to the Governor. The Motion was negated by a voice vote.

Thereafter, Shri Mukut Mithi was sworn in as the Chief Minister. On 21 January 1999, the Chief Minister won a Vote of Confidence.

## DELHI VIDHAN SABHA\*\*

The Second Delhi Legislative Assembly, which commenced its Budget Session on 22 March 1999, was adjourned *sine die* on 12 April 1999. There were thirteen sittings in all.

*Address by the Lt. Governor:* The Lt. Governor of Delhi addressed the House on 22 March 1999. The Motion of Thanks to the Lt. Governor for his Address was moved on 1 April 1999. The Motion was discussed on 5 and 7 April 1999.

*Legislative business:* During the Session, the following Bills were

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\* Material contributed by the Arunachal Pradesh Legislative Assembly Secretariat

\*\* Material contributed by the Delhi Vidhan Sabha Secretariat

introduced and passed by the House: (i) The Appropriation (No. 1) Bill, 1999; (ii) The Appropriation (No. 2) Bill, 1999; and (iii) The Members of Legislative Assembly of the NCT of Delhi (Salaries, Allowances, Pensions, etc.) (Amendment) Bill, 1999.

*Financial business:* On 27 March 1999, the Finance Minister presented the Budget. In all sixteen members participated in the discussion on the Budget which took place on 30 and 31 March 1999.

### **KARNATAKA LEGISLATIVE ASSEMBLY\***

The Tenth Karnataka Legislative Assembly, which commenced its Eighth Session on 8 March 1999, was adjourned *sine die* on 3 April 1999. There were eighteen sittings in all.

*Address by the Governor:* The Governor of Karnataka addressed members of both the Houses on 8 March 1999. The Motion of Thanks to the Governor for his Address was adopted after discussion and a reply by the Chief Minister on 3 April 1999.

*Election of Deputy Speaker:* On 11 March 1999, Shri Chandrashekar Reddy Deshmukh Madana was unanimously elected as the Deputy Speaker of the Assembly.

*Legislative business:* During the Session, eighteen Bills were considered and passed by the House.

*Financial business:* On 17 March 1999, the Deputy Chief Minister who also holds the charge of Finance, presented the Budget for the year 1999-2000. The Supplementary Estimates (Final Instalment) for the year 1998-99 were presented on 27 March 1999. The Deputy Chief Minister replied to the General Discussion on Budget Estimates and the Motion for Demands for Grants and Supplementary Estimates were considered and passed on 30 March 1999.

*Obituary references:* During the Session, obituary references were made to the passing away of the Deputy Speaker of the Karnataka Legislative Assembly, Shri Chandrashekara M. Mamani and ten eminent personalities.

### **KARNATAKA LEGISLATIVE COUNCIL\*\***

The Karnataka Legislative Council commenced its Eighty-ninth Session

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\* Material contributed by the Karnataka Legislative Assembly Secretariat

\*\* Material contributed by the Karnataka Legislative Secretariat

on 8 March 1999. The House was adjourned *sine die* on 6 April 1999. There were nineteen sittings in all.

*Address by the Governor:* The Governor of Karnataka addressed members of both the Houses on 8 March 1999. The Motion of Thanks to the Governor for his Address was adopted on 23 March 1999.

*Election of Deputy Chairman:* On 1 April 1999, Shri David Semion was elected the Deputy Chairman of the Council.

*Legislative business:* During the Session, fourteen Bills were considered and passed by the House.

*Financial business:* On 17 March 1999, the Budget Estimates for the year 1999-2000 were presented and the discussion took place for three days. The Supplementary Estimates (Final Instalments) for the year 1998-99 were also presented, discussed and passed.

*Obituary references:* During the Session, obituary references were made to the passing away of a sitting member and some former members and important personalities.

### **MAHARASHTRA LEGISLATIVE ASSEMBLY\***

The Third Session of the Maharashtra Legislative Assembly commenced on 14 December 1998. The House was prorogued on 30 December 1998. There were twelve sittings in all.

*Legislative business:* During the Session, the following Bills were passed by the House: (i) The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices (Amendment) Bill, 1997; (ii) The Bombay Highways (Amendment) Bill, 1998; (iii) The Maharashtra Pre-School Centres (Regulation of Admission) (Amendment) Bill, 1998; (iv) The Maharashtra University of Health Sciences Bill, 1998; (v) The Code of Criminal Procedure (Maharashtra Amendment) Bill, 1998; (vi) The Maharashtra Krishna Valley Development Corporation (Amendment) Bill, 1998; (vii) The Maharashtra Zilla Parishads and Panchayat Samitis and Maharashtra Jeevan Authority (Amendment) Bill, 1998; (viii) The Maharashtra Agricultural Produce Marketing (Regulation) (Temporary Amendment) (Amendment) Bill, 1998; (ix) The Maharashtra Agricultural Produce Marketing (Regulation) Amendment) Bill, 1998; (x) The Bombay Entertainment Duty (Amendment) Bill, 1998; (xi) The Vidarbha Irrigation Development Corporation (Amendment) Bill, 1998; (xii) The Konkan Irrigation Development Corporation (Amendment) Bill, 1998; (xiii) The Maharashtra

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\* Material contributed by the Maharashtra Legislature Secretariat

(Third Supplementary) Appropriation Bill, 1998; (xiv) The Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Duration) Bill, 1998; (xv) The Maharashtra Legislature Members' Salaries and Allowances (Amendment) Bill, 1998; (xvi) The Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Amendment) Bill, 1998; and (xvii) The Maharashtra State Council of Examination Bill, 1998.

*Obituary references:* During the Session, obituary references were made to the passing away of Shri Ratnappa Anna Kumbhar, the oldest sitting member, former Minister, freedom fighter, champion of cooperative movement and a member of the Constituent Assembly. Obituary references were also made to the passing away of thirteen former members of the Assembly.

Following the resignation of Shri Manohar Joshi as Chief Minister on 31 January 1999, Shri Narayan Rane took over as the Chief Minister of Maharashtra on 1 February 1999. Shri Rane was directed by the Governor of Maharashtra to seek the confidence of the House. Accordingly, a special one-day Session was called on 17 February 1999. Being the first Session of the year, the Governor addressed members of both House on that day. The Motion of Thanks to the Governor for his address was moved. However, the discussion on the motion was deferred to the next Session.

The Second Session of the Maharashtra Legislative Assembly commenced on 15 March 1999. The House was prorogued on 23 April 1999. There were twenty-three sittings in all.

*Discussion on the Motion of Thanks to the Governor for his Address:* The discussion on the Motion of Thanks to the Governor for his address took place for two days and was passed by the House without any amendment.

*Legislative business:* During the Session, the following Bills were passed by the House; (i) The Maharashtra Lokayukta and Upa-Lokayukta (Amendment) Bill, 1999; (ii) The Maharashtra Tax Laws (Levy Amendment and Validation) Bill, 1999; (iii) The Maharashtra Control of Organised Crime Bill, 1999; (iv) The Maharashtra Essential Services Maintenance Bill, 1999; (v) The Maharashtra Land Revenue Code (Amendment) Bill, 1999; (vi) The Bombay Rents Hotel and Lodging House Rates Control (Extension of Duration) Bill, 1999; (vii) The Maharashtra (Supplementary) Appropriation Bill, 1999; (viii) The Maharashtra Tax Laws (Levy and Amendment) Bill, 1999; (ix) The Maharashtra Appropriation (Vote on Account) Bill, 1999; (x) The Maharashtra Municipal Councils, Nagar



Panchayats Industrial Townships (Amendment) Bill, 1999; (xi) The Mumbai Municipal Corporation (Amendment) Bill, 1999; (xii) The City of Nagpur Corporation (Amendment) Bill, 1999; (xiii) The Maharashtra Project Affected Persons Rehabilitation Bill, 1999; (xiv) The Maharashtra Appropriation Bill, 1999; and (xv) The Maharashtra Legislative Council (Chairman and Deputy Chairman) and the Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances, The Maharashtra Ministers' Salaries and Allowances, The Maharashtra Legislature Members' Salaries and Allowances and Pension and The Leaders of Opposition in Maharashtra Legislature Salaries and Allowances (Amendment) Bill, 1999.

*Obituary references:* During the Session, obituary references were made to the passing away of the doyen of Marathi literary world and poet, dramatist, novelist, winner of Gyanpeeth Award and the first person to receive "Maharashtra Bhushan Award," Shri Vishnu Waman Shirwadkar alias Kusumagraj. Obituary references were also made to the passing away of seven former members of the State Legislative Assembly.

#### **MIZORAM LEGISLATIVE ASSEMBLY\***

The Fourth Mizoram Legislative Assembly which commenced its Second Session on 16 March 1999 was concluded on 30 March 1999. There were nine sittings in all.

*Address by the Governor:* The Governor of Mizoram addressed the House on 16 March 1999. The Motion of Thanks to the Governor for his Address was discussed and adopted by the House the next day.

*Legislative business:* During the Session, two Appropriation Bills and one Amendment Bill were introduced in the House and later passed.

*Financial business:* On 22 March 1999, the Chief Minister, who also holds the charge of Finance, presented the Budget Estimates for the year 1999-2000 with Vote-on-Account for four months and the Supplementary Demands for the year 1998-99. The discussion took place for two days. The Supplementary Demands for the year 1998-99 and Vote-on-Account were passed on 25 March 1999.

#### **NAGALAND LEGISLATIVE ASSEMBLY\*\***

The Ninth Nagaland Legislative Assembly, which commenced its

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\* Material contributed by the Mizoram Legislative Assembly Secretariat

\*\* Material contributed by the Nagaland Legislative Assembly Secretariat

Third Session on 10 December 1998, was adjourned *sine die* on the same day.

*Obituary references:* During the Session, obituary references were made to the passing away of the former Governor of Nagaland, Shri L.P. Singh, former Ministers Sarvashri Imtimeren Jamir and L. Hekiye Sema and a former member of the Assembly, Shri Litingse Sangtam.

#### **ORISSA LEGISLATIVE ASSEMBLY\***

The Eleventh Orissa Legislative Assembly, which commenced its Fourteenth Session on 1 December 1998, was adjourned *sine die* on 24 December 1998. The House was prorogued on 8 January 1999. There were seventeen sittings in all.

*Legislative business:* During the Session, the following Bills were passed by the House: (i) The Orissa Electricity Reform (Amendment) Bill, 1998; (ii) The Bihar and Orissa Excise (Orissa Amendment) Bill, 1998, and (iii) The Orissa Appropriation (No. 3) Bill, 1998.

*Financial business:* On 1 December 1998, the Chief Minister presented the First Supplementary Statement of Expenditure for the year 1998-99. Three Demands on the Supplementary Budget were discussed and Grants were made. The rest of the Demands were guillotined. The Appropriation Bill on the Supplementary Budget was also passed.

*Obituary references:* During the Session, obituary references were made to the passing away of a former Deputy Minister, Shri Brundaban Tripathy and Sarvashri Pratap Chandra Pattanayak, Bijoy Krushna Dey, Jadav Padra and Surendra Mohan Patnaik, all former members of the State Legislative Assembly.

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\* Material contributed by the Orissa Legislative Assembly Secretariat

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**APPENDIX I**  
**STATEMENT SHOWING THE WORK**  
**TRANSACTIONED DURING THE FOURTH SESSION**  
**OF THE TWELFTH LOK SABHA**

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1. PERIOD OF THE SESSION	22 February 1999 to 22 April 1999	
2. NUMBER OF SITTINGS HELD		24
3. TOTAL NUMBER OF SITTING HOURS	137 Hours and 25 minutes	
4. NUMBER OF DIVISIONS HELD		2
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session		22
(ii) Introduced		17
(iii) Laid on the Table as passed by the Rajya Sabha		Nil
(iv) Referred by Joint Committee		Nil
(v) Referred to Departmentally-related Standing Committees by Speaker/Chairman, Rajya Sabha		5
(vi) Reports by Standing Committees		10
(vii) Discussed		17
(viii) Passed		17
(ix) Withdrawn		2
(x) Returned by the Rajya Sabha without any recommendation		12
(xi) Pending at the end of the Session		22
6. PRIVATE MEMBERS' BILLS		
(i) Pending at the commencement of the Session		109
(ii) Introduced		10
(iii) Part-discussed	1 (Part-discussed during 3rd Session of 12th Lok Sabha)	
(iv) Removed from the register of Pending Bills		1
(v) Pending at the end of the Session		118
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)		
(i) Notices received		117
(ii) Admitted		3
(iii) Part-discussed		1
8. NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling Attention to Matters of Urgent Public Importance)		2

9. STATEMENTS MADE BY MINISTERS UNDER RULE 372	8
10. STATUTORY RESOLUTIONS	
(i) Notices received	105
(ii) Admitted	9
(iii) Moved	6
(iv) Adopted	2
(v) Negatived	4
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	8
(ii) Admitted	8
(iii) Discussed	1
(iv) Part-discussed	1
13. GOVERNMENT MOTIONS (Motion of Confidence in the Council of Ministers)	
(i) Notices received	1
(ii) Admitted	1
(iii) Discussed	1
(iv) Negatived	1
14. PRIVATE MEMBERS' MOTIONS	
(i) Notices received	243
(ii) Admitted	83
(iii) Moved	Nil
(iv) Discussed	Nil
15. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION	One (Committee on Members of Parliament Local Area Development Scheme, Lok Sabha on 22.2.1999)
16. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	14,780
17. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED	1,185 on 17.4.1999
18. NUMBER OF ADJOURNMENT MOTIONS Consent withheld by the Speaker outside the House	5 5
19. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	380
(ii) Unstarred	3,902
(iii) Short Notice Questions	Nil

**20. WORKING OF PARLIAMENTARY COMMITTEES**

Sl. No.	Name of the Committee	No. of sittings held during the period 1 January to 31 March 1999	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	—	—
ii)	Committee on Absence of Members	—	—
iii)	Committee on Public Undertakings	7	—
iv)	Committee on Papers Laid on the Table	2	—
v)	Committee on Petitions	4	1
vi)	Committee on Private Members Bills and Resolutions	—	—
vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	8	1
viii)	Committee on Privileges	—	—
ix)	Committee on Government Assurances	—	—
x)	Committee on Subordinate Legislation	2	1
xi)	Estimates Committee	2	1 (Action Taken)
xii)	General Purposes Committee	—	—
xiii)	House Committee	—	—
	a) Accommodation Sub-Committee		
	b) Sub-Committee on Amenities		
xiv)	Public Accounts Committee	4	3
xv)	Railway Convention Committee	—	—
xvi)	Rules Committee	—	—

**JOINT/SELECT COMMITTEES**

i)	Joint Committee on Offices of Profit	3	—
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**STANDING COMMITTEES**

i)	Committee on Agriculture	7	2
ii)	Committee on Communications	—	—
iii)	Committee on Defence	—	—
iv)	Committee on Energy	9	5
v)	Committee on External Affairs	7	—
vi)	Committee on Finance	1	6
vii)	Committee on Food, Civil Supplies and Public Distribution	8	—
viii)	Committee on Labour and Welfare	—	—
ix)	Committee on Petroleum and Chemicals	—	—
x)	Committee on Railways	6	1
xi)	Committee on Urban and Rural Development	—	—
xii)	Committee on the Empowerment of Women	6	—

21. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE —

22. PETITIONS PRESENTED —

23. NUMBER OF NEW MEMBERS SWORN IN, WITH DATE —

## APPENDIX II

**STATEMENT SHOWING THE WORK TRANSACTED  
DURING THE ONE HUNDRED AND EIGHTY-SIXTH  
SESSION OF THE RAJYA SABHA**

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1. PERIOD OF THE SESSION	22 February 1999 to 23 April 1999
2. NUMBER OF SITTINGS HELD	23
3. TOTAL NUMBER OF SITTING HOURS	70 hours and 07 minutes
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	36
(ii) Introduced	1
(iii) Laid on the Table as passed by the Lok Sabha	16
(iv) Returned by the Lok Sabha with any amendment	1
(v) Referred to Select Committee by the Rajya Sabha	Nil
(vi) Referred to Joint Committee by the Rajya Sabha	Nil
(vii) Referred to the Departmentally related Standing Committees	4
(viii) Reported by Select Committee	Nil
(ix) Reported by Joint Committee	Nil
(x) Reported by the Departmentally related Standing Committees	10
(xi) Discussed	10
(xii) Passed	16* <sup>⊙</sup>
(xiii) Withdrawn	Nil
(xiv) Negatived	Nil
(xv) Part-discussed	Nil
(xvi) Returned by the Rajya Sabha without any recommendation	6
(xvii) Discussion postponed	Nil

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\* Including the Patents (Amendment) Bill, 1999, on which the amendments made by Lok Sabha were agreed to.

⊙ Also including six money Bills which could not be passed by the Rajya Sabha and were later deemed to have been passed by the Houses Parliament under provisions of article 109(5) of the Constitution

(xviii) Pending at the end of the Session	34
<b>6. PRIVATE MEMBERS' BILLS</b>	
(i) Pending at the commencement of the Session	136
(ii) Introduced	6
(iii) Laid on the Table as passed by the Lok Sabha	Nil
(iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Withdrawn	Nil
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	142
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)</b>	
(i) Notices received	67
(ii) Admitted	2 (on 1 subject)
(iii) Discussions held	1
<b>NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling attention to Matters of Urgent Public Importance)</b>	
<b>8. STATEMENTS MADE BY MINISTERS</b>	Nil
<b>9. HALF-AN-HOUR DISCUSSIONS HELD</b>	Nil
<b>10. STATUTORY RESOLUTIONS</b>	
(i) Notices received	36
(ii) Admitted	36 (on 7 subjects)
(iii) Moved	4
(iv) Adopted	1
(v) Negatived	3
(vi) Withdrawn	Nil
<b>11. GOVERNMENT RESOLUTIONS</b>	
(i) Notices received	1
(ii) Admitted	1

(iii) Moved	1
(iv) Adopted	1
<b>12. PRIVATE MEMBERS' RESOLUTIONS</b>	
(i) Received	8
(ii) Admitted	8
(iii) Discussed	Nil
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	Nil
<b>13. GOVERNMENT MOTIONS</b>	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
<b>14. PRIVATE MEMBERS' MOTIONS</b>	
(i) Received	55
(ii) Admitted	55
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
<b>15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE</b>	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
(viii) Lapsed	Nil
<b>16. NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEE CREATED, IF ANY</b>	Nil
<b>17. TOTAL NUMBER OF VISITORS' PASSES ISSUED</b>	939
<b>18. TOTAL NUMBER OF VISITORS</b>	2,084
<b>19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED</b>	74 on 9.3.99

20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	269 on 11.3.99
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	400
(ii) Unstarred	3100
(iii) Short Notice Questions	NIL
22. DISCUSSION ON THE WORKING OF THE MINISTRIES	NIL
23. WORKING OF PARLIAMENTARY COMMITTEES	

Sl No.	Name of the Committee	No. of meetings held during the period 1 January to 31 March 1999	No. of Reports presented during the 186th Session
1	2	3	4
i)	Business Advisory Committee	5	NIL
ii)	Committee on Subordinate Legislation	4	1
iii)	Committee on Petitions	5	2
iv)	Committee on Privileges	1	NIL
v)	Committee on Rules	NIL	NIL
vi)	Committee on Government Assurances	4	NIL
vii)	Committee on Papers Laid on the Table	2	2
viii)	General Purposes Committee	NIL	NIL
ix)	House Committee	2	NIL
DEPARTMENTALLY-RELATED STANDING COMMITTEES ON:			
x)	Commerce	7	3
xi)	Home Affairs	14	7
xii)	Human Resource Development	8	8
xiii)	Industry	3	3
xiv)	Science & Technology, Environment & Forests	4	8
xv)	Transport and Tourism	12	5
OTHER COMMITTEES			
xvi)	Ethics Committee	3	NIL
xvii)	Committee on Provision of Computers to the Members of the Rajya Sabha	NIL	NIL
xviii)	Committee on Members of Parliament Local Area Development Scheme	1	NIL
xix)	Joint Committee on the functioning of Wakf Boards	3	NIL
24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE		2
25.	PETITIONS PRESENTED		NIL

**26. NAME OF NEW MEMBERS SWORN IN WITH DATES**

Sl.No.	Name of Member	Party	Date
Nil			

**27. OBITUARY REFERENCES**

Sl.No.	Name	Sitting member/Ex-member/dignitary
1.	King Hussain of Jordan	Dignitary
2.	Shri Baleshwar Dayal	Ex-member
3.	Shrimati C. Ammanna Raja	-do-
4.	Dr. Z.A. Ahmed	-do-
5.	Prof. G.G. Swell	-do-
6.	Shri Mohammad Rahamathulla	-do-
7.	Shri Gaddam Narayana Reddy	-do-
8.	Shri Hayat Ulla Ansari	-do-
9.	Sardar Raghbir Singh Panj hazari	-do-
10.	Shri H.R. Basavaraj	-do-
11.	Shri A.K.A. Abdul Samad	-do-



APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD 1 JANUARY TO 31 MARCH 1999

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
<b>STATES</b>							
Andhra Pradesh L.A.	16.2.99 to 31.3.99	28	13(12)	—	547(141)	(107)	229(20)
Arunachal Pradesh L.A.	18.1.99 to 26.3.99	21	1(1)	—	64(53)	28(19)	—
Assam L.A.	22.3.99 Continuing	8	2(2)	—	246(120)	32(145)⊙	7(6)
Bihar L.A.	17.3.99 Continuing	6	5(5)	—	—	—	—
Bihar L.C.	17.3.99 to 26.4.99	19	(8)	—	1,072(945)	(8)	380(307)
Delhi L.A.	22.3.99 to 14.4.99	13	3(2)	1	808(260)	(465)	4(1)
Goa L.A.*	—	—	—	—	—	—	—
Gujarat L.A.	23.2.99 to 30.3.99	27	10(10)	6	4,058(2561)	224(209)	96(18)
Haryana L.A.	28.1.99 to 10.2.99	10	14(14)	—	227(202)	19(15)	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Karnataka L.A.**	—	—	—	—	—	—	—
Karnataka L.C.**	—	—	—	—	—	—	—
Kerala L.A.**	—	—	—	—	—	—	—

Madhya Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A.	17.2.99 to 17.2.99	24	19(15)	12	6,643(1520)	53(196)(b)	—	—	—	—	—	—	63(8)
	15.3.99 to 23.4.99												
Maharashtra L.C.	17.2.99 to 17.2.99	24	3(19)	7	3,729(869)(c)	1(102)(d)	—	—	—	—	—	—	3(3)
	15.3.99 to 23.4.99												
Manipur L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	19.3.99 to 9.4.99	14	3(3)	—	154	37	—	—	—	—	—	—	—
Mizoram L.A.	16.3.99 to 30.3.99	9	3(3)	—	150(148)	19(19)	—	—	—	—	—	—	—
Nagaland L.A.	16.3.99 to 20.3.99	4	4(4)	—	20(20)	10(10)	—	—	—	—	—	—	—
Orissa L.A.	15.3.99 to 31.3.99	12	5(4)	3	1,187(740)	986(1149)(e)	—	—	—	—	—	—	17(4)
Punjab L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	24.3.99 to 31.3.99	6	3(3)	—	27(27)	14(14)	—	—	—	—	—	—	—
Tamil Nadu L.A.	17.2.99 to 18.5.99	48	38(37)	—	6,322(1771)	(2,056)	—	—	—	—	—	—	(15)
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES													
Pondicherry L.A.	22.12.99 to 22.12.99	1	2(2)	—	—	—	—	—	—	—	—	—	—

\* Information received from the State/Union territory Legislatures contained NIL report

\*\*Information not received from the State/Union territory Legislatures

**Notes:**

- a) 145 questions converted to unstarred questions
- b) This includes questions which were originally tabled as starred questions but converted as unstarred questions
- c) (+bracketing): 637 starred questions
- d) This includes questions which were originally tabled as starred question but converted as unstarred questions
- e) including transferred starred questions

APPENDIX III (Contd.)

COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS  
PRESENTED DURING THE PERIOD 1 JANUARY TO 31 MARCH 1999

STATES			
	9	Business Advisory Committee	
	10	Committee on Govt. Assurances	
	11	Committee on Petitions	
	12	Committee on Private Members Bills and Resolutions	
	13	Committee on Privileges	
	14	Committee on Public Undertakings	
	15	Committee on Subordinate Legislation	
	16	Committee on the Welfare of SC and ST	
	17	Estimates Committee	
	18	General Purposes Committee	
	19	House/Accommodation Committee	
	20	Library Committee	
	21	Public Accounts Committee	
	22	Rules Committee	
	23	Joint Select Committee	
	24	Other Committees	
Andhra Pradesh L.A.	1		2
Anurachal Pradesh L.A.	2		—
	—		4
	—		—
	—		5
	—		6(2)
	1		4
	—		4
	—		8
	1		—
	—		1
	—		11(1)
	—		10(3)
	2		(1)
	—		—
	—		10(1)(a)
	—		—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Assam L.A.	1	1	5	—	1(1)	2	3	5	5	1	1	1	5(1)	—	—	15(b)
Bihar L.A.	1	20	33	—	—	8	30	30	44	—	—	7	28	—	—	91(c)
Bihar L.C.	2(1)	10	8(2)	8(1)	7(1)	—	8	9	—	—	11	11	—	—	—	44(1)(d)
Delhi L.A.	1(1)	—	—	2(2)	—	—	—	—	—	—	—	—	—	—	—	—
Goa L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat L.A.	5(2)	2	—	5(5)	1	7(3)	2	5(4)	4(2)	—	1	—	5	—	—	8(5)(e)
Haryana L.A.	2(2)	18	—	—	1	23(1)	12(1)	13(1)	20(2)	—	8	12	19(2)	—	—	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A.	3(2)	4	2	—	4	10	9(1)	11	18(3)	—	—	—	16(2)	1	—	46(2)(f)
Maharashtra L.C.	5(2)	11	2	4(4)	2	10	9(1)	11	18(3)	—	—	—	16(2)	1	—	47(2)(g)
Manipur L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	1	9	1	—	1	2	—	3	2	—	1	—	—	1	—	—
Mizoram L.A.	1(1)	—	—	—	—	1(1)	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	—	(1)	—	—	—	1(2)	1(1)	—	3(1)	—	—	—	—	—	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Orissa L.A.	3	6(2)	8(1)	—	3	5(1)	11(1)	6	7	8(1)	4	6	15(4)	—	1	9(h)
Punjab L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	5(1)	—	(1)	(1)	10(2)	—	—	—
Tamil Nadu L.A.	3	13(2)	4(6)	—	2(1)	7(22)	2(1)	—	20(9)	—	14	—	6(49)	1(1)	—	—
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>UNION TERRITORY</b>																
Pondicherry L.A.**	—	10(1)	—	—	—	—	—	—	26	—	—	—	27	1	—	—

\* Information received from the State/Union territory Legislatures contained NIL report

\*\* Information not received from the State/Union territory Legislatures

**Notes:**

- (a) Committee on Welfare of Women and Children-4 sittings and 1 report; and Sub-Committee on Rules-6 sittings
- (b) Employment Review Committee-3 sittings; Act Implementation Committee-2 sittings; Committee on OBC & MOBC-1 sitting; Departmentally-related Standing Committee on Education-3 sittings; on Works Department-1 sitting; on Development Department-2 sittings; and on Empowerment of Women-3 sittings
- (c) Nivedan Committee-25 sittings; Zila Parishad Panchayat Committee-11 sittings; Internal Resources Committee-8 sittings; Special Committee-9 sittings; and Question and Call-Attention Committee-38 sittings
- (d) Question and Call-Attention Committee-20 sittings and 1 report; Nivedan Committee-7 sittings; Implementation Committee-9 sittings; and Committee on District Board Panchayati Raj-8 sittings

- (e) Committee on Panchayati Raj-3 sittings and 2 reports; Committee on Welfare of Socially & Educationally Backward classes-3 sittings and 1 report; and Committee on Absence of Members-2 sittings and 2 reports
- (f) Committee on Welfare of Vimukta Jatis and Nomadic Tribes-6 sittings and 1 report; Committee on Employment Guarantee Scheme-17 sittings and 1 report; Committee on Panchayati Raj-20 sittings; and Catering Committee-3 sittings
- (g) Committee on Vimukta Jatis and Nomadic Tribes-6 sittings and 1 report; Committee on Employment Guarantee Scheme-17 sittings and 1 report; Panchayati Raj-20 sittings and Catering Committee-4 sittings
- (h) House Committee on Women & Child Welfare-2 sittings; House Committee to Inquire into Notice Served to Shri S. Nayak, MLA by Executive Magistrate-5 sittings; Research Sub-Committee-1 sitting; and House Committee on Lord Jagannath-1 sitting

**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 1999**

<b>Sl. No.</b>	<b>Title of the Bill</b>	<b>Date of assent by the President</b>
<b>1</b>	<b>2</b>	<b>3</b>
1.	The Export-Import Bank of India (Amendment) Bill, 1998	2.1.1999
2.	The Cotton Ginning and Pressing Factories (Repeal) Bill, 1998	2.1.1999
3.	The High Denomination Bank Notes (Demonetisation) Amendment Bill, 1998	2.1.1999
4.	The Railway Claims Tribunal (Amendment) Bill, 1998	2.1.1999
5.	The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Bill, 1998	7.1.1999
6.	The Delhi Development Authority (Validation of Disciplinary Powers) Bill, 1998	8.1.1999
7.	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 1998	8.1.1999
8.	The Customs (Amendment) Bill, 1998	8.1.1999
9.	The Appropriation (Railways) No. 4 Bill, 1998	8.1.1999
10.	The Appropriation (No. 4) Bill, 1998	8.1.1999
11.	The Income-Tax (Second Amendment) Bill, 1998	8.1.1999
12.	The Finance (No. 2) Amendment Bill, 1999	18.3.1999



1	2	3
13.	The Goa Appropriation (Vote on Account) Bill, 1999	22.3.1999
14.	The Goa Appropriation Bill, 1999	22.3.1999
15.	The Urban Land (Ceiling and Regulation) Repeal Bill, 1999	22.3.1999
16.	The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1999	22.3.1999
17.	The Patents (Amendment) Bill, 1999	26.3.1999
18.	The Appropriation (Railways) Vote on Account Bill, 1999	31.3.1999
19.	The Appropriation (Railways) Bill, 1999	31.3.1999
20.	The Appropriation (Railways) No. 2 Bill, 1999	31.3.1999

**APPENDIX V****LIST OF BILLS PASSED BY THE  
LEGISLATURES OF THE STATES AND THE  
UNION TERRITORIES DURING THE PERIOD****1 JANUARY TO 31 MARCH 1999**

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**ANDHRA PRADESH LEGISLATIVE ASSEMBLY**

1. The Andhra Pradesh General Sales Tax (Second Amendment) Bill, 1998
2. The Andhra Pradesh Municipalities (Second Amendment) Bill, 1998
3. The Andhra Pradesh Municipalities (Third Amendment) Bill, 1998
4. The Andhra Pradesh Protection of Depositors of Financial Establishments Bill, 1998
5. The Registration (Andhra Pradesh Second Amendment) Bill, 1998
6. The Andhra Pradesh Land Revenue Code, 1999
7. The Andhra Pradesh Municipalities (Third Amendment) Bill, 1999
8. The Andhra Pradesh Municipal Laws (Amendment) Bill, 1999
9. The Hyderabad Municipal Corporations (Amendment) Bill, 1999
10. The Andhra Pradesh Appropriation Bill, 1999
11. The Andhra Pradesh Appropriation (No. 2) Bill, 1999
12. The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications (Amendment) Bill, 1999

**ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY**

1. The Arunachal Pradesh Appropriation Bill, 1999
2. The Arunachal Pradesh Appropriation (No. 2) Bill, 1999

**BIHAR LEGISLATIVE ASSEMBLY**

1. The Bihar Appropriation Bill, 1999
2. The Bihar Appropriation (Vote on Account) Bill, 1999
3. The Bihar Excise (Amendment) Bill, 1999
4. The Jharkhand Area Autonomous Council (Amendment) Bill, 1999
5. The Bihar Molasses (Control) Amendment and Validation Bill, 1999

**DELHI VIDHAN SABHA**

1. The Delhi Appropriation (No. 1) Bill, 1999
2. The Delhi Appropriation (No. 2) Bill, 1999

**GUJARAT LEGISLATIVE ASSEMBLY**

1. The Gujarat Legislative Bodies Laws (Amendment and Validation) Bill, 1999
2. The Gujarat Town Planning and Urban Development (Amendment) Bill, 1999
3. The Bombay Provincial Municipal Corporation (Gujarat Amendment) Bill, 1999
4. The Gujarat (Supplementary) Appropriation Bill, 1999
5. The Gujarat State Tax on Professions, Trades, Callings and Employment (Amendment) Bill, 1999
6. The Bombay Motor Vehicles Tax (Gujarat Amendment) Bill, 1999
7. The Bombay Stamp (Gujarat Amendment) Bill, 1999
8. The Bombay Electricity Duty (Amendment) Bill, 1999
9. The Gujarat Sales Tax (Amendment) Bill, 1999
10. The Gujarat Appropriation Bill, 1999

**HARYANA VIDHAN SABHA**

1. The Punjab Village Common Lands (Regulations) Haryana Amendment Bill, 1999
2. The Haryana Lokpal (Amendment) Bill, 1999
3. The Punjab Excise (Haryana Amendment) Bill, 1999
4. The Punjab Warehouse (Haryana Amendment) Bill, 1999
- \*5. The Guru Jambheshwar University, Hissar (Amendment) Bill, 1999
6. The Haryana Legislative Assembly (Medical Facilities to Member) Amendment Bill, 1999
7. The Haryana Panchayati Raj (Amendment) Bill, 1999
8. The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Bill, 1999
9. The Haryana Appropriation (No. 1) Bill, 1999
10. The Haryana Appropriation (No. 2) Bill, 1999
11. The Haryana Legislative Assembly (Allowances and Pension of Members) Amendment Bill, 1999
- \*12. The Haryana Private Colleges (Taking over of Management) Amendment Bill, 1999
- \*13. The Haryana Municipal (Amendment) Bill, 1999
- \*14. The Haryana Municipal Corporation (Amendment) Bill, 1999

**MAHARASHTRA LEGISLATIVE ASSEMBLY**

- \*1. The Maharashtra Regulation of Marriage Bureaus and Registration of Marriage Bill, 1998
2. The Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Bill, 1999
3. The Maharashtra Tax Laws (Levy, Amendment and Validation) Bill, 1999

4. The Maharashtra Control of Organised Crime Bill, 1999
5. The Maharashtra Essential Services Maintenance Bill, 1999
6. The Maharashtra Land Revenue Code (Amendment) Bill, 1999
7. The Bombay Rents, Hotel and Lodging House Rates Control (Extension of Duration) Bill, 1999
8. The Maharashtra (Supplementary) Appropriation Bill, 1999
9. The Maharashtra Tax Laws (Levy and Amendment) Bill, 1999
10. The Maharashtra Appropriation (Vote on Account) Bill, 1999
11. The Maharashtra Municipal Councils, Nagar Pandhayats and Industrial Townships (Amendment) Bill, 1999
12. The Mumbai Municipal Corporation (Amendment) Bill, 1999
13. The City of Nagpur Corporation (Amendment) Bill, 1999
14. The Maharashtra Project Affected Persons Rehabilitation Bill, 1999
15. The Maharashtra Appropriation Bill, 1999
16. The Maharashtra Legislative Council (Chairman and Deputy Chairman) and the Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances, the Maharashtra Minister Salaries and Allowances, the Maharashtra Legislatures Members Salaries and Allowances and Pension and the Leaders of Opposition in Maharashtra Legislature Salaries and Allowances (Amendment) Bill, 1999

#### MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (No. 1) Bill, 1999
2. The Meghalaya (Vote on Account) Bill, 1999
3. The Motor Vehicles Taxation (Amendment) Bill, 1999

#### MIZORAM LEGISLATIVE ASSEMBLY

1. The Mizoram Appropriation (No. 1) Bill, 1999
2. The Mizoram Appropriation (Vote on Account) (No. 2) Bill, 1999

#### NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland (Sales of Petroleum & Petroleum Products, including Motor Spirit & Lubricants) Taxation Amendment Bill, 1999
2. The Nagaland Sales Tax (Amendment) Bill, 1999
3. The Nagaland Appropriation (No. 1) Bill, 1999
4. The Nagaland Appropriation (No. 2) Bill, 1999

#### ORISSA LEGISLATIVE ASSEMBLY

1. The Indian Tolls (Orissa Amendment) Bill, 1999
2. The Orissa Sales Tax (Amendment) Bill, 1999
3. The Orissa Appropriation Bill, 1999

4. The Orissa Appropriation (Vote on Account) Bill, 1999
5. The Orissa University of Technology Bill, 1999

**TAMIL NADU LEGISLATIVE ASSEMBLY**

1. The Chennai City Policy (Amendment) Bill, 1999
2. The Tamil Nadu Panchayats (Amendment) Bill, 1999
3. The Tamil Nadu Agricultural Produce Marketing Regulation Amendment Bill, 1999
4. The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Bill, 1999
5. The Tamil Nadu Appropriation (Vote on Account) Bill, 1999
6. The Tamil Nadu Appropriation Bill, 1999
- \*7. The Tamil Nadu Panchayats (Second Amendment) Bill, 1999
- \*8. The Tamil Nadu Panchayats (Third Amendment) Bill, 1999
- \*9. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1999
- \*10. The Tamil Nadu Societies Registration (Amendment) Bill, 1999
- \*11. The Tamil Nadu Payment of Subsistence Allowance (Amendment) Bill, 1999
- \*12. The Tamil Nadu Shops and Establishments (Amendment) Bill, 1999
- \*13. The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Amendment Bill, 1999
- \*14. The Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Amendment Bill, 1999
- \*15. The Tamil Nadu Panchayats (Fourth Amendment) Bill, 1999
- \*16. The Tamil Nadu Panchayats (Fifth Amendment) Bill, 1999
- \*17. The Tamil Nadu Hackney Carriage (Amendment) Bill, 1999
- \*18. The Payment of Wages (Tamil Nadu Amendment) Bill, 1999
- \*19. The Tamil Nadu State Council for Higher Education (Amendment) Bill, 1999
- \*20. The Tamil Nadu Animals and Birds in Urban Areas (Control and Regulation) Amendment Bill, 1999
21. The Tamil Nadu Appropriation (No. 2) Bill, 1999
- \*22. The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1999
- \*23. The Tamil Nadu Slum Areas (Improvement and Clearance) Amendment and Validation Bill, 1999
- \*24. The Tamil Nadu Advocates' Clerks Welfare Fund Bill, 1999
- \*25. The Indian Stamp (Tamil Nadu Amendment) Bill, 1999
26. The Tamil Nadu Sales Tax, Entertainments Tax and Luxury Tax (Settlement of Disputes) Bill, 1999
- \*27. The Tamil Nadu General Sales Tax (Amendment) Bill, 1999
- \*28. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1999

- \*29. The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1999
- 30. The Tamil Nadu General Sales Tax (Fourth Amendment) Bill, 1999
- 31. The Tamil Nadu General Sales Tax (Fifth Amendment) Bill, 1999
- \*32. The Tamil Nadu General Sales Tax (Sixth Amendment) Bill, 1999
- \*33. The Tamil Nadu Additional Sales Tax (Amendment) Bill, 1999
- 34. The Tamil Nadu Tax on Luxuries in Hotels and Lodging Houses (Amendment) Bill, 1999
- \*35. The Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Bill, 1999
- \*36. The Land Acquisition (Tamil Nadu Amendment) Bill, 1999
- \*37. The Tamil Nadu Panchayats (Sixth Amendment) Bill, 1999

**PONDICHERRY LEGISLATIVE ASSEMBLY**

- 1. The Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1998
- 2. The Registration (Pondicherry Amendment) Bill, 1998

**APPENDIX VI**  
**ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE**  
**PERIOD 1 JANUARY TO 31 MARCH 1999**

Sl. No.	Subject	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
<b>UNION GOVERNMENT</b>					
1.	The Companies (Amendment) Ordinance, 1999	7.1.1999	22.2.1999	5.4.1999	—
2.	The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 1999	7.1.1999	22.2.1999	5.4.1999	—
3.	The Patents (Amendment) Ordinance, 1999	8.1.1999	22.2.1999	5.4.1999	—
4.	The Central Vigilance Commission Ordinance, 1999	8.1.1999	22.2.1999	5.4.1999	—
5.	The Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999	11.1.1999	22.2.1999	5.4.1999	—



6.	The Salary, Allowances and Pensions of Members of Parliament (Amendment) Ordinance, 1999	18.1.1999	22.2.1999	5.4.1999	—
<b>STATE GOVERNMENTS</b>					
<b>ANDHRA PRADESH</b>					
1.	The Registration (A.P. Amendment) Ordinance, 1998	30.12.1998	17.2.1999	—	Replaced by Legislation
2.	The Hyderabad Municipal Corporations (Amendment) Ordinance, 1999	18.1.1999	17.2.1999	—	-do-
3.	The Andhra Pradesh Municipalities (Amendment) Ordinance, 1999	6.2.1999	17.2.1999	—	-do-
<b>BIHAR</b>					
1.	The Bihar Excise (Amendment) Ordinance, 1999	6.2.1999	17.3.1999	—	—
2.	The Jharkhand Area Autonomous Council (Amendment) Ordinance, 1999	8.2.1999	17.3.1999	—	—
<b>MAHARASHTRA</b>					
1.	The Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Ordinance, 1999	29.1.1999	17.2.1999	11.3.1999	Replaced by Legislation



2.	The Maharashtra Tax Laws (Levy, Amendment and Validation) Ordinance, 1999	6.2.1999	17.2.1999	19.3.1999	-do-
3.	The Maharashtra Control of Organised Crime Ordinance, 1999	24.2.1999	15.3.1999	6.4.1999	-do-
4.	The Maharashtra Land Revenue Code (Amendment) Ordinance, 1999	1.3.1999	15.3.1999	11.4.1999	-do-
5.	The Maharashtra Essential Services Maintenance Ordinance, 1999	9.3.1999	15.3.1999	19.4.1999	-do-
6.	The Bombay Rents, Hotel and Lodging House Rates Control (Extension of Duration) Ordinance, 1999	14.3.1999	15.3.1999	24.4.1999	-do-
<b>TAMIL NADU</b>					
1.	The Tamil Nadu Agricultural Produce Marketing (Regulation) Amendment Ordinance, 1999	25.1.1999	18.2.1999	—	—
2.	The Tamil Nadu Co-operative Societies (Appointments of Special Officers) Amendment Ordinance, 1999	4.2.1999	18.2.1999	—	—

## APPENDIX VII

A. PARTY POSITION IN LOK SABHA  
(AS ON 31 MARCH 1999)

Sl. States No.	Seats	BJP	INC	JD	CPM	TMC(M)	DMK	SP	TDP	SHIV SENA	BSP	CPI	SAD	SMP	ORS	INDNOMI-NATED	TOT-AL	VACAN-CIES
1. Andhra Pradesh	42	4	22	1	—	—	—	—	12	—	—	2	—	—	1(a)	—	42	—
2. Arunachal Pradesh	2	—	—	—	—	—	—	—	—	—	—	—	—	—	2(b)	—	2	—
3. Assam	14	1	10	—	—	—	—	—	—	—	—	—	—	—	2(c)	1	14	—
4. Bihar	54	20	5	1	—	—	—	—	—	—	—	—	—	10	18(d)	—	54	—
5. Goa	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
6. Gujarat	26	19	7	—	—	—	—	—	—	—	—	—	—	—	—	—	26	—
7. Haryana	10	1	3	—	—	—	—	—	—	1	—	—	—	—	5(e)	—	10	—
8. Himachal Pradesh	4	3	1	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—
9. Jammu & Kashmir	6	2	1	—	—	—	—	—	—	—	—	—	—	—	3(f)	—	6	—
10. Karnataka	28	13	9	3	—	—	—	—	—	—	—	—	—	—	3(g)	—	28	—
11. Kerala	20	—	8	—	6	—	—	—	—	—	—	2	—	—	4(h)	—	20	—
12. Madhya Pradesh	40	30	10	—	—	—	—	—	—	—	—	—	—	—	—	—	40	—
13. Maharashtra	48	4	33	—	—	—	—	—	—	6	—	—	—	—	5(i)	—	48	—
14. Manipur	2	—	—	—	—	—	—	—	—	—	—	1	—	—	1(j)	—	2	—
15. Meghalaya	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
16. Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	—
17. Nagaland	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
18. Orissa	21	7	5	—	—	—	—	—	—	—	—	—	—	—	9(k)	—	21	—



- (e) Haryana Vikas Party-1; Indian National Lok Dal-4
- (f) National Conference-3
- (g) Lok Shakti-3
- (h) Muslim League-2; Revolutionary Socialist Party-1; Kerala Congress (M)-1
- (i) Republican Party of India-4; Peasants and Workers Party-1
- (j) Manipur State Congress Party-1
- (k) Biju Janata Dal-9
- (l) All India Indira Congress (Secular)-1
- (m) Sikkim Democratic Front-1
- (n) All India Anna Dravida Munnetra Kazhagam-18; Pattali Makkal Katchi-4; Marumalarchi Dravida Munnetra Kazhagam-3; Janata Party-1
- (o) Samajwadi Janata Party (Rashtriya)-1
- (p) West Bengal Trinamool Congress-7; Revolutionary Socialist Party-4; All India Forward Bloc-2

B. PARTY POSITION IN RAJYA SABHA  
(AS ON 16 APRIL 1999)

Sl. No.	State/Union Territories	Seats	INC	BJP	CPI(M)	TDP	JD	RJD	SP	CPI	DMK	AIA-DMK(I)	Shiv Sena	SAD	Others	Independents	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
<b>STATES</b>																		
1.	Andhra Pradesh	18	3	1	1	11	—	—	—	1	—	—	—	—	—	1	18	—
2.	Arunachal Pradesh	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	—
3.	Assam	7	3	—	—	—	—	—	1	—	—	—	—	3(a)	—	—	7	—
4.	Bihar	22	2	3	—	—	3	9	3	—	—	—	—	1(b)	1	—	22	—
5.	Goa	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
6.	Gujarat	11	5	5	—	—	—	—	—	—	—	—	—	—	1	—	11	—
7.	Haryana	5	3	—	—	—	—	—	—	—	—	—	—	2(c)	—	—	5	—
8.	Himachal Pradesh	3	2	—	—	—	—	—	—	—	—	—	—	1(d)	—	—	3	—
9.	Jammu & Kashmir	4	1	—	—	—	—	—	—	—	—	—	—	3(e)	—	—	4	—
10.	Karnataka	12	6	1	—	—	5	—	—	—	—	—	—	—	—	—	12	—
11.	Kerala	9	1	—	4	—	—	—	1	—	—	—	—	3(f)	—	—	9	—
12.	Madhya Pradesh	16	10	6	—	—	—	—	—	—	—	—	—	—	—	—	16	—
13.	Maharashtra	19	6	4	—	—	—	—	—	—	—	5	—	1(g)	3	—	19	—
14.	Manipur	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
15.	Meghalaya	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
16.	Mizoram	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
17.	Nagaland	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
18.	Orissa	10	6	—	—	—	1	—	—	—	—	—	—	3(h)	—	—	10	—

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
19. Punjab		7	—	1	—	—	—	—	—	—	—	—	—	5	—	1	7	—
20. Rajasthan		10	4	6	—	—	—	—	—	—	—	—	—	—	—	—	10	—
21. Sikkim		1	—	—	—	—	—	—	—	—	—	—	—	—	1(l)	—	1	—
22. Tamil Nadu		18	—	—	—	—	—	—	—	6	6	—	—	—	4(l)	2	18	—
23. Tripura		1	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	—
24. Uttar Pradesh		34	3	15	—	—	—	8	—	—	—	—	—	—	4(k)	4	34	—
25. West Bengal		16	1	—	11	—	—	—	—	1	—	—	—	—	3(l)	—	16	—
26. UNION TERRITORIES																		
Delhi		3	—	3	—	—	—	—	—	—	—	—	—	—	—	—	3	—
Pondicherry		1	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—
Nominated		12	3	—	—	—	—	—	1	—	—	—	—	—	—	8	12	—
<b>TOTAL</b>		<b>245</b>	<b>64</b>	<b>45</b>	<b>17</b>	<b>11</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>29</b>	<b>22</b>	<b>245</b>	<b>—</b>

(a) A.G.P.-2; A.S.D.C.-1

(b) J.M.M.-1

(c) I.N.L.D.-1; H.V.P.-1

(d) H.V.C.-1

(e) J&amp;K N.C.-3

(f) M.L.-2; K.C.-1

(g) M.V.A.-1

(h) B.J.D.-3

(i) S.S.P.-1

(j) T.M.C.-3; A.I.A.D.M.K. (II)-1

(k) B.S.P.-4

(l) F.B.-2; R.S.P.-1



Madhya Pradesh L.A.	320	172	1	118	—	—	19(g)	8	318	2
Maharashtra L.A. (1.4.99)	289	77	10	66	3	—	88(h)	44	288	1
Maharashtra L.C. (1.4.99)	78	26	2	17	—	—	20(i)	13	78	—
Manipur L.A.**	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	60	—	—	—	—	—	60(j)	—	60	—
Mizoram L.A.*	—	—	—	—	—	—	—	—	—	—
Nagaland L.A. (1.4.99)	60	52	—	—	—	—	—	7	59	—
Orissa L.A. (1.4.99)	147	81	13	10	—	—	31(k)	9	144	3
Punjab L.A.**	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—
Sikkim L.A. (1.4.99)	32	2	—	—	—	—	29(l)	—	32	—
Tamil Nadu L.A. (18.5.99)	235	—	1	1	1	8	219(m)	1	232	2
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY Pondicherry L.A. (1.1.99)	33	9	1	—	—	2	19(n)	2	32	—



@ Excluding Speaker

- \* Information received from the State/Union territory Legislatures contained NIL report.
- \*\* Information not received from the State/Union territory Legislatures
  - a) Telugu Desam Party-216; Majlis Batchao Tahreek-1; All India Majlis-Ittehad-Ul-Muslimeen-2; NTR Telugu Desam Party(LP)-1; and Nominated-1
  - b) Arunachal Congress (M)-31; and Arunachal Congress-14
  - c) Asom Gana Parishad-63; Autonomous State Demand Committee-5; and U.M.F.-2
  - d) Rashtriya Janata Dal-27; MCC-1; and Samata Party-2
  - e) Samajwadi Party-1; and All India Rashtriya Janata Party-4
  - f) Haryana Vikas Party-34; and Haryana Lok Dal (Rashtriya) Party-22
  - g) Bahujan Samaj Party-11; Samajwadi Party-4; Baharatiya Republican Party-1; Janata Party-1; Ajeeya Bharat Party-1; and Gondwana Gantantra Party-1
  - h) Shiv Sena-75; Peasants and Workers Party-6; Samajwadi Party-4; Maharashtra Vikas Congress-1; Nagvidarbha Andolan Samiti-1; and Nominated-1
  - i) Shiv Sena-16; Republican Party of India-1; Akhil Bharatiya Maratha Mahasangh-1; Samajwadi Party-1; and Bharipa Bahujan Mahasangh Party-1
  - j) M.P.F.-46; and M.N.F.-14
  - k) B.J.D.-26; J.M.M.-4; and J.P.P.-1
  - l) Sikkim Democratic Front-25; Sikkim Sangram Parishad-3; and Unattached-1
  - m) DMK-165; TMC (Moopanar)-38; Indian National League-5; Pattali Makkal Katchi-3; AIADMK-3; M.G.R.A.D.M.K.-1; Puthiya Tamilagam-1; Unattached-1
  - n) DMK-9; TMC (Moopanar)-6; AIADMK-2; PMK-1; and AIADMK (Thiru)-1

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