

**THE JOURNAL OF  
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INFORMATION**

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## THE JOURNAL OF PARLIAMENTARY INFORMATION

*Editor* : DR. SUBHASH C. KASHYAP

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

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## EDITORIAL NOTE

The Eighth Lok Sabha was constituted after the General Elections on 31 December, 1984. We extend a cordial welcome to the newly elected members of the Lok Sabha.

We offer our heartiest felicitations to the Hon'ble Dr. Bal Ram Jakhar on his unanimous election as Speaker of the Eighth Lok Sabha for a second successive term. We felicitate Dr. M. Thambi Durai who has been elected to the office of Deputy Speaker of the Eighth Lok Sabha. We also extend our felicitations to Shrimati Najma Heptullah on her election as the Deputy Chairman of the Rajya Sabha and Shri Mohan Krishan Tikoo on his election as the Chairman of the Jammu and Kashmir Legislative Council.

The present number of the *Journal*, first for the year 1985, opens with features on the new presiding officers of the two Houses, their election, the felicitations offered to them by the Prime Minister Shri Rajiv Gandhi and Leaders of opposition groups and their brief life-sketches.

A feature on the constitution and composition of the new Lok Sabha being of general interest has been included in this issue.

We publish four articles in this issue. In the first one on "Parliamentary Decorum", Dr. Bal Ram Jakhar, Speaker, Lok Sabha says: "Once elected, the members represent the whole of India and not any particular section of society. There might be ideological and other differences but they are bound to represent the people of India as a whole. That is what democracy really means; it needs decorum for its smooth functioning". He goes on to say: "Parliamentary decorum is not something artificial or imposed. It should be intrinsic. It should flow out from within because on it is based the well-being of the institution, *i.e.* legislature or Parliament. Anything in life becomes value-less without decorum...It is, therefore, of paramount importance that the members should behave in an orderly manner and maintain decorum in the House."

The second article deals with the institution of Dowry, its effects on Indian society and Parliament's role in the eradication of this social evil. Shri Tara Singh, Speaker, Haryana Vidhan Sabha says : "Our Parliament and the State Legislatures are not just static bodies but living institutions and must truly reflect the contemporary forces in the country at large. They are the trustees of the welfare of the community and it is their sacred duty to frame laws in keeping with the pace of the society. They are first and last peoples' institutions and therefore must serve the needs of the people."

As has been said in the third article in this issue. "Information is crucial to Parliaments. As the supreme deliberative and law-making bodies for their respective countries, Parliaments must have unrestrained access to information. They have an inalienable right to be informed. To debate, discuss and decide, Parliaments need information that is timely, truthful and full." Here an attempt has been made to examine the role played by the new computer and tele-communication technology, which, it is felt "has radically transformed many things but not the central position of Parliament itself as a powerful medium for information dissemination. Situated between the people and the Government, as they are, the Parliament and the parliamentarians constitute the best communication linkage between them. Dissemination of information about Parliaments can contribute greatly to bringing them closer to their peoples and to strengthening the parliamentary institutions generally.

The fourth article on "Joint Committee on Offices of Profit" describes in detail the composition, functioning and achievements of the Committee during the Seventh Lok Sabha.

As usual, the issue carries the other regular features, viz. parliamentary events and activities, wit and humour in Parliament, parliamentary privileges, procedural matters, parliamentary and constitutional developments in India and abroad and brief resume of the sessions of the two Houses of Parliament and of the State Legislatures.

Needless to add that as usual all suggestions for further improvements in this *Journal* will be most welcome. The effort is towards making it more and more useful for members and others.

—Subhash C. Kashyap

PARLIAMENTARIANS' HOMAGE TO SHRIMATI  
INDIRA GANDHI

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The Eighth Lok Sabha during its First Session on 17 January, 1985, paid its respectful homage and touching tributes to the late Prime Minister of India, Bharat Ratna Shrimati Indira Gandhi eulogising her many—splendoured contributions to unity and progress of the country and world peace. The following resolution moved by the Speaker, Dr. Bal Ram Jakhar, was unanimously adopted by the House:

“This House mourns the loss of one of the greatest Indians of the 20th Century. Future generations, rising above the tumult of our times, will look with love and gratitude on the magnitude and splendour of Indira Gandhi’s achievements. Her vision and tireless energy brought India into the era of self-reliance. She breathed new life into the concept of a united, modern India. Today we walk upright with pride and confidence, pride in what India is and confidence in what we shall do for ourselves and the world.

Indira Gandhi did not belong to India alone; she belonged to the entire suffering humanity. Her voice was the voice of the hungry, the weak, the anguished, the maimed and the disabled. She laboured so that bitterness and strife may cease and justice prevail among nations. She fought relentlessly against all forms of oppression. With characteristic devotion, she espoused the cause of disarmament and a just international economic order.

The masses of India adored Indira Gandhi because in her and through her their dreams and hopes of India’s great future took concrete



shape. In turn, she filled them with unconquerable strength of her vision of India. Indira Gandhi loved India and the Indian people with a passion so sublime that it will live among us for long ages. She has joined the ranks of the immortals of History. We pay our humble tribute to her memory and pledge ourselves to complete her noble mission."

Paying his tributes, the Speaker, Dr. Bal Ram Jakhar said that Shrimati Gandhi was a great democrat. Her approach had always been objective and pragmatic. She was committed to make India united, strong, prosperous and beautiful. In fact, every drop of her blood would continue to invigorate and unite the nation, even according to her own wishes. The emergence of India, as a world power, was a tribute to Shrimati Gandhi's statesmanship, her vision and her depth of knowledge. "In her demise," Dr. Jakhar observed, "we lost not only a great leader, we lost a part of our history, a part of India and part of us, of every home, of every hearth. The loss is in our hearts—the anguish is in the soul—the emptiness is in our beings."

The Prime Minister, Shri Rajiv Gandhi said that it was difficult to sum up in a few words the achievements and contribution of Indiraji. An outstanding quality of Shrimati Gandhi, he recalled, was her courage and her strength to fight for what she thought had to be done for the poor and the deprived of the world. The best way to remember her would be to finish her unfinished task.

In his tribute, the Minister of Defence, Shri P. V. Narasimha Rao said that Shrimati Gandhi had many qualities and achievements to her credit which would be described by historians for a long time to come. To her 'removal of poverty' was not a mere slogan but a philosophy translated into action through her party and the Government and its programmes.

The Minister of Health and Family Welfare, Shrimati Mohsina K idwai said that Shrimati Gandhi possessed all the qualities of a noble soul. Appreciating her sterling qualities of courage, bravery and truth, she quoted an Urdu Couplet :

बला जाता हूँ हूँसता खेलता मीर्जे हवादिस से ।  
अगर आसानियां हों तो जिदगी दुश्वार हो जाये ।।

The Minister of Agriculture and Rural Development, Shri Buta Singh said that Shrimati Gandhi was a true 'Karmyogi' and her personality could not be compared with anything else.

Joining in the tributes, Shri C. Madhav Reddy said that it was very seldom that the country produced leaders of that stature and posterity would always remember her.

Dr. Saradish Roy praised her contribution to world peace and expressed the hope that the new Government would pursue the same policies.

Shri P. Kolandaivelu said that she was the bravest of all the leaders of the world. Her frame was frail, but her spirit was unconquerable.

Professor Madhu Dandavate said that in our democratic polity, the nation decided to give a high place and high office of Prime Ministership to Indiraji, but history was destined to give her a higher place of a martyr.

Shrimati Geeta Mukherjee said that Shrimati Gandhi was one of the most outstanding statesmen of the world.

Professor N. G. Ranga said to acclaim a woman like Indiraji and the manner in which millions and millions of people had come to love her was a celestial tribute to anybody.

Shri Sharadehandra Govindrao Pawar said that in the assassination of Shrimati Indira Gandhi, the world had lost a dynamic leader.

Professor G. G. Swell said that Indira Gandhi's life was glorious and full of achievements and added that she remained a 'shining piece' for everyone to derive guidance,

Appreciating Shrimati Gandhi's exemplary qualities of head and heart, Shri Mohammed Mahfooj Ali Khan said:

हजारों साल नरगिस अपनी बेनूरी पे रोती है ।  
बड़ी मुश्किल से होता है चमन में दोदावर पैदा ॥

Shri Girdhari Lal Dogra said that her contributions towards the cause of peace in the world were without parallel.

Shri Frank Anthony said that Shrimati Gandhi had been an outstanding administrator and an avowed friend of all minorities.

Professor Saifuddin Soz said that she was one of the greatest patriots and a powerful leader who wanted to make India strong and great. In the international area, she brought dignity to India.

Shri Pius Tirkey said that Shrimati Gandhi always fought valiantly against communalism and parochialism and became a symbol of national unity and integrity.

Shri Ebrahim Sulaiman Sait said that 'such personalities were not born away's. Considering the bereavement of Shrimati Gandhi as an irreparable loss, he lamented :

ऐ बागवाने, गुनगने हस्ती ये क्या किया ?  
जाने जमन था गुल जो, वही तूने चुन लिया ॥

Shri Chandupatla Janga Reddy said that Shrimati Gandhi fought for the cause of the downtrodden.

Shri Amar Roypradhan felt that despite differences with her on political and economic matters, nobody could deny that she had made a supreme sacrifice for the cause of the nation.

Shri George Joseph Mundackal said that the minorities especially the Christian community had been deprived of a great champion of their rights.

Shri Sultan Salahuddin Owaise said that Shrimati Gandhi illuminated the name of the country in the world.

On 17 January, 1985, a similar resolution as adopted by the Lok Sabha regarding the sad demise of the late Prime Minister Shrimati Indira Gandhi was also moved in the Rajya Sabha by the Chairman, Shri R. Venkataraman, which was adopted by the House.

Paying rich tributes to Shrimati Indira Gandhi, Shri Venkataraman said that the country in particular and the world at large were shocked not only at the loss of the great Prime Minister of India but of a leader of international eminence who strove for peace and fought for justice among nations and peoples. Shrimati Gandhi stood for a united, secular and democratic India. Her vision of a modern self-reliant dynamic economy found concrete expression in the rapid strides made by India in agriculture, industry, and science and technology. The best tribute to Shrimati Indira Gandhi's memory was for the nation to unite and march on the path she charted and realise all the hopes and dreams for which she lived and laid down her life.

The Leader of the House, Shri Vishwanath Pratap Singh said that Shrimati Indira Gandhi had become an integral part of the national consciousness. The burning pyre could not destroy the consciousness which had become eternal and had mingled to exist for ever in the hearts of crores of our people. It was their duty to knock at their hearts to weigh whether they were worthy of accepting the legacy which she had left for the national unity and integrity on which she had appended her signatures with her blood. She invested her every breath for the progress and development of the nation.

Shri Dipen Ghosh said that she pursued the foreign policy of peace and non-alignment and of friendship and cooperation.

Shri R. Mohanaragam said that Shrimati Indira Gandhi had been working for the development of the country. She shed her blood for the welfare of the people.

Shri M.S. Gurupadaswamy said Shrimati Indira Gandhi was *Triveni* who combined the three forces, viz. the past, the present and the future. She was not only a great national leader but a great international leader as well.

Shri Lal K. Advani said that Shrimati Indira Gandhi was a dynamic lady who led the country with courage and fortitude. It was a tragedy that she fell victim to the politics of terrorism and violence.

Shri Virendra Verma said that Shrimati Gandhi played a great role in the Non-Aligned Movement. She worked tirelessly for the upliftment of the poor and the downtrodden.

Shri Indradeep Sinha said Shrimati Indira Gandhi would be remembered as the upholder of India's policy of peace and non-alignment. She championed the cause of establishment of a new economic order in the world.

Shri Parvathaneni Upendra said that Indiraji's contribution to the progress of the country was considerable and would be remembered with gratitude by generations to come.

Shri Murasoli Maran said that the stature of Shrimati Indira Gandhi rose above individual prejudices and personal preferences. The soul of this great leader would rest in peace only if they built bridges of understanding between communities for rooting out the poison of violence and communalism.

Shri S.W. Dhabe said that though Indiraji was dead, she was immortal and would be remembered by the people of the country for her passion for establishing secularism and for strengthening the democratic way of life in the country.

Shri Pranab Kumar Mukherjee said that Shrimati Gandhi taught them to feel proud as Indians. This tremendous confidence which she injected in them would perhaps be the lasting memory of this great leader. Her fatigues were exemplary and proverbial. Perhaps history had produced very rare leaders like her who could establish rapport and contact with the people. The Indian people loved her and she loved them.

Shri B.V. Abdulla Koya said that the contribution of Indira Gandhi towards the solidarity and progress of the country was unparalleled.

Shri N.K.P. Salve said that Shrimati Gandhi was loved by the third world countries and respected by the developed countries. She had steadfastly championed the cause of the oppressed and the underprivileged.

Shri Khushwant Singh said that the most befitting tribute to this great woman was to strive to achieve her unfulfilled dream of creating a united, strong, prosperous and happy India.

Shrimati Pratibha Singh said that though her mortal body had gone, she had not gone. She would live with her policies and programmes in every heart.

Shri F.M. Khan said that Shrimati Gandhi had served the country till the last drop of her blood. Her wish that the country should remain integrated should be fulfilled at all costs.

Shri Ramanand Yadav said that Shrimati Indira Gandhi had a deep abiding faith in secularism and socialism. She had taken effective steps to achieve self-reliance.

Shri Gulam Mohi-ud-din Shawl said that the greatest thing in Shrimati Indira Gandhi was that when national interests required it she would rise above party politics. This great leader was the symbol of fortitude and courage and she was a true secular leader.

Shri Syed Rahmat Ali said that Shrimati Gandhi during her life-time worked for the unity and integrity of the country and laid down her life for these lofty ideals. The greatest homage that could be paid to her was that they should all work for a united, strong socialist, secular and non-aligned India.

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*Prof. Madhu Dandavate :.....*Sir, there was another experience of mine with a personal slant, when I was occupying the Treasury Bench in 1977 and I remember the day Mrs. Gandhi was elected from Chikmagalur constituency to this House. Unfortunately I was present in the Rajya Sabha answering questions about the Railways. I was not present when she took the oath in this House. After the recess, if I remember aright, along with Mr. Vasant Sathe she was moving through the Library corridors, and I found her and just said, "Indiraji congratulation". She looked back and said something with deep affection; She said, "You have brought distinction to your Government". And then she said, "It was my misfortune that you were not in my cabinet." And I said, in my humorous vein, "Madam, I was fortunate not to be there." And she laughed and laughed and smiled. Those smiles I still remember.....

*(L.S. Deb., 17 January, 1985)*

## ELECTION OF PRESIDING OFFICERS OF THE EIGHTH LOK SABHA AND FELICITATIONS TO THEM

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### ELECTION OF SPEAKER OF EIGHTH LOK SABHA

Dr. Bal Ram Jakhar, M.P., elected from the Sikat constituency in Rajasthan was unanimously elected Speaker of the Eighth Lok Sabha when the House met on 16 January, 1985, with the Speaker *pro tem* Shri Jagjivan Ram in the Chair. Two motions proposing his name for the Speakership were moved—one by the Prime Minister, Shri Rajiv Gandhi and seconded by the Minister of Parliamentary Affairs, Shri H.K.L. Bhagat and the other moved by Shri Shyam Lal Yadav, former Deputy Chairman, Rajya Sabha and seconded by Shri Vakkom Purushothaman, former Speaker of the Kerala Legislative Assembly. There was no other candidate for the high office. The motion moved by Shri Rajiv Gandhi was adopted unanimously and the Speaker *pro tem* formally declared Dr. Bal Ram Jakhar duly elected as the Speaker of the House. Dr. Bal Ram Jakhar was, thereafter, conducted to the Chair by the Prime Minister, Shri Rajiv Gandhi, the Minister of Parliamentary Affairs, Shri H.K.L. Bhagat and several Opposition leaders.

Dr. Bal Ram Jakhar was warmly felicitated on his unanimous election to the office of the Speaker by the Prime Minister and the leaders of the various groups in the House.

Felicitating Dr. Bal Ram Jakhar on his assumption of the high office, the Prime Minister and Leader of the House, Shri Rajiv Gandhi, said that he had shown his mettle as Speaker during the past five years in handling very difficult

situations at times and expressed his happiness that he would be with the House for another five years. His grassroot sense of the pulse of the people from his background as a farmer would be useful to the House. Dr. Jakhar's association with the farming community, the largest one in the country would help in guiding the nation, the Prime Minister added.

Shri Gandhi informed the House that although his party had won an overwhelming majority in the recent election it would not like to use the majority as a club to hit the Opposition with. However, "we would forcefully argue on points of view and bring them home," he added.

Congratulating Dr. Jakhar, the leader of Telugu Desam, Shri C. Madhav Reddy said that he was reminded of the great days of Shri G.V. Mavalankar and hoped that Dr. Jakhar would keep up the old traditions in conducting the House.

Dr. Saradish Roy (CPI-M) expressed the hope that the Speaker as well as the ruling party would give proper respect to the Opposition.

Shri P. Kollandaivelu (AIADMK) congratulating the Speaker said that he was a scholar and a stalwart in so many fields and had been impartial both for the Treasury Benches and also for the Opposition.

Professor Madhu Dandavate (Janata) congratulating Dr. Jakhar on his unanimous choice as the Speaker of the august body said that he was sitting on a Chair that carried with it a great heritage and a number of precedents.

Shri Narayan Choubey (CPI), offering his felicitations expressed the hope that the House would very soon find the representatives of Punjab and Assam (the two States where elections were not yet held).

Shri Sharadchandra Govindrao Pawar (Congress-S) said that the rulings of the Speaker were guidelines for all legislatures. He expressed the hope that the Speaker would help the members in the matter of raising questions concerning the rural masses.

Shri Abdul Rashid Kabuli (National Conference) expressed the view that the Speaker would guide the members for building a great India.

Shri Chanupatla Janga Reddy (BJP) congratulating the Speaker urged that the Opposition should be given more time for raising issues concerning the problems of the people.



Shri Ebrahim Sulaiman Sait (Muslim League) said that his unanimous choice once again as Speaker was an acknowledgement of his capacity and impartiality.

Shri Amar Roypradhan (Forward Bloc) said that Opposition would give the Speaker the fullest cooperation to uphold the prestige and position of the august House.

In his felicitations Shri George Joseph Mundackal [Kerala Congress (J)] said that Dr. Jakhar had served the House honestly and efficiently for the last five years and had upheld the dignity and prestige of the House.

Shri Frank Anthony (Nominated-Anglo-Indian) said that Speaker's Office had always been one entailing the highest responsibility.

Shri Nar Bahadur Bhandari (Sikkim Sangram Parishad) congratulating the Speaker urged that it was imperative that the Opposition and the ruling party joined hands in solving the problems of the country.

Replying to the felicitations, the Hon. Speaker, Dr. Bal Ram Jakhar, expressed his gratefulness to the members for unanimously electing him to the high office and conferring on him the honour and privilege of shouldering the heavy responsibility for a second successive term. He assured the members that he would endeavour to discharge his duties to the best of his ability, in accordance with the finest traditions of the parliamentary system and do all he could, to safeguard the Constitution and the rights and privileges of the members of the august House.

He said that the "common man" who had sent all of them to the exalted national forum to protect his rights and guard his interests must ever remain central to whatever took place in the House. He quoted the following verse from the Rig Veda which speaks of the 'Sabha'—a People's Assembly—and said that the history of Indian democracy went back to very ancient times :

सर्वे नन्दन्ति यज्ञसागतेन सभा साद्रेण मध्या सखायः ।  
किल्बिष स्पृत् पितुषणिर् ह्येषाम् अरं हितो भवति वाजिनाय ॥

"All people rejoice in the friend who comes with glory, having triumphed in the Sabha. He saves them from evil, provides food. He is ready and apt at contests."

Dr. Jakhar further said :

“Parliamentary democracy provides for rule or government by discussion, debate and consensus. Its essential pre-requisite is effective and meaningful participation by all sections of the House. The Opposition is as much a part of the system as the majority party, which forms the government. It has an equal responsibility in helping ensure a good government. Its job is not merely to oppose for the sake of opposition. It has a constructive role to play in the best interest of the country. Freedom of speech in the House is assured to one and all. At the same time, the Hon’ble members have to remember that liberty of speech is guaranteed to their opponents as well. Every member has a right to be heard. Dissent is an inseparable part of democratic process. The democratic traditions have taken strong roots in our country. We have today a vibrant Lok Sabha brimming with youthful enthusiasm, goodwill and a strong desire to go ahead with the task of nation building...”

Referring to his previous term as Speaker, Dr. Bal Ram Jakhar said : “It was my good fortune to enjoy cooperation of the House from all sides. My experience of five years convinced me of the sincerity of purpose, purity of motives and genuineness of the demands made by the members. This strengthened my confidence and developed a spirit of mutual respect and trust and a common sharing of goals and objectives with a fair amount of give and take on both sides. The members did differ and had divergent views on various matters but the final aim and goal had always been to serve the nation and to lead this great country to progress and prosperity.”

Dr. Jakhar further said :

“Much remains to be done to establish an egalitarian socio-economic order. Let us remember that we have to preserve the unity and integrity of our land and the secular character of our polity. This will be our paramount guiding force. If the Parliament is to effectively play its guardianship role in the polity, it has to be continuously aware of the country’s objectives as enshrined in the Preamble to the Constitution. These fundamentals are the bed rock of the Constitution which we have given ourselves. We have, today, the same priorities and commitments. Therefore, we must rise above narrow considerations of caste, creed and parochialism to prove worthy of the selfless sacrifices by great Martyrs...heroes of freedom struggle who laid down their lives for the freedom of the country. The ghastly tragedy that shook the nation on 30 January, 1948, when the Father

of the Nation Mahatma Gandhi was shot dead, was again repeated on 31 October, 1984, with the cruel assassination of our Prime Minister Shrimati Indira Gandhi another colossus, who always fought the forces of disruption, disintegration and communalism with courage and determination, for the unity of our great land. There can be no let up in the pursuit of these ideals which should always receive precedence over all other matters."

Stating that the country was passing through trying times. Dr. Jakhar said: "The Old Order Changeth yielding place to the new.' We have today in office a new Government which has behind it a record majority. However, the *raison d'etre* of a parliamentary system are its checks and balances and accountability. The Government is answerable to the people for every action it take and every decision made. It is, thus, vital and essential for the recently elected members to be alert, well-informed and thoroughly disciplined and vigilant. The spirit of accountability has to be carefully nurtured and preserved...The new Government had to keep itself continuously in touch with the Opposition. For it is the Opposition that will act as eyes and ears of the Government."

Concluding, Dr. Jakhar sought the cooperation of all sides in making it possible for the House to function with dignity and decorum and in accordance with the rules.

#### *Dr. Bal Ram Jakhar—A Life Sketch*

Son of Chaudhri Raja Ram Jakhar, Dr. Bal Ram Jakhar was born on August 23, 1923 at Panjkosi village in the Ferozepur district of the State of Punjab. He had a brilliant academic career and graduated in 1945 from the Forman Christian College, Lahore (now in Pakistan) with honours in Sanskrit. He is virtually a linguist, being well-versed in English, Sanskrit, Hindi, Urdu, Punjabi, etc. He was awarded (i) Degree of Doctor of Science (*Honoris Causa*) by Haryana Agricultural University, Hissar; and (ii) Vidya Martand (*Honoris Causa*) by Gurukul Kangri Vishwavidyalaya, Haridwar.

Dr. Bal Ram Jakhar is essentially an agriculturist, more particularly an orchardist. After graduation, he adopted the family profession of farming and made use of the latest modern techniques for the development of orchards and vineyards. After incessant and long strenuous efforts he succeeded in converting age-old and barren lands into green meadows and flourishing citrus orchards and grape vineyards, raising the yield by more than 30 times.

His services in the field of fruit-growing received recognition at the highest level in the country in 1975 when he was awarded the title of "Udyan Pandit" by the President of India. He was elected President of the Punjab Cooperative Grapes Growers Federation as well as President of the Farmers' Forum of Punjab.

Dr. Bal Ram Jakhar's legislative career began in 1972 when he was elected to the Punjab Vidhan Sabha and remained its member till 1977. During this term he adorned the treasury bench also in the State as Deputy Minister of Cooperation and Irrigation and Power. He was re-elected to the Vidhan Sabha for the second time in 1977 and as Leader of the Congress (I) Legislature Party was recognised as the Leader of the Opposition in the House. He remained in this position till 1980 when he was elected to the Lok Sabha from the Ferozpur parliamentary constituency. He was re-elected to the Lok Sabha from Sikat parliamentary constituency in December, 1984.

Dr. Jakhar was elected unanimously to the Office of Speaker of Lok Sabha on 22 January, 1980. He was re-elected Speaker for Lok Sabha unanimously for the second successive term on 16 January, 1985.

During his first term as Speaker, Dr. Jakhar had been the Chairman, (i) Rules Committee; (ii) Business Advisory Committee; and (iii) General Purposes Committee of Lok Sabha.

Dr. Jakhar has been the President of a number of organisations, viz. (i) Indian Parliamentary Group; (ii) Indian Group of the Inter-Parliamentary Union; and (iii) India Branch of the Commonwealth Parliamentary Association.

Dr. Bal Ram Jakhar represented India at many international forums. He led the Farmer's Delegation to the International Agricultural Producers' Conference in Washington in 1975. He was the Leader of the Indian Parliamentary Delegations to (i) Hungary, September, 1980; (ii) Damascus (Syrian Arab Republic), April, 1981; (iii) U.K., June-July, 1981; (iv) Syria, January, 1982; (v) Morocco, January, 1982; (vi) Federal Republic of Germany, 1982; (vii) Romania, August, 1982; (viii) Arab Republic of Egypt, January 1983; (ix) Republic of Korea, May, 1983; (x) European Parliament, June, 1983; (xi) German Democratic Republic, June 1983; (xii) Czechoslovakia, July, 1983; (xiii) The Netherlands, June, 1984; (xiv) USSR, June, 1984; and (xv) Zambia, August-September, 1984.

He was member of the Commonwealth Parliamentary Association Executive Committee and its Sub-Committees on Selection of Officers and on "CPA and the Future". He attended CPA Executive Committee Meetings in (i) Jersey, April, 1980; (ii) Hong Kong, April, 1981; (iii) Bermuda, May, 1982; (iv) Singapore, May, 1983; and (v) Kenya, October/November, 1983. He also attended Meetings of CPA Sub-Committees on Selection of Officers in London, January, 1983; and CPA Working Party Meetings in London, July, 1983 and in New Delhi, January, 1984.

Dr. Jakhar was the Leader of the Indian Parliamentary Delegation to Annual Commonwealth Parliamentary Conferences (i) Zambia, September-October, 1980; (ii) Fiji, October, 1981; (iii) Nairobi, October-November, 1983; and (iv) Isle of Man, September-October, 1984. He was elected Chairman of the Executive Committee of Commonwealth Parliamentary Association on 4 October, 1984, for a three-year term. It is for the first time that any one from India or from a country in Asia has been elected to this office in the CPA.

Dr. Jakhar was the Leader of the Indian Parliamentary Delegations to Annual Inter-Parliamentary Union Conferences held at (i) Berlin (GDR), September, 1980; (ii) Havana (Cuba), September, 1981; (iii) Rome (Italy) September, 1982; (iv) Seoul (Republic of Korea), October, 1983; and (v) Geneva, April and September, 1984. He was elected member, Executive Committee of the Inter-Parliamentary Union October, 1983; and attended its meetings, Geneva, April, 1984.

Dr. Jakhar attended the Commonwealth Speakers' and Presiding Officers Conference in Ottawa (Canada), April-May, 1981, and also in Wellington (New Zealand), January, 1984, and he was elected Chairman of the Standing Committee of the Conference. As member of the Standing Committee of the Conference of the Commonwealth Speakers and Presiding Officers he attended its meetings in Banjul (The Gambia) February, 1982.

Dr. Jakhar has also been associated with a number of social, cultural and literary organisations engaged in constructive activities, e.g. upliftment of the downtrodden and weaker sections of the society, eradication of illiteracy and rural development. He has been the Chairman, (i) Bharat Krishak Samaj; (ii) Managing Committee, Jalianwala Bagh National Memorial Trust; and President, Rajaji International Institute of Public Affairs and Administration.

Dr. Bal Ram Jakhar is the author of the book entitled '*People, Parliament & Administration*'. He has also contributed several articles on subjects such as

parliamentary and constitutional, agriculture, irrigation and power and cooperation.

Dr. Jakhar is a widely travelled man. He has visited U.S.A., U.S.S.R. U.K., German Democratic Republic, West Germany, Canada, France, Denmark, Switzerland, Italy, Egypt, Labanon, Hungary, Syria, Morocco, Romania. Republic of Korea, Czechoslovakia. Netherlands, Hong Kong, Bermuda, Singapore, Kenya, Fiji, Cuba, New Zealand, and Zambia. In February, 1983, he visited Algeria to attend the Fourteenth Session of P.L.O.

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#### ELECTION OF DEPUTY SPEAKER OF EIGHTH LOK SABHA

Dr. M. Thambi Durai, elected to Lok Sabha from the Dharmapuri parliamentary constituency in Tamil Nadu was elected as the Deputy Speaker of the Eighth Lok Sabha on 22 January, 1985. Two motions proposing his name for the office of Deputy Speaker were moved—one by the Minister of State in the Ministry of Parliamentary Affairs, Shri Ghulam Nabi Azad and seconded by Shri P. Kolandaivelu and the other by Shri Mool Chand Daga and seconded by Shri George Joseph Mundackal. The motion moved by Shri Ghulam Nabi Azad was adopted by the House and Dr. M. Thambi Durai was chosen as the Deputy Speaker of the House.

The Prime Minister, Shri Rajiv Gandhi, congratulating Dr. M. Thambi Durai on his election as Deputy Speaker said that he was sure that Dr. Durai would bring distinction to the Chair and would uphold the principles and traditions of the House. Shri Gandhi assured the House that from their side they would give full cooperation to see that there was no confrontation with the Opposition or the situation that might pose problem either to the Speaker or to the Deputy Speaker. They looked forward to five years of cooperation and building a better atmosphere in Parliament.

Felicitating the new Deputy Speaker, Shri Abdul Rashid Kabuli (National Conference) said that the Speaker and the Deputy Speaker should remain above party politics. The Leader of the House and the Leader of the Opposition should take steps to ensure that the dignity of the presiding officers was

not lowered. He hoped that the Deputy Speaker would protect their rights and conduct the daily affairs of this House in a dignified manner.

Offering his felicitations to Dr. Thambi Durai, Shri Ebrahim Sulaiman Sait (Muslim League) hoped that the new Deputy Speaker would carry forward the healthy traditions of the House and also see that justice was done to all sections of the august House.

Congratulating the Deputy Speaker, Shri George Joseph Mundackal [Kerala Congress (J)] said that the dignity and decorum of this House was very safe in his hands.

Shri Nar Bahadur Bhandari (Sikkim Sangram Parishad) congratulated the new Deputy Speaker as well as the people of the country.

Congratulating Shri Thambi Durai, Shri Sultan Salahuddin Owaise (Independent) hoped that he would maintain the high traditions of the House.

Felicitating the Deputy Speaker, Shri Frank Anthony (Nominated—Anglo-Indian) said that he would certainly uphold the high traditions of the new office and hoped that he would restore the original practice of giving meaning to the expression of "catching the Speaker's eye" and that he would not just go down the line mechanically.

Associating himself with the Leader of the House, Leaders of various parties/groups and other members in the House in extending felicitations to Dr. M. Thambi Durai, the Speaker Dr. Bal Ram Jakhar said :

"A very young man with all the zest, zeal and enthusiasm, inspiration as well as aspiration, has come to occupy the Chair, as the Deputy Speaker . . . you are here to enhance, enrich and nourish a very beautiful, a very fine shady tree under which we all sit and try to aspire for a new horizon. And that will be the most fitting thing... you will be carrying on the burden with great courage, determination and a very fine sense. The rules at certain times may not help you. But a basic sense of humour, a basic sense of adaptation, give and take, understanding and making other people understand, that is what will count. I hope...you will adorn this Chair and you will be very helpful to me . . ."

Dr. M. Thambi Durai, the newly elected Deputy Speaker, replying to the felicitations expressed his gratitude for electing him to the high office and said that he was very certain that the country, under the able leadership of Shri Rajiv Gandhi, would march from strength to strength. Referring to late Shri Perarigner Anna who outlined duty, dignity and discipline as prerequisites for success in any field, Dr. Thambi Durai said that it would be his endeavour to always follow these good principles while discharging his duties as Deputy Speaker of the honourable House. Dr. Thambi Durai further said :

“I am conscious that the office of Deputy Speaker, Lok Sabha has all along been occupied by eminent persons who distinguished themselves in the discharge of their duties. I will follow in their footsteps...It will be my endeavour to discharge my functions in an impartial manner that is expected of me. At the same time I will seek the cooperation from all sections of this House. I am sure this will be forthcoming in abundant measure. I will keep the interests of all parties, groups and individual Members in my mind while discharging my duties.”

He hoped that he would receive the guidance and cooperation of the Speaker in ample measure during his tenure.

*Dr. M. Thambi Durai—A Life Sketch*

Son of Shri Munisamy Gounder, Dr. M. Thambi Durai was born on 15 March, 1947, at Chinthagampalli in the Dharmapuri district of the State of Tamil Nadu. He had a brilliant academic career. He is a post-graduate from the Madras Christian College. He has obtained his M. Litt. and Ph.D. degrees from the Madras University.

Dr. Thambi Durai, a political and social worker has been the Professor of Management, College of Engineering, Anna University, Madras.

He has been associated with a number of organisations, viz. as (i) General Secretary, Madras University Research Scholars' Association, 1975-78; (ii) Student Secretary, World University Service, 1976-80; (iii) Treasurer, Indian National Committee, World University Service, 1982-85; and (iv) Member, Indian Economic Association.



He has visited a number of foreign countries, viz, U.K., U.S.A., Central American countries, Canada, Japan, Thailand, Malaysia, Hong Kong, Singapore, Kenya, Ethiopia, Zimbabwe, France, Holland, Switzerland, West Germany and Italy.

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*Shri Abdul Samad* : ...We cannot find any other name except Mr. Lakshmanan for this Dy. Speakership, because where Balaraman, i.e. Raman is there, Lakshmanan must be there to assist him. He will be able to assist Mr. Balram most faithfully and loyally.

*Mr. Speaker* : It is like *vanyaas* !

(L.S. Deb., 1 February, 1980)

## ELECTION OF DEPUTY CHAIRMAN OF THE RAJYA SABHA

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

Shri Shyam Lal Yadav, who was elected Deputy Chairman, Rajya Sabha, on 28 April, 1982, contested election to the Lok Sabha and was declared elected to that House on 29 December, 1984. Under the provisions of the Representation of the People Act, 1951, Shri Yadav's seat in the Rajya Sabha became vacant from that day. Consequently, the office of the Deputy Chairman, Rajya Sabha, also fell vacant from the same day.

It thus became imperative to elect a member of the Rajya Sabha as Deputy Chairman. Rule 7 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) lays down the procedure for the election of Deputy Chairman. In pursuance of the provisions of that rule, the process for the election of Deputy Chairman was set in motion by Shri R. Venkataraman, Chairman, Rajya Sabha, with the fixing of 25 January, 1985, as the date of election, in consultation with the Leader of the House.

Through a notice issued to all members of the Rajya Sabha by the Secretary-General on 23 January, 1985, members were requested to give notice of the motion for election of Deputy Chairman up to 12 noon on 24 January, 1985. Bulletin Part II was also issued in this regard on that day. However, on 24 January, 1985, some members belonging to the Opposition groups brought it to the notice of the Chairman that they had not received the notice

of election of Deputy Chairman and other parliamentary papers in time on that day (this happened due to delay in the Press) and requested the Chairman to extend the time of giving notice of motion. In view of this, the Chairman extended the time for receiving notices up to 4.00 p.m. on that day and an announcement was made in the House in this regard. Accordingly, three notices of motion for election to the office of Deputy Chairman were received upto 4 p.m. on 24 January, 1985, proposing the name of Dr. (Shrimati) Najma Heptulla, member, Rajya Sabha belonging to the ruling party. These notices were proposed and seconded as follows :

<i>Name of the Proposer</i>	<i>Name of the Seconder</i>
1. Shrimati Margaret Alva	Shri Bhagatram Manhar
2. Shri Ramanand Yadav	Shri V.C. Kesava Rao
3. Shri R. Mohanarangam	Shri J.K. Jain

On the day appointed for the election, *i.e.* 25 January, 1985, before the motions for election of Deputy Chairman were taken up in the House, some Opposition leaders made an issue of the failure of the Government to consult the Opposition regarding the choice of the Deputy Chairman. Though they had nothing against the person of Dr. (Shrimati) Najma Heptulla, whom they all held in high esteem and regard, they felt that this office should have gone to one of the members from the Opposition side, and therefore, excepting AIADMK, all other opposition groups staged a walk out. Thereafter motions were moved by Shrimati Margaret Alva and Shri Ramanand Yadav and seconded by Shri Bhagatram Manhar and Shri V.C. Kesava Rao, respectively, for the election of Dr. (Shrimati) Najma Heptulla as Deputy Chairman. The first motion moved by Shrimati Margaret Alva and seconded by Shri Bhagatram Manhar was put to the House and the motion was carried, and Dr. (Shrimati) Najma Heptulla was declared elected to the office of Deputy Chairman.

The Prime Minister, Shri Rajiv Gandhi, the Leader of the House, Shri Vishwanath Pratap Singh and the Chairman, Shri R. Venkataraman, felicitated Dr. (Shrimati) Najma Heptulla on her election to the august office.

The Prime Minister while congratulating Dr. (Shrimati) Najma Heptulla on her election as Deputy Chairman of the Rajya Sabha also took the opportunity to clear certain observations of the Opposition Members made in the House before the motion for election of Deputy Chairman was taken up, and observed : "We had ten elections for Deputy Chairman. Out of those ten, seven candidates had been from the majority party and out of the remain-

ing three, one was the compromise candidate and two were independent members. Therefore, in fact, the past precedent had been followed this time also."

The Leader of the House, Shri Vishwanath Pratap Singh, felicitating Dr. (Shrimati) Najma Heptulla said : "To the Chair and to the authority of the Chair, she would bring her brilliance as well as her personal charm." Further, the Leader of the House alluding to Dr. Heptulla's doctoral dissertation on cardiac anatomy said : " I am sure she will not allow us, sitting either on this side or on the other side, to give each other a heart attack and I assure her that we on our side will not give her one."

The Chairman, Rajya Sabha, Shri R Venkataraman offering his heartiest congratulations and felicitations on her election as the Deputy Chairman said : "No doubt, with her pleasing presence and suave manners, she would make an admirable Deputy Chairman of the House."

The new Deputy Chairman reciprocated these sentiments and hoped that she would live up to the expectations of all sections of the House and with their cooperation, would be able to run the affairs of the House according to the cherished ideals of democracy.

Incidentally, this is the second time that the privilege of holding this august office has gone to a lady member, the earlier occasion being in 1962 when Shrimati Violet Alva had graced this office. An added advantage to Dr. Heptulla is that she was in the past a member on the panel of Vice-Chairmen and possessed a subtle sense of humour and exuded it in ample measure. On the penultimate day of the last session, for instance, in the course of discussion on the Appropriation Bill, 1985, she asked a Member to conclude his speech within two minutes as he had already exceeded his share of time. Upon this the member concerned remarked 'Please don't disarm me with your charm' to which she said 'At least I will try this today. We are talking of disarmament. Let us start with this.' The member, as if not in a mood to give in easily, replied : 'Your charm is worse than disarmament, you know, to me.'

*Dr. (Shrimati) Najma Heptulla—A Life Sketch*

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

Dr. (Shrimati) Najma Heptulla is basically a social worker but also does research in scientific field. She had been associated with the Indian National Congress. She got Junior Fellowship for two years and Senior Fellowship for three years and worked in the scientist pool of the Government of India. She was selected by the Union Public Service Commission for the post of Pool Officer of the CSIR and was offered the Senior Research Fellowship of the National Council of Educational Research and Training, India. Promotion of scientific knowledge was her special interest. She has published a number of research papers in Indian Science Congress, in Foreign and Indian Journals and on the "Scientific research on heart in Anatomical Record, Philadelphia, U.S.A.

Dr. (Shrimati) Najma Heptulla was elected to the Rajya Sabha in July, 1980. She was nominated to the panel of Vice-Chairmen, Rajya Sabha in 1982. She had been a member of the Committee on Petitions and General Purposes Committee.

She has travelled widely and visited Iraq, Afghanistan, Saudi Arabia, Libya, Syria, U.K. and Europe.

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## PARLIAMENTARY DECORUM\*

Index

DR. BAL RAM JAKHAR

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Democracy is of paramount importance for the well-being of the institution of Parliament as well as the country and the society. For the integration of the country and to carry forward the independence left to us by the martyrs of the freedom struggle it is necessary that the system of parliamentary democracy in the country functions in a very objective, constructive, positive and productive manner. There are spheres of work allotted to each and every person in this system whether one is a farmer, a worker, a parliamentarian, an executive officer, a police officer or anybody else one may be. In every field one has to perform his duties according to one's conscience and moral obligation. It has, however, been observed that there are persons who claim rights all the time but when the time for duty comes, they just forget to perform it. It is shocking to find the same persons acclaiming a certain thing at one time and decrying the same on the next occasion taking the view that law is meant to serve only their purpose and not of all. That is what hurts. How can one acclaim one party at one time and when he goes to the other side, decry the party he has left? What sort of a moral character we have? What sort of a moral approach we have? What sort of conscience we have? Cannot we have steadfastness in our character? The people have elected their representatives to sit in Parliament. Is it fair to behave in a disorderly manner in the political scene of our great nation which has been maintaining parliamentary traditions throughout the ages? Long before when human beings lived in caves, we have been living in the plains of the river Ganges and talking of the *vedas*. It is something good; we created history and we have a heritage of progress.

\* Adapted from the address by the author delivered at a symposium on the subject held at Calcutta on 31 October, 1984.

Life is nothing without decorum and a sense of dedication to a cause. There might be fights but everything should be settled amicably. That is what democracy is. Everyone should do one's duty. Lord Krishna had said in the Bhagwat Gita :

धर्म क्षेत्र कुरुक्षेत्र समवेता युयुत्सवः ।  
मामकाः पाण्डवाश्चैव किमकुवत संजय ।

That is, even that battle-field, where people died in thousands and millions, is said to be a *dharinakshetra* because the war was fought for the sake of certain principles and for upholding of moral character. If that could be done there, why could it not be done in our field of duty wherever we are whether as members of Parliament or of the State Legislatures, or as Presiding Officers of Parliament/State Legislatures or Ministers.

The best government is one which provides justice irrespective of party affiliation. And that is what a government should do. Good government is a government for all. Once elected, the members represent all and not any particular section of the society. There might be differences ideologically but morally they are bound to the people who represent the whole. That is what really democracy means and that is why it needs decorum; it needs smooth functioning and, therefore, decorum should be maintained throughout.

Parliamentary decorum is not an artificial decorum. It should be intrinsic. It should flow out from within because on it is based the well-being of the institution, *i.e.* legislature or Parliament. Anything in life becomes value-less without decorum and the life also becomes stale and sterile. In everything that is done, therefore, there ought to be decorum. If a thing is done with finesse, it pays dividends. Much more so when it concerns the highest body, the holiest of the holy, *i.e.* Parliament. There are municipalities, *talukas*, *Panchayats*, *samitis*, *zila parishads*, etc. and at the head there is the institution which is called the Legislative Assembly at the State level, and Parliament at the Centre. They reflect the intellect, wishes and aspirations of the people of the country. We come in the legislatures not to further our own interests, but as a willing tool in the hands of the people to serve their purpose and to carve out something which would be beneficial to all and not to one. I feel that whosoever ventures into the polity must make it clear to himself that the legislature is a sacred place, not in the way of religious thinking but it should be sacred in thought and sentiments too because the benefit and the good of the people is worshipped here. It is, therefore, of paramount importance that the members should behave in an orderly manner and maintain decorum in the House.

The respect and effectiveness of a legislature in a polity depends, to a great extent, upon the conduct of its members. Since the legislators occupy a very high and esteemed place in the eyes of the people, their conduct and behaviour, both inside and outside the legislatures, should be such as would help not only in maintaining the efficiency of the institution to which they belong, but also in enhancing its respect in the hearts of the people.

The members of Parliament and the State Legislatures are expected to maintain ethical conduct in public life and promote civility and graciousness and a sense of fair play in their inter-personal dealings. On the floor of the House, they are expected, nay, they are duty-bound to follow various rules and guidelines which are necessary for orderly and smooth transaction of legislative business and for upholding the dignity and decorum of the House. These rules and guidelines, which regulate the conduct and behaviour of members inside the House, lie scattered in different sources such as the Constitution, the Rules of Procedure and Conduct of Business, the Handbook for Members, etc. There also exist numerous customs and conventions, and other parliamentary etiquette and practices which are based on the past precedents, rulings of the Chair, and even unrecorded traditions, which have to be observed by the legislators in the interest of parliamentary decorum.

Parliamentary practices, procedures and conventions make for orderly and expeditious transaction of business and impart an element of stability and predictability in the course of proceedings within the Chamber and afford a chance to the members of every side to make their contribution to the business before the House. It is, therefore, important that inside the House members must scrupulously follow the rules of procedure and other parliamentary practices and must obey the directions and rulings from the Chair.

But when the members transgress the limits and take the rules in their own hands, then who is going to protect them? Who is going to subject them to rules and make them realize that they are doing something wrong? If the law-makers themselves do not behave, who is going to tell them that they are irresponsible? It is only the people who are the bigger and real masters. The members should have an introspection amongst themselves as to what they are doing; is it in the best interests of the people or that of the institutions? Actually, the maintenance of parliamentary decorum and submission to the discipline of the House should not be taken as compulsions of the membership of a legislature. These qualities should rather become the attitude of every



legislator's mind because only then can these be truly reflected in his behaviour inside the House.

The Speaker's role in maintaining parliamentary decorum and ensuring smooth transaction of business in the House is very crucial. There has to be a middle of the course just like in U.K. of what they used to say, 'half-way house policy of Queen Victoria'. Speakers have to tread the path which could marry the viewpoints of the Opposition as well the ruling party and find out a way so that there could be fruitful discussion. But if a thing is imposed by sheer will power or force of vocal strength, that is not good. That would bring us down as well as the parliamentary institution. I think the Speaker and the members have to come together and understand each other. There is no escape from it. If they really believe in the democratic pattern of society, they can not do without it. It is but natural that the onus lies on the shoulders of the chosen few; they should behave well and show the way to the people. I had the privilege of presiding over a House which did not go out of the way at all. We have not seen any such scenes which could be called derogatory. But sometimes there are vociferous outbursts of feelings, some heated arguments; and some people watching such scenes from the galleries come to me afterwards and say, 'What are the members doing?' They take an impression home.

When I was the Leader of the Opposition in the Punjab Legislative Assembly, I once transgressed my limits. At one stage on one day only I took the rules in my hands and went astray when some of my friends said that 'you must press this point.' But, afterwards, I felt ashamed. My friends from the Press came to me after two or three days and said, 'Well, you are not giving us anything to report'. I said, 'Well, gentlemen, you may write something against me even, but it was abhorrent to me to behave like that in the House. What I have to say I can say with full force and with full effect because, I have got command over the language and I can express myself vividly and effectively. But, I will not transgress the rules. If it hinders my progress or it hurts my party, let it be, but I am going to maintain the decorum in the House. I cannot let the baser instincts to get the better of my judgment and I am going to behave like an honourable member of the House, and I will do it."

If the Chair takes a wrong decision, the matter could be discussed with the Speaker in the Chamber telling him: 'This is wrong, Mr. Speaker. You are not doing justice to us, this is injustice.' There is a convention that in

Parliament a member of the Opposition is always the Chairman of the Public Accounts Committee. So it had been in the Punjab Legislative Assembly also. But, in my case, the convention was not followed. They appointed their own man. So, I went to the Speaker and told him : "This is disgraceful because it has not brought a good name to you and you will go down in history as having transgressed your limits." Well, I said all this as I felt it and I still feel the rancour about the way the Speaker acted doing injustice by sitting in the august Chair.

The Speaker should be conscientious in doing his duty. For him there should be no distinction between an Opposition party and the ruling party; he has to protect the rights of all members- That is where the Speaker comes in. The Speaker can make or mar a Parliament. He is the custodian of members' rights and the onus of responsibility is much more on him than it can be imagined. When he sits in the Chair, then only he can realise that it is such a heavy burden on his mind and soul. It is not an easy job at all. It is just like walking on a tight-rope. That is why he has to be very cautious.

Maintenance of discipline and order in the House is a delicate duty of the Speaker. In exercise of his disciplinary powers the Speaker can ask a member to withdraw a remark which is considered by him to be unwarranted, defamatory or unparliamentary. He can also order expunction of such remarks. He has the power to ask a member found guilty of misconduct to withdraw from the House. If a member disregards the authority of the Chair and obstructs the proceedings of the House, the Speaker can name him for suspension.

At times, the Speaker's duty to maintain discipline and decorum in the House brings him into confrontation with those honourable members who either try to misuse their right to freedom of speech in the House or persist in demanding immediate discussion on an item not included in the Agenda or try to obstruct the proceedings or create disorder. In such circumstances the Speaker is forced either to order that remarks made without his permission need not go on record or to take disciplinary steps against the erring honourable members. Such a situation is an unpleasant experience for the presiding officer and the House. Self-discipline, tolerance and decorous behaviour lend grace and strength to the parliamentary proceedings and hence all sections of the House should see that the debate is conducted without disturbance or interruption.

Of late there has been a talk in several quarters about the falling standards of discipline in our legislatures. Fears have also been aired in the Press that

the unruly scenes like the forceful obstruction of the proceedings, *dharnas*, physical fights, etc. witnessed sometimes on the legislative floors may undermine the people's faith and confidence in the legislatures. However, it goes without saying that if parliamentary decorum is not maintained in the legislatures and if the legislators themselves persist in violating the laws governing their conduct in the House, it may bring the parliamentary institutions into disrepute. It is, therefore, the duty of legislators to maintain high standards of conduct and parliamentary decorum.

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*Prof. Madhu Dandavate* : ...He requested that I may withdraw the resolution. I do not want moving a resolution to be just a ritual. Though he has accepted the spirit, he has rejected the resolution. Very often you say, 'We accept the spirit but reject the bottle.'...

(*L.S. Deb.*, 25 January, 1985)

## PARLIAMENT AND SOCIAL CHANGE

### ERADICATION OF THE DOWRY EVIL

TARA SINGH

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It is interesting to recall that the objectives of our freedom struggle were twofold, *i.e.* attainment of political as well as economic freedom for the people. At the Karachi session of the Indian National Congress in 1933, the concept of 'SWARAJ' was thus defined :

"In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions."

After attaining Independence this became the objective of the Constitution of free India when Pandit Jawaharlal Nehru, speaking on the Objectives Resolution before the Constituent Assembly, defined the task of the Assembly in these words :

"The first task of this Assembly is to free India through a new Constitution, to feed the starving people and clothe the naked masses and give every Indian fullest opportunity to develop himself according to his capacity."

The Constitution framed by the Constituent Assembly which consisted of eminent lawyers and statesmen, proceeds on the faith that all citizens are equal and will share the responsibilities and divide the fruits of their efforts so that equitable distribution of wealth takes place. It solemnly declares the establishment of a social order in which justice—social, economic and political—shall inform all the institutions of national life.

Our Constitution is a vivid social document because it includes the concepts of socio-economic-political justice, liberty and equality. It will not be out of place to have a passing glimpse at the Preamble of our Constitution which is an epitome of the articles of the Constitution and refers to social change :

**“WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens :**

**JUSTICE, social, economic and political ;**

**LIBERTY of thought, expression, belief, faith and worship ;**

**EQUALITY of status and of opportunity ; and to promote among them all**

**FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation...”**

The Preamble and the two Chapters of Fundamental Rights and Directive Principles of State Policy of our Constitution inform us the kind of society we wish to create. To promote the welfare of the common man is the corner-stone of our national objective. Ever since the attainment of Independence, we have been engaged in building up a new social order free from exploitation, injustice, want, ignorance and fear and in securing a better standard of living for all our citizens we have always given the greatest importance to the welfare of the oppressed and downtrodden sections of the society. Mahatma Gandhi, the Father of the Nation, devoted his entire life to championing the cause of the downtrodden. He waged a relentless war against social injustice and oppression irrespective of where they occurred or by whom they were perpetrated. We are carrying on Gandhiji's unfinished work.

In a parliamentary democracy like ours, Parliament and the State Legislatures are looked upon as the 'mirror of people's aspirations', or in other words, these may be called 'mirror of people's mind and guardian of their liberties'. There is hardly any activity of the people in which Parliament and the State Legislatures may not be closely interested. Our Parliament and the State Legislatures are the forums where grievances as well as aspirations of the people are ventilated and closely watched by the whole nation.

In a democratic system the most powerful organ of the government is the Legislature and its most important function, rather the primary function, is

law making. In this system law is supreme and the people are governed by laws and not by men. The importance of law is even cited in a *vedic* hymn as follows :

“Law is the king of kings, more powerful and rigid than they ; nothing is mightier than the law with whose aid even the weak prevails upon the strong.”

Law is thus the most important weapon both for bringing about social change and an equitable social order. It is an ‘effective weapon to create a new social order to bring about a bloodless social revolution.’ Social legislation provides means and opportunities for the fulfilment of the hopes and aspirations of an average citizen. Legislation of today as Oliver Wendell Holmes said, “is to meet the social needs of yesterday. Traditionally laws lag behind social opinion and the function of social legislation is continually to adjust the legal system to a society constantly outgrowing that system. Legislation calculated to bridge the gulf between the existing laws and the current needs of society may be called social legislation.”

Rule of law is the foundation of a democratic State. It is through legislative measures that human rights can be preserved and social welfare promoted. Our parliamentary system enjoins upon us to bring about social and economic transformation of the society. When social needs change, laws are also changed accordingly. Change is the law of life but change is the life of law as well. The life of law has not been logic but experience. The aim of sociological jurisprudence is welfare of society. Law must answer the felt needs of the time. It must have two aspects, *viz.* stability and dynamism. Law plays a positive role in a welfare state unlike in a police state.

In keeping with the principles enshrined in the Preamble of our Constitution many major reforms have been made in our society during the last over three decades through the process of legislation. Numerous legislative measures in the field of personal law, marriage, position of women, children and the downtrodden, labour welfare, health and land-reforms, etc., have been enacted by the Parliament and the State Legislatures. In our Five-year Plans various measures have also been adopted in order to obtain better management of the country’s economy and reduce inequalities in the society resulting from concentration of wealth in the hands of a few persons. Our record of socio-economic legislation during the last three decades must be reckoned as impressive by any account. But unfortunately, full impact of these measures has not been felt in the society. We have so far met with only a limited degree of success.

There is hardly any need to emphasise the overall importance of the role of modern social legislation in securing social justice and to redress the grievances of the needy, the neglected and the disadvantaged people. But legislation itself is a partial and incomplete agency of social change. Legislation creates only new situations and provides opportunity for change in the desired direction. It does not in its comprehensive sense firmly and unequivocally ensure the process of change which depends mostly on the willing cooperation of the people. For example, there is the famous Sharda Act or Anti-dowry Act but they are not implemented. It would be in the fitness of things to discuss here, in brief, the 'Dowry system' or 'Dowry evil' particularly in our Hindu society. The system of dowry is a custom handed over by tradition in this country. It simply means giving of cash or other gifts in the shape of property, movable or immovable, as part of the marriage solemnization, from one party to another. In general, giving of ornaments to the bride from her side, or from the bridegroom side, is not considered as dowry, but in some cases this may form a part of the dowry—in a conceptual sense at least. The system of dowry is considered to be archaic and as a form of social evil by the emancipated and advanced sections of the community. Yet despite universal resentment against it, the system has not died down—it continues overtly or covertly, and in a variety of forms.

To eradicate this social evil, a Central Act, entitled 'The Dowry Prohibition Act, 1961 (Act 28 of 1961) was enacted. Section 2 of the Act defines 'Dowry' in the following manner :

'Dowry' means any property or valuable security given or agreed to be given either directly or indirectly :

- (a) by one party to a marriage to the other party to the marriage,
- (b) or by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person.

#### *Explanation-I*

For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

#### *Explanation-II*

The expression 'valuable security' has the same meaning as the section 30 of the Indian Penal Code.

It is important to notice that if dowry is given as a consideration for the marriage then only giving or taking of dowry amounts to an offence. Consideration is a common word and it means a thing given or done as equivalent by a person to whom a promise is made. To constitute consideration there must be an act or promise on the part of the promisor or some other person at the desire of the promisee. The Act also provides penalty for giving or taking of dowry and also for demanding it. A pertinent question, therefore, arises as to how it would be proved to the satisfaction of the court that the dowry was given or taken as a consideration for the marriage, both the persons, the one who gives the dowry and the other who accepts it, being liable to penalties. It is difficult to visualise that either of them would file a complaint against the other to put him behind the iron bars. This is one of the lacunae which is cited as an illustration and is a great impediment in the proper implementation of this social legislation. The Dowry Prohibition Act, 1961, therefore requires some suitable amendments to be made therein in order to implement and enforce it in the spirit in which it had been enacted. Besides, public cooperation is essentially needed to implement the provisions of this Act. The quicker we get rid of the social evil of dowry the glory will be of mankind.

Similarly, many fine land reform measures were never enforced because adequate popular support has been lacking. Social legislation is related to social reform and social change. Any change is resisted by the vested interests. Therefore, state legislation in such matters can only succeed if there is a popular sanction behind it. The *Sati* system was abolished because there was a powerful movement against it led by Raja Ram Mohan Roy. The Minimum Wages Act, the Money Lending Act, and the land reform measures can, therefore, succeed only when there is an adequate agrarian movement and social consciousness.

While discussing the social change brought about in our society after Independence, it would be apt and essential to make a mention about the evil of untouchability—an age-old social stigma. This evil has been prevalent in the Indian society for ages. It is one of the most inhuman practices of social inequality—an evil, in Gandhiji's words—a curse that is eating the vitals of the Indian society. Religious and social reformers have throughout the ages been trying to wipe out this evil from the Hindu society. If we go back to the history, the process of removing this cruel curse began roughly with Lord Budha. Religious reformers in the middle ages like Guru Nanak Dev, Guru Gobind Singh, Kabir, Chaitanya, Tuka Ram and Radhaswami tried



their best to remove this evil. In the modern times, the Arya Samaj, the Brahma Samaj and many other religious-cum-social reform movements have all endeavoured to get the evil of untouchability abolished. Under Gandhiji's leadership, the removal of untouchability was made an item of the entire reconstruction programme. Gandhiji firmly held that untouchability was not essential to Hinduism but a pernicious growth. Now it is in the fitness of things that untouchability has been removed by law under the Indian Constitution. Behind the earlier efforts to remove untouchability there was no sanction of law. Article 17 abolishes untouchability and forbids its practice in any form.

The social laws that we have made are freely violated. There are many impediments in the enforcement of social laws in India. The main difficulties in the enforcement of social legislative measures in the country are as follows :

- (i) *Legal difficulties* : Sometimes the social enactments are challenged in the court of law and are declared violative of our Fundamental Rights. For example, the Suppression of Immoral Traffic in Women and Girls Act, 1956, has been challenged as violating the freedom of profession provided under article 19 of our Constitution. Further, the Bombay Prohibition Act, 1948, was held invalid under article 19 of our Constitution.
- (ii) *Execution difficulties* : Since there is no separate machinery to supervise the enforcement of social legislation we cannot expect special attention to these problems which require a social outlook. Therefore, separate machinery needs to be created to supervise the enforcement of social legislation.
- (iii) *Judicial difficulties* : The judicial system in India is both dilatory and expensive. The weaker sections of the society such as the women, the Harijans, the rural and urban poor and the dowry sufferers, etc. cannot go to the courts and spend so much of their time and money. The greatest need therefore, is that the judicial process may be simplified and made less expensive.

It is a fundamental principle that for the successful working of a democratic government an awareness and understanding of the law by the people is necessary. But in a society like ours where illiteracy is very high and where 80% of the people live in the villages and poverty and hunger have taken deep roots, the customs are obeyed more spontaneously than the laws. It is difficult to enforce social legislative measures in the spirit in which

they are enacted. Further, the rule of law cannot thrive in a land which is corroded by social, religious, and economic differences and divisions. Incidents of birth such as race, religion, caste, language, family ties, sex, social position, property, etc. have hitherto divided the society and are still playing a vicious role in our social life.

It is to be remembered that man by nature resists change. It is a curious fact that it is not only the unjust man who opposes change. Even the victim sometimes resists change because he has got accustomed to a certain system. Unless we are able to bring about a change in the attitudes of our people, unless we are able to bring about a consciousness in our people, any social legislation will not yield the desired results and its implementation will be difficult. Law depends for its success on two factors: first, of its being known by the people and secondly, by its general acceptance on the part of the people concerned.

Under the present prevailing circumstances our legislators have a crucial role to play in reshaping the society as a whole. They, in fact, are the social investigators and opinion leaders in the community. They can better employ their special services for social evolution. It would not be out of place to mention that the people's duty does not end by just electing their representatives; it extends to giving meaningful cooperation all along to their elected representatives in the matter of willing and whole hearted support in the implementation of laws, rules and regulations which would serve the cause of the people at large. Further, a social legislation must be above party politics. Of course, it is the duty of the ruling party to sponsor any reformative social legislation. All political parties must be involved in social legislation and they must be consulted before bringing any such legislation. Social legislation can be successful only if the political leaders and political parties do not treat it as a party subject and work with dedication for its implementation. Then only it is possible to implement any social legislation successfully.

Further, for achieving the common goals and objectives to which we are determined, there should be a thinking to synthesise the function of all the three main wings that constitute the political structure of our country. If social justice has to become a reality, our Parliament and the State Legislatures should go beyond simply enacting laws. They should see that a proper machinery is created and adequate resources allotted for the proper implementation of the enactments.

**Conclusion :** Our society is fast changing and the social change must be reflected in the modern day legislation so as to lay the foundations of an egalitarian society. Our Parliament and the State Legislatures are not just static bodies but living institutions and must truly reflect the contemporary forces in the country at large. They are the trustees of the welfare of the community and it is their sacred duty to frame laws in keeping with the pace of the society. They are first and last people's institutions and therefore must serve the needs of the people. They have to achieve the socio-economic objectives of democracy. Gone are the days when legislatures made laws only for administration. There has to be a change—a change in the right direction and a change at the right place. Our Parliament and the State Legislatures have yet to play certain major creative roles with a sense of urgency to reshape our society and in bringing about social transformation.

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*Shri A.K. Sen :* ...The history of India is a history of the Ganges. It has flowed through the ages, and all the streams have come and merged into this great flow, and they have merged themselves completely, yet retaining their identity—like the great *Sangam* at Allahabad where the Jamuna and the Ganga are near each other, and yet they are merged. So also most of the Sikhs, Hindus, Jains and Christians merge into the great ocean of Indianhood which is called *Bharat Desh* by Dr. Tagore...

(*L.S. Deb.*, 23 January.1985)

PARLIAMENTS AND INFORMATION DISSEMINATION†

DR. SUBHASH C. KASHYAP\*

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'Information Dissemination' involves gathering, organizing and, may be, also processing and analysing information, storing it in easily retrievable form and making it available promptly and in readily usable form to those who need it or to whom it is proposed to be communicated. All this may be done through techniques and tools—manual, mechanical or electronic—that may be available or that may be deemed most appropriate. The purpose is to manage the flow of information on a chosen field in a manner designed to help the user get relevant information, as and when required or targetted.<sup>1</sup>

'Parliaments and Information Dissemination may mean dissemination of information

- to Parliaments
- by Parliaments
- between Parliaments, or
- about Parliaments.

Information is crucial to Parliaments. As the supreme deliberative and law-making bodies for their respective countries, Parliaments must have

† This paper was presented by the author at the IFLA Conference in Munich.

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1. Kashyap, Subhash C., Information Management for Members of Parliament, *Journal of Constitutional and Parliamentary Studies*, VII, 2, pp. 108-116; Inter-Parliamentary Union, *The Member of Parliament: his requirements for information in the modern world*, 3rd International Symposium, Reports and Debates, Geneva, 1973, see report by Subhash C. Kashyap, pp. 64-75.

unrestrained access to information. They have an inalienable right to be informed. To debate, discuss and decide, Parliaments need information that is timely, truthful and full.

If Governments are answerable to their Parliaments and must provide them the information they require or ask for, Parliaments themselves are answerable to the peoples they represent, and cannot hope to survive for long if the latter are not kept informed by them. For, every people have a right to be kept informed *by* their Parliament. The new communication technology has radically transformed many things but not the central position of Parliament itself as a powerful medium for information dissemination. Situated between the people and the Government, as they are, the Parliament and the parliamentarians constitute the best communication linkage between them.

Faced with a myriad common problems, parliaments have much to share and learn from each other's experience and knowledge. To discuss possible solutions to their problems, parliamentarians wish to know how similar problems are handled in other countries or by other Parliaments. There is, therefore, a growing need in Parliaments for information regarding other countries and for comparative analysis as the basis for decision-making. Exchange of information *between* Parliaments assumes considerable importance in this context.<sup>2</sup>

The question of dissemination of information *about* Parliaments is, however, of the most decisive importance for the future of parliamentary institutions all over the world. No people can be taken for granted even by their Parliament. The image and the continued acceptability and appreciation of the institution depends upon what the people know about it—its structure, ways of functioning, activities, achievements, members etc. Dissemination of information about Parliaments could contribute greatly to bringing them closer to their peoples and to strengthening the parliamentary institutions generally.

For dissemination of objective and unbiased information, the best mechanism thus far developed anywhere is that of Library and Research, Documentation and Information Services (LARDIS)—with whatever name called—set up and controlled by the concerned Parliaments themselves. Not

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2. Bystrom, T. and Spicer, E., International Co-operation on Information for Parliament, *Inter-Parliamentary Bulletin*, 3rd Quarter, 1974, pp. 117-124.

all Parliaments, however, can afford to have well-equipped LARDIS suitably manned by high quality and well-trained professionals—librarians, information scientists, subject and area specialists, etc. The problem is particularly acute in several of the new and developing countries. For, while it is now generally recognized that information is the most vital resource for development and the information needs of legislators in developing countries are the most urgent and vital to their effective functioning, it is precisely they who lack the necessary resources for the purpose. In other words, those who need it most can least afford it. Hence the need for international assistance and co-operation and the relevance of an international organization taking up the task.<sup>3</sup>

Perhaps, it is not known as widely as it should be that the Inter-Parliamentary Union (IPU) is the oldest international political organisation in the field of inter-parliamentary relations. Founded in 1889, it has now existed for nearly a hundred years and survived the two World Wars. National Parliamentary Groups from more than a hundred countries of the world are at present members of the Union. The fundamental objectives of the Union are twofold :

- development and strengthening of parliamentary institutions with a view to improving their working and enhancing their prestige.
- advancement of the work of international peace and co-operation.

Here, we are concerned with the first of these objectives. In the early 1960s when in many countries of the world, political, parliamentary and academic circles were discussing and talking about the 'decline of Parliaments', the IPU came forward with a most constructive approach and a stand of far-reaching consequence. It found that comparative data in regard to Parliaments was sorely lacking and felt that detailed and methodical study of the structure and life of parliamentary institutions and dissemination of information about them would be the most effective way of strengthening them and increasing their prestige. This was proposed to be achieved through the instrument of the new International Centre for Parliamentary Documentation (CIDP) which was finally set up in 1965 after a gestation period of some two-three years.<sup>4</sup>

In 1971, a long-term plan of action for CIDP activities during 1972-80 was finalized. It was based on the premise that it was "necessary and urgent

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3. Kashyap. *op. cit.*

4. Cornillon, Pierre, *Inter-Parliamentary Union : Its International Centre for Parliamentary Documentation and Aid to the Parliaments of Developing Countries, A Statement.*

for the Union to play an increasingly active and effective role" in respect of strengthening of parliamentary institutions. The plan envisaged a series of activities designed to further dissemination of information regarding the working of parliamentary institutions in different parts of the world and to contribute to the strengthening of their infrastructures. The proposed activities included :

- (a) sustained improvements in documentation work and supplying of information in response to enquiries,
- (b) specialized studies on subjects of parliamentary interest,
- (c) organization of a series of international symposia on parliamentary topics, and
- (d) establishment of a technical co-operation and training programme with funding from UN bodies.

CIDP activities during the year 1972-82 were carried on broadly in accordance with this plan.

As at present constituted, the CIDP is an integral part of the secretariat of the Inter-Parliamentary Union. It is guided in its work by an international Consultative Committee of Experts. It endeavours to achieve its foundational objectives by :

- systematically collecting, arranging, analysing and disseminating information on national Parliaments—their structure, composition, functions, processes and procedures—in a comparative perspective ;
- undertaking the preparation and publication of comparative studies on Parliaments and their problems ;
- attempting to bring together parliamentarians, academics, experts, senior civil servants and others with a view to cross-fertilization of ideas and perspectives on parliamentary institutions and their working ;
- helping the Parliaments particularly of developing countries with expert assistance, training programmes etc. to improve their infrastructures.

The current activities of the CIDP may be grouped accordingly, under four broad heads :

- Library and Documentation,
- Research and Publications,

- International Symposia and Meetings, and
- Assistance to Parliaments and Technical Co-operation.

*Library and Documentation*

The first set of CIDP tools and services consists of its Library collections, catalogues and reference materials developed over the years. The Library is necessarily small in size and limited in scope but highly specialized in its field, *i.e.* parliamentary political science, comparative constitutional law and legislative studies. Its present holdings include such diverse materials as texts of constitutions, electoral laws and treaties, studies, monographs, reports, theses, periodical articles, bibliographies, abstracts and indices. The Library constantly adds to its collections through systematic acquisition of new titles—mainly in English and French—within its subject areas. It also receives a certain number of books as gifts. Regular contacts are maintained with international organizations, universities, relevant research institutes etc. for exchange of publication and collection of latest documents and information in regard to them. Card catalogues by authors, titles and subjects are maintained. The classification system adopted is U.D.C. The subject catalogue includes also analytical entries giving references to especially interesting chapters in books, to periodical articles indexed in the Library, texts of official documents etc. This is particularly valuable for investigations carried out by the CIDP staff and the outside researchers using the Library. All newly acquired materials are also recorded in the Library's *List of Books and Articles catalogued* which is issued every year sent free of charge to a large number of addresses, including parliamentary libraries, universities, institutes and specialized libraries in the areas of constitutional law and political science.

The second—and perhaps the more important—set of the CIDP tools and services consists of its various documentation files and reference folders. Folders are maintained in respect of all the countries of the world, particularly those having Parliaments *i.e.* some kind of a legislative body apart from the executive. So far as possible, each country folder includes separate files on :

- Constitutions and constitutional developments, amendments etc. ;
- Electoral systems, election laws, rules and regulations, electoral developments, changes in laws, rules etc., general elections to the national legislature and results thereof ;
- Parliamentary procedure : Rules of Procedure/Standing orders of (the Houses of) Parliament [Texts relating to the organisation, adminis-



tration, composition and powers of Parliament (and/or Houses thereof) and the position of its members—their privileges, immunities, remunerations etc.]

—Recent parliamentary developments ;

—Parliamentary Libraries, Research, Reference, Documentation and Information Services.

The CIDP collects data also on specific aspects of the activities of Parliaments by conducting international enquiries either on its own initiative or in response to requests received. Within the limitations of its manpower and other resources, the Centre offers its library and documentation facilities and services and its skills and fund of information freely to all those interested. The books, documents and data are available to all those who wish to consult them at its headquarters. The Centre also endeavours to give as full replies as possible to all requests for information on specialized bibliographies which it receives from all over the world—from parliaments, parliamentarians, academics, universities, institutes, individual scholars and researchers or just plain citizens of any country. There have been occasions when the comparative documentation available at the Centre was utilized by the concerned authorities of some of the countries engaged in drafting their new constitutions. The Centre itself, however, scrupulously avoids giving any opinions or making any value judgements, the endeavour being to be strictly factual and objective.

The CIDP receives very valuable assistance from the members of its network of national correspondents which now covers some 105 countries. The correspondents generally are senior officers of the staff of Parliaments. They are the key persons who keep the Centre informed of new publications, relevant documents and latest developments in the Parliaments of their respective countries ; of the constitutional changes ; of developments in electoral laws, holding of fresh elections and results thereof ; etc. They help Centre in the important matter of ensuring timely responses to Questionnaires for its comparative studies. Also, they publicize the CIDP activities and publications in their respective countries. The correspondents—the quantum of their contribution varying naturally—perform this onerous task on a voluntary basis. The Centre, of course, maintains close relations with them. Under a new practice started early this year, with a view to developing closer links and regular contacts between the Centre and its correspondents, the head of the CIDP writes to all correspondents a friendly letter twice a year—in January and July—to keep them contemporaneously informed of the

activities of the CIDP at the Union headquarters and to enable them to make ever more fruitful contributions to enriching the CIDP documentation folders and files and helping in the other activities in the service of Parliaments and parliamentarians the world over. The correspondents are requested similarly to write twice a year—in February and August—to keep the CIDP informed of the activities and developments in their Parliaments. On its part, the CIDP is at the disposal of its correspondents with all its modest resources in terms of information, documentation, publications etc.

### *Research and Publications*

From the material it collects, the CIDP extracts the most important information and disseminates it through its publications. Thus, it prepares a comprehensive comparative study on the composition, organization and functioning of Parliaments. The study was first published in 1962 in English and French. A revised edition came out in 1966-67. The most recent edition of this work, entitled *Parliaments of the World: A Reference Compendium*, was published in 1976. It analysed information provided by 56 Parliaments, in response to an extensive international enquiry conducted by the Centre in 1973-1974, in a series of 70 tables preceded by introductory text. The only work of its kind, it was very well received in parliamentary and academic circles and has become one of the most prestigious publications of the CIDP. The CIDP is currently engaged in preparation of a new comparative study on the *Parliaments of the World*. In accordance with the research design approved by the Consultative Committee of Experts, the new study will be based on a different perspective and approach and on fresh materials collected from Parliaments of the world through a Questionnaire which was addressed to some 139 Parliaments. The Study will have nearly 50 chapters with as many comparative tables and may run into approximately one thousand pages in print.

The CIDP's annual *Chronicle of Parliamentary Elections and Developments* which has been in increasing demand, reports on all the legislative elections held from 1 July of a year to 30 June of the following year. Each of the chapters on a specific country outlines the electoral system and gives the statistical results of voting in the latest election and the distribution of seats in Parliament. The first section of each *Chronicle*, called "Parliamentary Development", summarizes the changes which have occurred in the organization, composition, methods of operation and powers of Parliaments during the year covered, and has recently been enlarged in an effort to concurrently update the information contained in *Parliaments of the World*.

*The World-Wide Bibliography on Parliaments*, was published by the CIDP in 1978 with the aim of providing a useful quick-reference tool in the field of existing literature on national legislatures. This bibliography—a country-by-country list of more than 4,600 works followed by a detailed classified index and author index—is meant to facilitate research into all aspects of parliamentary life. A supplement to the *Bibliography* was issued in 1980. It covered works published during 1977—79 and contained about 2,850 entries. Another supplementary volume covering titles issued during the years 1980—82 was published during 1983.

Another CIDP publication, the *World Directory of Parliaments*, contains bilingual loose-leaf data sheets on each Parliament (or House existing in the world's independent countries, enumerating basic characteristics (name and address of the assembly, number of members and term of office, date of last general elections) related to the legislature concerned. It furthermore takes account, as from 1980, of the data given in the CIDP's former "Directory for Exchange and Communication of Parliamentary Information," whose purpose was to facilitate direct contacts between information services. The latest edition of this reference booklet—which is updated annually—contains entries on 139 Parliaments.

Some of the other *ad hoc* studies conducted by the CIDP during the last few years have been :

- (i) Organisation of the Staff of Parliaments (in collaboration with the ASGP).
- (ii) Responsibilities of MPs towards the Electorate.
- (iii) Forms and methods of voters' participation in the Legislative Process.

Studies prepared by the CIDP for the symposia have included :

- (i) The member of Parliament : his requirements for information in the modern world (Synthesis of an international enquiry on the subject).
- (ii) Study of the Provisions for the information of M.Ps concerning the activities of the United Nations and its specialised Agencies (in co-operation with the UN).

*Use of computers in the Information Services of Parliaments* is a new research project taken in hand by the CIDP in co-operation with the Inter-Governmental Bureau of Informatics (IBI), Rome early in 1983. Based on an international enquiry and the responses to a comprehensive and structured

Questionnaire addressed to 139 Parliaments, the results will be published in the form of a Report. A Draft report was completed and circulated among the Parliaments of the world. It has since been published.

### *International Symposia and Meetings*

From time to time, the CIDP serves as a forum for debates and organizes international gatherings devoted to the study of current parliamentary problems. The meetings and symposia organized by the CIDP are attended by members of Parliament, Secretaries-General Clerks of Parliaments, servants, scholars and specialists in the fields concerned. A substantial part of the interest in the debates is derived from the fact that they provide an excellent opportunity for a broad confrontation of opinion and approaches from different angles to key

problems of functioning of Parliaments. A Survey of one of the CIDP's international symposia had this to say :

"The Symposium ... was a good indication of the usefulness of bringing together men whose intellectual approach differs not only because they belong to different ideological systems but also because their training, like their chief preoccupations, has developed along quite distinct lines. It makes possible this extensive confrontation of arguments, based on many conflicting approaches, whose value lies in spotlighting a specific problem from different angles so as to bring out its multiple facets. It was surely this conviction that led the administrators of the Union and of the CIDP ... to give a new dimension to the Organization's already extensive activities by means of these Symposia."<sup>5</sup>

Since its setting up in 1965, the CIDP has organized international symposia on the following themes of direct concern to all parliamentary circles :

- Present day problems of Parliament ;
- Parliament and its means of contact with public opinion through the press, radio and television ;
- The member of Parliament : his requirements for information in the modern world;

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5. Cornillon. Pierre, *Parliament Today and the Mass Media—A Survey of the Work of the 2nd Symposium, Inter-Parliamentary Bulletin*, 1st Quarter, 1969, pp. 4—12.

- Who legislates in the modern world ? and
- Parliaments and the United Nations.

In all cases, the verbatim records of the symposia proceedings are published and made available to those interested

From the view-point of the parliamentary libraries and librarians, it may be of special interest to know that the symposium on Information Requirements of Members organized by the CIDP in 1973 was said to have provided to them "international recognition"<sup>6</sup> and was considered "the watershed" in inter-parliamentary co-operation insofar as it recognized the parliamentarians' need for "more and more comparative information".<sup>7</sup> According to a survey of the symposium, it was to be "seen in the context of a virtually universal challenge to transmit, share and use each other's knowledge."<sup>8</sup>

An indirect outcome of this very CIDP symposium was the decision of the IPU to commission a special enquiry into the needs and practical steps to ensure effective co-operation between Parliaments in the field of external information, i.e. facts, data, documents and analyses concerning and originating in one country and required in another. The results of the enquiry recognized that the challenge was "to locate and then to transmit rapidly and accurately, pertinent existing information from one country to another in a useful form", so that parliamentarians had "an increasingly needed comparative basis for their decision-making". The recommendations made in the results of the enquiry, *inter alia* included :

- (i) organized collection and exchange of documents of central importance obtained during tours by parliamentarians and parliamentary staff as members of parliamentary delegations or otherwise;
- (ii) establishment of communication links between Parliaments and international organizations;
- (iii) developing a comprehensive co-operative network of Parliamentary Libraries, Documentation and Research Services with each Parlia-

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6. Englefield, D., *Survey of Parliamentary Libraries, Documentation and Information Services*, European Centre for Parliamentary Research and Documentation, Luxembourg (sic), 1983 (sic).

7. Reid, A.S., Information for the Member of Parliament, *The Information Scientist*, II (2), June 1977, pp. 43-51.

8. Barker, A., Information for the Parliamentarians: A Technical and Political Challenge, *The Parliamentarian*, LIV, No. 2, April 1973, pp. 88-92.

mentary Library having close links with its counterparts in other national Parliaments;

- (iv) use of diplomatic pouches and the most modern means of operational communication for prompt transfer of needed information and exchange of important publications, bibliographies, indexes, legislative calendars etc.<sup>9</sup>

Inter-parliamentary co-operation in the field of information dissemination may take various forms. It may be bilateral between two Parliaments. It may be regional or based on religious, linguistic, cultural or other affinities or historical ties as in the case of the members of the Commonwealth of Nations or the Commonwealth Parliamentary Association, the Council of Europe and the European Parliament; the International Association of French Speaking Parliamentarians, the Arab Inter-Parliamentary Union, Union of African Parliaments, Asian-Pacific Parliamentarians' Union, Latin American Parliament etc. most of them associated with the Inter-Parliamentary Union with 'observer' status. Also, inter-parliamentary co-operation may be global as in the case of the Inter-Parliamentary Union itself and its International Centre for Parliamentary Documentation discussed in the preceding paragraphs of this paper. Mention should be made of the close professional contacts at the functional level that the CIDP has always maintained with other international bodies devoted to library and information activities, for instance :

- International Federation of Library Associations (IFLA), particularly its Parliamentary Libraries Section,
- European Centre for Parliamentary Research and Documentation (ECPRD), particularly its Data Processing and Parliamentary Terminology Groups,
- Parliamentary Information and Reference Centre of the Commonwealth Parliamentary Association, and
- Inter-Governmental Bureau of Informatics, particularly for conducting a joint project on Informatics in Parliaments.

#### *Assistance to Parliaments and Technical Co-operation*

The CIDP is responsible for the implementation of the Union's two technical co-operation programmes for Parliaments. Under the first Programme

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9. Bystrom and Spicer, *op. cit.*

which was set in motion in 1972, large scale projects, financed by the United Nations Development Programme (UNDP), are carried out. The aim of these projects is to assist the Parliaments of developing countries, particularly those of relatively recent growth, at their request, to improve their technical means and the infrastructure of their services and facilities and carry out their tasks more effectively in increasingly complex fields. This is sought to be achieved primarily through :

- study tours and in-service training of staff in the more advanced and experienced Parliaments;
- expert consultative missions to the Parliament concerned; and
- on-the-spot training courses given by experts of the CIDP or those deputed by the CIDP.

The United Republic of Cameroon, India, Uganda, Zambia and Algeria have thus far benefited from this programme. The Cameroon project resulted in the setting up of a documentation and study service within the Cameroon Parliament. Under the India project, 12 parliamentary officials were provided with study tours or training fellowships in different parliaments of the world. The Algerian project which is an ongoing one, is directed towards the setting up of a computerized legislative index service. To assist the Parliament of Uganda in its rehabilitation and recovery programme and in setting up a Library, Research and Information Service for its members, a short visit in the nature of a need identification and project formulation mission was undertaken by the head of the CIDP in 1982. The US\$ 70,000 project has since been accepted by the UNDP and by the Ugandan Government and after formal approval it is expected to get operational. In the case of Zambia, a sum of US\$ 50,000 has been provided by the UNDP for the development and strengthening of its library facilities.

Besides, several other countries—Sudan, Djibouti and Gabon among them—have expressed interest in benefiting from the technical—co-operation programme and relevant steps are under discussion and correspondence at various stages. In Bangladesh, a project document was actually prepared after a short expert mission but could not be proceeded with due to the dissolution of Parliament and other internal developments. A project for the Parliament of Rwanda had to be similarly given up at an advanced stage.

The other programme which is a modest one and is financed by the Union's own budget, is that of information seminars on the working of the Union. These seminars enable small groups of Parliamentary officials better

to acquaint themselves, at the IPU Headquarters, with the work of the organization and with the working methods of other Parliaments and national Parliamentary groups. Over 100 officials from more than 50 different Parliaments have so far participated in these two-week seminars begun in 1973 and organized annually, with their proceedings conducted either in English or French. By meeting together at these seminars, parliamentary officials from different countries are also able to compare problems and exchange experience through mutually rewarding discussions.

In conclusion, it may be said that though the CIDP is modest and small in terms of the space occupied and the number of staff members, it performs a useful and important role in strengthening parliamentary institutions through inter-parliamentary co-operation and dissemination of information. To what extent has the CIDP been successful in achieving its foundational objectives? This may be a question difficult to answer. It is never easy to quantify results of such endeavours. In any case they cannot be measured in terms of any quick pay-off potentials or results. While, as always, much remains to be done, what has been achieved is considerable and a tribute to the abilities and farsightedness of the leadership of the Inter-Parliamentary Union.

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*Shri Janardhana Poojari* : ...I will answer the second part of the question first.

*Mr. Speaker* : ...You will catch him by the tail.

(*L. S. Deb.*, 25 March, 1983)



## JOINT COMMITTEE ON OFFICES OF PROFIT\*

SEVENTH LOK SABHA

*Introductory*

Article 102(1) (a) of the Constitution of India provides that a person shall be disqualified for being chosen as and for being a member of either House of Parliament if he holds any offices of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder. Article 191 makes analogous provision in respect of membership of State Legislatures. The Parliament (Prevention of Disqualification) Act, 1959, declares that certain offices, in so far as they are offices of profit under the Government of India or the Government of any State, shall not disqualify the holders thereof for being chosen as, or for being, a Member of Parliament. The expression "holds any office of profit under the Government" occurring in articles 102(1)(a) and 191(1)(a) has not been defined either in the Constitution or in the Parliament (Prevention of Disqualification) Act, 1959. Its scope has to be gathered from the pronouncements, from time-to-time, of courts, election tribunals and opinions of the Election Commission on what constitutes "office", "profit", "office under the Government" and so on.

*The Concept*

The concept of disqualifying a holder of office of profit under the Government for being chosen as, and for being, a member of legislature originated from the need in democratic governments to limit the control and

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\*Contributed by the Committee Branch—II, Lok Sabha Secretariat.

influence of the executive over the legislature by means of an undue proportion of office holders being members of the legislature. Further, holding of certain offices was considered incompatible with the membership of legislatures due to physical impossibility of a person attending in two places, or heavy duties being attached to those offices.

### Origin

Since the Constitution came into force, Government offered from time to time various positions to members in the public interest. On examination, it was found that some of the offices which the members held, came within the purview of 'offices of profit', and from time to time Government had to save members from disqualification by introducing legislation in Parliament. This position was unsatisfactory as there were no guiding principles to determine whether a certain office of profit incurred disqualification or not. The Speaker considered that the whole thing was proceeding on an *ad hoc* and piecemeal basis. He, therefore, called an informal meeting of representatives of the various Parties in Parliament on 30 April, 1954. It was suggested at the meeting that a Parliamentary Committee might be constituted to examine those cases and to lay down principles on the basis of which legislation could be brought before the House. The Government might also, in the first instance, place before the Committee for its opinion, any such legislation which they intended to bring before the House, so that Government would have the advantage of the considered opinion of a Committee in which all sections of the House were represented. Accordingly on 21 August, 1954, the Speaker Shri G. V. Mavalankar in consultation with the Chairman of Rajya Sabha, constituted a Joint Committee of the two Houses consisting of ten members of Lok Sabha and five members Rajya Sabha under the Chairmanship of Pandit Thakurdas Bhargava. M.P., to study various matters connected with disqualification of members under article 102(1)(a) of the Constitution and to make recommendations in order to enable the Government to consider the lines along which a comprehensive legislation on the subject with elaborate schedules providing a list of offices which were to be exempted and also a list of such offices as would disqualify the holder, should be brought before the House. This Committee popularly known as Bhargava Committee, *inter alia* recommended that :

“...ordinarily members of Parliament should be encouraged to go on such Committee which are of an advisory character and represent the local or popular point of view in a manner which will

effectively influence the officials' point of view. Members of Parliament by virtue of their membership are in a position to say and represent certain matter with some authority and confidence, and their views are likely to go a long way in influencing the view point of officials. It is at the same time felt that consistent with the above view expressed, members of Parliament should not be permitted to go on Committees, Commissions, etc. which jeopardise their independence or which will place them in a position where they receive some patronage from Government or are themselves in a position to distribute patronage."

Besides recommending a comprehensive law on the subject with elaborate schedules providing a list of offices which were to be exempted and also list of such offices as would disqualify the holder, the Bhargava Committee also recommended that a standing Committee of Parliament should constantly keep a watch on new as well as the existing offices with a view to include them in, or exclude them from, the lists, since no such schedules could ever be exhaustive.

Following this, the Government introduced on 5 December, 1957, a Bill in Lok Sabha which became law on 4 April, 1959, known as the Parliament (Prevention of Disqualification) Act, 1959. This Act forms the basis of work by the Joint Committee on Offices of Profit.

There is no provision in the Parliament (Prevention of Disqualification) Act, 1959, for the constitution of the Joint Committee and there are neither any rules in the Rules of Procedure and Conduct of Business in Lok Sabha nor any directions in the Directions by the Speaker under the Rules of Procedure indicating the scope and functions of this Committee. The Joint Committee on Offices of Profit was constituted for the first time in August, 1959, on a motion brought forward in Lok Sabha by the Government in pursuance of an assurance given by the Minister of Law on 2 December, 1958, during the course of discussion on the Parliament (Prevention of Disqualification) Bill, 1957, that such a standing Committee would be constituted.

### *Composition*

The Joint Committee on Offices of Profit is constituted for the duration of each Lok Sabha.\* The Committee consists of fifteen members, ten from Lok Sabha and five from Rajya Sabha, elected from amongst the members of

\*The Committee was, however, not constituted during the term of the Sixth Lok Sabha.

each House respectively according to the principles of proportional representation by means of the single transferable vote. The Speaker appoints the Chairman of the Committee from amongst the elected members of the Committee.

### *Functions*

The functions of the Joint Committee on Offices of Profit are :

- (i) to examine the composition and character of all existing 'committees' and all 'committees' that may hereafter be constituted, membership of which may disqualify a person for being chosen as, and for being, a member of either House of Parliament under article 102 of the Constitution ;
- (ii) to recommend in relation to the 'committees' examined by it what offices should disqualify and what offices should not disqualify ;
- (iii) to scrutinise from time to time the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, and to recommend any amendments in the said Schedule, whether by way of addition, omission or otherwise.
- (iv) to-examine any queries relating to 'offices of profit' received from the members of Parliament, Ministries of the Government of India, State Governments or other Institutions and send replies in appropriate cases.

### *Working of the Committee*

After the Joint Committee on Offices is constituted, all the Ministries of the Government of India and the Chief Secretaries of the State Governments and the Union Territory Administrations are addressed to furnish the particulars of Committees, Commissions, Boards etc. constituted by them. They are asked to furnish, *inter alia* the composition, mode of appointment, term of office, remuneration payable and functions of each Committee. The information so received is first examined by the Lok Sabha Secretariat to see if it is complete in all respects or whether further information or elucidation is required. A self-contained memorandum for each Committee/Commission/

Body etc. giving all the necessary information is placed before the Joint Committee for its consideration.

On the basis of recommendations made in respect of such bodies, reports of the Joint Committee are prepared which are finally presented to Lok Sabha and laid on the Table of the Rajya Sabha from time to time. The reports, after presentation, are also sent to the Ministry of Law to give effect to all the recommendation-contained therein.

*Guidelines followed by the Committee*

Though the broad criteria for the determination of the question whether an office held by a person is an office of profit have been laid down in various judicial pronouncements, the Joint Committee, however, has consistently held that if the Government exercises control over the appointment to and dismissal from the office and over the performance and functions of the office and in case the remuneration or pecuniary gain, either tangible or intangible in nature, flows from such office irrespective of whether the holder for the time being actually receives such remuneration or gain or not, the office should be held to be an office of profit under the Government.

The Joint Committee on Offices of Profit has been consistently following the undernoted criteria to test the Committees Commissions, etc for deciding the question as to which of the offices should disqualify and which should not disqualify a person for being chosen as and for being a member of Parliament :

- (i) Whether the holder draws any remuneration, like sitting fee, honorarium, salary, etc. *i.e.* any remuneration other than the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 ;

[The principle thus is that if a member draws not more than what is required to cover the actual out-of-pocket expenses and does not give him pecuniary benefit, it will not act as a disqualification.]

- (ii) Whether the body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc. or gives powers of appointment, grant of scholarship, etc. ; and

- (iii) Whether the body in which an office is held wields influence or power by way of patronage.

If reply to any of the above criteria is in affirmative then the offices in question will entail disqualification.

*Achievements during the Seventh Lok Sabha*

During the Seventh Lok Sabha, the Committee scrutinised particulars of about one thousand bodies and examined in detail the composition and character of 299 'Committees/bodies' for determining whether the membership/directorship thereof ought to disqualify for being chosen as and for being a member of Parliament. The recommendations of the Committee are included in their twelve reports presented to Parliament. The important recommendations of the Committee are as mentioned below :

- (i) The office of the Vice-Chairman of the Himachal Pradesh Scheduled Caste Development Corporation not to be exempt from disqualification as the functions and powers to be exercised by him as Vice-Chairman were of executive and financial nature and also in view of the regular monthly payments of Rs. 300 p.m. by way of conveyance allowance and Rs. 400 p.m. as an allowance in lieu of the semi-furnished residence<sup>1</sup>.
- (ii) Non-official members of the Orphanages and other Charitable Homes (Supervision) Control Board, Rajasthan to be exempt from disqualification as they drew TA/DA less than the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 and also as they did not exercise powers of executive and financial nature<sup>2</sup>.
- (iii) Non-official Directors of the Burn Standard Company Limited, Bharat Electronics Limited, Electronics Trade and Technology Development Corporation Limited, Computer Maintenance Corporation Limited not to be exempt from disqualification in view of entitlement of sitting fee of Rs. 150/- or more for each meeting of the Board of Directors which was more than the 'compensatory allowance' and also for exercising executive and financial powers<sup>3</sup>.

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1. *Vide* First Report, para 2.17

2. *Vide* Second Report, para 2.2

3. *Vide* Third Report, paras 2.5, 2.9 to 2.11

- (iv) Members including the Chairman of the Khadi and Village Industries Commission not to be exempt from disqualification as they were entitled to an honorarium of Rs. 1000/- and Rs. 1500/- p.m. respectively which was not covered by the 'compensatory allowance' and also the Commission performed executive functions and exercised financial powers<sup>4</sup>.
- (v) Members including of the Managing Board of the factory were paid sitting fee @ Rs. 100 per sitting which exceeded the 'compensatory allowance' and the Chairman in addition received a rent free house or House Rent Allowance of Rs. 400 p.m. and free use of car or a conveyance allowance @ Rs. 350 p.m. Besides, the Board exercised executive and financial powers. As such, the Chairman and non-official members of Board were likely to attract the provisions of article 102(1)(a) of the Constitution. Question examined pursuant to a query made to Shri L.S. Saring, M.P.<sup>5</sup>
- (vi) Shri V.N. Tiwari, M.P. wanted to know whether the post of Professor of the Panjab University, Chandigarh would constitute an "office of profit". The Committee after examining the particulars furnished by the Panjab University concluded that in his capacity as the Professor of the Panjab University, Shri V.N. Tiwari, M.P., was not holding an "office of profit under the Government" as the Senate of Panjab University was the competent authority to appoint and remove a Professor and those powers did not rest with the Government. Moreover, the University rules permitted a member of the Faculty to be elected as a member of a legislative body<sup>6</sup>.
- (vii) Shri Amal Datta, M.P., desired to know whether membership of the West Bengal Housing Board constituted an office of profit. The Committee found that members were entitled to an allowance of Rs. 100 for every meeting which was not covered by the 'compensatory allowance', besides, executive and financial powers of the Board. The Committee felt that even if Members of Parliament were entitled to draw TA/DA at the rate payable to an M.P. under the Salary, Allowances and Pension of Members of Parliament Act, 1954, they would incur disqualification in view of executive and financial powers exercised by the Housing Board<sup>7</sup>.

4. *Vide* Fourth Report, para 2.11

5. *Vide* Fifth Report, para 2.16

6. *Vide* Sixth Report, para 2.14

7. *Vide* Seventh Report, para 2.3

- (viii) On a reference received from the Government of Uttar Pradesh regarding the proposed nomination of Shri Jitendra Prasad, M.P., as a member of the Uttar Pradesh Minorities Commission, its composition and detailed functions were considered. The Committee felt that the non-official members and a Member of Parliament, if appointed as a member or chairman of the Uttar Pradesh Minorities Commission, ought to be exempt from disqualification provided they were not entitled to draw remuneration or allowances other than the 'compensatory allowance'<sup>8</sup>.
- (ix) On a reference received from the Government of Rajasthan regarding the proposed nomination of a Member of Parliament as a non-official member of the Rajasthan Legal Aid Board, the Committee found that the Board exercised executive and financial powers and therefore recommended that the non-official members, including a member of Parliament if appointed as a member of the Rajasthan Legal Aid Board, ought not to be exempt from disqualification<sup>9</sup>.

*Need for evolving uniform principles in regard to disqualification*

The Committee while examining the composition and character of various Corporations, Boards, Committees, etc. set up by the State Governments and Union Territory Administrations noted that the members thereof enjoyed wide and excessive powers. The Committee further noted that by virtue of the provisions contained in most of the State Removal/Prevention of Disqualifications Acts, the members of State/Union Territory Legislatures were exempted from disqualification in spite of the fact that they were holding office of profit. This was contrary to the views held by the Parliamentary Joint Committee on Offices of Profit that members of Parliament appointed on such Corporations/bodies, etc. would incur disqualification by virtue of such bodies exercising excessive executive, financial or judicial powers or members being entitled to draw remuneration more than the compensatory allowance as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee also noted that in several State Acts, the offices of Chairman or members of such bodies had been exempted from disqualification without taking into consideration their nature of duties or remuneration. The Committee in order to evolve uniform principles in regard to disqualification for holding of office of profit under articles 102 (1)

8. *Vide* Eighth Report, para 2,28

9. *Vide* Twelfth Report, para 2,39



and 191 (1) of the Constitution appointed a Sub-Committee in 1982 for the purpose. The Sub-Committee analysed 22 Acts on prevention/removal of disqualifications enacted by various States and Union Territory Administrations and also heard the views of the Ministry of Law, Justice and Company Affairs in this regard and submitted a report to the main Committee. The Joint Committee on Offices of Profit considered and approved the report of the Sub-Committee and presented it to Parliament on 27 April, 1984.

The Committee in that report strongly urged the need for evolving uniform principles in regard to disqualification for membership under articles 102 (1)(a) and 191(1) (a) of the Constitution, by amending the Constitution to make it obligatory for the State Legislatures to be guided by such principles as Parliament may by law provide in this regard. Alternatively, as the State Legislatures are plenary authorities within their allocated spheres the Committee desired the State Legislatures to take appropriate action to adopt the principles evolved by the Joint Committee on Offices of Profit in regard to disqualification for membership of State Legislatures<sup>10</sup>.

The Committee recommended that in view of the exercise of legislative powers by the State Governments freely exempting various offices of profit under the respective State Governments, the power of legislation in regard to disqualification of membership both in Parliament and the State Legislatures should be confined to Parliament only by way of an amendment made in article 191 of the Constitution.

In the alternative the Committee was of the view that the objectives proposed to be served by the constitutional amendment could also be achieved to some extent by making a law to that effect by Parliament under article 191(1)(e) of the Constitution whereby it can be provided that holders of offices would incur disqualification which enjoy executive, financial, judicial/ quasi-judicial powers or which would place them in a position where they could receive some patronage from Government or are themselves in a position to distribute patronage or are entitled to any remuneration other than the compensatory allowance, as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.<sup>11</sup>

The Committee also recommended that exemption from disqualifying holder of an office of profit should be so restricted as to cover only those offices held by members in Corporations/Boards/Committees, etc. directly

10, *Vide* Ninth Report, para 3.6

11. *Ibid*, para 3.7

constituted and controlled by the Legislature. The members appointed to Corporations, Boards, Committees, etc. whether controlled by Government directly or by statutory or non-statutory agencies created by State, should not enjoy any such exemption.

The Committee felt although it might seem to be a drastic measure yet its implementation might bring about sanctity and independent functioning of legislatures truly and fully free from the control of the executive.<sup>12</sup>

The Committee further observed that free exercise of legislative powers given under article 19(1)(a) of the Constitution without circumspection or restraint, had greatly undermined the independent functioning of the members of the legislatures in many parts of the country. Offer of blandishment to members through their appointment to various offices of profit in certain Corporations/Undertakings/Boards, etc. constituted by the State Governments and exempting those offices from disqualification by legislative enactment without great care were being resorted to freely and increasingly in recent times.

According to the Committee the relevant enabling clauses in the Constitution which are meant to be used sparingly and basically for saving from disqualifications the members of the legislatures who are to serve in various committees constituted by the legislatures are availed of indiscriminately to save all sorts of offices of profit. The Committee, therefore, felt that though such exemptions could be legally tenable, it was morally unsustainable and would be tantamount to abuse of power.

The Committee was also of the view that if the real spirit of articles 102 and 191 of the Constitution was to be maintained sacrosanct, the enabling exemption provisions should be kept within its bounds and restricted in its scope both in regard to the areas of operation and legislative competence. Otherwise, the object of the imposition of the disqualifications as envisaged in the Constitution would become frustrated.

The Committee therefore, urged the Ministry of Law, Justice and Company Affairs to take necessary steps for bringing legislation to evolve uniform principles in regard to disqualification for holding office of profit under articles 102(1) and 191(1) of the Constitution, in consultation with the

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12. *Ibid.*, para 3.8

Central Government, the State Governments and Union Territory Administrations, in the light of the recommendations/observations contained in the Report, at an early date.<sup>13</sup>

*Draft Parliament (Prevention of Disqualification Amendment Bill, 1983*

The Joint Committee on Offices of Profit (Seventh Lok Sabha) immediately after its constitution in 1981 desired that the Ministry of Law, Justice and Company Affairs might draft a Bill to give effect to all the recommendations made by the Committee since the Second Lok Sabha and place the same before them for their scrutiny and comments before such an amending Bill was introduced in Lok Sabha. In pursuance of the above decision, the Ministry of Law, Justice and Company Affairs forwarded the draft Parliament (Prevention of Disqualification) Amendment Bill, 1983, seeking to implement the recommendations of the Joint Committee contained in their 40 Reports presented upto 11 August, 1982. The Committee after taking the oral evidence of the representatives of the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs and Legislative Department) presented its Tenth Report on the draft Bill to Parliament on 7 May, 1984. The Committee while examining the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983, observed that the basic principle underlying the imposition of disqualification under articles 102(1)(a) and 191(1)(a) of the Constitution was that a member of the legislature should not be indebted to Government by accepting an 'office of profit' under the Government and thus compromise his independence. The legislature should be kept independent of the executive so that the members would be free to carry out fearlessly their duties to their electorate and not to be influenced by any consideration of personal gain. They should not run the risk of conflict between duty and self-interest<sup>14</sup>.

The Committee noticed that though the name of the erstwhile Mysore State had since been changed to Karnataka, the name of 'Mysore' had been used in some of the bodies included in Karnataka List of the Second Schedule to the draft Bill, namely, Board of Directors of the Mysore State Agro-Industries Corporation, Limited, Board of Directors of the Mysore State Fisheries Development Corporation, Limited, and Mysore State Road Transport Corporation. The Committee therefore, desired that the Ministry of Law, Justice and Company Affairs should expeditiously confirm from the

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13. *Ibid.*, para 3.10

14. *Vide* Tenth Report, para 10.3

Ministries/State Governments/Union Territory Administrations that the holders of offices in bodies included in the Schedules which had been excluded from exemption were still existing and continued to have the same nomenclatures.<sup>15</sup> The Committee also recommended that directorship of all the nationalised banks and regional rural banks might be disqualified and included in the Union list of the Second Schedule of the Constitution.<sup>16</sup> The Committee noted that all the State Transport and Regional Transport Authorities possessed the power to issue permits, and were in a position to wield influence. They could also exercise quasi-judicial powers. As such, the Committee felt that not only the chairmanship and secretaryship but even ordinary membership of all the Transport Authorities ought not to be exempt from disqualification. The Committee desired that the Parliament (Prevention of Disqualification) Amendment Bill, 1983, might be amended to this effect and a revised draft Bill should be introduced before Parliament at an early date.<sup>17</sup>

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15. *Ibid.*, paras 9.2 and 9.4

16. *Ibid.*, paras 4.2 and 4.4.

17. *Ibid.*, para 4.7

• COMPOSITION OF THE EIGHTH LOK SABHA

Article 79 of the Constitution of India provides that there shall be a Parliament for the Union which shall consist of the President and two Houses to be known as the Council of States (Rajya Sabha) and the House of the people (Lok Sabha.) In regard to the composition of the Lok Sabha article 81 (1) *inter alia* provides that subject to provisions of article 331 providing for the representation of two members of Anglo-Indian community, the House of the people shall consist of—(a) not more than five hundred and twenty-five members chosen by direct election from territorial constituencies in the States, and (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

Uptill now eight Lok Sabhas have been constituted as per constitutional provisions. The dates of their constitution and dissolution are as follows :

Sl. No.	Lok Sabha	Date of Constitution	Date of dissolution
1.	First	17.4.1952	4.4.1957
2.	Second	5.4.1957	13.3.1962
3.	Third	2.4.1962	3.3.1967
4.	Fourth	4.3.1967	27.12.1970
5.	Fifth	15.3.1971	18.1.1977
6.	Sixth	23.3.1977	22.8.1979
7.	Seventh	10.1.1980	31.12.1984
8.	Eighth	31.12.1984	—

The First meeting of the Seventh Lok Sabha was held on 21 January, 1980, and its term was to expire on 20 January, 1985. Accordingly, the notification under sub-section (2) of section 14 of the Representation of the People Act, 1951, calling for election to 515 constituencies of the Eighth Lok Sabha (except the States of Assam and Punjab) was issued by the Ministry of Law and Justice on 20 November, 1984. The Representation of the People (Amendment) Ordinance was promulgated by the President on 20 November, 1984, enabling the Election Commission of India not to hold elections to 27 constituencies of the States of Punjab and Assam.

Election from four parliamentary constituencies viz. Srikakulam and Rajampet of Andhra Pradesh, Madras-North of Tamil Nadu and Chail of Uttar Pradesh were countermanded due to death of certain contesting candidates. Elections from Bhopal constituency of Madhya Pradesh was also postponed due to mishap in the Union Carbide Factory located there killing large number of people, a few days before the date of polling. Elections to these five constituencies were held on 27 January, 1985.

Election from Ladakh constituency of the State of Jammu and Kashmir is to be held in summer along with certain segment of Mandi constituency of Himachal Pradesh.

The Eighth Lok Sabha was constituted by a notification issued by the Election Commission on 31 December, 1984, consisting of 504 members only from constituencies where results had been received by then. Results from the remaining four constituencies were received subsequently. Results of the five constituencies for which elections were held on 27 January, 1985, were declared on 29 and 30 January, 1985.

On 14 January, 1985, the Chief Election Commissioner presented to the Speaker an authenticated copy of the booklet containing the Commission's notification of 31 December, 1984, issued under section 73 of the Representation of the People Act, 1951, regarding constitution of the Eighth Lok Sabha.

Composition of the Eighth Lok Sabha has some unique features. A state-wise analysis of the members of the Seventh Lok Sabha who contested elections for the Eighth Lok Sabha has been given in Annexure I. A perusal thereof would show that of the total 499 members of the Seventh Lok Sabha, 368 had contested elections for the Eighth Lok Sabha, and out of these 232 were re-elected. 131 members did not contest for re-election. Thus of the 508 members of the new Lok Sabha, 276 were not members of the Seventh Lok Sabha.

The following table shows party/groups wise composition of the Seventh and the Eighth Lok Sabha :

Name of the political party/group	Number of members elected to				Increase (+)/ Decrease (-) over Seventh Lok Sabha
	Seventh Lok Sabha		Eighth Lok Sabha		
	Total	% to total	Total	% to total	
Cong. (I)	337	62.2	402	74.1	+11.9
Janata (S)	41	13.3	14	2.4	-10.9
Janata (including BJP)	31				
CPI (M)	35	6.5	22	4.0	2.5
DMK	16	3.0	2	0.1	- 2.9
Cong. (U)	13	2.3	3	0.1	- 2.2
CPI	11	2.0	6	1.2	- 0.8
Telugu Desam	* —	—	30	5.6	+ 5.6
AIADMK	2	0.1	12	2.2	+ 2.1
Other parties whose membership was less than 4 and vacancies	56	10.6	5	10.4	- 0.1
<b>TOTAL</b>	<b>542</b>	<b>100.0</b>	<b>542</b>	<b>100.0</b>	<b>—</b>

It would appear from the above table that Congress (I) has significantly added (+11.9%) to its strength in the House. Janata (S) and Janata which include the BJP, the DMKP and the Janata groups have lost significantly. Other national parties like CPI (M) and CPI have also been reduced in strength substantially. New regional parties like Telugu Desam and AIADMK have emerged as leading opposition parties. The position of other smaller parties/groups remained the same.

Annexure II gives a comparative picture about the members of the various parties elected to the Seventh and the Eighth Lok Sabhas. Its perusal would indicate that the Congress (I) excepting in the State of Andhra Pradesh, has considerably improved its position. In the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Meghalaya, Nagaland, Orissa,

\* Two members of Telugu Dasam were elected to Seventh Lok Sabha during the bye-elections held in 1983-84.

Rajasthan, Uttar Pradesh and also the Union Territories, the Congress (I) has almost swept the polls by winning all or nearly all the seats. However, this party has heavily suffered in Andhra Pradesh, where Telugu Desam which had made entry in Seventh Lok Sabha towards the end of its term by winning two bye-elections has improved the position in the Eighth Lok Sabha in a big way. In the States of Karnataka, Kerala, Maharashtra, Tamil Nadu and West Bengal, Congress (I) has improved its position considerably.

As stated earlier, some more regional parties have come into lime light this time. The Telugu Desam in Andhra Pradesh, the AIADMK in Tamil Nadu and the National Conference in Jammu and Kashmir have considerably improved their position.

Some other national parties like CPI (M), CPI, Janata (both the combined group of Janata, BJP and Lok Dal in 1980 and separately in 1984) which were predominant in 1980 in the States of West Bengal, Bihar, Rajasthan and Uttar Pradesh have lost heavily now. Similarly, the DMK in Tamil Nadu has suffered considerably.

Another unique feature of the Eighth Lok Sabha is that the number of women members elected has substantially increased. In the Seventh Lok Sabha there were only 28 women members as against 42 members now elected; thus showing an increase of 50%. A party-wise break up of the women members elected to the Eighth Lok Sabha is given below :

Sl. No.	Name of party/group	Number of women members elected	
		Seventh Lok Sabha	Eighth Lok Sabha
1.	Congress (I)	21	38
2.	Janata	4	Nil
3.	CPI	1	1
4.	Telugu Desam	Nil	2
5.	CPI (M)	2	Nil
6.	J & K National Conference	Nil	1



It may thus be seen that in the case of Congress (I) the position of women members elected to Lok Sabha has been substantially increased. Janata and CPI (M) have no women representation now. CPI has maintained its position.

Telugu Desam and Jammu & Kashmir National Conference have made their fresh entry in the House.

The above trend of entry of women members to Eighth Lok Sabha, more or less, tallies with the general trend of parties elected to the Eighth Lok Sabha.

As may be seen from the following table, quite a large number of members of the Rajya Sabha, the State Legislatures and Delhi Metropolitan Council have been elected to the Eighth Lok Sabha.

*Sitting members elected to Eighth Lok Sabha*

Rajya Sabha	—	9
State Legislative Assemblies	—	67
State Legislative Councils	—	8
Other (Delhi Metropolitan Council)	—	3

As would be seen from Annexure III the maximum number of sitting members of the State Assembly/Council is from Uttar Pradesh (22 + 3) followed by Madhya Pradesh (11), Bihar (10) and Maharashtra (9+1). From Karnataka also, 5 sitting members were elected—2 from State Assembly and 3 from the Council.

ANNEXURE I

STATEMENT SHOWING THE NUMBER OF MEMBERS OF THE SEVENTH LOK SABHA WHO CONTESTED ELECTIONS FOR THE EIGHTH LOK SABHA

State/Union Territory	Number of members contested	Number of members not contested
1	2	3
<b>I. States</b>		
1. Andhra Pradesh	27	11
2. Bihar	44	5
3. Gujarat	22	4

1	2	3
4. Haryana	8	1
5. Himachal Pradesh	2	1
6. Jammu & Kashmir	5	1
7. Karnataka	18	9
8. Kerala	14	6
9. Madhya Pradesh	25	13
10. Maharashtra	37	8
11. Manipur	1	1
12. Meghalaya	2	Nil
13. Nagaland	1	Nil
14. Orissa	15	6
15. Rajasthan	21	6
16. Sikkim	1	Nil
17. Tamil Nadu	20	17
18. Tripura	2	Nil
19. Uttar Pradesh	56	29
20. West Bengal	37	5
<i>II. Union Territories</i>		
1. Andaman & Nicobar Islands	1	Nil
2. Arunachal Pradesh	1	1
3. Chandigarh	1	Nil
4. Dadra & Nagar Haveli	1	Nil
5. Delhi	2	4
6. Goa, Daman & Diu	2	Nil
7. Lakshadweep	1	Nil
8. Pondicherry	1	Nil
<b>TOTAL</b>	<b>368</b>	<b>131</b>

Note : This excludes : (i) Assam — 7 members (ii) Punjab — 9 members (Excluding Dr. Bal Ram Jakhar & Sardar Buta Singh who contested from Rajasthan); (iii) Mizoram — 1 member (already elected unopposed); and (iv) Vacancies — 26, i.e. 43.



13.	Nagaland	1	—	1	—	—	—	—	—	—	—	1	—	—	—	—	—
14.	Orissa	21	19	20	—	—	—	1	—	—	—	1	—	1	—	—	—
15.	Rajasthan	25	18	25	—	—	—	4	—	—	—	3	—	—	—	—	—
16.	Sikkim	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—
17.	Tamil Nadu	39	20	24	—	—	—	—	—	—	—	19	15	—	—	—	—
18.	Tripura	2	—	—	2	2	—	—	—	—	—	—	—	—	—	—	—
19.	Uttar Pradesh	85	51	83	—	—	—	3	—	1	—	30	2	—	—	—	—
20.	West Bengal	42	4	16	27	18	—	—	—	3	3	7	5	1	—	—	—
21.	Union Territories	17	12	16	—	—	—	1	—	—	—	—	—	—	—	—	—
<b>TOTAL</b>		542	337@	402	35	22	31	10	11	6	95	73	6*	2			

@ This does not include Cong. (I) members elected from Assam (2) and Punjab (12)

\* This does not include the vacancies of Assam (14) and Punjab (13).

## ANNEXURE III

## STATE-WISE BREAK UP OF THE NUMBER OF MEMBERS OF THE STATE LEGISLATIVE ASSEMBLIES/COUNCILS WHO HAVE BEEN ELECTED TO THE EIGHTH LOK SABHA

Sl. No.	Name of the State/Union Territory	Legislative Assemblies/ Metropolitan Council	Legislative Council
1.	Bihar	10	1
2.	Gujarat	1	—
3.	Haryana	3	—
4.	Himachal Pradesh	1	—
5.	Jammu & Kashmir	1	—
6.	Karnataka	2	3
7.	Kerala	1	—
8.	Madhya Pradesh	11	—
9.	Maharashtra	9	1
10.	Orissa	2	—
11.	Rajasthan	1	—
12.	Uttar Pradesh	22	3
13.	West Bengal	3	—
14.	Delhi	3	—
TOTAL		70	8

COLLOQUIUM ON SOCIAL AND POLICY IMPLICATIONS  
OF NEW EMERGING TECHNOLOGIES WITH SPECIAL  
REFERENCE TO INFORMATION TECHNOLOGY

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A colloquium on "Social and policy implications of New Emerging Technologies, with special reference to Information Technology", was held on 22 January, 1985, in the Parliament House Annexe, New Delhi, under the auspices of the Indian Parliamentary Group and the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat. Dr. Bal Ram Jakhar, Speaker, Lok Sabha, presided over the colloquium and Dr. Juan Felipe Rada, the well-known expert on information technology, Consultant to various U.N. bodies and senior Professor at the International Management Institute, Geneva, initiated the discussion.

Presiding over the colloquium, Dr. Bal Ram Jakhar said that the information explosion had been so much that in times to come we might not be able to touch even a branch of it. This might be stored somewhere as the capacity of brains might not be matching with that. The problem today was more of proper information management so that one was able to get hold of the right kind of information in the shortest possible time. No wonder, therefore, that resort to computers had become an important part of the information process and information retrieval in many advanced countries.

Dr. Jakhar further said that the technological innovations in the fields of information and communication ranged from television to the transmission of pictures straight from the pages of newspapers and magazines through artificial satellites in a matter of seconds to the computers. In data processing and telecommunications too, new capabilities and applications were emerging, one on the heels of another. Many of these developments, including the

sattellite communication, inter-active television, computer conferencing and electronic mail, electronic journals and newspapers on a line offered exciting opportunities, for rapid and efficient information transfer. The modern communication or information scientist could hardly afford to ignore these fantastic developments.

Referring to the desirability to have recourse to computerised information processing or Automatic Data Processing (ADP) or Electronic Data Processing (EDP) systems, Dr. Jakhar observed that these would have to be examined and assessed separately by every developing country, in accordance with its needs and resources. Recent advances in input-output devices and time sharing possibilities had considerably reduced the computer costs and the remote terminal devices had brought down the time lag. He, however, felt that the levels of mechanisation and automation should be related to the specific needs and financial and manpower resources of each nation. Some automation would perhaps be most advisable for pre-processed data. The use of selective information management or Selective Dissemination of Information (SDI) techniques would come very close to finally resolving the information management problem. For this, the professionals would have to address themselves to the fundamentals of the automation services *vis-a-vis* the nature of specific consumer demands, the use of information as such and the value of that information to the actual user.

Dr. Jakhar further said that there had of late been a growing acceptability of computer culture in the country. Computers and other software devices were not only being produced in the country but were being put to a variety of uses in large industrial establishments, both in the public as well as in the private sector, in scientific and research laboratories, technological institutes and also in a number of Government Departments.

Concluding, Dr. Jakhar said :

“...in Parliament too, I have given green signal to resort to automation and introduction of the latest devices for more efficient and speedy processing and retrieval of vital information for the use of members of Parliament in their day-to-day parliamentary work...a computer terminal has very recently started functioning in the Library of our Parliament in collaboration with the National Informatics Centre. Our Parliament Library, Reference, Research and Information Services are being geared up to respond to the computer requirements and make optimum use of the new facilities for the disposal of

members' references and other enquiries without any loss of time. We are also fast expanding our reprography services with the addition of the latest equipment. Plans are also under way for introducing the microfilming of documents for proper storage along with microfiche readers for easy referencing. More extensive use of modern techniques would be possible when our new Library building comes up."

Initiating the discussion Dr. Juan Felipe Rada defined information technology as the convergence of a number of technologies into one cluster—these included electronic components, computers, tele-communication and consumer and professional electronics—and said that it was characterised by the fact that, for the first time in history, signals could be digitalised. In other words, they could be transformed into strings of sensors and, therefore, any type of signal could be fed in a computer language. This explained why tele-communication and computers had been becoming one sector. They had been using the same language, the so-called digital language. This had been possible because the element in semi-conductor component in electronics components and in integrated circuits was specific. So, if one wanted to conceptualise what information technology was, at the technical level, he should say that it was really the rapid process of digitalisation of signals, the capacity to transform signals into sensors and, therefore, to feed them in a computer language. The convergence between electronic components, tele-communication, computers and consumer electronics had opened up this explosion of information exchange, explosion in the media, satellite transmission and so on and so forth. The question from the policy point of view was that what convergence would be coming and what convergence had already taken place. The one that had already taken place to an extent was the convergence between computers and tele-communications. The one that would be coming up in the next few years would be the convergence between computers, tele-communications and consumer electronics. This could be illustrated by a simple example of a product that was likely to be in the market within two years. This product was a box that performed several functions—those of micro-computer, stereo-equipment and video-equipment—in one single digital box, and the reason why it had all the devices in one single box was that they all operated in digital language. The first device, the musical sound device, that operated in digital language and which was already in the market was the compact disc, that came out a couple of years ago.



Dr. Rada said that the information technology was very powerful because of its real characteristics. The first one was the economy of the technology. Cost-wise, the technology was increasing at the rate of 25% to 35% a year ; and, therefore, they had a technology that was decreasing in cost, increasing in economy and was less likely to defuse much faster in the production system than otherwise. Secondly, this technology was all pervasive. It could penetrate, or it could be used in any field or in any area or in any product where some form of information exchange took place and it did so in all sorts of devices, whether of a mechanical nature, electro-mechanical nature, hydraulic or involving even human intelligence functions. And that was the reason why somehow this technology had been compared with developing of the human mastering of intelligence functions. The third important characteristic of this technology was its factor-saving effects, *viz.* that it could save factors of production. It could save capital, energy, material, labour or a combination of all of them. A technology was devised to have economy because precisely it saved factors of production. They were confronting a technology that saved factors in several directions at once. Given this characteristic and given the pace of technological change, there would be massive, economic and developmental implications. Since the technological content of production was changing dramatically because of technological change, there would be very significant shifts in comparative advantage in the countries' comparative positions. There would be shifts in employment and also in capital requirements in industries.

Referring to the impact of information technology in the services sector, Dr. Rada said that its most important economic and social impact would be on the transportability of services. In other words, all the services were combined with a computer terminal. What was being used in his country or was going to be used in Parliament Library was basically the same principle. In fact the Central Library could be transported to the computer terminal in Parliament. This transportability of service had been a very critical issue from development point of view for a number of reasons. Firstly, there had been large number of people employed in the services sector; secondly, in most countries and also in developing countries, the majority of the gross domestic product was generated by services ; and, finally, the countries had no service policy. In other words, most of the countries has followed the policy of import substitution of goods, but no country had ever followed a policy of import substitution of services. So what they were confronted with was a rapid process of internationalisation of services that would have brought countries to look at their services sector in a completely different light. It might

not be so in the case of India because India had rather a self-reliant economy, but if it was looked at the situation in many of the developing countries, notably in the case of Latin America, the situation in services in terms of balance of payments was far worse than in the case of goods. Another reason was that no basic policy had been developed in the services sector. Unfortunately, services had been a poor relative of development economics and of economics in general. Both the Lenin School of thought and the Marxist School of thought regarded services as unproductive activities. This needed to be reviewed because, increasingly, services were becoming a critical component to development.

Concluding, Dr. Rada observed that technology today posed peculiar challenges, *vis-a-vis* the process of transfer of technology. The question for developing countries was not so much how to acquire technology, as how to be part of the process of technological change. There was a tendency to sit on the technology that had been acquired rather than to develop it. And so, from the policy point of view, money was thrown after technology rather than to develop innovation policies. The easiest part in the process of innovation was research and development. But the question was how could the technical and scientific capabilities of a country be transformed into wharfs? And this required innovation policies related to fiscal policies, accounting practices and many other practices that had nothing really to do with technology as such.

Winding up the discussion, Shri Shivraj V. Patil, Minister of State in the Ministry of Science and Technology and in the Departments of Ocean Development ; Atomic Energy, Space & Electronics, said that the present-day world was paying great attention to the development of science and technology. There was realisation everywhere that without the development of science and technology it might not be possible to bring about the welfare and the material prosperity in the world. The late Shrimati Indira Gandhi had once said that the modern science and technology was fascinating and frightening. In certain respects, it was fascinating and welfare-oriented. So, it should be developed. But it should not be allowed to become frightening. In the present-day world, skill lain in developing and acquiring modern technology as well as using it in such a fashion that it did not become frightening. If it was used in a conscientious manner and for the betterment of the human kind, it would remain fascinating, he said.

## WIT AND HUMOUR IN PARLIAMENT

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The Houses of the Union Parliament and of the State Legislatures witness heated discussions not infrequently. But it is not all just heat; discussions shed light as well and there are also lighter interludes. Continuing this feature we have endeavoured to capture some moments of the Hon'ble Speaker's wit and humour during the earlier years of the Seventh Lok Sabha and of the members in general during the first session of the Eighth Lok Sabha.

— Editor

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## LOK SABHA

*Shri Indrajit Gupta* : ...When we go to the Labour Minister, he says he is helpless. "Please go to the Finance Minister". When some of us went to the Finance Minister, he said, "What did the Labour Minister say?" We do not know what to do.

*Mr. Speaker* : Meet them when they are together.

(L.S. Deb., 28 February, 1981)

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*Shri R. Venkataraman* : I am grateful to the hon. member for the compliments.

*Dr. Subramaniam Swamy* : Why don't you return the same ?

*Shri R. Venkataraman* : I do not believe in just doing the same thing immediately. I will do it in due course.

*Mr. Speaker* : With compound interest !

(L.S. Deb., 18 July, 1980)

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*Shri P.V. Narasimha Rao* : ...Before, I had informed the House that the matter is under consideration of the Government. Now I am informing the House that the matter is under active consideration of the Government.

*Shri A.B. Vajpayee* : What is the difference between consideration and active consideration ?

*Mr. Speaker* : It is like non-alignment and genuine non-alignment.

(*L.S. Deb.*, 12 June, 1980)

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*Mr. Speaker* : ...Now Sir, how many questions can you ask ?

*Shri Harinatha Misra* : Now I will put the fourth clause of the first question.

*Mr. Speaker* : I will make you sit here. That is the only remedy.

(*L.S. Deb.*, 5 August, 1980)

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*Shri C.K. Jaffer Sharief* : ...That is how we can show that we are going ahead with the renewals and that is why the Sixth Plan is being called as rehabilitation plan.

*Shri Sunil Maitra* : Even by the end of the Sixth Plan, *i.e.* by 1985, you will not have completed your job of renewal.

*Mr. Speaker* : Don't press him too much. He will tax you more.

(*L.S. Deb.*, 24 February, 1983)

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*Shri Bua Singh* : ...In one or two cases, even the courts have given stay orders where the slum dwellers are squatting on the platform or along the rail track.

*Mr. Speaker* : Thank God, they are not here.

(*L.S. Deb.*, 18 April, 1983)

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*Professor Madhu Dandavate* : Sir, you are presiding over a House, which is not any more only a House of parliamentary talent, but fortunately this also happens to be a House of glamour with the induction of art and beauty into

the House. Sir, I am happy, but I am afraid that you with your aesthetic sense and taste might provoke such members to catch your eye, rather than allow us to catch your ear. We hope your aesthetic sense will not come in the way to remove this discrimination and I have the confidence that you will not have such discrimination.

(L.S. Deb., 16 January, 1985)

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*Professor Madhu Dandavate* : I was carefully listening to the leader of the House. Sir, he moved the motion :

“That Shri Bal Ram, a member of the House be chosen as the Speaker of this House.”

Not only in this House, but in the comity of nations and in Inter-Parliamentary Union, you are known as “Bal Ram Jakhar”. Sir, I find that our young Prime Minister in his zest to cut everyone to his size has also cut your/ name to size. But Sir, that is also an injustice to you because cutting to your size also cannot reduce your name, because you have a tall stature.

*Shri Rajiv Gandhi* : Sir, I might like to remind Prof. Dandavate that in English he can catch your ear, but in Hindi :

कान नहीं पकड़ना चाहिए, और दण्डवते जी को मालूम होना चाहिए कि आपके फार्म में नाम बलराम जाखड़ नहीं है, खाली बलराम है।

(L.S. Deb., 16 January, 1985)

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*Mr. Speaker* : The other way, that is, the ‘Zero Hour’, you see, we can do without that because I am open to suggestions and I am ready to confer with all members of the House at any given time and the options are always open.

*Professor Madhu Dandavate* : You yourself are speaking during the ‘Zero Hour’, Sir !

*Mr. Speaker* : I shall not, Sir, because there is no ‘Zero Hour’, and I am going to adhere to the rules.

(L.S. Deb., 16 January, 1985)

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*Shri Abdul Ghafoor* : ...Sir, first they are asked within a certain specified period of time to explain why these irregularities have been committed. Then

some of them send replies and some of them take time. So, we are going to give them all ropes before we hang them.

*Shrimati Geeta Mukherjee* : I would like to know where the rope's end is.

(*Interruptions*)

*Mr. Speaker* : She wants to cut short the rope.

*Shri Abdul Ghafoor* : The hon. member is very vigilant and here the Minister is also equally vigilant. So there is nothing to worry.

(*L.S. Deb., 21 January, 1985*)

— — —

*Professor Madhu Dandavate* : ...He (the Speaker) has said that there would be a full-fledged discussion on the Bhopal tragedy. Therefore, I will continue.

*Shri Veerendra Patil* : You can go ahead. I have absolutely no objection.

*Professor Madhu Dandavate* : The poisonous gas was allowed to escape. But let us not allow the discussion to escape consideration of the House...

(*L.S. Deb., 21 January, 1985*)

— — —

*Shrimati Geeta Mukherjee* : ...I want to draw the attention of the Union Carbide to their Linkage Magazine, September-December, 1980. Inside the cover, there is a cartoon. It says, "What steps would you take if MIC lethal gas leaks out in the plant?" This is being asked from the safety personnel of that company. It says, "Long one". That means the only step that they would take is a long step to run away...

(*L.S. Deb., 21 January, 1985*)

— — —

*Shri Veerendra Patil* : ...I do not want to give my reaction to all that the hon. member has said.

*Professor Madhu Dandavate* : You can give chemical reaction !

*Shri Veerendra Patil* : I do not want to give any reaction at all because the commission of inquiry which has been constituted by the Government of Madhya Pradesh is going into all these matters, whether safety measures were properly taken, whether they were adequate, why there was leakage of gas

which evaporated into the atmosphere, how the MIC liquid formed in the tank and how it became gas and how it escaped...

(L.S. Deb., 21 January, 1985)

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*Shri Veerendra Patil* : As I said, this is the worst tragedy that has occurred. It has opened the eyes of the State Government, the eyes of the Central Government, it has opened the eyes of the countries where they have such units, who are also thinking of having adequate measures.

*Professor Madhu Dandavate* : It has closed the eyes of many !

*Shri Veerendra Patil* : That is unfortunate. I have accepted that...

(L.S. Deb., 21 January, 1985)

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*Shri Narayan Choubey* : Madam Chairman, it is a good thing that after a long number of years, the Metro has started running, although running only in a small fraction of the city, only about sixteen kilometres of the city, even though it was supposed to run along the entire length of the city

*Professor Madhu Dandavate* : Do not bring it to Bombay. We do not need it. It is a white elephant.

*Shri Narayan Choubey* : My comrade Dandavate does not want it.

*An Hon. Member* : In Bombay they are having a Metro theatre.

(L.S. Deb., 23 January, 1985)

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*Shri Narayan Choubey* : ...As you know, the estimate has grown from Rs. 140 crores now, as our late Railway Minister, Shri A.B.A. Ghani Khan Choudhury—I mean the ex-Railway Minister—said... (*Interruptions*)

*Prof. Madhu Dandavate* : If he says 'the late' I will demand an obituary reference.

*Shri Narayan Choubey* : I meant 'ex-Railway Minister'.

*Mr. Chairman (Shrimati Basavarajeswari)* : Do not hurt Shri Dandavate.

*Shri Narayan Choubey* : He was also a Railway Minister, so he feels it...

(L.S. Deb., 23 January, 1985)

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*Professor Madhu Dandavate* : ...In view of this, instead of getting entangled in engineering-cum-traffic survey, will you straightway go ahead with the completion of the work ? Will you take note of the famous proverb :

“Where there is a will, there is a railway. Where there is no will, there is only a survey.”

*Shri K.C. Pant (The Minister of Education)* : Is the Professor speaking from his experience ?

*Shri Bansi Lal* : I have taken note of that and, therefore, this was cleared.  
(*L.S. Deb.*, 24 January, 1985)

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*Mr. Chairman (Shri Somnath Rath)* : One minute. Professor Dandavate had practically completed the time. Now, I am putting it to the House to extend the time. Shall we extend it by one hour ?

*Shri G.L. Dogra* : We need two hours.

*Shrimati Krishna Sahu* : ...

*Mr. Chairman* : It has already been extended by one hour. We can see later. For the present it is extended by one hour.

*Professor Madhu Dandavate* : It is like a railway line; construction is done section by section.

(*L.S. Deb.*, 25 January, 1985)

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*Shri Bhagwat Jha Azad* : In the party meeting also, there were again members who believed in the old thought and tradition. Daughter and son were quite different for them. So, there also, we were overruled. Panditji said that though it was nonsense, he would agree to the majority opinion and then came the Hindu Code Bill.

*Professor Madhu Dandavate* : Daughter is let down even there !

(*L.S. Deb.*, 30 January, 1985)

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*Dr. Krupasindhu Bhoi* : Physician heal thyself.

*Professor Madhu Dandavate* : I will heal if I suffer from any disease,



doctor, I can assure you of that. And if I become a patient, I will come to you as a doctor.

*Dr. Krupastndhu Bhor* : No, Sir, with great humility I have said so. You should not misunderstand me.

*Professor Madhu Dandavate* : Sir, if he says 'physician heal thyself' I am prepared to heal 'thyself'. But if I become a patient I will go to him since he is a doctor, but he should not act like a veterinary doctor, he should act like a human doctor.

(L.S. Deb., 30 January, 1985)

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*Shri P. Kolandavelu* : So defection certainly will not help anybody and moreover I would suggest to the Law Minister that with regard to the electorate there is no mention in the Bill. Electorate is the best judge and electorate has to be mentioned in the Bill and I think proper and suitable action will be taken by the Law Ministry.

I thank once again.

*Professor Madhu Dandavate* : Now the voters have defected.

*Mr. Speaker* : Is it ? Should we pass a Bill for that too ? ...That will be counter productive to you, Professor.

(L.S. Deb., 30 January, 1985)

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*Shri Rajiv Gandhi* : You can see the strength of our party in front of you.

*Shri H.M. Patel* : Looking ahead.

*Shri Rajiv Gandhi* : I am looking ahead. You will see in 1990—today we are almost occupying the whole of that row...we will be occupying even that the row.

*Professor Madhu Dandavate* : It is because, after some years, we will go to "Upper House" (*pointing upwards*).

*Shri Rajiv Gandhi* : Sir, we are not in the rush to send him to the "Upper House" (*pointing upwards*). But we are glad that he acknowledges that the Congress will be replacing the Opposition Leaders in those Benches, when they leave.

(L.S. Deb., 30 January, 1985)

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*Shri P.K. Thungon* : Sir, thank you. I have been wait-ing right from the morning to speak.

*Mr. Speaker* : Now you see the pleasure of those who wait and get their turn.

*Shri P.K. Thungon* : I am enjoying the pleasure of waiting.

*Mr. Speaker* : Now, you have the pleasure of speaking.

(*L.S. Deb.*, 30 January, 1985)

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PARLIAMENTARY EVENTS AND ACTIVITIES

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## CONFERENCES AND SY POSIA

*Inter-Parliamentary Conference on Environment* : The Inter-Parliamentary Conference on Environment organised jointly by the Inter-Parliamentary Union and the United Nations Environment Programme was held in Nairobi (Kenya) from 26 November to 1 December, 1984. The Indian Delegation to the Conference was led by Shri Digvijay Singh, Deputy Minister in the Department of Environment and consisted of Shri Bhubaneswar Bhuyan, M.P., and Shri B. Satyanarayan Reddy, M.P., Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was Secretary to the Delegation.

The following subjects were discussed at the Conference :

1. Changes in the world environment during the last ten years and their implications for action.
2. Worldwide environmental issues : atmosphere and oceans.
3. Worldwide issues of land resource management ; (a) Deforestation ; and (b) Desertification and soil loss.
4. Worldwide environmental problems ; conservation of living resources.
5. Development without destruction, with emphasis on problems of developing countries.
6. Legislation and incentives for environmental protection.

*Meeting of the Standing Committee of the Conference of Commonwealth Speakers and Presiding Officers*: The meetings of the Standing Committee of the Conference of Commonwealth Speakers and Presiding Officers were held in Harare (Zimbabwe) from 9 to 10 January, 1985. The Speaker of Lok Sabha, Dr. Bal Ram Jakhar, who is the Chairman of the Standing Committee presided over the meetings.

#### BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 October to 31 January, 1985, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

*Appreciation Courses for Probationers/Officers of All India/Central Services*: Eight Appreciation Courses on Parliamentary processes and procedures were organised by the Bureau, viz. the Second Appreciation Course for Indian Police Service Probationers—8 to 12 October, 1984; the Fifth Appreciation Course for Section/Desk Officers in the Ministries/Departments of Government of India—15 to 18 October, 1984; the Sixth Appreciation Course for Section/Desk Officers in the Ministries/Departments of Government of India—5 to 9 November, 1984; the Fourth Appreciation Course for Probationers of (i) Indian Railway Accounts Service; and (ii) Indian Railway Personnel Service—3 to 7 December, 1984; the Nineteenth Appreciation Course for Officers of the rank of Director, Deputy Secretary and Under Secretary to the Government of India—2 to 5 January, 1985; the Second Appreciation Course for Indian Economic Service Probationers—14 to 19 January, 1985; the Second Appreciation Course for Indian Railway Traffic Service Probationers—21 to 25 January, 1985; the Fifth Appreciation Course for Indian Audit and Accounts Service Probationers—28 January to 2 February, 1985.

*Attachment Programmes*: Two Attachment Programmes for officers of the State Legislature Secretariats were organised by the Bureau. i.e. on "Parliamentary Committees"—8 to 12 October, 1984; and on "Payments through Cheque System in Lok Sabha Secretariat"—14 to 19 January, 1985. An Attachment Programme for Parliamentary Fellows of Institute of Constitutional and Parliamentary Studies, New Delhi, on "Parliamentary Processes and Procedures"—6 to 28 December, 1984 was also organised by the Bureau.

An Attachment Programme for a Foreign Parliamentary Official, Shri Bhupendranath Dwarka, Clerk Assistant, Legislative Assembly, Mauritius, was organised by the Bureau under the Technical Cooperation Scheme of the Special Commonwealth African Assistance Plan (SCAAP) to enable him to study the processes and procedures obtaining in the Indian Parliament. He was also provided with an opportunity to visit the Legislative Assembly Secretariats of the States of Tamil Nadu and Karnataka to make a comparative study of processes and procedures obtaining in these Legislatures.

*Study Visits* : At the request of University Grants Commission a one-day Study Visit was organised for Professor George Papadimitriou, Professor of Public Law, University of Thrace (Greece) to enable him to study the working of Parliament of India. As part of the Study Visit, he called on Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha, and watched the proceedings of the Lok Sabha and the Rajya Sabha.

At the request of various training/educational institutions the Bureau also organised nine one-day Study Visits for the government officials, students and others.

A one-week Study Visit at the request of National Assembly of Zambia, was also organised by the Bureau for Mr. P.S. Chinjamba, Chief Parliamentary Security Officer, National Assembly; Zambia, to enable him to study the security system in the Parliament of India.

#### ORIENTATION PROGRAMME FOR THE NEW MEMBERS OF THE EIGHTH LOK SABHA

An Orientation Programme for the new members of the Eighth Lok Sabha was organised from 12 to 14 January, 1985, in Committee Room (Main), Parliament House Annexe. It was attended by 125 members.

The programme was intended to provide opportunities to members to analyse various aspects of parliamentary processes and procedures, familiarise themselves more closely with the operational mechanics of parliamentary institutions and exchange ideas and experiences for future improvement. The Orientation Programme, which aimed at assisting the new members to be more effective in the parliamentary work, consisted of several discussion sessions on special topics of parliamentary interest.

It was inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha, on 12, January, 1985 and it was followed by panel discussions on various subjects

such as "Problems faced by new Members". 'First Session for a New Member—Role and Opportunities', 'Do's and Dont's for Members—Decorum and Parliamentary Etiquettes, Customs and Conventions', 'Amenities, Facilities and Services for M.Ps.' and 'Parliamentary Devices available to Members to raise various matters—How to be an effective Member'.

The discussions were initiated by the following Ministers and senior parliamentarians who were the panel speakers.

- (i) Shri H.K.L. Bhagat,  
Minister of Parliamentary Affairs
- (ii) Shrimati Margaret Alva,  
Minister of State in the Ministry of Parliamentary Affairs
- (iii) Shri Chandulal Chandrakar,  
Minister of State in the Department of Rural Development
- (iv) Dr. (Shrimati) Najma Heptullah,  
Deputy Chairman, Rajya Sabha
- (v) Shri B.R. Bhagat, M.P.
- (vi) Shri M.C. Daga, M.P.
- (vii) Shri Darbara Singh, M.P.
- (viii) Shri Jaswant Singh, M.P.
- (ix) Dr. Lokesh Chandra, M.P.
- (x) Shri B. Satyanarayana Reddy, M.P.
- (xi) Smt. Sheila Kaul, M.P.
- (xii) Shri P. Upendra, M.P.
- (xiii) Shri S.M. Banerji, ex-M.P.

The participants sought clarification on various parliamentary processes and procedures from the panel speakers.

In his inaugural address, while welcoming the new members of the Eighth Lok Sabha, the Speaker, Dr. Bal Ram Jakbar said that such orientation programmes were directed towards promoting a deeper appreciation of the constitutional role and position of Parliament and the State Legislatures as representative institutions. The idea was to familiarise the members more closely with parliamentary traditions and etiquettes and to widen their knowledge of the parliamentary law, practices and procedures and of the tenets, tools and operational mechanics of the parliamentary institutions so as to improve their effectiveness as legislators.

"As you are aware", Dr. Jakhar said : "Our Constitution is a people's document and, as the words of its Preamble remind us, we derive all our

authority from the people. In whatever we do, our ultimate point of reference is the people. Shri Jawaharlal Nehru once spoke of the 'destination man' emphasising thereby that the focal point of all our activity is the 'common man'. We have rightly, therefore, accorded in our political system an important place to our legislatures at the State level and Parliament at the Union level as the people's institutions...these institutions are the representative forums for organised articulation of urges and aspirations of the people, of their hopes and even their frustrations."

Dr. Jakhar further said :

"The success of the parliamentary system, however, depends on how we conduct our business in the august bodies we are privileged to serve and how far these institutions are able to reflect the minds and aspirations of the people. We get elected to these institutions as willing tools in the hands of the people to serve their purpose. These institutions should therefore be sacred for us, not in the strict religious sense, but in thought and sentiment, because it is here that we have to work and worship for the benefit and the good of the people. Whether in the ruling party or in the Opposition, we have all to work together for the common good of our people. Once we are elected, we represent all, not one section of society..."

The Speaker further said : "As members, you are expected to perform a number of roles both within and outside the House. You must maintain ethical conduct in your public life and promote civility and graciousness and sense of fair play in your dealings with the public. While you are expected to know best the problems of your constituency and be a communication link between your constituents and the Parliament, your focal point of reference as a representative has to be...India and the people of India."

While appreciating natural enthusiasm of the members to raise various issues of national importance in the House, Dr. Jakhar observed :

"...For effectively participating on the floor of the House you are expected to follow various rules and guidelines which are embodied in the Constitution, the Rules of Procedure and Conduct of Business of the House, etc. The Lok Sabha Secretariat has done a good job by compiling for your use a Handbook for Members which contains

in simple form most of the relevant information that you may need. Also this time, as innovations you have a very large number of very attractively brought out handy abstracts and folders supplied to you in pocket size kits. These are in the nature of easily useable, readily digestible information capsules on parliamentary problems, processes and procedures and I am sure you will appreciate them and find them handy and useful in your work... There exist numerous customs and conventions and other parliamentary etiquettes and practices which are based on past precedents and rulings from the Chair. All these rules and guidelines are meant to facilitate your work and ensure an orderly and efficient functioning of the House. Maintenance of parliamentary decorum and submission to the discipline of the House should not be taken as a compulsion but should rather become the attitude of your mind because only then this quality can be truly reflected in your behaviour inside the House. Self-discipline, tolerance and docorous behaviour lend grace and strength to the parliamentary proceedings and hence all sections of the House should see that the debate is conducted without disturbance or interruption."

Referring to the informational needs of the members Dr. Jakhar said :

"Parliament is the supreme deliberative body of the country and as such wide range of topics covering almost all spheres of national activity come up for discussion before it from time to time. It will indeed be difficult for you to play your various roles effectively if you do not have the necessary knowledge and desired expertise in a particular field of your interest. True, no person can be expected to be a walking encyclopaedia. Moreover, the question today is not only of lack of information or lack of knowledge. It is also a question of the management of knowledge and information which pours in endlessly from day to day. The Library and Reference, Research, Documentation and Information Service of the Lok Sabha Secretariat which is designed to manage all this knowledge consists of officers who are especially trained and assigned for the particular job of assisting the members. Apart from attending to their reference needs, the Service brings out, in English and Hindi, specialised brochures, background notes, information bulletins, facts sheets on important topics coming up before Parliament for the use of members. The Service also issues some important periodicals for the benefit of members. To meet



more effectively the information needs of member, recently a Computer Terminal has been set up in the Library (Ground Floor). Parliamentary Questions are already being fed into the Computer and gradually more and more data bases will be built up. The importance of these various tools need not be over-emphasised. All that is required is that you should do a little bit of home work and try to know what is contained in these tools which are all available to you free and for the asking."

Concluding, Dr. Jakhar observed :

"Since members of Parliament occupy a very high place in the esteem of the people, I would like to emphasise that your conduct, behaviour and performance, both inside and outside the House, should be such as would help not only in maintaining the efficiency of the institution but also in enhancing its respect in the hearts of the people. I have no doubt you are all imbued with the ideals of service to the nation and loyalty to the Constitution and, as such, will help maintain a high level of discussion in the House thereby enhancing its dignity."

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*Shri Rajiv Gandhi* : We also have promised that we will carry the opposition with us. And I am happy to say, Sir, that we carried almost all of the opposition with us. There are one or two exceptions.

*Professor Madhu Dandavate* : We have promised that we will carry the Government with us.

(L.S. Deb., 30 January, 1985)

## PRIVILEGE ISSUES

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### STATE LEGISLATURES

#### KERALA LEGISLATIVE ASSEMBLY

*Service of legal process within the precincts of the Assembly :* On 24 June, 1983, the Speaker (Shri Vakkom Purushothman) observed in the House that a member (Shri Varkala Radhakrishnan) had given notice under rules 154 and 155 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly seeking his consent to raise a question of privilege. In his notice the member stated that he had filed a criminal case before the Judicial Magistrate, Second Class, Trivandrum, against the Chief Marshal of the Assembly and another member of the watch and ward. The court issued summons to the two persons and the Secretary, Kerala Legislative Assembly, on receipt of the summons, wrote to the Magistrate inviting his attention to rule 165 that the Speaker's permission might be obtained as prescribed therein.

In this connection, referring to rules 154 to 165 of the Rules of Procedure, the member stated that these clearly indicated that the privileges were meant for the members of the House, and they could not be extended to the employees of the Legislature Secretariat. According to him, the action of the Secretary amounted to a breach of privilege of the House.

The Speaker further observed that the powers, privileges and immunities of the legislature and of its members were to be ascertained from the provisions contained in article 194 of the Constitution. Chapter XIX of the Rules of Procedure made provision concerning the procedure for dealing with questions of privilege and certain other related matters. It did not define or enumerate

the privileges. The Secretary, in the present case, only drew the attention of the Magistrate to rule 165 as to the manner of service of legal process within the precincts of the Assembly. It was unfortunate that the member had brought up the notice against the Secretary who functioned under the direction of the Speaker and who had the duty cast on him to act in accordance with the Rules of Procedure of the House and to comply with the provisions thereof.

Observing that there was no breach of privilege or contempt of the House involved in the matter, the Speaker withheld his consent for raising the question of privilege given notice of by Shri Radhakrishnan.

#### TAMIL NADU LEGISLATIVE ASSEMBLY

##### *Assaulting a member in M.L.As' hostel :*

On 5 April, 1982, the Speaker (Shri K. Rajaram) observed\* *inter alia* in the House that on 24 March, 1982, a member (Shri Teertharaman) wanted to raise a question of privilege stating that he was assaulted in MLAs' Hostel on 26 February, 1982. There was an attempt to murder him with a view to preventing him from discharging his duty as a member of the Assembly.

Exercising his authority under rule 255 of the Rules of Procedure, the Speaker referred the matter to the Committee of Privileges of the House for examination and report.

The Committee of Privileges, after examining some members *viz* Sarvashri Teertharaman, Sundaramoorthy, V.K. Bhoominathan, R. Paneer Selvam, A.S. George, and Lakshmikantham, in its report, presented to the House on 18 April, 1983, reported *inter alia* that it was clear from the oral evidence before the Committee that on the day of the incident the member (Shri Teertharaman) was attacked while he was coming out of the hostel. There was no evidence before the Committee to prove that he was attacked with the intention of preventing him from attending the sitting of the Assembly.

The Committee observed that both the sides had lodged complaints with the police. The Committee took it that the complaints gave out proper narration of events. While raising the question of privilege in the House, Shri Teertharaman had pointed out that he was attacked in such a way that he was unable to attend the session. In his evidence before the Committee,

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\*Original in Tamil.

he had also made a similar statement. In their evidence before the Committee, Sarvashri Boominathan, Paner Salvam and George had stated that they were attacked by Shri Teertharaman and they had to attack in self-defence and that they had no intention to incapacitate him.

In their oral evidence before the Committee, Shri Lakshmikantham, M.L.C. and Shri Sundaramoorthy, M.L.A. had mentioned that at the time of attack the slogan 'we would see how Teertharaman attended the Assembly' had been raised, yet, in the First Information Report with the Police, the member had stated that he might have been attacked for defection. He had not mentioned that the attack was to prevent him from attending the Assembly. It could be believed that though the attack was improper, yet the party workers, as a consequence of the member's defection, might have been surcharged with emotion to attack him, the Committee felt.

The Committee was of the view that if this incident had occurred within the Assembly Hall, than it would have been an insult to the prestige of the Assembly. As the hostel was outside the precincts of Assembly Hall, the Committee had to arrive at a conclusion on the basis of evidence tendered before it. Those who stayed at the Assembly hostel did so with the intention of attending the Assembly. It was not proper to subject them to violence when they were staying at the hostel. There was no doubt that the event had caused hindrance in the working of the Assembly. However, the Assembly would find out ways and means to take stringent action against those indulging in such actions.

The Committee observed that it did not feel that the Assembly hostel should be treated as an adjunct of the Assembly Hall. The Committee could not come to such a decision because of various implications involved in it. It was the duty of the Government to provide adequate protection to the members. The Committee recommended that the Government should initiate security measures in order that such incidents did not take place in the Assembly hostel or in its vicinity.

In the opinion of the Committee, in this case, no conclusive evidence had been tendered before the Committee to prove any breach of privilege. It further observed that the Police Department had stated that no action had been taken on the complaints of both the sides, since, the Committee of Privileges was seized of the matter. The Committee recommended that once the recommendation had been given by the Committee, the Police Department should take proper action under the law after examining the complaints and the witnesses.

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

*Displaying of an object by a member in the House :* On 9 February, 1983, a member (Shri R. Thamaraiikkani, while he was speaking, waved an object in the House. The Speaker referred the matter to the Committee of Privileges in order to ascertain as to what was the object which was displayed by the member.

The Committee, after examining the members (Shrimati T. Yasodha, Sarvashri N. Varadarajan, Durai Murugan and R. Thamaraiikkani), in its report presented to the House on 18 April, 1983, reported *inter alia* that in their evidence before the Committee Shrimati T. Yasodha and Shri Durai Murugan had stated that Shri Thamaraiikkani showed a *chappal* in the House. Shrimati Yasodha had also stated that he showed first a *choppal* and then a paper weight. Shri N. Varadarajan had stated that he only showed the paper weight and not a *chappal*.

In his evidence before the Committee, Shri Thamaraiikkani had stated categorically that he did not show the *chappal* and he was having only the paper weight in his hand and he also narrated the purpose behind his action.

The Committee observed that from the evidence tendered before the Committee, the views expressed by the party leaders at the time of the incident, discussion in the Business Advisory Committee and the opinion expressed by the Speaker, it could not be said that Shri Thamaraiikkani had shown *chappal*. Observing further that there was no proof to confirm that Shri Thamaraiikkani showed *chappal*. The members who appeared before the Committee had stated that they were all observing the member holding paper weight and from his facial expression they were expecting something unfortunate to happen. The Committee concluded that Shri Thamaraiikkani during the incident was emotionally surcharged and he was only waving the paper weight. But waving of paper weight by the member inside the House was a matter to be condemned.

The Committee further observed that at least hereafter, Shri Thamaraiikkani during such circumstances should control himself and learn to subjugate his emotions and behave calmly. His waving of paper weight was to be condemned. This incident itself should be a lesson and warning to him. However, the Committee felt that no further action need be taken.

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

## WEST BENGAL LEGISLATIVE ASSEMBLY

*Alleged harassment of and ill-treatment meted out to Deputy Speaker by a officer :* On 5 February, 1983, the Deputy Speaker (Shri Kalimuddin Shams) gave notice of a question of privilege against the District Sub-Registrar, Alipore, for allegedly harassing and ill-treating him. He stated that on 4 February, 1983, he had been to the office of the District Sub-Registrar, Alipore, in connection with the registration of some documents. Though it was within registration hours he found the door of the Sub-Registrar's Chamber closed from within. After a long wait when he met the officer he behaved with him very rudely when he told him that the door of the chamber had remained closed for more than one hour during registration hours. The officer misbehaved with him and 'showed positive affront' even after he came to know his identity. As a result of this harassment, the Deputy Speaker stated, he could not attend an urgent meeting scheduled to be held with the Public Accounts Committee of the Arunachal Pradesh Legislative Assembly. In the absence of the Hon. Speaker, he was due to receive the Committee and hold discussion with it on certain parliamentary matters of mutual interest. The Assembly Secretariat could not also contact him in time as he was held up unnecessarily in the office of the Sub-Registrar.

The Deputy Speaker alleged that due to the harassment and ill-treatment by the the Sub-Registrar, he could not perform an essential parliamentary duty. The officer committed a breach of privilege by obstructing him in the execution of his parliamentary duties.

On 10 February, 1983, the Speaker (Shri Hashim Abdul Halim) referred the matter to the Committee of Privileges.

The Committee of Privileges, after examining Shri S. De, District Sub-Registrar, Alipore, Shri Amlendu Bhattacharya, Sub-Registrar, Patharpratima, Shri Prasanta Roy, Sub-Registrar, Chandpara and Shri Bishwa Ranjan Das, District Registrar, 24 Parganas, in its First Report presented to the House on 16 September, 1983, reported *inter alia* that on 19 August, 1983, Shri S. De, the District Sub-Registrar, Alipore, had sent a letter, addressed to the Secretary, West Bengal Legislative Assembly, conveying his regret for the incident of 4 February, 1983, and he had also tendered his unqualified apology. On 8 September, 1983, the Committee considered this letter and decided that as the accused had expressed his regret for the incident, the matter need not be proceeded with further.

However, the Committee could not come to any conclusion as to the

correctness or otherwise of the alleged incident of harrassment and ill-treatment by the District Sub-Registrar. But the Committee considered the point as to whether the question of privilege was at all involved in the present case even if the complaint of Shri Shams was taken to be true. According to the prevailing parliamentary practices and conventions, the question of breach of privilege of a member arose when he was obstructed in the due discharge of his functions as a member of the House. In the instant case the Committee did not find any conclusiv evidence to prove that any such obstruction had been created by the accused, which prevented Shri Shams from doing his parliamentary duties. The Committee observed that in the written complaint of Shri Shams there were, of course, allegations against the District Sub-Registrar, Alipore, of harassment and ill-treatment but such alleged act might not by itself tantamount to any obstruction in the discharge of his parliamentary functions. Shri Shams had further alleged in his letter that he was unnecessarily held up in the office of the District Sub-Registrar. But from his complaint it appeared that the accused did not hold him up in his office as he was alleged to have refused Shri Shams registration of documents that day. It also appeared from the facts of the case as narrated by Shri Shams that he was free to move out of the office of the District Sub-Registrar, at any moment he liked. Thus the Committee felt that there was no real obstruction from the accused which might give rise to a case of breach of privilege.

Disposing of the privilege issue the Committee observed that even though the accused officer did not technically commit any offence in refusing Shri Shams in the matter of registration of documents after the hours of registration on the aforesaid date, had he been more tactful in dealing with him such an unpleasant thing would not have cropped up. There was ample scope for belief in the instant case that the accused official might have failed in maintaining the minimum standard of courtesy while dealing with Shri Shama. The Committee felt unhappy about the manner in which the enquiry was conducted in the office of the District Registrar, Alipore, on the complaint of Shri Shams. It was revealed in evidence before the Committee that he had not enquired of his office staff as to the specific complaints of Shri Shams including about the closure of his office during the hours of registration. He had simply called for an explanation from the accused official and forwarded the same to his higher authorities. Thus the actual happening in this case remained unknown. The Committee, therefore, thought that the District Registrar, had not performed his part of the responsibility satisfactorily.

However, the Committee recommended that no further action be taken in the matter and that it might be dropped.

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

*Publication of expunged portions of the proceedings of the House by a newspaper:* On 21 September, 1983, a member (Shri Nani Kar) raised a question of privilege against a Bengali daily *Ananda Bazar Patrika* for alleged publication of expunged portions of proceedings of the House of 16 September, 1983, in its issue of 17 September, 1983.

On 22 September, 1983, the Speaker (Shri Hashim Abdul Halim) observed in the House that in the opinion of Shri Kar the *Ananda Bazar Patrika* had committed a breach of privilege of the House by publishing the version of Shri Mukherjee which was not to be recorded in the debates as per his order. As publication of expunged proceedings of the House was regarded as a breach of privilege and contempt of the House, he referred the matter to the Committee of Privileges for examination and report under rule 230 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly.

The Committee in its Fifth Report presented to the House on 27 March, 1984, reported *inter alia* that in the instant case the *Ananda Bazar Patrika* had committed a breach of privilege and contempt of the House by publishing the expunged proceedings of the House.

In his letter of 5 December, 1983, the Editor, *Ananda Bazar Patrika* stated *inter alia* that it was not always possible for the reporters to hear every word uttered in the House. The newspaper's reporter unfortunately had not heard the order of expunction and the report of Shri Mukherjee's statement was published in complete ignorance of such order. He regretted the publication which was made *bona fide* in the course of the publication of the proceedings of the Assembly without knowledge of any expunction order and said that the *Ananda Bazar Patrika* had always upheld the dignity and prestige of the House and its members and would always endeavour to do so. He hoped that the Privileges Committee would accept the explanation and absolve them from the charge of breach of privilege.

In view of the explanation offered by the Editor and his expression of regret for the error, the Committee decided not to proceed with the case and it recommended that no further action be taken in the matter and it might be dropped. The Committee, however, hoped that in future the *Ananda Bazar Patrika* would be more careful in reporting the proceedings of the House and that there would be no recurrence of such a matter.

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



## HOUSE OF REPRESENTATIVES (AUSTRALIA)

*Alleged wrongful intimidation of members of the ruling party by the Prime Minister* : On 8 November, 1983, a member Mr. Hodgman while seeking to raise a question of privilege, stated<sup>1</sup> as follows :

'Mr. Speaker, I ask you to look at the matter raised in my notice of motion as a matter of privilege. In particular, I draw your attention to the following statement made on national radio today by the President of the Australia Council of Trade Unions, Mr. Dolan :

The Prime Minister 'put pressure on all sorts of people in relation to the Caucus vote yesterday'.

Mr. Speaker, I formally ask you to consider as a matter of privilege that members of this Parliament have been wrongfully intimidated in the course of their duties.

The Speaker (Mr. Henry Alfred Jenkins) observed that he would consider the matter.

On 9 November, 1983, the Speaker observed<sup>2</sup> as follows :

"Yesterday the honourable member for Denison (Mr. Hodgman) referred to a reported statement on national radio earlier in the day and asked me to consider whether members had been wrongfully intimidated in the course of their duties. The specific statement the honourable member mentioned was one attributed to Mr. Dolan, President of the Australian Council of Trade Unions, to the effect that the Prime Minister (Mr. Hawke) put pressure on all sorts of people in relation to the Government Caucus consideration of the uranium issue. The honourable member later lodged documents with the Clerk and subsequently wrote to me on the matter, enclosing copies of Press reports from the *Sydney Morning Herald* of 5 November and the *Age* of 5 November referring to the Government Party's consideration of the uranium issue.

I have given most careful consideration to these matters. The Standing Orders provide that precedence over other business shall not be given if, in the opinion of the Speaker, a *prima facie* case of breach of privilege has not

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1. *House of Representatives, Deb.*, dt. 8 November, 1983, p. 2362.

2. *Ibid.* 9 November, 1983, pp. 2460-61.

been made out or the matter has not been raised at the earliest opportunity. The question of whether or not the matters referred to can be taken to establish a *prima facie* case of breach of privilege or contempt is a difficult matter necessarily involving a personal judgement on my part on the basis of the material submitted, and in light of the law and precedents that are available to me.

*House of Representatives Practice*, at page 655, states :

To attempt by any means to influence a Member in his conduct as a Member is a breach of privilege, So too is any conduct having a tendency to impair a Member's independence in the future performance of his duty.

Reference is then made to a matter raised in 1935 involving an alleged threat to a member by the then Chairman of the Sydney Stock Exchange, to a 1947 House of Commons case and to the *Bankstown Observer case* of 1955.

In its report on the case involving Mr. Brown, MP, in 1947 the Commons Committee of Privileges stated :

Your Committee think that the true nature of the privilege involved in the present case be stated as follows :

It is a breach of privilege to take or threaten action which is not merely calculated to affect the Member's course of action in Parliament, but is of a kind against which it is absolutely necessary that Members should be protected if they are to discharge their duties as such independently and without fear of punishment or hope or reward.

The relevant extracts from *May's Parliamentary Practice* are :

...any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member...of such House in the discharge of his duty or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

That is stated on page 143 of the twentieth edition, more specifically, it is stated on page 157 :

To attempt to influence Members in their conduct by threats is also a breach of privilege.

And at page 158 it is stated :

Conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as a breach of privilege.

I make particular comment on three aspects. First there does not appear to have been a case where the Committee of Privileges, either of the House of Commons, or of this House, has reported in connection with disputations in respect of parliamentary party processes. There have therefore, to the best of my knowledge, been no decisions by either House on these specific matters. All honourable members will be aware that the realities of modern parliamentary life mean that members, and for that matter many others, involved in various ways in the political processes, are involved in elements of conflict and disputation.

In the House of Commons significant issues involving party matters occurred both in respect of the Suez crisis and the consideration of Britain's entry into the Common Market. In connection with the Suez issue, and following suggestions by the Opposition that pressures had been applied to ensure that Government members supported the Government, the then Speaker of the House of Commons Speaker Norris, I understand, expressed the view that the activities of Whips and 'the usual channels' had never been regarded as a breach of the privileges of the whole House.

In 1975, with reference to Cabinet guidelines concerning the conduct of Ministers in the House during the course of the Common Market referendum campaign—which guidelines related directly to parliamentary proceedings—Speaker Selwyn Lloyd stated :

In general, I think that arrangements made within political parties in this House, would be unlikely to raise questions of contempt or privilege.

He declined to accord precedence to a motion on this matter. Secondly, it is to be noted that, although the media reports referred to by the honourable member for Denison do refer to a reported statement by the Minister for Defence Support (Mr. Howe), no honourable member has raised in the House

a claim that he considered himself to have been intimidated or obstructed in the discharge of his duty.

Finally, I draw the attention of the House to the opinion of the House of Commons Select Committee on Parliamentary Privilege in its 1967 report and, in particular, its recommendation that the House should follow the general rule that its power in respect of privilege and contempt should be exercised (a) in any event as sparingly as possible and be only when the House is satisfied that to exercise it is essential in order to provide reasonable protection for the House, its members and its officers, from such improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions. This is sound advice indeed, and in 1978 was adopted by the House of Commons and is now a principle guiding that House, its Speaker and its Committee of Privileges in these matters. It is a principle which should in my view be observed when we consider all matters of privilege and contempt, whether or not involving possible breaches by honourable members or other persons.

I conclude that although the subject raised by the honourable member for Denison raises matters of real significance, on the basis of the material submitted by the honourable member I cannot see that it has been established that a *prima facie* case of breach of privilege or contempt has been made out. This means that I am not prepared to give precedence to a motion in respect of the matter."

#### HOUSE OF COMMONS (U.K.)

*Threat by a member to other members while speaking on a Bill in the House in order to influence their voting on the Bill*: On 18 June, 1984, the Speaker (Mr. Bernard Weatherill observed<sup>1</sup> as follows :

"I have a brief statement to make. I have to inform the House that my attention has been drawn by three hon. Members namely, the hon. Members for Twickenham (Mr. Jessell), for Ilford South (Mr. Thorne) and for Surbiton (Mr. Tracey) to words spoken by the hon. Member for Newham, North-West (Mr. Banks) during the debate on the Greater London Council (Money) (No. 2) Bill on Tuesday 12 June indicating an intention to restrict the provision of new services in the constituencies of any Members in the Greater London Council area who voted in favour of the instruction to the

1. *House of Commons, Deb.*, 18 June 1984, c. 19

Committee on the Bill standing on the Order Paper in the name of the hon. Member for Enfield, Southgate (Sir A. Berry).

I am satisfied that this is a matter to which I ought to allow precedence: and accordingly the hon. Member for Twickenham, whose letter of complaint was received first, may table a motion at the commencement of public business tomorrow and which the House will decide."

On 19 June, 1984, Mr. Toby Jessell, a member, while raising the matter in the House, stated<sup>2</sup> *inter alia* as follows:

"I wish to draw attention to words spoken by the hon. Member for Newham, North West (Mr. Banks) during the debate on 12 June—Official Report, columns 830 and 8-0-1- and I beg to move:

That the matter of the complaint be referred to the Committee of Privileges.

Last Tuesday, 12 June, the House debated the Greater London Council (Money) (No.2) Bill. My hon. Friend the Member for Enfield, southgate (Sir A. Berry) proposed an Instruction to the Committee considering the Bill to make part of the Greater London Council's capital expenditure subject to Treasury consent. During the debate the hon. Member for Newham, North-West said:

'I know what projects will be hit if this instruction is carried. I shall use what small influence I have at county hall to ensure that we hit the constituencies of those Conservative Members who vote in favour of the instruction. There will be a certain degree of 'selective vindictiveness' I use a phrase that has been mentioned before. There is no way that Conservative Members should think that they can escape from the consequences of their actions. I shall do my best as an individual member of the GLC to ensure that retribution is visited on the heads of Conservative Members. I hope that the GLC will ensure that the Constituents of conservative Members know exactly who is responsible for cutting projects in their areas.

Then following an intervention by my hon. Friend the Member for Eltham (Mr. Bottomley), the hon. Member continued:

2. *Ibid*, 19 June 1984, c. 159

'Conservative Members will not be allowed to get away with quietly passing this measure. No one is reporting this debate, so it will not get a great deal of publicity. They must not believe that they will get away with this action without some retribution being visited upon them. I shall certainly use whatever influence I have at county all to ensure that they pay the price.'

Later, when my hon. Friend the Member for Ilford, South (Mr. Thorne) rebuked the hon. Member with some force, the hon. Member for Newham, North-West intervened to say :

'I do not apologise for one word that I said but I want the hon. Gentleman to know that I spoke as an individual Member of this House and as an individual member of the Greater London Council. I do not apologise. I shall use my influence in just the way that I described.'

The hon. Member was invited to withdraw those words. He has not done so. Meanwhile, I understand that my hon. Friend the Member for Surbiton (Mr. Tracey) heard the hon. Member for Newham, North-West repeat similar remarks in radio broadcast.

All local councillors in any local authority have some executive role in that local authority. I believe the hon. Member will not mind if I say that for some years he has been a leading and influential figure on the Greater London Council. He has been Chairman of two important committees. We must assume that he meant what he said and that it was not meant to be an empty threat.

Because of the meaning of the words that he used, it must be right for the House to refer the matter to the Select Committee of Privileges. The words "selective vindictiveness" in that context mean that the constituents and the constituencies of hon. Members voting in a certain way would be singled out from other constituencies for damaging reprisals"

After some discussion, the motion was adopted<sup>3</sup> by the House on a Division.

The Committee of Privileges, in its First Report, presented to the House on 20 July, 1984, reported *inter alia* as follows :

- (1) "Your Committee considered the words spoken by Mr. Banks about which complaint was made, which were :

<sup>3</sup> *Ibid*, 169.

- (i) "I speak as a member of the GLC, and I know of the feeling on this matter. I know what projects will be hit if this instruction is carried. I shall use what small influence I have at County Hall to ensure that we hit the constituencies of those Conservative Members who vote in favour of the instruction. There will be a certain degree of "selective vindictiveness"...I use a phrase that has been mentioned before. There is no way that Conservative Members should think that they can escape from the consequences of their actions. I shall do my best as an individual member of the GLC to ensure that retribution is visited on the heads of Conservative Members. I hope that the GLC will ensure that the constituents of Conservative Members know exactly who is responsible for cutting projects in their areas...Conservative Members will not be allowed to get away with quietly passing this measure...They must not believe that they will get away with this action, without some retribution being visited upon them. I shall certainly use whatever influence I have at County Hall to ensure that pay the price".
- (ii) 'I do not apologise for one word that I said, but I want the hon. Gentleman to know that I spoke as an individual member of this House and as an individual member of the Greater London Council I do not apologise. I shall use my influence in just the way that I described.'
- (ii) Your Committee received a memorandum from the Clerk of the House citing precedents showing that threats to, or intimidation of, Members in an attempt influence their conduct in the course of their parliamentary duties may be treated as a contempt of the House. Your Committee accordingly considered whether—
- (a) the words complained of constituted a threat, serious or not,
- (b) whether, if there was such a threat, they amounted to a contempt of the House or a breach of its privileges, and
- (c) if they did, what action the Committee ought to recommend to the House."

- (iii) Your Committee noted what Mr. Banks said in the debate on 19th June<sup>4</sup>. It was in no doubt that what Mr. Banks said was in some measure a threat to Members in respect of the way they might decide to vote at the conclusion of the debate. There was no evidence before your committee that the threat was effective in influencing Members in deciding on their course of action. For example, Mr. Jessal, on whose motion the matter was referred to Your Committee, declared in his speech during the debate on 12th June that, though Mr. Bank's speech contained a threat, he had no intention of giving in to it.
- (iv) "Your Committee observed incidentally that the consequences of the carrying out of the threat would be primarily to the detriment of the constituents of the Members concerned. However, this does not alter the fact that the immediate effect of the words complained of, if taken seriously, could have been to influence Members in their conduct in Parliament."

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4. Mr. Banks had *inter-alia* stated as follows :

The hon. Member for Twickenham correctly quoted from the Official Report what I said. He seems to have taken exception to the phrase "selective vindictiveness". The implication of my words needs to be clearly understood. The meaning was that when decisions were being taken at county hall as between which capital projects should proceed, and where all other questions were equal, I would argue, as an individual member of the GLC, that discrimination should be exercised against those projects which were in the constituencies of the Tory Members of Parliament who forced the cuts to be made in the first place.

I am sure that the overriding concern of the GLC would always be the needs of Londoners, as it always has been; but, where hard choices have to be made, and all other things being equal, I believe that the voting record of Tory MPs should be taken into account.

The word "blackmail" has been bandied about. Blackmail presupposes a threat to extract something. Last Tuesday, as ever, Tory MPs were beyond reason or threat. I told them honestly what I would seek to do after the votes. There was no thought whatsoever in my mind that hon. Members would or should interpret my words as a pre-vote threat; rather, that they should interpret them as a post-vote promise."



- (v) "Having concluded that Mr. Banks' words did constitute a threat, Your Committee considered whether in the particular circumstances of the case, there was a contempt of the House or a breach of its privileges. There have been a number of cases in the past where intimidation of Members has been judged to be a breach of the privilege of freedom of speech, but none, so far as the Committee is aware, in which a Member of the House, speaking in the House, has been the originator of the actions or words complained of. Since the most important of the House's privileges is freedom of speech in debate, it may be argued that there ought to be no restriction on the way in which a Member expresses himself, even though the words he uses are precisely such as would be a breach of privilege if uttered by someone else."
- (vi) "Your Committee could not accept such an argument. To accede to it would be to acknowledge the right of any Member or group of Members to infringe the freedom of speech of other Members. The privileges of this House are intended to safeguard the constitutional position of the House and it is the duty of each individual Member to refrain from any course of action which might prejudice that position. For an individual Member to use privilege in such a way as to undermine privilege itself is not tolerable. In the final paragraph of his memorandum to the Committee, the Clerk of the House states the principle that a Member should not seek, in exercising his freedom of speech, to limit the freedom of action in Parliament of his colleagues. Your Committee agree as with this statement of principle and concludes that the words spoken by Mr. Banks not only constituted a threat but were also a breach of the privileges of the House."
- (vii) "If your Committee's conclusions are acceptable, it remains for the House to decide what action, if any, should be taken to deal with the complaint which has been made. Your Committee has had regard to the principle adopted by the House when present procedure for raising matters of privilege was settled in 1978, that privilege powers should be exercised as sparingly as possible, and only when the House is satisfied that, for the protection of the House and its officers in carrying out their functions, it is essential to do so. Your Committee

has already stated its reasons for finding that the matter referred to it did involve a breach of privilege. It concludes by expressing its disapproval of what took place, but recommends that, since the words complained of appear to have wholly failed to influence the actions of the Members at whom they were directed, the House should take no further action."

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

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## PROCEDURAL MATTERS

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### LOK SABHA

*Discussion on Conduct of the President.* The Union Council of Ministers headed by Shri Rajiv Gandhi was administered the oath of office on 31 December, 1984. On 16 January, 1985, immediately after the Prime Minister introduced members of his Council of Ministers in the House, a member (Shri Erasu Ayyapu Reddy) raised a point regarding constitutionality of administering the oath of office to Ministers by the President jointly. Thereupon the Speaker (Dr. Bal Ram Jakhhar) observed that the matter could be discussed separately if otherwise permissible under appropriate rules. When the matter was again raised by another member (Shri Sudini Jaipal Reddy) on 18 January, 1985, the Speaker reiterating his earlier ruling observed that the conduct of the President could not be discussed without proper motion.

### STATE LEGISLATURES

#### GUJARAT LEGISLATIVE ASSEMBLY\*

*Adjournment of House earlier than the scheduled date :* As originally scheduled the House was to sit upto 19 September, 1984, but it was extended by two days, i.e. upto 21 September 1984, on the recommendation of the Business Advisory Committee, so that certain important matters which the Opposition wanted to discuss could be taken up by the House. On 20 September 1984, no

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\*Contributed by the Gujarat Legislature Secretariat.

member from the Opposition attended the House. As the session of the House was extended there was no regular question hour on that day. The main item of business before the recess was for a short duration discussion standing in the name of the Leader of the Opposition. As he was not present in the House the discussion could not be raised. After this item the private members' business was to be taken up, but according to rule 16 of the Rules of Procedure of the Gujarat Legislative Assembly, private members' business is taken up during the last two hours of the sitting. The Minister for Parliamentary Affairs, therefore, moved, with the consent of the Speaker, a motion to suspend rule 16. The motion was put to vote and was carried and private members' business was taken up immediately. A Bill standing in the name of a member of the Opposition who was absent could not be introduced. Two Resolutions standing in the names of members belonging to the ruling party were not moved by them. One Resolution standing in the name of a member of the Opposition who was absent also could not be moved. There was, therefore, no business then before the House. At this stage the Minister for Parliamentary Affairs rose and informed the House that the session was extended for two days at the request of the Opposition for discussing certain important matters but the whole Opposition was not present in the House and, therefore, there was no sense in dragging on the session and he moved a motion to adjourn the House *sine die*. The motion was put to vote and was carried and accordingly the House stood adjourned *sine die* on 20 September, 1984, i.e. one day earlier than the scheduled date.

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## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 October to 31 December, 1984)

## INDIA

## DEVELOPMENTS AT THE CENTRE

*Death of Prime Minister* : Late Prime Minister, Shrimati Indira Gandhi was assassinated on 31 October by her own security guards. The brutal killing of Shrimati Gandhi created a sense of personal shock and sorrow in the whole nation. A 12-day State mourning was observed throughout the country in honour of the late Prime Minister.<sup>1</sup>

*New Prime Minister* : Following the death of Shrimati Gandhi, AICC (I) General Secretary, Shri Rajiv Gandhi was sworn in as the Prime Minister in the evening on 31 October by President Giani Zail Singh. A four-member interim Cabinet sworn in along with the Prime Minister consisted of Sarvashri Pranab Kumar Mukherjee, P.V. Narasimha Rao, Shiv Shankar and Buta Singh. The allocation of the portfolios was as follows :

Shri Pranab Kumar Mukherjee : *Finance, Commerce, and Supply* ; Shri P.V. Narasimha Rao : *Home* ; Shri Shiv Shankar : *Energy* ; and Shri Buta Singh *Parliamentary Affairs, Sports, Works and Housing*. The remaining Ministries and Departments were retained by the Prime Minister himself.

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<sup>1</sup> *Times of India*, 1 November, 1984.

Shri Rajiv Gandhi was unanimously elected leader of the Congress Parliamentary Party (I) on 2 November. At its meeting in New Delhi, the general body of the party endorsed the decision of the Congress (I) Parliamentary Board in nominating Rajiv Gandhi as the Prime Minister.

The Union Council of Ministers was further expanded on 4 November. Almost all former Ministers in the previous Council of Ministers were retained in the new Ministry and they were given the same portfolios. Those who were not included were former Minister of Planning Shri P.C. Sethi, former Minister of State for Parliamentary Affairs Shri Kalpnath Rai and Shri Ram Chandra Rath, former Minister of State for Chemicals and Fertilisers. Shri Nawal Kishore Sharma, a new entrant to the Council of Ministers, was made Minister of State for Finance. Home Minister, Shri P.V. Narasimha Rao was also given temporary charge of Planning. The Minister of State for Railways Shri Jaffar Sharief was made Minister of State for Irrigation. Shri-mati Mohsina Kidwai was elevated to Cabinet rank with the charge of Rural Development.<sup>2</sup>

*New Parliamentary Secretary* : Shri Arun Singh was sworn in on 12 November by Prime Minister Shri Rajiv Gandhi as his Parliamentary Secretary.<sup>3</sup>

*General elections* : A notification was issued by President Giani Zail Singh on 20 November, calling upon 515 Parliamentary constituencies in the country to elect their representatives to the Eighth Lok Sabha. Of the 542 elected seats in Lok Sabha, elections were not held in 14 constituencies in Assam and 13 in Punjab. Elections were to be held on 24, 27 and 28 December, 1984. The programme for the elections was as follows :

- (i) last date for filing nomination papers—27 November, 1984 ;
- (ii) Scrutiny of nomination papers—28 November, 1984 ;
- (iii) Withdrawal of candidature—30 November, 1984.

The same day, President also promulgated an Ordinance amending the Representation of the People Act to enable the Election Commission to constitute the Eighth Lok Sabha without the representatives from Assam and Punjab.

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2. *Indian Express*, 1 November, 1984 and *All India Radio News Bulletin*, 1, 2 and 4 November, 1984.

3. *Indian Express*, 13 November, 1984.

The counting of votes was started on 28 December. The ruling Congress (I) Party got more than three-fourths majority by winning 401 seats, an all time record. A regional party, namely Telugu Desam emerged as the main opposition party in the Eighth Lok Sabha by getting 28 seats. The seats won by other parties were as follows : CPI (M)-22; AIADMK-12; Janta-10; CPI-6; Congress(S)-4; Lok Dal-3; National Conference-3; RSP-3; BJP-2; Muslim League-2; Forward Block-2; Kerala Congress (J)-2 and Independents-8. Elections in seven constituencies were either countermanded or postponed.<sup>4</sup>

*Resignation by member* : Shri Khurshid Alam Khan, Minister of State for Tourism and Civil Aviation, resigned from his seat in Rajya Sabha on 6 December, for contesting Lok Sabha elections from Farrukhabad constituency.<sup>5</sup>

*Nominations to Rajya Sabha* : Sarvashri Purushottam Kakodkar and H L. Kapur were nominated to Rajya Sabha on 29 and 30 December respectively by President Giani Zail Singh.<sup>6</sup>

*New Ministry* : A 40-member Council of Ministers, headed by Shri Rajiv Gandhi was sworn in on 31 December by President Giani Zail Singh. Earlier, Shri Gandhi was unanimously elected leader of the Congress (I) Parliamentary Party. The Council of Ministers consisted of 14 Cabinet Ministers besides the Prime Minister, six Ministers of State with independent charge and 19 other Ministers of State. Two Ministers of State who could not take oath on 31 December, were sworn in on 1 January 1985. The allocation of the portfolios was as follows :

#### *Cabinet Ministers*

Shri Rajiv Gandhi, Prime Minister : *Departments of Commerce and Supply; Environment and Forests; External Affairs; Industry and Company Affairs; Science and Techonology; Atomic Energy; Culture; Electronics; Ocean Development; Personnel and Administrative Reforms; Space; Tourism and Civil Aviation; Youth Affairs and Sports and other Subjects not allocated to any other Cabinet Minister or Minister of State (Independent Charge)* ; Shri Abdul Gafoor :

4. *Ibid.*, 21 November and 29 December, 1984 ; *Times of India*, 21 November, 1984 and *Hindustan Times*, 5 January, 1985.

5. *Hindustan Times*, 7 December, 1984.

6. *Times of India*, 30 and 31 December, 1984.

*Works and Housing* ; Shri Ashok Sen : *Law and Justice* ; Shri B. Shankaranand : *Irrigation and Power* ; Shri Bansilal : *Railways* ; Shri Buta Singh : *Agriculture and Rural Development* ; Shri H.K.L. Bhagat : *Parliamentary Affairs* ; Shri K.C. Pant : *Education* ; Shrimati Mohsina Kidwai : *Health and Family Welfare* ; Shri P.V. Narasimha Rao : *Defence and Planning (temporary charge)* ; Rao Birendra Singh : *Food and Civil Supplies* ; Shri S.B. Chavan : *Home Affairs* ; Shri Vasant Sathe : *Steel, Mines and Coal* ; Shri Veerendra Patil : *Chemicals and Fertilizers* ; and Shri Vishwanath Pratap Singh : *Finance*.

#### *Ministers of State (Independent Charge)*

Shrimati Maragatham Chandrasekhar : *Social and Women's Welfare* ; Shri Nawal Kishore Sharma : *Petroleum* ; Shri Ram Niwas Mirdha : *Communications* ; Shri T. Anjiah : *Labour* ; Shri V.N. Gadgil : *Information and Broadcasting* ; and Shri Z.R. Ansari : *Shipping and Transport*.

#### *Ministers of State*

Shri Arif Mohd. Khan : *Industry and Company Affairs* ; Shri Arun Nehru : *Department of Power* ; Shri Ashok Gehlot : *Tourism and Civil Aviation* ; Shri Bir Sen : *Environment and Forests* ; Shri Ghulam Nabi Azad : *Parliamentary Affairs* ; Shri H.R. Bhardwaj : *Law and Justice* ; Shri Janardhan Poojari : *Finance* ; Shri Khurshid Alam Khan : *External Affairs* ; Shri K.P. Singh Deo : *Departments of Personnel and Administrative Reforms and Culture* ; Shri K.R. Narayanan : *Planning* ; Shri Madhavrao Scindia : *Railways* ; Shrimati Margaret Alva : *Parliamentary Affairs* ; Shri Natwar Singh : *Department of Steel* ; Shri R.K. Jaichandra Singh : *Department of Youth Affairs and Sports* ; Shrimati Ram Dulari Sinha : *Home Affairs* ; Shri Shivraj Patil : *Science and Technology and the Department of Ocean Development ; Atomic Energy ; Space and Electronics* ; Shri Yogendra Makwana : *Department of Health*.<sup>7</sup> Shri Chandulal Chandrakar : *Department of Rural Development* and Shri P.A. Sangma : *Commerce and Supply*.<sup>7</sup>

*Dissolution of Seventh Lok Sabha* : On the recommendation of the outgoing Union Cabinet, President Giani Zail Sing dissolved the Seventh Lok Sabha on 31 December. Thereafter, the Eighth Lok Sabha was duly constituted with the Election Commission issuing a notification completing the election process.<sup>8</sup>

7. *Ibid*, 1 January, 1984 and *Indian Express*, 2 January, 1985.

8. *Indian Express*, 1 January, 1984.



## AROUND THE STATES

## ANDHRA PRADESH

*Expansion of Ministry* : Seventeen more Ministers—nine of Cabinet rank and eight Ministers of State were sworn in by the Governor, Dr. S.D. Sharma on 17 October and 12 November.<sup>9</sup>

*Dissolution of Legislative Assembly* : Dr. Shankar Dayal Sharma, Governor dissolved the 23-month old Legislative Assembly on 22 November on the advice of the Cabinet.<sup>10</sup>

## HARYANA

*MLA's election set aside*. The Supreme Court set aside the election of Shri Bhagmal to the Legislative Assembly on 9 November by upholding the judgement of the Punjab and Haryana High Court.<sup>11</sup> The court held that the eight ballot papers in favour of Shri Bhagmal which were improperly rejected could not be taken into account as he did not file a recrimination application required under Section 97(1) of Representation of the People Act and declared the defeated candidate Shri Prabu Ram elected.

*Expansion of Cabinet*. Two more Ministers namely Sarvashri Sagar Ram Gupta and Goverdhan Dass Chouhan were inducted into the Ministry on 30 November.<sup>12</sup>

## HIMACHAL PRADESH

*Setting aside of MLA's election* : On 11 October, the Himachal Pradesh High Court set aside the election of Shri Ramchand Bhatia to the Vidhan Sabha from Nagrota Bagwan constituency in Kangra district.<sup>13</sup>

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9. *Free Press Journal*, 18 October, 1984 and *Tribune*, 13 November, 1984.

10. *Indian Express*, 23 November, 1984.

11. *Tribune*, 10 November, 1984.

12. *Free Press Journal*, 1 December, 1984.

13. *Indian Express*, 12 October, 1984.

*By-election* : Shri Natha Singh of Congress (I) was declared elected on 28 December to the Legislative Assembly from Dharampura seat, defeating his nearest rival, Shri Vyas Dev of the Bhartiya Janata Party.<sup>14</sup>

#### JAMMU AND KASHMIR

*New Chairman* : On 1 October, Shri Mohan Krishan Tikoo, a nominee of the ruling National Conference (Khalida) group, was unanimously elected Chairman of the Legislative Council. Earlier, Shri Attaullah Suhrawardy, Deputy Chairman, was removed from Office, in absentia, through a Government sponsored resolution.<sup>15</sup>

*Expansion of Ministry* : One more Minister, Shri Ghulam Nabi Kochak was sworn in as Minister on 17 November by Governor, Shri Jagmohan.<sup>16</sup>

#### KARNATAKA

*MLA's election set aside* : The Karnataka High Court set aside the election of Shri Suryanarayana Rao to the Legislative Assembly from Varathur constituency on 22 December.<sup>17</sup> The defeated candidate, Shri B.V. Ramchandra Reddy had challenged the election of Shri Rao on the ground that Shri Rao was disqualified by the Election Commission for three years for failing to file election expenses returns for the previous Assembly polls. In spite of the disqualification, the Election Commission allowed him to contest.

*Resignation by Chief Minister* : The Chief Minister Shri Ramakrishna Hedge, tendered his resignation on 29 December to the Governor, owning moral responsibility for the reverse suffered by the ruling Janata Party in the Lok Sabha elections. He also recommended for the immediate dissolution of the Legislative Assembly.<sup>18</sup>

#### KERALA

*Dismissal of plea against Speaker*. On 13 December, Justice V. Shivaraman Nair of the Kerala High Court dismissed a writ petition questioning

14. *Times of India*, 29 December, 1984.

15. *Hindustan Times*, 2 October, 1984.

16. *Hindu*, 18 November, 1984.

17. *Statesman*, 23 December, 1984.

18. *Free Press Journal*, 30 December, 1984.

the propriety of Shri Vakkom Purushothaman seeking election to Lok Sabha, while continuing as Speaker of the Legislative Assembly.<sup>19</sup>

*Resignation by Speaker* : Shri Vakkom Purushothaman who was elected to the Lok Sabha from Alleppey constituency, resigned on 28 December from the Speakership as well as the membership of the Legislative Assembly.<sup>20</sup>

#### MADHYA PRADESH

*Resignation by Ministers*. Shri Rajendra Kumar Jain, Industry Minister, resigned on 19 December in the wake of the tragic loss of life at Bhopal following the gas leakage in the Union Carbide factory. The Labour Minister, Shri Patidar also resigned on 28 December from the Cabinet, accepting full responsibility for the Union Carbide gas leakage disaster.

Six more Ministers who were elected to the Lok Sabha, resigned on 30 December. They were : Sarvashri Ajay Narain Mushran, Digvijay Singh, Manku Ramsodhi, Babulal Malvia, P.S. Bhagal and Mohanlal.<sup>21</sup>

#### MAHARASHTRA

*Resignation by Minister* : Shri Surendra Bhuyar, Minister of State for Food and Civil Supplies, resigned on 16 November from the Council of Ministers.<sup>22</sup>

#### MANIPUR

*General Elections*. Elections were held for the 60-member Legislative Assembly on 27 December. The Congress (I) got the majority by winning 31 seats. Independents came second with 20 seats. The seats won by other parties were as follows. Janata Party-4 ; Manipur Peoples Party-3 ; CPI-I and Kuki National Assembly-1.<sup>23</sup>

#### NAGALAND

*Changes in Cabinet* : A minor Cabinet reshuffle took place on 15 October when Shri C. Chongsen, former Speaker, was inducted into the Cabinet and

19. *Indian Express*, 14 December, 1984.

20. *Hindustan Times*, 29 December, 1984

21. *Free Press Journal*, 20 December, 1984 ; *Times of India*, 29 December, 1984 and *Statesman*, 31 December, 1984.

22. *Hindustan Times*, 17 November, 1984.

23. *Free Press Journal*, 28 December, 1984 ; *Times of India*, 4 January, 1985 and *Statesman*, 5 January, 1985.

given the portfolio of Public Health Engineering. Shri T. Rothrong, Minister for Geology and Mining, was also given additional charge of Transport and Communication.<sup>24</sup>

#### PUNJAB

*MLA's election upheld* : On 29 October, the Supreme Court upheld the election of Shri Surinder Singh to the Legislative Assembly by setting aside the verdict of the High Court. Earlier the High Court had found him guilty of corrupt practice by disturbing an Akali Dal election meeting and also indulging in bribery.<sup>25</sup>

#### TAMIL NADU

*General elections* : Elections were held for the 234-member Legislative Assembly on 24 December. The ruling AIADMK party secured an absolute majority by winning 133 seats. The Congress (I) Party which had entered into an alliance with AIADMK, got 62 seats. The seats won by other parties were as follows : DMK-20 ; Janata-3 ; CPI-(M)-5 ; CPI-2 and Others-7. The election in two constituencies was countermanded following the death of an independent candidate.<sup>26</sup>

#### UTTAR PRADESH

*New Minister* : Shri K.P. Tewari Member of Lok Sabha from Allahabad was sworn in as a Cabinet Minister on 27 November.<sup>27</sup>

#### WEST BENGAL

*New Governor* : Shri Uma Shankar Dixit was sworn in as the Governor on 1 October. The Acting Chief Justice of Calcutta High Court, Justice Tarun Kumar Basu administered the oath of office and secrecy to him.<sup>28</sup>

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24. *Statesman*, 16 October, 1984.

25. *Ibid*, 30 October, 1984.

26. *Free Press Journal*, 25 December, 1984 ; *Indian Express*, 5 December, 1984 and *Hindu*, 30 December, 1984.

27. *Indian Express*, 28 November, 1984.

28. *Ibid*, 2 October, 1984.

## UNION TERRITORIES

## ARUNACHAL PRADESH

*General elections* : Elections were held for the 30-member Legislative Assembly on 24 December. The Congress (I) Party got an absolute majority by winning 21 seats. The seats won by other parties were : People's Party of Arunachal Pradesh-4 : BJP-1 and Independents-4.<sup>29</sup>

## DELHI

*New Lt. Governor* : The Union Home Secretary, Shri M.M.K. Wali was appointed Lt. Governor on 3 November in place of Shri P.G. Gavai. Shri Gavai proceeded on leave following widespread criticism of the way in which the Administration had handled the riots following the assassination of Shri-mati Indira Gandhi. Shri Wali was sworn in on 4 November by the Chief Justice of Delhi High Court, Justice Prakash Narain.<sup>30</sup>

## GOA, DAMAN AND DIU

*General elections* : Elections for the 30-member Legislative Assembly were held on 27 December. The Congress (I) Party got an absolute majority by winning 18 seats and Maharashtrawadi Gomantak Party emerged as the main opposition party by winning 8 seats. The Goa Congress got 1 seat while Independents captured 3 seats.<sup>31</sup>

## PONDICHERRY

*New Lt. Governor* : Shri Tribhuvan Prasad Tewari was sworn in by Chief Justice Shari Ramalingam on 1 October as the Lt. Governor.<sup>32</sup>

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29. *Hindustan Times*, 31 December, 1984 ; and *Free Press Journal*, 25 December, 1984.

30. *Times of India*, 4 November, 1984 and *Hindustan Times*, 5 November, 1984.

31. *Free Press Journal*, 28 December, 1984 and *Hindu*, 30 December, 1984.

32. *Statesman*, 2 October, 1984.

## DEVELOPMENTS ABROAD

### BOLIVIA

*Resignation by Cabinet* : The Cabinet resigned on 9 October to enable President Zuazo to reorganise the government in order to introduce adjustments in the economic, political and social fields.<sup>33</sup>

### FEDERAL REPUBLIC OF GERMANY

*Resignation by Speaker* : Mr. Rainer Brazel, Speaker of the West German Bundestag (Lower House), resigned on 5 October following the allegations that he had received bribes from Flick Industrial Empire.<sup>34</sup>

### GRENADA

*New Prime Minister* : Mr. Herbert Blaire, leader of the New National Party, was sworn in as Prime Minister on 4 December.<sup>35</sup>

### GUINEA

*Abolition of office of Prime Minister* : The office of Prime Minister was abolished on 20 December and the functions of both Head of the State and Government were taken over by Colonel Lansana Conte.<sup>36</sup>

### MALTA

*New Prime Minister*: Mr. Mifsud Bonniol was sworn in on 22 December as Prime Minister in succession to Mr. Dom Mintoff who stepped down after 13 years of service as Head of Government.<sup>37</sup>

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33. *Ibid*, 10 October, 1984.

34. *Hindu*, 26 October, 1984.

35. *Tribune*, 6 December, 1984.

36. *Hindu*, 22 December, 1984.

37. *Times of India*, 24 December, 1984.

## MAURITANIA

*Changes in Presidentship* : The Chief of the State. Lt. Col. Mohammed Khouna Haidalla was overthrown on 12 December and Col. Maouy Sidahmed Taya, a former premier, assumed power.<sup>38</sup>

## PERU

*Resignation by Prime Minister* : Prime Minister, Mr. Sandro Mariateg along with three other Cabinet colleagues resigned on 12 October from the Government, headed by President Fernando Belaunde, in order to contest the general elections in next April.<sup>39</sup>

## SINGAPORE

*General elections* : Prime Minister, Mr. Lee Kuan Yew's People's Action Party won 77 seats out of 79 in the Parliamentary elections held on 2 December. It secured 63% of the total votes cast. Mr. Jashva Jeyaretnam and M Chiam [See Tong were the only opposition leaders who got elected to the Parliament.<sup>40</sup>

## SRI LANKA

*New Chief Justice* : Mr. Suppiah Sharvanada, a Tamilian, was administered the oath of office of Chief Justice on 29 October by President Jayawardenne.<sup>41</sup>

## U.S.A.

*Election of President* : The Republican Party candidate, Mr. Ronald Reagan got a massive mandate in a landslide election victory for another term of Presidentship on 7 November. His rival, Mr. Walter Mondale of the

38. *Ibid*, 13 December, 1984.

39. *Ibid*, 14 October, 1984.

40. *Statesman*, 24 December, 1984.

41. *Indian Express*, 30 October, 1984.

Democratic Party got the support of only Minnesota and Washington D.C. States. Mr. George Bush was re-elected as Vice-President.<sup>42</sup>

**U.S.S.R.**

*New Defence Minister* : Marshal Sergei L. Sakolov was appointed Defence Minister on 22 December in place of Marshal Dmitri Ustinov who passed away on 21 December.<sup>43</sup>



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42. *Times of India*, 8 November, 1984.

43. *Ibid*, 22 December, 1984 and *Hindustan Times*, 23 December, 1984.



**DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY  
INTEREST**

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[The Constitution (Fifty-Second Amendment) Bill, 1985 was passed by Lok Sabha on 30 January, 1985 and by Rajya Sabha on 31 January, 1985. It received the President's assent on 15 February, 1985.

The Representation of the People (Amendment) Bill, 1985 was passed by Lok Sabha on 23 January, 1985 and by Rajya Sabha on 25 January, 1985. The Bill was assented to by the President on 16 February, 1985.

We reproduce below the texts of the two Acts.

— Editor]

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**THE CONSTITUTION (FIFTY-SECOND AMENDMENT ACT, 1985**

*An Act further to amend the Constitution of India*

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

1. *Short title and commencement.* (1) This Act may be called the Constitution (Fifty-second Amendment) Act, 1985.

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

2. *Amendment of article 101.* In article 101 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures "clause (1) of

article 102" the words, brackets and figures "clause (1) or clause (2) of article 102" shall be substituted.

3. *Amendment of article 102.* In article 102 of the Constitution,—

(a) for the brackets, figures and words "(2) For the purposes of this article". the words "*Explanation*"—For the purposes of this clause" shall be substituted ;

(b) the following clause shall be inserted at the end, namely :—

"(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule."

4. *Amendment of article 190.* In article 190 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures "clause (1) of article 191", the words, brackets and figures "clause (1) or clause (2) of article 191" shall be substituted.

5. *Amendment of article 191.* In article 191 of the Constitution,—

(a) for the brackets, figure and words "(2) For the purposes of this article", the words "*Explanation*.—For the purposes of this clause" shall be substituted ;

(b) the following clause shall be inserted at the end namely :—

"(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule".

6. *Addition of Tenth Schedule.* After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely :—

## TENTH SCHEDULE

[Articles 102 (2) and 191 (2)]

### Provisions as to disqualification on ground of defection

1. *Interpretation.*— In this Schedule, unless the context otherwise requires,—

- (a) "House" means either House of Parliament or the Legislative Assembly or , as the case may be, either House of the Legislature of a State ;
- (b) "legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or paragraph 3 or, as the case may be, paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions ;
- (c) "original political party" in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 ;
- (d) "paragraph" means a paragraph of this Schedule.

2. *Disqualification on ground of defection*—(1) Subject to the provisions of paragraphs 3, 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House—

- (1) if he has voluntarily given up his membership of such political party ; or
- (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case the prior permission of such political party, person or authority, and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

*Explanation*—For the purposes of this sub-paragraph—

- (a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member ;
- (b) a nominated member of a House shall—
  - (i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party ;

- (ii) in any other case, be deemed to belong to the political party of which he becomes, or as the case may be first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act 1985, is a member of a House (whether elected or nominated as such) shall,—

- (i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party ;
- (ii) in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

3. *Disqualification on ground of defection not to apply in case of split*—  
Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party—

- (a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground—

- (i) that he has voluntarily given up his membership of his original political party ; or
  - (ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party person or authority within fifteen days from the date of such voting or abstention ; and
- (b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

*4. Disqualification on ground of defection not to apply in case of merger—*

(1) A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party—

- (a) have become members of such other political party or, as the case may be, of new political party formed by such merger ; or
- (b) have not accepted the merger and opted to function as a separate group,

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

*5. Exemption—*Notwithstanding anything contained in this Schedule a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State

or the speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule—

- (a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party ; or
- (b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

6. *Decision on questions as to disqualification on ground of defection—*

(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final :

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification; the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

7. *Bar of jurisdiction of courts—*Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. *Rules—*(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing such rules may provide for—

- (a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong ;

- (b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished ;
- (c) the reports which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished ; and
- (d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.'

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*Mr. Speaker.* The Bill, as amended, is passed by the requisite majority in accordance with the provisions of article 368 of the Constitution.

*The Motion was adopted.*

*Prof. Madhu Dandavate.* Sir, what about obituary reference to defectors ?

अध्यक्ष महोदय : अब तो फातेहा पढ़ दिया है ।

(L.S. Deb., 30 January 1985)

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)**

**ACT, 1985**

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

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

1. *Short title and commencement.* (1) This Act may be called the Representation of the People (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on the 20th day of November, 1984.

2. *Insertion of new section 73A :* In the Representation of People Act 1951 (hereinafter referred to as the principal Act), after section 73, the following section shall be inserted, namely :—

“73A. Notwithstanding anything contained in section 73 or in any other provision of this Act, with respect to the general election for the purpose of constituting a new House of the People upon the expiry of the term of the House of the People in existence on the commencement of the Representation of the People (Amendment) Act, 1985,—

- (a) the notification under section 73 may be issued without taking into account the Parliamentary constituencies in the State of Assam and the Parliamentary constituencies in the State of Punjab ; and
- (b) the Election Commission may take the steps in relation to elections from the Parliamentary constituencies in the State of Assam and the Parliamentary constituencies in the State of Punjab separately and in such manner and on such dates as it may deem appropriate.”

3. *Repeal and saving.* (1) The Representation of the People (Amendment) Ordinance, 1984, 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 principal Act, as amended by this Act.

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## SESSIONAL REVIEW

## EIGHTH LOK SABHA

## FIRST SESSION

The first session of the Eighth Lok Sabha, which was constituted after the general elections on 31 December, 1984, commenced on 15 January, 1985. Since in terms of the second proviso to article 94, the Speaker of the previous House was to vacate his office immediately before the first sitting of the new House, the President by his order dated 5 January, 1985, appointed Shri Jagjivan Ram, the member with the longest service to the House, as Speaker *pro tem* and he presided over the sittings of the House on 15 and 16 January, 1985 till the Speaker was chosen. The Speaker *pro tem* and three other members were appointed by the President to administer oath or affirmation to the members.

On the opening day, i.e. 15 January, the Speaker *pro tem*, Shri Jagjivan Ram, who had made and subscribed oath before the President at Rashtrapati Bhawan on the previous day, signed the Roll of members as the first thing after taking the Chair, in token of having taken his seat in the House. Before the business of the house commenced, in accordance with a long standing practice, the members stood in silence for a short while to mark the solemn occasion of commencement of a new House. A book containing the list of members elected to the Lok Sabha at the General election of 1984 presented to the Speaker by the Chief Election Commissioner was then laid by the Secretary-General on the Table of the House. Thereafter, the members

made and subscribed oath or affirmation in the following order : Prime Minister, members of the Council of Ministers, Parliamentary Secretaries, the members of the Panel of Chairmen, and then other members, State-wise and constituency-wise as listed in the list furnished by the Chief Election Commissioner, followed by the two nominated members representing the Anglo-Indian community.

The session was originally scheduled to conclude on 25 January but later it was extended and continued till 30 January, 1985 when the House was adjourned *sine die*. A brief resume of the important discussions held and legislative business transacted during the Session is given below.

#### A. DISCUSSIONS

*President's Address.* The President addressed the members of the two Houses assembled together on 17 January, 1985 to inform the Parliament of the causes of its summons. He extended his felicitations to the members of the new Lok Sabha. He recalled the accelerated terrorist activities in Punjab in the earlier part of 1984 and the use of Army to meet the threat of India's unity and integrity, and regretted that 'our beloved leader and Prime Minister, Indira Gandhi was assassinated in an act of perfidy'. She had joined the ranks of the immortals of world history. The saga of her life 'will inspire generations to come'. The President noted that elections of 1984 marked the resurgence of Indian nationalism, transcending all barriers of community caste and region. The unambiguous verdict of the people, he added, was also for continuity of the basic policies which had given strength to the country with dynamic responses to changing situations. He emphasized the need to make disciplined and vigorous efforts to reach a higher stage of development in which the imperatives of technological advances and social justice reinforce each other.

In a reference to international affairs, the President said that the Government attached high priority to developing close relations with all the neighbours. The ethnic violence in Sri Lanka was a matter of deep concern to India and a political process in which all concerned parties were involved, could alone result in a just settlement. As Chairman of the Non-aligned Movement, India had worked together with other nations to build a just world order and helped to reduce tensions and resolve conflicts between member States. The President described the threat of nuclear war as the single most important challenge today and added that in a few days, the

leaders of Argentina, Greece, Mexico, Sweden, Tanzania and India would meet in New Delhi to consider future action to be taken to contain the nuclear peril. India welcomed the resumption of talks in Geneva between USA and USSR and hoped that they would lead to meaningful disarmament measures.

While welcoming the increased co-operation in economic, scientific, cultural and educational fields with the United States, the President expressed concern at the induction of sophisticated armaments in India's neighbourhood and hoped that Pakistan would respond positively and constructively to the several initiatives taken by Government.

Announcing future tasks of the Government, the President said that the Prime Minister had already expressed the Government's determination to find solutions to the problems of Punjab and Assam. He declared that the Government was committed to a clean public life and would initiate wide ranging discussions on electoral reforms with political parties. In consonance with the objective of a healthy political system, the Government would bring forward an anti-defection Bill in the current session of Parliament. Some of the other priorities of national effort, the President added, would include reforms of the administrative system to make it more efficient and responsive to the people's needs and aspirations; announcement of a new policy for textile industry, formulation of new educational policy, provision of free education for girls up to the end of higher secondary stage, introduction of measures in the judicial system for ensuing speedier justice to under-privileged sections of society, formulation of a new national programme for women, constitution of a separate Department of Forests and Wild life, establishment of a Central Ganga Authority to stop the pollution of the Ganga and Observance of 1985 as the 'Year of the Youth' and implementation of appropriate programmes in this regard.

Concluding, the President affirmed that the duty of representatives of the people was 'to canalise the tremendous upsurge among the masses into co-operative and disciplined endeavour to accelerate development and to prepare the country for the 21st century.

The President's Address was discussed for three days, i.e. on 18, 21 and 22 January, 1985, on a Motion of Thanks moved by Professor N.G. Ranga. Initiating the discussion, Professor Ranga asked the Government to formulate a national policy on housing, clearance of slums, control of population, and introduction of measures such as crop insurance, cattle insurance for the

protection of agricultural workers. Shri B.R. Bhagat who seconded the motion, solicited the co-operation of the opposition for bringing unity in the country. Participating in the discussion, Shri C. Madhav Reddy while assuring his party's full cooperation for finding a solution to Punjab and Assam, urged upon the Government to allot more funds to the States. Shri P. Kolandaivelu urged the Government to take proper action for the protection of Tamil population in Sri Lanka. Shri Sultan Salahuddin Owase suggested granting of legal status to the Minorities Commission for the implementation of its reports. Dr. Datta Samant asked the Government to prepare and implement suitable economic programme to contain price rise and solve the problem of unemployment.

Winding up the discussion on 22 January 1985, in which 35 other members\* participated, the Prime Minister, Shri Rajiv Gandhi reiterated that his Government was committed to a clean life public and had started taking measures towards that end. For a cleaner public life, electoral reforms and anti-defection Bill were essential and he hoped to get full co-operation from the Opposition, Shri Gandhi assured the House that the Government was looking towards solving the problems of Punjab and Assam.

The Prime Minister observed that the cases of espionage, being uncovered currently, affected the whole nation. He offered to share with the House more information at the appropriate time, but denied any political colour in it. The Government, he added, had investigated specific areas where things did not look right and were going into it in great depth.

Referring to the forthcoming Summit of six nations, in Delhi, the Prime Minister said that India had been a strong supporter of the non-aligned movement and would be taking more interest, developing more contacts and try to improve South-South relations, South-South exchanges and see that the Third

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\*Other members who took part in the discussion were : Sarvashri Amal Datta, Brahma Dutt, Jaideep Singh, Lalit Maken, Priya Ranjan Das Munshi, Sudini Jaipal Reddy, Shrad Shankar Dighe, Azeez Sait, P. Rangarajan Kumaramangalam, Narayan Choubey, Shripati Mishra, A.C. Shunmugham, K.S. Rao, Pratap Bhanu Sharma, P.J. Kurien, Girdhari Lal Vyas, Piyus Tirkey, Tarun Kanti Ghosh, K.K. Tiwari, Chandupatla Janga Reddy, Ananda Gajapati Raju Pnosapati, Mool Chand Daga Devineni Narayanaswamy, R. Prabhu, A. Kalanidhi, Atish Chandra Sinha, Bhattam Sreeramamurthy, D.B. Patil, Amar Roy Pradhan, Ajay Narayan Mushran, Smt. Vijayanthimala Bali, Smt. Akbar Jahan Begam, Smt. Krishna Sahi, Smt. Jayanti Patnaik and Smt. Nirmala Kumari Shaktawat.

World could help itself. Shri Gandhi said that India looked forward to a positive response from Pakistan despite some of the recent actions by the bureaucracy and other members of Pakistan having been not conducive to Indo-Pakistan relations. As regards the recent happenings in Sri Lanka, the Prime Minister said India looked forward to a high level communication with Sri Lanka and would do whatever it could, to help solve the problem.

The Prime Minister promised quicker and speedier justice at all levels and introduction of programmes for social, economic and cultural development of women, employment of youth and their involvement in building a great nation. The Government, he added, were setting up a Waste Land Development Board and looking at 'cleaning up the air and water' of the country.

Concluding, Shri Gandhi declared that his Government had the 'new managerial skill' and 'political will', needed to take the country forward to build a dynamic and progressive India where a person's worth was not measured by his caste, creed region or religion.

The Motion of Thanks was, thereafter, adopted.

*Tragic accident in Union Carbide Factory at Bhopal :* Making a statement on 18 January, 1985, the Minister of Chemicals and Fertilizers and Industry and Company Affairs, Shri Veerendra Patil informed the House that a tragic accident had occurred in Bhopal on the night intervening 2 and 3 December, 1984 due to leakage of Methyl Isocyanate (MIC) gas from the factory of Messers Union Carbide killing about 1408 persons. Because of the wind direction, the gas drifted towards thickly populated areas of the city. Persons affected by the gas suffered eye irritation, cough, breathlessness, nausea and choking sensation. The State Government authorities took immediate action to mobilise transport and despatched medical teams for house to house visits to render medical first-aid and to take the affected to hospitals. By passing orders under Criminal Procedure Code, the Union Carbide had been restrained from carrying out further production operations. A Co-ordination Committee was set up in the Government of India to deal with all matters arising out of the accident. By undertaking "Operation Faith" between 16 and 24 December 1984 the balance MIC had been neutralised.

Giving the details of relief measures, the Minister stated that immediately after the accident, the State Government announced ex-gratia relief of Rs.

10,000 per deceased person, Rs. 2000 each for seriously affected individuals and upto Rs. 1000 for those sustaining minor injuries and so far a total sum of Rs. 100 58 lakhs had been disbursed to the victims. The Government of India had also released an advance of Rs. 5 crores to the State Government. The State Government had also set up a Commission of Enquiry headed by a Judge of the High Court to investigate into the events and circumstances of the accident etc. The Government had also decided to set up a special cell to make a detailed study of the practices in vogue in developed countries for dealing with hazardous substances and the institutional controls in force to ensure safety for man and environment.

Concluding, the Minister assured the House that the Government was firmly resolved to take such steps as might be necessary to avoid the recurrence of such accidents and to ensure fair compensation for those who had been affected by the tragedy, for which a legal cell had been established in the Ministry of Law.

The statement of the Minister was a subject matter of discussion in the House on 21 January, 1985. Raising the discussion, Professor Madhu Dandavate urged the Government to deeply go through safety and technological aspects of the problem and the licencing policy regarding allowing such plants to be located in particular regions and areas to avoid such tragedies in future.

Replying to the discussion in which 8 other members\* participated, Shri Patil agreed with the members that the tragedy which occurred in Bhopal was the worst in the entire world. He assured the House that in the light of the report of the Commission of Inquiry constituted by the Madhya Pradesh Government, whatever action was necessary at the State and the Central level would be taken. The suggestions of the Chief Minister of Madhya Pradesh about the cancellation of licence given to Union Carbide and taking over of its property at Bhopal by the Government of India were being examined. The Government was also considering the setting up of a National Scientific and Medical Committee to study all aspects arising out of the accident and the appropriate steps needed to be taken on the medical and scientific aspects.

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\* Other members who took part in the discussion were : Sarvashri Eduardo Faleiro, Erasu Ayyappu Reddy, Arvind Netam, C.P. Thakur, R.P. Das, Dalbir Singh, Chandupatla Janga Reddy and Smt. Geeta Mukherjee.

The State Government, the Minister added, had engaged the Tata Institute of Social Sciences along with a few other institutions of social work to do a house-to-house survey for assessing the casualties and would take further action as may be deemed necessary.

*Anti-national activities of certain employees in sensitive positions* : Making a statement on 18 January, 1985, the Prime Minister, Shri Rajiv Gandhi informed the House that it came to Government's notice that certain employees in sensitive positions were suspected to be indulging in activities detrimental to national interests. Some arrests had been made in the course of the investigations which were under way.

In another statement made on 21 January, 1985 on the subject, the Minister of Home Affairs, Shri S.B. Chavan told the House that secret operations undertaken by the intelligence agency established that some persons in sensitive positions in the Government of India had been passing on classified documents and reports to an Indian, who, in turn, was transmitting them to an agent of a foreign power, based in New Delhi. A case under the Official Secrets Act was registered and several persons, including a representative of a private firm and some Government employees, working in the office of the Principal Secretary to the Prime Minister, Department of Defence Production, Ministry of Finance and the President's Secretariat had been arrested and were being interrogated. Searches conducted in the course of investigation had resulted in recovery of a large number of classified and highly sensitive documents. At the instance of the Government of India, the agent of a foreign power involved in the case had been withdrawn from the country.

The Minister assured the House that no efforts would be spared by the Government to bring to book all those even remotely involved in such activity. More disclosures at this stage, he added, would hamper investigation of the case.

*Violence in Sri Lanka* : On 22 January, 1985, making a statement in response to a Calling Attention Notice by Shri Priya Ranjan Das Munshi, the Minister of State in the Ministry of External Affairs, Shri Khursheed Alam Khan informed the House that the situation in Sri Lanka which was already grave had deteriorated further. What was even more disturbing over the last month was, the crossing into our territorial waters by the Sri Lankan Navy vessels to harass fishermen on Indian side and seize their catches. To

protect the fishermen, the Coast Guard patrolling had been stepped up. The Navy had also been asked to keep vigil.

The continuing cycle of violence and counter-violence, Shri Khan maintained, could not resolve the ethnic problem in Sri Lanka. It was also a matter of great disappointment and frustration that there was now no indication of seeking political solution to the problem.

The Minister recalled that the Prime Minister had already reiterated that there could be no alternative to a political solution acceptable to all concerned within the framework of Sri Lanka's unity and territorial integrity. He expressed the hope that the Government of Sri Lanka would take an early initiative to settle the problem through negotiations so that over 40,000 Tamil refugees in India, could go back to their country with dignity and without fear.

*Motion regarding Six-Nation Summit on Nuclear Disarmament :* On 30 January 1985, the House unanimously adopted the following motion, proposed by the Speaker, Dr. Bal Ram Jajhar.

“This House notes with satisfaction and pride that the Six-Nation Summit on Nuclear Disarmament held in New Delhi on January 28, 1985, has successfully concluded its deliberations. The Delhi Declaration issued at the conclusion of this Summit represents a major contribution to the world-wide movement for a halt to the nuclear arms race and for concrete measures to prevent the outbreak of a nuclear war which could result in the extinction of human civilisation and life on this planet.

The House welcomes the Delhi Declaration which reiterated the call for an all embracing halt to the testing, production and deployment of nuclear weapons and their delivery systems as well as measures aimed at substantial reduction and eventually the complete elimination of nuclear weapons. It welcomes in particular the specific steps called for in the declaration—the prevention of an arms race in the outer space and a comprehensive treaty prohibiting the testing of nuclear weapons.

It is urgently necessary that the precious resources presently wasted in military expenditure be directed towards social and economic development particularly of the developing countries. Side by side the role and effectiveness of the United Nations should also be



strengthened. The House strongly reaffirms the call made in the Declaration that people, Parliaments and Governments, all the world over, to lend forceful support to the appeal.

The House requests the Government of India to convey its thanks and appreciation to the Heads of States or Governments who, through their presence and positive contribution, ensured the success of the Summit. It also places on record its appreciation of the work done by the Indian delegation and the leadership provided by the Prime Minister of India, Shri Rajiv Gandhi."

## B. LEGISLATIVE BUSINESS

*Representation of the People (Amendment) Bill 1985\** : On 83 January, 1985, moving the Bill for consideration, the Minister of Law and Justice, Shri Ashok Sen said that it sought to regularise the Ordinance, promulgated by the President on 20 November, 1984, regarding holding of elections to Lok Sabha without holding elections in two States, namely, Assam and Punjab. The Ordinance, Shri Sen added, had been promulgated on the recommendation of the Election Commission that in Assam it was impossible to complete the intensive revision of electoral rolls and in Punjab the law and order situation was such that it was impossible to hold the elections.

Earlier, moving a statutory resolution seeking disapproval of the Representation of the People (Amendment) Ordinance, Professor Saifuddin Soz felt that the House could not be considered really a House of the people without the representatives of Assam and Punjab.

Replying to the combined brief discussion in which 7 other members\*\* participated, Shri Sen said that the Sikhs and the Assamese would remain for all time to come as inseparable limbs and they would be proud sharers of the common nation. He appealed to all members to strengthen the hands of the Prime Minister and the Home Minister to see that Punjab and Assam returned to the mainstream of the nation.

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\*The Bill was introduced by the Minister of Law and Justice, Shri Ashok Sen, on 18 January, 1985.

\*\*Other members who took part in the discussion were Sarva-shri Vadde Sobhanedreswara Rao, Harish Rawat, Saifuddin Chowdhury, Jai Prakash Agarwal, Chandupatla Janga Reddy, Keyur Bhushan and Amar Roypradhan.

The Statutory Resolution was negatived. The motion for the consideration of the Bill was adopted and the Bill was passed.

*Foreign Contribution (Regulation) Amendment Bill, 1985\** : On 23 January, 1985, moving that the Bill to replace the Ordinance, promulgated by the President on 20 October 1984, be taken into consideration, the Minister of Home Affairs, Shri S.B. Chavan said that it was meant to curb the evil practice of misuing foreign contribution for anti-national activities.

Commending the Bill to the House, Shri Chavan said that the intention of the Government was to prohibit all foreign contribution to any political party. The lacuna in the definition of the term 'foreign contribution' had been removed by enlarging it to cover contribution made by an organisation which received a donation from foreign sources to another organisation and to include associations and political parties which were not covered by the Election Symbols (Reservation and Allotment Order) 1968. The Bill, he added, gave specific power to the Government to audit the account of organisations from whom prescribed returns were not received in time.

Earlier, moving a statutory resolution regarding disapproval of Foreign Contribution (Regulation) Amendment Ordinance, Professor Saifuddin Soz contended that it would arm the ruling party at the Centre to check the political activities of other parties in the country.

Replying to the combined brief discussion, in which 4 other members\*\* participated, Shri S.B. Chavan said that the Government had no intention of harassing any party. But at the same time, the Government could not allow any kind of scope for getting foreign donation or contribution and not accounting for the same.

The statutory resolution was negatived, the motion for consideration of the Bill was adopted and the Bill was passed.

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\* The Bill was introduced by the Minister of Home Affairs, Shri S.B. Chavan on 21 January, 1985.

\*\* Other members who took part in the discussion were Sarvashri Anil Basu, Eduardo Faleiro, H.M. Patel and Mool Chand Daga.

*Constitution (Fifty-second Amendment) Bill 1985\**; On 30 January, 1985, moving that the Bill be taken into consideration, the Minister of Law and Justice, Shri Ashok Sen said that the phenomena of defection became acute after the Fourth General Elections in 1967. Members crossed floor mainly for the purpose of gaining a political or personal advantage. The Bill was in one way redemption of long expectations raised since then and was founded on the principles of universal acceptance, he said and expressed the hope that it "will have the best impact on the people outside the House"—people not only of India but outside.

The Bill covered every political party and was not purely confined to parties having symbols or receiving recognition from the Election Commission or from the Parliament. If any party put up a candidate, and that candidate got elected on that party ticket, it would be impermissible for that person to resign from that party and join some other party, or disobey the mandate of that party, on the floor of the House. He informed the House that an amendment to delete the provision in the Bill seeking to disqualify persons, who were expelled by their party for conduct outside the House, would be brought at the appropriate moment. Shri Sen, further said that the Speaker or the Chairman of the particular House concerned would decide cases of dispute on matters whether a man was really elected on a party ticket, or whether he had really voted contrary to the mandate, or whether the mandate had reached him before he voted.

Welcoming the Bill, Professor Madhu Dandavate wanted the Government to examine the draft thoroughly from the point of legislative and constitutional competence. Shri C. Madhav Reddy termed the Bill as a first 'step in the direct direction', and asked for retention of paragraph 2 (1) (c) of the Schedule. Shri P. Kolandaivelu expressed the view that the Bill washed away all dirt in Indian politics.

Intervening in the discussion, the Prime Minister, Shri Rajiv Gandhi described the Bill as the first step towards cleaning up public life. The Government would take several other steps in this direction including electoral and other reforms and promised to carry the opposition with them.

Referring to an amendment for removing paragraph 2(1) (c) of the schedule which allowed a member to lose his membership of the House if he

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\* The Bill was introduced by the Minister of Law and Justice, Shri Ashok Sen on 24 January, 1985.

was removed from the party, Shri Gandhi said that by removing the said provisions, one lacuna came out and that if the House was not in session and there was a defection or a split, but the Government seemed to lose its majority then there would be a long time before the next session, which could lead to a lot of horse trading. The Government, he added, would examine, with a view to providing a minimum time limit between the suspension of a Government losing its majority and the test of its strength in the House.

Winding up the discussion in which 43 other members\* participated, Shri Ashok Sen said that the Bill was yet another proof of stability and maturity of the Indian democracy. Allaying apprehensions expressed by some members about the authorities of the Election Commission and Presiding Officer coming into clash, the Minister said that while the Election Commission's authority was under the Symbols Order, the authority given to the Speaker was for a limited question.

The motion for consideration of the Bill was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting. The Bill, as amended, was passed by the requisite majority in accordance with the provisions of article 368 of the Constitution.

### C. THE QUESTION HOUR

In all, 769 notices of Questions (560 Starred, 157 Unstarred and 52 Short Notice Questions) were received during the Session. Out of these, 16 were listed as Starred and 377 as Unstarred. No Short Notice Question was

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\*\* Other members who took part in the discussion were Savashri : Bhattam Sriram Murthi ; Dighe Sharad Shankar, Bhagwat Jha Azad, Zainul Basher, Amal Datta, Vijaykumar Naval Patil, Giridhar Gomango, K.R. Natarajan, B.K. Gadhavi, G.G. Swell, K.P. Unnikrishnan, Vishnu Modi, Chintamani Jena, Rajesh Pikt. Abdul Rashid Kabuli, Mool Chand Daga, Piyush Tirki, Balkair Bairagi, Shantaram Naik, Lalit Makn, Amar Roy Pradhan, Kamal Nath, Jagannath Kaushal, Saif ud-Din Soz, Girdhari Lal Dogra, Suresh Kurup, Nissankara Rao Venkataratnam, Bharat Singh, Chintamani Panigrahi, Sudini Jaipal Reddy, Ramasere Prasad Singh Yogeshwar Yogesh, D N. Swamy, Braja Mohan Mohanty, Kishore Chandra S. Deo, K. Ramachandra Reddy, Ram Pyare Panika, P. Appalarasimham, Meijiung Kamson, H.M. Patel, Smt. Goetha Mukherjee, Smt. Vidyawati Chaturvedi and Smt. Vijayanthimata Bati.

admitted during the Session. Two Unstarred Questions were deleted/transferred from one Ministry to another. One supplementary list of Unstarred Questions was issued in respect of transferred Questions.

*Daily average of Questions* : Each list of Starred Questions contained 20 Questions except that of 18 January, 1985 which contained only 16 Questions. On an average, 7 Questions were orally answered per sitting on the floor of the House. Maximum number of Starred Questions orally answered was 10 on 25 January, 1985 and the minimum was 3 on 18 January, 1985.

*Half-an-Hour Discussions* : Four notices of Half-an-Hour Discussions, received during the Session, were disallowed.

#### D. OBITUARY REFERENCES

During the Session, obituary references were made to the passing away of Sarvashri Saminuddin and K.T. Kosalram, both sitting members ; Dharamvir, sitting member, Rajya Sabha and Union Minister, Sarvashri Bishwanath Roy, Narendra Singh Bisht, Lachman Singh, Gauri Shankar Kakkar, R.V. Swaminathan, Narendra Kumar Sanghi, Mritunjay Prasad, Badshah Gupta, U.M. Trivedi, Y.B. Chavan, M.N. Govindan Nair, Prabhat Kar, Basanta Kumar Das, Asoka Mehta, Prem Chand Verma, Pratap Singh Negi Piare, Lal Kureel Talib, Madan Lal Shukla and Bholaram Paradhi, Dr. B.V. Keskar, Dr. (Mrs.) T.S. Saundaram Ramachandran, Swami Brahmanand, Sardar Ranjit Singh, all ex-members; Shri Bholu Paswan Shastri, ex-member ; Rajya Sabha, Shri Somnath Lahiri, member, Constituent Assembly; Shri Rattan Lal Malviya, member, Provisional Parliament; and Shri M.N. Kaul, former Secretary, Lok Sabha. The members stood in silence for a short while as a mark of respect to the deceased.

### RAJYA SABHA

#### HUNDRED AND THIRTY-SECOND SESSION\*

The Rajya Sabha met for its Hundred and Thirty-Second Session on 17 January, 1985 and adjourned *sine die* on 31 January, 1985. A resume of some of the important discussions held and other business transacted during the Session is given below in brief.

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

## A. DISCUSSIONS

*Felicitations to Chairman* : On 18 January, 1985, the Prime Minister, Shri Rajiv Gandhi, welcoming Shri R. Venkataraman who had become Chairman of the Rajya Sabha consequent on his election as Vice-President of India and congratulating him on that score, said that Shri Venkataraman had come to the Chair in the long line of distinguished Chairmen, starting with Dr. Radhakrishnan. He had brought to the Chair a dignity and honour which would keep the Rajya Sabha at a higher level and maintain a high dignity that the Upper House needed. The members looked forward to a close cooperation with the Opposition and with the Chairman in the Rajya Sabha, the Prime Minister concluded.

Thanking the Prime Minister and the members\* for their felicitations, Shri Venkataraman said that he was deeply touched by the very kind reference the members had made about him. He was not vain enough to think that he deserved all that, but he would be modest enough to admit that they were the goals which he would have to strive to achieve. In all his long years in one or the other House, he had never been even in the panel of Chairman and in that sense, he was a novice in the present office.

He was well aware that very high traditions had been established by people like Dr. Radhakrishnan, Dr. Zakir Husain and a number of others. They were all giants that India had produced. He would endeavour to walk in their footsteps to follow their example. The Chairman assured the House that he would not only lend his ears but also lend his eyes to all sides of the House. If in the exigencies, he was not able to do so, it was not for want of goodwill but only because of the constraints of time.

*Tragic Accident at Bhopal* : On 21 January, 1985, members sought clarifications on the statement made in Rajya Sabha on 18 January, 1985, by the Minister of Chemicals and Fertilizers, regarding the tragic accident which occurred in the pesticides plant of the Union Carbide (India) Limited at Bhopal on 3 December, 1984, resulting in large scale deaths and injury to human and animal life.

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\*Other members who offered felicitations were : Sarvashri Dipen Ghosh, R. Mohanarangam, M.S. Gurupadaswamy, Jaswant Singh, Virendra Verma, Chaturanan Mishra, Parvathaneni Upendra, Murasoli Maran, S.W. Dhabe and Ghulam Rasool Matto.

The Minister of Chemicals and Fertilizers, Shri Veerendra Patil, replying to the points raised by the members\* said that there was no basis for the allegation that the Government was interested in suppressing the information with a view to safeguarding the interests of the multinational. This was the worst tragedy that occurred not only in India but also in the entire world. The State Government of Madhya Pradesh had made it clear that they did not want the activities of this Company to continue in that State. They did already make a request to the Central Government to nationalise this undertaking and to take over the entire factory and all the properties which they were owning in Bhopal. This was being examined.

The Minister informed the House that a legal cell had been created in the Law Ministry to go into the question of suing the company. The tentative thinking of the Ministry of Law and Justice was that it would not be advantageous to sue the Union Carbide in India for various reasons. Their opinion was that the Corporation could be sued in a US court in a *parens patriae* action by the Union of India as the guardian and protector of interests of its citizens. Group action by individuals also might proceed separately, without prejudice to the *parens patriae* action by the Union of India. The final decision would be taken on the return of the Attorney-General, the Minister stated.

*Motion of Thanks on President's Address* : On 21 January, 1985, Shri Darbara Singh moving a Motion of Thanks to the President for his Address to both Houses of Parliament said that the House was missing the great leader, Shrimati Indira Gandhi, who had made great contribution in building the country for over sixteen years. There seemed to be a deep-rooted conspiracy behind the assassination of Shrimati Indira Gandhi which had to be unearthed. Efforts had been made continuously by foreign powers to destabilise the country since independence. Punjab problem was also the creation of imperialist forces which wanted to dismember the country. The country's unity and solidarity was in danger. In such circumstances, there was no alternative but to take that unpleasant decision for which ultimately the great Prime Minister had to sacrifice her life.

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\*The members who sought clarifications were Sarvashri is Sukomal Sen, M.S. Gurupadaswamy, Thakur Jagatpal Singh and Jaswant Singh, Professor (Shrimati) Asima Chattarjee, Professor B. Ramachandra Rao, Sarvashri Chaturanan Mishra, Suresh Pachouri, B. Satyanarao Reddy, Ramanand Yadav, S.W. Dhab, V. Gopalswamy, Madan Bhatia, Nannd Kishore Bhatt, and Ghulam Rasool Matte.

He further said that the country was fortunate to have Rajiv as the new Prime Minister who would certainly keep up the traditions of the family. The country had made tremendous progress on all fronts in the regime of Smt. Indira Gandhi. She emerged as a leader of the Third World consisting of 104 countries. The imperialist powers could not tolerate this and that was why their nefarious design to weaken the country increased. But the democracy was deeprooted here and they could do no harm to it.

The Presidential Address reflected the mood of the new Government. Corruption had to be rooted out and the pace of development was to be accelerated. A big espionage racket had been unearthed. The culprits must be given the severest punishment, the member suggested.

Seconding the motion, Shri M.M. Jacob congratulated the Prime Minister for taking speedy action in the espionage case.

The motion was discussed by the House for two days *i.e.* 21 and 22 January, 1985. On 23 January, 1985, the Prime Minister, Shri Rajiv Gandhi, replying to the debate\* said that the verdict of the last election was a verdict for a change as well as a verdict for continuity, continuity in what the Congress stood for, continuity in the ideology, continuity in the fight for social justice, continuity in the fight for self-reliance, continuity against concentration of wealth, continuity in running a good public sector for the benefit of the people and continuity in ideals of non-violence. The Government had to review and see how it could move ahead faster.

The Prime Minister urged the need for revision in the educational system and said that it had to be such that there was a basic national syllabus which built an integrated India. The educational system had to be strengthened to bind the country together.

\*Other members who took part in the discussion were Sarvashri M.M. Jacob, Dipen Ghosh, Kalpnath Rai, R. Mohararangam, K. Vadudeva Panickere, D. Shanti G. Patel S/Shri Anand Sharma, Jaswant Singh, Mirza Irshadbaig, Virendra Varma, Kumari Saroj Khaparade S/Shri Indradeep Sinha, Ram Chandra Vikal, Professor C. Lakshmanan, S/Shri Jagannath Sitaram Akarte, Suresh Kalmadi, Shrimati Krishna Kaul, S/Shri Madan Bhatia, B. Krishna Mohan, L. Gansan, Professor B. Ramchandra Rao, Smt. Kanak Mukhrjee, S/Shri Bahaul Islam, F.M. Khan, Rameshwar Thakur, Sankar Prasad Mita, P.N. Sukul, Khushwant Singh, Dr. Ruda Pratap Singh, Shri Ghulam Rasool Matoo and Prof. (Shrimati) Asima Chatterjee.



He further said that a Six-Nation Summit would be held in Delhi. It was hoped that it would help in disarmament, in reducing tensions and in bringing peace to the world. An attempt would be made to improve relations with all countries in the world with special attention to India's immediate neighbours in the South Asian region. Over the past few months certain differences were there with Pakistan. The Government hoped to see a positive approach from Pakistan.

So far as Sri Lanka was concerned, India had been harbouring thousands of refugees. There must be a political solution and such conditions should be created so that all the displaced people could go back to their homes. The Government would work towards that end in whatever capacity it could.

The Prime Minister emphasised that India had to be modernised, and she had to be made self-reliant in every important sphere. A dynamic country had to be created so that it could be equal to any other country in the world.

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

*Situation in Sri Lanka* : On 24 January, 1985, Shri Jaswant Singh called the attention of the Minister of External Affairs to the situation in Sri Lanka with special reference to recent intrusion into Indian territorial waters and attack on Indian fishermen by Sri Lankan Naval Vessels and the action taken by Government in the matter.

Making a statement on the subject, the Minister of State in the Ministry of External Affairs, Shri Khurshid Alam Khan said that since the House had considered the question last the situation in Sri Lanka, already grave then, had deteriorated even further.

It was not the intention of the Indian government to discuss aspects of the problem which were internal to Sri Lanka, but it was unfortunate that the Sri Lankan authorities were concentrating on security operations. There were daily reports of Tamil civilians being killed by the security forces. Many Tamils of Indian origin who had settled in the North and the East were among the victims.

To compound all this, the Sri Lankan military had made Indian fishermen as its special targets. The Sri Lankan Government had arrested many

Indian fishermen alleging that they were terrorists for which there was no basis. On later admissions of the Government of Sri Lanka, the Indian fishermen who had been either killed, wounded or captured were all engaged in fishing. The Minister assured that in order to protect the Indian fishermen, the Coast Guard patrolling had been stepped up and the Navy had been asked to keep vigil.

The Government was aware of the depth of feeling aroused all over the country, especially in Tamil Nadu by the almost daily reports of outrages committed on the innocent Tamil population in Sri Lanka. Violence could not provide the answer. It only led to more violence. The Minister hoped that the Government of Sri Lanka would take an early initiative to settle this problem through negotiations.

Replying to the points raised by the members, the Minister said that efforts were being made to ensure that over 40,000 refugees who were in the country would go back with honour, dignity and safety to their country. As regards the anxiety expressed about the safety and protection of the fishermen the Minister assured the member that India's Coast Guards had been asked to intensify their patrolling and the Navy had also been alerted.

#### B. LEGISLATIVE BUSINESS

*The Constitution (Fifty second Amendment) Bill, 1985\** : On 31 January, 1985, the Minister of Law and Justice, Shri Asoke Sen, moving the motion for consideration of the Bill, said that the Bill was the beginning of the journey for a clean political life.

It was a matter of pride that shortly after the massive mandate that the Congress Party got in the last elections, the Government pledged through the President's speech that it would bring about a proper law outlawing defections so that representatives elected on certain principles and on certain party labels, would not be allowed to betray the trust which was reposed upon them at the time of their elections. The proposed law tried to maintain the sanctity of that system by outlawing individuals who came on party tickets to change their party affiliations and group affiliations. The Government wanted a clear verdict that henceforth motivations would not be allowed to operate in the

\* The Bill, as passed by the Lok Sabha, was laid on the Table on 30 January, 1985.

body politic. It was heartening that every section of the Lok Sabha had responded unanimously, the Minister concluded.

The Prime Minister, Shri Rajiv Gandhi, intervening in the debate, said that on Gandhiji's Samadhi, in very bold letters, were written what Gandhiji called seven social sins. The first one was 'politics without principle' and it was only appropriate that the present Government had taken up this Bill in the Lok Sabha on the martyrdom day of the Mahatma. The Bill covered new ground in the country's history. It tried to meet the requirements of every opinion within the two Houses of Parliament. Some parties wanted a Bill with more stringent provisions. But keeping in view the general opinion the Bill had been brought forward in the present form.

The Bill had provisions for dissent. The Government had decided on one-third as the minimum to show dissent. There were groups which wanted over 50 per cent and there were other groups which wanted it at 25 per cent. But it had been unanimously decided that 33 per cent would be a good starting point.

Some members had said that the decision-making power should not have been left to the Speaker or the Chairman. The Government had tried to make the Bill as fool proof as possible, so that there were no grey areas where somebody had to take a decision. The decision should be automatic, backed up by a sequence of events which were on record, so that there was no debate about it. The operation of the Bill should be quick so that there was no time in which horse-trading could take place and there was no time for problems to arise. If it had gone outside the realm of the House, it would have ended up with a long debate. It would have made this Bill totally redundant and this was what had happened to one anti-defection act in Kashmir. Any member who wanted such a delay was only showing what his true intentions were, the Prime Minister observed.

Thanking the opposition for the cooperation given in the Bill's passage the Prime Minister said that the Bill was only first step in cleaning up some of the defects in the political life. It could not claim to do everything. But it was a starting point. The Government would be seeking their help in everything that it did. It would be open to ideas and criticisms. The Government would try to carry the whole House with it on every major step it took the Prime Minister assured the House.

The Minister of Law and Justice, Shri Asoke Sen, replying to the debate\*, said that the spirit of the Bill had found universal acceptance in the House as in the Lok Sabha and as outside the House. It was for the purpose of seeing that there were no dirty linen in the future at least so far as Parliamentary politics was concerned, and there were no horse-tradings allowed for the purpose of tempting people to change their alliance, that this Bill was aimed at. Hereafter, nobody would be entitled to change his party, excepting on a moral ground where he could carry at least one-third of the party with him.

The motion for consideration of the Bill was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The clauses etc. were adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The Bill was passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The Administrative Tribunals Bill\*\**, 1985. On 31 January, 1985, the Minister of State in the Departments of Personnel and Administrative Reforms and Culture, Shri K.P. Singh Deo, moving the motion for consideration of the Bill, said that the House had earlier passed this Bill i.e. the Administrative Tribunals Bill, 1984, on 23 August, 1984. It could not be passed by the Lok Sabha owing to its dissolution. Consequently, a fresh Bill had to be introduced and passed in the Lok Sabha on 29 January, 1985 and now it was before the House. There was only one change in deference to the wishes of the members who had made certain suggestions. Apart from the retired High

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\* Other members who took part in the discussion were : S/Shri Dipen Ghosh, Murlidhar Chandrakant Bhandare, Valampuri Johan and Sudhakar Pande, Dr. Shanti G. Patel, S/Shri Deba Prasad Ray, Jaswant Singh, Sultan Singh, Satya Prakash Malaviya, Shankarrao Narayanrao Deshmukh, Indradeep Sinha, Thangabalu and Parvathaneni Upendra, Shrimati Usha Malhotra, S/Shri Shankar Prasad Mitra, Krishna Kumar Birla, Murasoli Maran and Gulam Mohi-ud-Din Shawl.

\*\* The Bill as passed by the Lok Sabha, was laid on the Table on 30 January, 1985.

Court Judges, persons who were eligible to become High Court Judges could also be considered for appointment to the Tribunal,

Replying to the debate\* Shri Singh Deo said that the Administrative Tribunals Bill, 1985 was intended to give practical shape to the provisions of article 323A of the Constitution. Apart from the Central and the State Government employees, there was also a provision to extend the jurisdiction of the Tribunals to the employees of the local bodies corporations, etc., which were under the control of the Government.

On the setting up of such Tribunals, the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, would be excluded with respect to matters relating to the recruitment and service conditions of members of the All-India Services, the Central Government employees and the State Government employees. The Armed Forces, Lok Sabha, Supreme Court, High Courts and the legislatures were outside the jurisdiction of the purview of the Bill. There was no stay provision in the legislation, the Minister added.

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

### C. THE QUESTION HOUR

During the Session, 1257 notes of questions (1242 started and 15 Unstarted) and 2 Short Notice Questions were received. Out of these, 117 Starred Questions and 621 Unstarred Questions were admitted. One Short Notice Question was also admitted. After the Lists of Questions were printed, 8 Starred and 22 Unstarred Questions were transferred from one Ministry to another and 2 Unstarred Questions were cancelled.

*Daily Average of Questions.* Each of the lists of Starred Questions contained 17 to 21 questions. On the average 5.16 questions, per sitting, were orally answered on the floor of the House. The maximum number of Questions orally answered was 8 on 25 January, 1985 and the minimum number of Questions orally answered was 3 on 18 January, 1985.

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\* The other members who took part in the discussion were ; S/ Shri Sukomal Sen, P.N. Sukul R. Ramakrishnan, M.S. Ramachandran, Jaswant Singh and Madan Bhatia.

The minimum number of Questions admitted in the Unstarred Questions lists was 32 on 18 January and their maximum number was 179 on 24 January, 1985. Their average comes to 104.

*Half-an-Hour Discussion.* In all 2 notices of Half-an-Hour Discussion were received during the Session but none was admitted.

*Statements correcting answers to Questions-* In all 3 statements correcting answers to questions answered in the House were made/laid by the Ministers concerned.

#### D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarvashri Arabinda Ghosh, Dharamvir Piare Lall Kureel *urf* Piare Lall Talib Unnavi, and Kalyan Roy, all sitting members and Sarvashri Bhola Paswan Shastri, Shiv Swaroop Singh, Jaharlal Banerjee, M.N Kaul, Y.B. Chavan, M.N Govindan Nair, Ratanlal Kishorilal Malviya, Asoka Mehta, and Balachandra Menon, Ram Lakhan Prasad Gupta, all ex-members. The House stood in silence for a short while as a mark of respect to the deceased.

#### STATE LEGISLATURES

##### ANDHRA PRADESH LEGISLATIVE COUNCIL\*

*Tributes to former Chairman.* In its Forty-ninth Session, held on 26 October, 1984 the House adopted the following motion *nem-con*, moved by the Chair :

“This House places on record its deep sense of sorrow at the demise of Sri Gottipati Brahmayya, former Chairman, Andhra Pradesh Legislative Council and conveys its deep sense of sympathy to the members of the bereaved family.”

All the members stood in silence for two minutes. Thereafter, the House was adjourned *sine-die*.

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\* Contributed by the Andhra Pradesh Legislative Council Secretariat.

## MADHYA PRADESH LEGISLATIVE ASSEMBLY\*

The Twelfth Session of the Seventh Vidhan Sabha was held from 10 to 20 October, 1984.

*'No-Confidence' motion.* A No-Confidence motion, moved by Shri Sunder Lal Patwa, Leader of the Opposition, was discussed and negatived by the House on 20 October, 1984.

*Constitution (Fifty-third Amendment) Bill, 1984.* The House passed a resolution on 20 October, 1984, ratifying the Constitution (Fifty-third Amendment) Bill, 1984, as passed by Parliament.

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\*Contributed by the Madhya Pradesh Legislative Assembly Secretariat.

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## APPENDIX I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE FIRST SESSION OF THE EIGHTH LOK SABHA

1. Period of the Session	—15 January to 30 January, 1985	
2. Number of sittings held	—11	
3. Total number of sitting hours	—64 hours and 40 minutes	
4. Number of divisions held	—5	
5. GOVERNMENT BILLS :		
(i) Pending at the commencement of the session	...	Nil
(ii) Introduced	...	10
(iii) Laid on the Table as passed by Rajya Sabha	...	4
(iv) Returned by Rajya Sabha with any amendment/ recommendation and laid on the Table	...	5
(v) Referred to Select Committee	...	Nil
(vi) Referred to Joint Committee	...	Nil
(vii) Reported by Select Committee	...	Nil
(viii) Reported by Joint Committee	...	Nil
(ix) Discussed	...	14
(x) Passed	...	14
(xi) Withdrawn	...	Nil
(xii) Negatived	...	Nil
(xiii) Part-discussed	...	Nil
(xiv) Discussion postponed	...	Nil
(xv) Returned by Rajya Sabha without any recommenda- tion	...	Nil

(xvi)	Motion for concurrence to refer the Bill to Joint Committee adopted	...	Nil
(xvii)	Pending at the end of the Session	...	Nil
<b>6. PRIVATE MEMBERS' BILLS :</b>			
(i)	Pending at the commencement of the Session	...	Nil
(ii)	Introduced	...	9
(iii)	Laid on the Table as passed by Rajya Sabha	...	Nil
(iv)	Returned by Rajya Sabha with any amendment and laid on the Table	...	Nil
(v)	Reported by Select Committee	...	Nil
(vi)	Discussed	...	Nil
(vii)	Passed	...	Nil
(viii)	Withdrawn	...	Nil
(ix)	Negated	...	Nil
(x)	Circulated for eliciting opinion	...	Nil
(xi)	Part-discussed	...	Nil
(xii)	Discussion Postponed	...	Nil
(xiii)	Motion for circulation of Bill negated	...	Nil
(xiv)	Referred to Select Committee	...	Nil
(xv)	Removed from the Register of Pending Bills	...	Nil
(xvi)	Pending at the end of the Session	...	9
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 :</b>			
<b>(Matters of Urgent Public Importance)</b>			
(i)	Notices received	...	49
(ii)	Admitted	...	1
(iii)	Discussion held	...	1
<b>8. NUMBER OF STATEMENT MADE UNDER RULE 197 :</b>			
<b>(Calling-attention to matters of Urgent Public Importance)</b>			
	Statement made by Minister	...	1

9. MOTION OF NO-CONFIDENCE IN COUNCIL OF MINISTERS :		
(i) Notices received	...	Nil
(ii) Admitted and Discussed	...	Nil
(iii) Barred	...	Nil
10. Half-an-Hour discussions held	...	Nil
11. STATUTORY RESOLUTIONS		
(i) Notices received	...	5
(ii) Admitted	...	5
(iii) Moved	...	3
(iv) Adopted	...	Nil
(v) Negatived	...	3
(vi) Withdrawn	...	Nil
12. GOVERNMENT RESOLUTIONS :		
(i) Notices received	...	Nil
(ii) Admitted	...	Nil
(iii) Moved	...	Nil
(iv) Adopted	...	Nil
13. PRIVATE MEMBERS' RESOLUTIONS :		
(i) Received	...	6
(ii) Admitted	...	6
(iii) Discussed	...	2
(iv) Adopted	...	Nil
(v) Negatived	...	1
(vi) Withdrawn	...	Nil
(vii) Part-discussed	...	1
(viii) Discussions postponed	...	Nil



## 14. GOVERNMENT MOTIONS :

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

## 15. PRIVATE MEMBERS' MOTIONS :

(i) Notices received	...	55
(ii) Admitted	...	23
(iii) Moved	...	1
(iv) Discussed	...	1
(v) Adopted	...	1
(vi) Negatived	...	Nil
(vii) Withdrawn	...	Nil
(viii) Part-discussed	...	Nil

## 16. MOTIONS RE : MODIFICATION OF STATUTORY RULE :

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

## 17. Number of Parliamentary Committees created, if any, during the Session

Nil

## 18. Total number of Visitors' Passes during the Session

... 13,422

19. Maximum number of Visitors' Passes issued on any single day, and on which issued ... 1,672  
on  
23,1,85

20. NUMBER OF ADJOURNMENT MOTIONS :

(i) Brought before the House	...	Nil
(ii) Admitted and discussed	...	Nil
(iii) Barred in view of adjournment motion admitted on the subject	...	Nil
(iv) Consent withheld by Speaker outside the House	...	38
(v) Consent given by Speaker but leave not granted by the House	...	Nil

21. TOTAL NUMBER OF QUESTIONS ADMITTED :

(i) Starred	...	116
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	...	377
(iii) Short-Notice Questions	...	Nil

22. WORKING OF PARLIAMENTARY COMMITTEES :

Sl. No.	Name of the Committee	No of sittings held during the period 1 October to 31 December, 1984	No. of Reports presented to the House during the Session
1	2	3	4
(i)	Business Advisory Committee	...	1
(ii)	Committee on absence of Members		
(iii)	Committee on Public Undertakings	7	4
(iv)	Committee on Papers Laid on the Table	4	...

1	2	3	4
(v)	Committee on Petitions	3	1
(vi)	Committee on Private Members' Bills and Resolutions	...	...
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	8	2
(viii)	Committee of Privileges	2	...
(ix)	Committee on Government Assurances	1	...
(x)	Committee on Subordinate Legislation	4	...
(xi)	Estimates Committee		...
(xii)	General Purposes Committee	...	...
(xiii)	House Committee	1	...
(xiv)	Accommodation Sub-Committee of House Committee	...	...
(xv)	Public Accounts Committee	4	...
(xvi)	Railway Convention Committee	...	...
(xvii)	Rules Committee	...	...
JOINT/SELECT COMMITTEES			
(i)	Joint Committee on Offices of Profit	4	...
(ii)	Joint Committee on Salaries and Allowances of Members of Parliament	2	...
(iii)	Joint Committee of Chairmen House Committees of both the Houses of Parliament	1	...

23.	Numbers of Members granted leave of absence	...	Nil
24.	Petitions granted	...	Nil
25.	Number of new Members sworn with date—		

No. of Members Sworn	Date on Which Sworn
478	15.1.85
16	16.1.85
7	17.1.85
3	18.1.85
1	22.1.85
1	30.1.85

**APPENDIX II**

**STATEMENT SHOWING THE WORK TRANSACTED DURING HUNDRED  
AND THIRTY SECOND SESSION OF RAJYA SABHA.**

1. Period of the Session	—17 January, 85 to 31 January, 85	
2. Number of meetings held	—9	
3. Total Number of sitting hours	—60 hours 31 minutes (excluding lunch recess)	
4. Number of divisions held	—6	
<b>5. GOVERNMENT BILLS</b>		
(i) Pending at the commencement of the Session	...	8
(ii) Introduced	...	4
(iii) Laid on the Table as passed by Lok Sabha	...	12
(iv) Returned by Lok Sabha with any amendment	...	2
(v) Referred to Select Committee by Rajya Sabha	...	Nil
(vi) Referred to Joint Committee by Rajya Sabha	...	Nil
(vii) Reported by Select Committee	...	Nil
(viii) Reported by Joint Committee	...	Nil
(ix) Discussed	...	14
(x) Passed	...	9
(xi) Withdrawn	...	Nil
(xii) Negatived	...	Nil
(xiii) Part-Discussed	...	Nil
(xiv) Returned by Rajya Sabha without any recommendation	...	5
(xv) Discussion postponed	...	Nil
(xvi) Pending at the end of the Session	...	7
<b>6. PRIVATE MEMBERS BILLS</b>		
(i) Pending at the commencement of the Session	...	29

(ii) Introduction	...	2
(iii) Laid on the Table as passed by Lok Sabha	...	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	...	Nil
(v) Reported by Joint Committee	...	Nil
(vi) Discussed	...	2
(vii) Withdrawn	...	1
(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	...	2
(xv) Lapsed due to retirement/Death of member incharge of the Bill	...	2
(xvi) Pending at the end of Session	...	28
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)</b>		
(i) Notices received	...	Nil
(ii) Admitted	...	Nil
(iii) Discussion held	...	Nil
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE)</b>		
Statements made by Ministers	...	2
9. Half-an-hour discussion held	...	Nil
<b>10. STATUTORY RESOLUTIONS</b>		
(i) Notices received	...	6
(ii) Admitted	...	6
(iii) Moved	...	5
(iv) Adopted	...	Nil

(v) <b>Negated</b>	...	<b>5</b>
(vi) <b>Withdrawn</b>	...	<b>Nil</b>
<b>11. GOVERNMENT RESOLUTIONS</b>		
(i) <b>Notices received</b>	...	<b>Nil</b>
(ii) <b>Admitted</b>	...	<b>Nil</b>
(iii) <b>Moved</b>	...	<b>Nil</b>
(iv) <b>Adopted</b>	...	<b>Nil</b>
<b>12. PRIVATE MEMBERS RESOLUTIONS</b>		
(i) <b>Received</b>	...	<b>3</b>
(ii) <b>Admitted</b>	...	<b>3</b>
(iii) <b>Discussed</b>	...	<b>Nil</b>
(iv) <b>Withdrawn</b>	...	<b>Nil</b>
(v) <b>Negated</b>	...	<b>Nil</b>
(vi) <b>Adopted</b>	...	<b>Nil</b>
(vii) <b>Part-discussed</b>	...	<b>1</b>
(viii) <b>Discussion postponed</b>	...	<b>Nil</b>
<b>13. GOVERNMENT MOTIONS</b>		
(i) <b>Notices received</b>	...	<b>Nil</b>
(ii) <b>Admitted</b>	...	<b>Nil</b>
(iii) <b>Moved</b>	...	<b>Nil</b>
(iv) <b>Adopted</b>	...	<b>Nil</b>
(v) <b>Part-discussed</b>	...	<b>Nil</b>
<b>14. PRIVATE MEMBERS MOTION</b>		
(i) <b>Received</b>	...	<b>18</b>
(ii) <b>Admitted</b>	...	<b>17</b>
(iii) <b>Moved</b>	...	<b>Nil</b>
(iv) <b>Adopted</b>	...	<b>Nil</b>
(v) <b>Part-discussed</b>	...	<b>Nil</b>
(vi) <b>Negated</b>	...	<b>Nil</b>
(vii) <b>Withdrawn</b>	...	<b>Nil</b>

15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE

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

16. Number of Parliamentary Committees created, if any, during the session ... Nil

17. Total number of Visitors' Passes issued ... 2086

18. Total no. of Persons visited ... 2637

19. Maximum number of Visitors' Passes issued on any single day, and date on which issued. ... 483 on 31 January 85

20. Maximum no. of visitors visited on any single day and date on which visited ... 496 on 31 January 85

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	...	117
(ii) Unstarred	...	621
(iii) Short-Notice Questions	...	1

22. DISCUSSION ON THE WORKING OF THE MINISTRIES ... Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of Committee	No. of meetings held during the period 1 October to 31 December 1981	No. of Reports presented during the Session
1	2	3
(i) Public Accounts Committee	*	*
(ii) Committee on Public Undertakings	*	*



	1	2	3
(iii) Business Advisory Committee	Nil		Nil
(iv) Committee on Subordinate Legislation		7	2
(v) Committee on Petition		6	1
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes		*	*
(vii) Committee of Privileges		2	2
(viii) Committee on Rules	Nil		Nil
(ix) Joint Committee on Offices of Profit		*	*
(x) Committee on Government Assurances		8	Nil
(xi) Committee on Papers Laid on the Table		7	1
(xii) Joint Committee on Mental Health Bill, 1981		1	Nil
24. Number of Members granted leave absence		...	3
25. Petition presented		...	Nil
26. NUMBER OF NEW MEMBERS SWORN WITH DATES			

S.No.	Name of Members sworn	Date on which sworn
1.	Shri Shantimoy Ghosh	17-1-85
2.	Shri Purushottam Kakodkar	-do-
3.	Shri H L. Kapur	-do-
4.	Shri Kamlapati Tripathi	21-1-85
5.	Shri Kapil Verma	24-1-85
6.	Shri Anand Prakash	30-1-85
7.	Shrimati Kailashpati	-do-
8.	Shrimati Sushila Rohatgi	-do-
9.	Shri Achchhey Lal Balmiki	31-1-85
10.	Shri Mahendra Prasad	-do-

\*See *Supra* Appendix 1 Col 22.

## 27. OBITUARY REFERENCES

S.No.	Name	Sitting member/ ex-member
1.	Shrimati Indira Gandhi	Prime Minister of India
2.	Shri Arabinda Ghosh	sitting member
3.	Shri Piare Lall Kureel <i>urf</i> Piare Lall Talib Unnavi	—do—
4.	Shri Dharamvir	—do—
5.	Shri Kalyan Roy	—do—
6.	Shri Bhola Paswan Shastri	ex-member
7.	Shri Shiv Swaroop Singh	—do—
8.	Shri Jaharlal Banerjee	—do—
9.	Shri M.N. Kaul	—do—
10.	Shri Y.B. Chavan	—do—
11.	Shri M.N. Govindan Nair	—do—
12.	Shri Ratanlal Kishorilal Malviya	—do—
13.	Shri Asoka Mehta	—do—
14.	Shri Balachandra Menon	—do—
15.	Shri Ram Lakhan Gupta	—do—

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES  
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1984

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
Andhra Pradesh L.C.	26-10-84	1	...	...	...	...	...
Andhra Pradesh L.A.	...	...	...	...	...	...	...
Assam L.A.	23-11-84 to 5-12-84	6	5(5)	...	62(56)	...	8(6)
Bihar L.C.	...	...	...	...	...	...	...
Bihar L.A.	..	...	...	...	...	...	...
Gujarat L.A.	...	...	...	...	...	...	...
Haryana L.A.	...	...	...	...	...	...	...
Himachal Pradesh L.A.	...	...	...	...	...	...	...
Jammu & Kashmir L.C.	...	...	...	...	...	...	...
Jammu & Kashmir L.A.	...	...	...	...	...	...	...
Karnataka L.C.	29-11-84	1	...	...	30(16)	...	...
Karnataka L.A.	29-11-84	1	...	...	...	...	...
Kerala L.A.	22-10-84 to 5-11-84	8	1(i)	...	4418 (1265) (a)	(969)	...



1	2	3	4	5	6	7	8
Delhi Metropolitan Council	...	...	...	...	...	...	...
Goa, Daman and Diu L.A.	...	...	...	...	...	...	...
Mizoram L.A.	6-11-84 to 19-11-84	5	5(5)	...	52(50)	8(8)	...
Pondicherry L.A.	...	...	...	...	...	...	...

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

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

(a) The figure 4418 includes total number of notices received.

APPENDIX III (Contd.)

COMMITTEE AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF PREPORTS RESENTED

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Govt. Assurances	...	9	...	...	...	7	5	7(b)	7	...	...	6	14	...	1(c)	12(d)
Committee on Petitions	...	...	...	...	...	...	...	2	2	...	2	...	2	...	...	...
Committee on Private Members' Bills and Resolutions	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Privileges	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Public Undertakings	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Subordinate Legislation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on the Welfare of SC and ST	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Estimates Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
General Purposes Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
House/Accommodation Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Library Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Public Accounts Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rules Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Joint/Select Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other Committees.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Andhra Pradesh L.C.	1	...	3	...	...	...	...	...	...	...	...	...	...	...	...	1(a)
Andhra Pradesh L.A.	...	9	...	...	...	7	5	7(b)	7	...	...	6	14	...	1(c)	12(d)
Assam L.A.	3	1	...	...	...	...	...	2	2	...	2	...	2	...	...	...
Bihar L.C.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bihar L.A.	...	24	110	50	...	61	29	52	129	...	55	59	75	56	...	74(e)
Gujarat L.A.	...	6	1	5	1	6	...	4(f)	...	...	2	3	4	...	...	5(g)

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Haryana L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Himachal Pradesh L.A.	...	9	3	...	1	7	9	5	12	...	2	2	7	2	...	3(h)
Jammu & Kashmir L.C.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jammu & Kashmir L.A.	...	4	...	...	5	3	2	...	3	...	...	...	5	...	...	...
Karnataka L.C.	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Karnataka L.A.	1	3	2	...	...	9(1)	3	8	5	...	3	...	2	...	...	14(i)
Kerala L.A.	1(1)	5	5	4(1)	...	6	6	6	7	...	4	2	5	...	4(i)	17(5)(k)
Madhya Pradesh L.A.	2(2)	3(1)	1(1)	1,1	...	4(5)	1	1(2)	1	...	...	2	4	...	4(1)(1)	...
Maharashtra L.C.	2(1)	8(1)	1(1)	1(1)	...	...	...	...	...	...	...	...	...	...	...	...
Maharashtra L.A.	2(1)	10	3(1)	1(1)	6(2)	4	9(1)	18(2)(m)	...	...	...	...	9	...	3(1)(n)	7(o)
Manipur L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Meghalaya L.A.	5	...	...	...	4	3	1	10	...	1	...	...	3	...	...	...
Nagaland L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orissa L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Punjab L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajasthan L.A.	2(2)	12	9	...	16	8(2)	5	24(p)	31(q)	...	3	12	25(8)	13	2(1)	...
Sikkim L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tamil Nadu L.C.	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tamil Nadu L.A.	2	...	...	...	...	...	2	...	3	...	...	...	6	1	...	...

Tripura L.A.	...	1	...	...	...	5(r)	2	...	1	...	3	...	1	...
Uttar Pradesh L.C.	22	21	...	12	33	...	...	...	5	...	...	34	27(s)	83(t)
Uttar Pradesh L.A.	14	1	...	1	7	7	9	10	...	1	10	18	3(u)	4(v)
West Bengal L.A.*	3(3)	6	7	...	6(1)	7(1)	8(1)	7	21	...	3	...	14(3)	... 2(1)(w) ...
<b>UNION TERRITORIES</b>														
Arunachal Pradesh L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delhi Metropolitan Council	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Goa, Daman & Diu L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mizoram L.A.	2(1)	1(1)	...	...	...	...	3(1)	1	1	4	...	...	...	...
Pondicherry L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...

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

\* This information pertains to the period from 1 July to 30 September, 1984.

(a) Committee on Allotment of Land to Ex-servicemen in Nizampatnam Village, Guntur District — 1 sitting.

(b) Committee on Welfare of Scheduled Castes—7 sittings.

(c) Joint Select Committee on the Andhra Pradesh Abolition of Posts of Part-time Village Officers Bill, 1984—1 sitting.

(d) Committee on Welfare of Backward Classes—12 sittings.



- (e) Question and Calling Attention Committee—74 sittings.
- (f) Committee on Welfare of Scheduled Castes—3 sittings and Committee on Welfare of Scheduled Tribes—1 sitting.
- (g) Committee on Welfare of Socially and Educationally Backward Classes, Nomedic Tribes and Denotified Tribes—5 sittings.
- (h) Committee on Papers Laid on the Table of the House—3 sittings.
- (i) Committee on the Welfare of Backward Classes—14 sittings.
- (j) Select Committee on the Kerala Fishermen's Welfare Fund Bill, 1984—4 sittings.
- (k) Subject Committees I to X—15 sittings and Public Accounts Committee (Action taken)—2(5).
- (l) Select Committee on M.P. Public Trust Bill, 1983—1 sitting and Select Committee on M.P. Upbhokta Sanrakshan Vidheyak, 1984—3(1).
- (m) Committee on Welfare of Scheduled Castes—9 sittings; Committee on Welfare of Scheduled Tribes—6(1) and Committee on Welfare of Vimukta Jatis and Notified Tribes—3(1).
- (n) Joint Committee on Maharashtra Horticulture Development Bill, 1984—2(1) and Joint Committee on Maharashtra University Bill, 1984—1 sitting.
- (o) Panchayati Raj Committee—7 sittings.
- (p) Committee on Welfare of Scheduled Castes—10 sittings and Committee on Welfare of Scheduled Tribes—14 sittings.
- (q) Estimates Committee (A)—17 sittings and Estimates Committee (B)—14 sittings.
- (r) Committee on Welfare of Scheduled Castes—2 sittings and Committee on Welfare of Scheduled Tribes—3 sittings.

- (s) Select Committee on U.P. Krishi Evam Prodyogik Vishwavidyalaya (Saanshodhan) Vidheyak, 1981—27 sittings.
- (t) Financial Administrative Delay Committee—25 sittings ; Parliamentary and Social Goodwill Committee—11 sittings ; Compilation of Rulings Committee—9 sittings ; Parliamentary Studies Committee—15 sittings and Question and Reference Committee—23 sittings.
- (u) Select Committee on the U.P. Legislative (Members' Emoluments and Pension) (Amendment) Bill, 1983—3 sittings.
- (v) Question and Reference Committee—1 sitting and Committee Constituted to inquire into the conduct of Shri Mohd. Azam Khan, M.L.A. on the Occasion of Governor's Address—3 sittings.
- (w) Select Committee on the West Bengal Panchayat (Amendment) Bill, 1984—2(1).

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED  
TO BY THE PRESIDENT DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER,  
1984

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S.No.	Title of the Bill	Date of assent by the President
1.	The Wakf (Amendment) Bill, 1984	10.10.84

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## APPENDIX V

### LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1984

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#### ASSAM LEGISLATIVE ASSEMBLY

1. The Code of Criminal Procedure (Assam Amendment) Bill, 1984.
2. The Assam Tea Plantations Employees Welfare Fund (Amendment) Bill, 1984.
3. The Assam Rastrabhasa Prachar Samiti (Taking over of Management and Control) Bill, 1984.
4. The Assam Contingency Fund (Amendment) Bill, 1984.
5. The Assam Appropriation (No. IV) Bill, 1984.

#### KERALA LEGISLATIVE ASSEMBLY

1. The Abkari (Amendment) Bill, 1983

#### MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. The Madhya Pradesh Vinirdishta Bhrashtra Acharan Nivaran (Sanshodhan) Vidheyak, 1984.
2. The Madhya Pradesh General Sales Tax (Amendment) Bill, 1984.
3. The Madhya Pradesh Nirashrition Evam Nirdhan Vyaktiyon Ki Sahayata (Sanshodhan) Vidheyak, 1984.
4. The Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Vidheyak, 1984.
5. The Madhya Pradesh Rajya Suraksha Tatha Lok Vyavastha (Sanshodhan) Vidheyak, 1984.
6. The Madhya Pradesh Municipalities (Amendment) Bill, 1984.
7. The Madhya Pradesh Municipal Corporation (Amendment) Bill, 1984.
8. The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) (Sanshodhan) Vidheyak, 1984.
9. The Madhya Pradesh Protection of Aboriginal Tribes (Interest in Trees) (Amendment) Bill, 1984.
10. The Madhya Pradesh Rajya Pashudhan Evam Kukkut Vikas Nigam (Sanshodhan) Vidheyak, 1984.

11. The Madhya Pradesh Krishik Pashu Parirakshan (Sanshodhan) Vidheyak, 1984.
12. The Madhya Pradesh Nagariya Kshetro Ke Bhoomihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) (Sanshodhan) Vidheyak, 1984.
13. The Madhya Pradesh Cycle-Rickshaw (Anugyaptiyon Ka Viniyaman) Vidheyak, 1984.
14. The Madhya Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Vidheyak, 1984.
15. The Madhya Pradesh Anugrahitik Tatha Sevarth Nagad Anudan Samapti (Sonshodhan) Vidheyak, 1984.
16. The Madhya Pradesh Prashasanik Adhikaran Vidheyak, 1984.
17. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1984.
18. The Madhya Pradesh Money-Lenders (Amendment) Bill, 1984.
19. The Madhya Pradesh Electricity Duty (Amendment and Validation) Bill, 1984.
20. The Madhya Pradesh Upkar (Tritiya Sanshodhan) Vidheyak, 1984.
21. The Madhya Pradesh Appropriation (No. 5) Bill, 1984.
22. The Madhya Pradesh Kashta Chiran (Viniyaman) (Sanshodhan) Vidheyak, 1984.
23. The Madhya Pradesh Panchayat (Dwitiya Sanshodhan) Vidheyak, 1984.
24. The Madhya Pradesh Krishi Prayojan Ke Liye Upayog Ki Ja Rahi Dakhal Rahit Bhoomi Par Bhoomiswami Adhikaron Ka Pradan Kiya Jana (Vishesh Upabandh) Vidheyak, 1984.

#### MAHARASHTRA LEGISLATIVE COUNCIL

1. The Bombay Provincial Municipal Corporation (Amendment) Bill, 1984.
2. The Shivraj Fine Art Litho Works (Acquisition and Transfer of Undertaking) Bill, 1984.
3. The Maharashtra Raw Cotton (Procurement, Proprocessing and Marketing) (Retrospective Extension of Duration) Bill, 1984.
4. The Bombay Electricity Duty (Amendment) Bill, 1984.
5. The Bombay Homoeopathic and Biochemic Practitioners (Amendment) Bill, 1984.
6. The Maharashtra Agricultural Produce Marketing (Regulation) (Second Amendment) Bill, 1984.
- \*7. The Maharashtra Horticulture Development Corporation Bill, 1984.

\*Awaiting assent.

8. The Maharashtra (Third Supplementary) Appropriation Bill, 1984.

#### MAHARASHTRA LEGISLATIVE ASSEMBLY

- \*1. The Maharashtra Horticulture Development Corporation Bill, 1984.
2. The Bombay Provincial Municipal Corporations (Amendment) Bill, 1984.
3. The Shivraj Fine Art Litho Works (Aquisition and Transfer of Undertaking) Bill, 1984.
4. The Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Duration) Bill, 1984.
5. The Bombay Electricity Duty (Amendment) Bill, 1984.
6. The Bombay Homeopathic and Biochemic Practitioners' (Amendment) Bill, 1984.
7. The Maharashtra Agrigultural Produce Marketing (Regulation) (Second Amendment) Bill, 1984.
8. The Maharashtra (Third Supplementary) Appropriation Bill, 1984.

#### RAJASTHAN LEGISLATIVE ASSEMBLY

1. Rajasthan Ke Vishwavidyalaya Adhyapak Tatha Adhikari (Seva Ki Vishesh Sharte) Vidheyak, 1984.
2. Rajasthan Viniyog (Sankhya-5) Vidheyak, 1984.
3. Rajasthan Viniyog (Sankhya-6) Vidheyak, 1984.
4. Rajasthan Upniveshan (Sanshodhan) Vidheyak, 1984.
5. Rajasthan Vikray Kar (Sanshodhan) Vikheyak, 1984.
6. Rajasthan Gramdan (Sanshodhan) Vidheyak, 1984.
7. Rajasthan Abhidhriti (Sanshodhan) Vidheyak, 1984.
8. Rajasthan Sahkari Society (Sanshodhan) Vidheyak, 1984.
9. Rajasthan Nagarpalika (Vidya Vihar Nagarpalika Ke Garhan Ka Vidhimanyakaran Evam Sanshodhan) Vidheyak, 1984.

#### TAMIL NADU LEGISLATIVE COUNCIL

1. The Tamil Nadu Urban Land (Ceiling and Regulation) (Amendment) and Validation) Bill, 1984.
- \*2. The Tamil Nadu Building and Constructions Workers (Conditions of Employment and Miscellaneous Provisions) Bill, 1984.
3. The Tamil Nadu Appropriation (No. 3) Bill, 1984.

\* Awaiting assent.

4. The Tamil Nadu Appropriation (No. 4) Bill, 1984.

#### TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Tamil Nadu Building and Construction Workers (Conditions of Employment and Miscellaneous Provision, Bill, 1984.
2. The Tamil Nadu Urban Land (Ceiling and Regulation) (Amendment and Validation) Bill, 1984.
3. The Tamil Nadu Appropriation (No. 3) Bill, 1984.
4. The Tamil Nadu Appropriation (No. 4) Bill, 1984.

#### WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Societies Registration (Amendment) Bill, 1984.
2. The West Bengal Societies Registration (Second Amendment) Bill, 1984.
- \*3. The West Bengal Central Valuation Board (Amendment) Bill, 1984.
4. The West Bengal Local Bodies Electoral Offences and Miscellaneous Provisions) Amendment Bill, 1984.
5. The West Bengal Electricity Duty (Amendment) Bill, 1984.
6. The Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Bill, 1984.
- \*7. The Calcutta Thika Tenancy (Acquisition and Regulation) (Amendment) Bill, 1984.
8. The West Bengal Premises Tenancy (Amendment) Bill, 1984.
9. The West Bengal Cess (Amendment) Bill, 1984.
10. The West Bengal Districts (Change of Name of Deputy Commissioners) Bill, 1984.
11. The West Bengal Panchayat (Amendment) Bill, 1984.
- \*12. The Eastern Distilleries (Private) Limited (Acquisition and Transfer of Undertakings) (Amendment) Bill, 1984.
13. The North Bengal University (Amendment) Bill, 1984.

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\* Awaiting assent.

APPENDIX VI

ORDINANCE ISSUED BY THE CENTRAL AND STATE GOVERNMENTS  
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1984

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The National Capital Region Planning Board Ordinance, 1984 (No. 11 of 1984).	19-10-84	18-1-85	28-2-85	—
2.	The Foreign Contribution (Regulation) (Amendment) Ordinance, 1984 (No. 12 of 1984).	20-10-84	-do-	-do-	—
3.	The Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Ordinance 1984 (No. 13 of 1984).	22-10-84	-do-	-do-	—
4.	The Sugar Undertakings (Taking Over of Management) (Amendment) Ordinance, 1984 (No. 14 of 1984).	20-11-84	-do-	-do-	—
5.	The Representation of the people (Amendment) Ordinance, 1984 (No. 15 of 1984).	-do-	-do-	-do-	—



1	2	3	4	5	6
<b>STATE GOVERNMENTS</b>					
<b>ANDHRA PRADESH</b>					
1.	The Andhra Pradesh members of Police Force (Regulation of Transfers) Ordinance, 1984.	11-10-84	-	-	-
2.	The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation fee) (Second Amendment) Ordinance, 1984.	15-10-84	-	-	-
3.	The Andhra Pradesh Entertainments Tax (Fourth Amendment) Ordinance, 1984.	25-10-84	-	-	-
4.	The Andhra Pradesh Electricity Duty (Amendment) Ordinance, 1984.	30-10-84	-	-	-
5.	The Andhra Pradesh University Acts (Amendment) Ordinance, 1984.	8-11-84	-	-	-
6.	The Andhra Pradesh (Mineral Rights) Tax (Amendment) Ordinance, 1984.	21-11-84	-	-	-
7.	The Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Third Amendment) Ordinance, 1984.	6-12-84	-	-	-
<b>ASSAM</b>					
1.	The Code of Criminal Procedure (Assam Amendment) Ordinance, 1984.	13-10-84	26-11-84	-	-

2. The Assam Contingency Fund (Amendment) Ordinance, 1984	28-9-84	26-11-84	-
3. The Assam Rashtrabhasa Prachar Samiti (Taking over of Management and Control) Ordinance, 1984	28-9-84	-do-	-
GUJARAT			
1 The Gujarat Tax on Sale of Electricity Ordinance, 1984	1-10-84	-	-
2. The Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Amendment) Ordinance, 1984	28-11-84	-	-
KARNATAKA			
1. The Karnataka Electricity (Taxation on Consumption) (Amendment) Ordinance, 1984	25-9-84	-	-
2. The Karnataka Improvement Board (Amendment) Ordinance, 1984	10-10-84	-	-
3. The Karnataka Tax on Entry of Goods into Local Areas for Consumption Ordinance, 1984	24-10-84	-	-
4. The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum Grabbers Ordinance, 1984	15-12-84	-	-
5. The Karnataka Money Lenders (Amendment) Ordinance, 1984	27-12-84	-	-

1	2	3	4	5	6
	KERALA				
1.	The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 1984 ...	10-10-84	22-10-84	—	—
2.	The Kerala Municipalities (Amendment) Ordinance, 1984 ...	28-11-84	—	—	—
3.	The Kerala Panchayat (Amendment) Ordinance 1984 ...	-do-	—	—	—
4.	The Kerala Labour Welfare Fund (Amendment) Ordinance, 1984 ...	-do-	—	—	—
5.	The Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1984 ...	-do-	—	—	—
6.	The Kerala Fishermen Welfare Societies (Second Amendment) Ordinance, 1984 ...	-do-	—	—	—
7.	The Kerala Forest (Amendment) Ordinance, 1984 ...	-do-	—	—	—
8.	The Kerala Agricultural University (Amendment) Ordinance, 1984 ...	-do-	—	—	—
9.	The Kerala Advocates' Welfare Fund (Amendment) Ordinance, 1984 ...	-do-	—	—	—
10.	The Irrigation Laws (Amendment) Ordinance, 1984 ...	-do-	—	—	—

11.	The Kerala Civil Courts (Amendment) Ordinance, 1984	...	...	28-11-84	-	-	-
12.	The Kerala Tolls (Amendment) Ordinance, 1984	...	...	-do-	-	-	-
13.	The Kerala Public Buildings (Eviction of Unauthorised Occupants) (Amendment) Ordinance, 1984	...	...	-do-	-	-	-
14.	The Kerala Revenue Recovery (Amendment) Ordinance, 1984	...	...	-do-	-	-	-
15.	The Travancore Cochin Hindu Religious Institutions (Amendment) Ordinance, 1984	...	...	-do-	-	-	-
16.	The Kerala Municipal Corporations (Amendment) Ordinance, 1984	...	...	30-11-84	-	-	-
17.	The Kerala Municipalities (Second Amendment) Ordinance, 1984	...	...	-do-	-	-	-
18.	The University Laws (Amendment) Ordinance, 1984	...	...	-do-	-	-	-
19.	The University Laws (Second Amendment) Ordinance, 1984	...	...	-do-	-	-	-
20.	The Kerala Education (Amendment) Ordinance, 1984	...	...	-do-	-	-	-
21.	The Gandhiji University Ordinance, 1984	...	...	3-12-84	-	-	-
22.	The Kerala Provisional Collection of Revenues Ordinance, 1984	...	...	-do-	-	-	-

1	2	3	4	5	6
23.	The Kerala Marine Fishing Regulation (Amendment) Ordinance, 1984 ...	3 12-84	—	—	—
24.	The Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 1984...	-do-	—	—	—
25.	The Kerala Preservation of Trees Ordinance, 1984 ...	-do-	—	—	—
26.	The Kerala Grandhasala Sangham (Taking over of Management) (Amendment) Ordinance, 1984 ...	-do-	—	—	—
27.	The Kerala Essential Articles Control Ordinance, 1984 ...	-do-	—	—	—
28.	The Kerala Sick Textile Undertakings (Acquisition and Transfer of Undertakings) Ordinance, 1984 ...	-do-	—	—	—
29.	The Kerala Cashew Factories (Acquisition) (Amendment) Ordinance, 1984 ...	-do-	—	—	—
30.	The Kerala Cashew Factories (Requisitioning) (Amendment) Ordinance, 1984 ...	-do-	—	—	—
31.	The Kerala Water and Waste Water Ordinance, 1984 ...	-do-	—	—	—
32.	The Kerala Motor Vehicles Taxation (Amendment) Ordinance, 1984 ...	-do-	—	—	—

MADHYA PRADESH

				Replaced by legislation
1.	The Madhya Pradesh Electricity Duty (Amendment) and Validation Ordinance, 1984.	1.10.84	11.10.84	—
2.	The Madhya Pradesh Upkar (Sanshodhan) Adhyadesh, 1984.	-do-	-do-	-do-
3.	The Madhya Pradesh Sahkari Societies Adhyadesh, 1984.	31.12.84	—	—

MAHARASHTRA

1.	The Shivraj Fine Art Litho Work (Acquisition and Transfer of Undertaking) Ordinance, 1984.	11-8-84	13-11-84	21-12-84	-do-
2.	The Bombay Provincial Municipal Corporations (Amendment) Ordinance 1984.	5-9-84	-do-	29-11-84	-do-
3.	The Maharashtra Raw-Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Duration) Ordinance, 1984.	8-9-84	-do-	21-12-84	-do-
4.	The Bombay Electricity Duty (Amendment) Ordinance, 1984.	24-9-84	-do-	30-11-84	-do-
5.	The Bombay Homoeopathic and Biochemic Practitioners (Amendment) Ordinance, 1984	18-10-84	-do-	29-11-84	-do-

1	2	3	4	5	6
6.	The Maharashtra Agricultural Produce Marketing (Regulation) (Second Amendment) Ordinance, 1984.	22-10-84	13-11-84	30-11-84	Replaced by legislation
RAJASTHAN					
1.	The Rajasthan Colonisation (Second Amendment) Ordinance, 1984.	5-5-84	11-10-84	—	-do-
2.	The Rajasthan Tenancy (Amendment) Ordinance, 1984.	-do-	-do-	—	-do-
3.	The Rajasthan Tenancy (Second Amendment) Ordinance, 1984.	21-7-84	-do-	—	-do-
4.	The Rajasthan Cooperative Societies (Amendment) Ordinance, 1984.	23-7-84	-do-	—	-do-
5.	The Rajasthan Gramdan (Amendment) Ordinance, 1984.	-do-	-do-	—	-do-
6.	The Rajasthan Sales Tax (Amendment) Ordinance, 1984.	25-8-84	-do-	—	-do-
7.	The Rajasthan Municipalities (Validation of Constitution of Vidya Vihar Municipalities and Amendment) Ordinance, 1984.	-do-	-do-	—	-do-

SIKKIM

1. The Gangtok Municipal Corporation (Amendment) Ordinance, 1984. 17-12-84 \*18-1-85 28-2-85 -do-

TAMIL NADU

1. The Tamil Nadu Cooperative Societies (Appointment of Special Officers) (Third Amendment) Ordinance, 1984 17-11-84 - - - - -

2. The Madras City Municipal Corporation (Second Amendment) Ordinance, 1984 19-11-84 - - - - -

3. The Coimbatore City Municipal Corporation (Second Amendment) Ordinance, 1984 -do- - - - -

4. The Tamil Nadu Municipal Councils (Appointment of Special Officers) (Third Amendment) Ordinance, 1984 -do- - - - -

5. The Madras Metropolitan Water Supply and Sewerage (Second Amendment) Ordinance, 1984 -do- - - - -

\*The Ordinance was promulgated by the Governor of Sikkim on 17.12.84 under article 213 of the Constitution. The Ordinance was laid on the Table of Lok Sabha since the administration of the Government of Sikkim was taken over by the President and Legislative Assembly of that State was dissolved *vide* Proclamation issued by him on 25-5-84.



1	2	3	4	5	6
6.	The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) (Third Amendment) Ordinance, 1984	-do-	-	-	-
7.	The Tamil Nadu Panchayats (Appointment of Special Officers) (Third Amendment) Ordinance, 1984.	-do-	-	-	-
8.	The Tamil Nadu Panchayats (Third Amendment) Ordinance, 1984.	-do-	-	-	-
9.	The Tamil Nadu Agricultural Produce Markets (Second Amendment) Ordinance, 1984	20-11-84	-	-	-
10.	The Bharathiar University and the Bharathidasan University (Second Amendment) Ordinance, 1984.	-do-	-	-	-
11.	The Tamil University (Second Amendment) Ordinance, 1984.	-do-	-	-	-
12.	The Tamil Nadu Agricultural Produce Markets and the Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) (Second Amendment) Ordinance, 1984.	21-11-84	-	-	-

13.	The Pachaiyappa's Trust (Taking Over of Management) (Second Amendment) Ordinance 1984.	-do-	-	-
UTTAR PRADESH				
1.	The Uttar Pradesh State Universities (Amendment) Ordinance, 1984.	10-10-84	-	-
2.	The Uttar Pradesh Urban Planning and Development (Amendment and Validation) Ordinance, 1984.	19-10-84	-	-
3.	The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) (Third) Ordinance, 1984	22-10-84	-	-
4.	The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (San-shodhan) (Tritiya) Adhyadesh, 1984	-do-	-	-
5.	The Uttar Pradesh Promotion and Protection of Fruit Trees and Regulation of Harmful Establishments and Housing Schemes) (Second) Ordinance, 1984	-do-	-	-
6.	The Uttar Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1984	21-11-84	-	-

1	2	3	4	5	6
7.	The Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1984	1-12-84	—	—	—
8.	The Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhyadesh, 1984	22-12-84	—	—	—
9.	The Uttar Pradesh Contingency Fund (Second Amendment) Ordinance, 1984	28-12-84	—	—	—
10.	The Uttar Pradesh Cooperative Societies (Second Amendment) Ordinance, 1984	31-12-84	—	—	—
11.	The Uttar Pradesh State Universities (Second Amendment) Ordinance, 1984	-do-	—	—	—
12.	The Uttar Pradesh Uraban Local Self Government Laws (Amendment) Ordinance, 1984	-do-	—	—	—
WEST BENGAL					
1.	The West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) (Amendment) Ordinance, 1984	25-6-84	17-9-84	—	Replaced by legislation.

2.	The West Bengal Societies Registration (Amendment) Ordinance, 1984	18-7-84	-do-	--	-do-
3.	The West Bengal Premises Tenancy (Amendment) Ordinance, 1984	16-8-84	-do-	--	-do-
4.	The North Bengal University (Amendment) Ordinance, 1984	11-9-84	-do-	--	-do-
5.	The West Bengal Taxes on Entry of Goods in Local Areas Ordinance, 1984	10-8-84	21-9-84	3-11-84	lapsed

## APPENDIX VII

## A PARTY POSITION IN LOK SABHA (AS ON 15 FEBRUARY, 1985)

Sl. No.	Name of State/ Union Territory	Seats	Cong. I	Telugu Desam	CPI (M)	Other Parties	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10
(i) STATES									
1.	Andhra Pradesh	42	6	30	1	4(a)	1	42	—
2.	Assam	14	—	—	—	—	—	—	14
3.	Bihar	54	47	—	—	4(b)	2	53	1
4.	Gujarat	26	24	—	—	2(c)	—	26	—
5.	Haryana	10	10	—	—	—	—	10	1
6.	Himachal Pradesh	4	3	—	—	—	—	3	—
7.	Jammu & Kashmir	6	2	—	—	3(d)	—	5	1
8.	Karnataka	28	24	—	—	4(e)	—	28	—
9.	Kerala	20	13	—	1	6(f)	—	20	—
10.	Madhya Pradesh	40	40	—	—	—	—	40	—
11.	Maharashtra	48	43	—	—	2(g)	2	48	—
12.	Manipur	2	2	—	—	—	—	2	—



	1	2	3	4	5	6	7	8	9	10
29. Lakshadweep		1	1	1	—	—	—	—	1	—
30. Mizoram		1	1	1	—	—	—	—	1	—
31. Pondicherry		1	1	1	—	—	—	—	1	—
32. Nominated (Anglo-Indian)		2	—	—	—	—	—	2	2	—
		544	400	30	22	51	9	512*		31

\* Excluding the Speaker.

(a) Janata—1, CPI—1, Cong. (S)—1, BJP—1.

(b) Janata—1, CPI—2, Lok Dal—1.

(c) Janata—1, BJP—1.

(d) J&K National Conference—3.

(e) Janata—4.

(f) Janata—1, Cong. (S)—1, Muslim League—2, Kerala Cong. (J)—2.

(g) Janata—1, Cong. (S)—2.

(h) Janata—1.

(i) AIADMK—12, DMK—2.

(j) Lok Dal—2.

(k) CPI—3, RSP—3, Forward Block—2.

B. PARTY POSITION IN RAJYA SABHA (AS ON 1 FEBRUARY, 1985)

Sl. No.	States/Union Territories	Seats	Cong. (I)	Janata	C.P.I. (M)	BJP	Other Parties	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
(i)	STATES									
1.	Andhra Pradesh	18	11	1	—	—	6(a)	—	18	—
2.	Assam	7	6	1	—	—	—	—	7	—
3.	Bihar	22	14	1	—	3	3(b)	—	21	1
4.	Gujarat	11	9	—	—	1	—	1	11	—
5.	Haryana	5	5	—	—	—	1(k)	—	5	—
6.	Himachal Pradesh	3	3	—	—	—	—	—	3	—
7.	Jammu & Kashmir	4	—	—	—	—	2(c)	1	3	1
8.	Karnataka	12	8	3	—	—	—	1	12	—
9.	Kerala	9	2	—	3	—	3(d)	—	8	1
10.	Madhya Pradesh	16	13	—	—	3	—	—	16	—
11.	Maharashtra	19	13	2	—	—	2(e)	—	17	2
12.	Manipur	1	1	—	—	—	—	—	1	—
13.	Meghalaya	1	1	—	—	—	—	—	1	—
14.	Nagaland	1	—	—	—	—	1(f)	—	1	—
15.	Orissa	10	8	1	—	—	—	1	10	—
16.	Punjab	7	5	—	—	—	2(g)	—	7	—
17.	Rajasthan	10	7	—	—	1	—	1	9	1
18.	Sikkim	1	1	—	—	—	—	—	1	—



1	2	3	4	5	6	7	8	9	10	11
19.	Tamil Nadu	18	3	—	—	—	15(b)	—	18	—
20.	Tripura	1	—	—	1	—	—	—	1	—
21.	Uttar Pradesh	34	29	—	—	—	5(i)	—	34	—
22.	West Bengal	16	1	—	9	—	3(j)	1	14	2
(ii) UNION TERRITORIES										
23.	Arunachal Pradesh	1	1	—	—	—	—	—	1	—
24.	Delhi	3	3	—	—	—	—	—	3	—
25.	Mizoram	1	1	—	—	—	—	—	1	—
26.	Pondicherry	1	—	—	—	—	—	—	—	1
27.	Nominated	12	9	—	—	—	—	2	11	1
		244	153	9	13	8	43	8	234	10

(a) Telugu Desam—5, National Democratic Party—1,

(b) C.P.I.—3.

(c) National Conference—2.

(d) K.C.—1; M.L.—1; Janata (s)—1.

(e) Congress (S)—2.

(f) Naga National Democratic Party—1.

(g) Akali Dal—2.

(h) C.P.I.—1; AIADMK—11; DMK—3.

(i) Janavadi—1; Lok Dal (C)—4.

(j) F.B.—2; R.S.P. 1.

(k) L.D.—1.

## C. PARTY POSITION IN LEGISLATURES OF STATES AND UNION TERRITORIES

State/Union Territory	Seats	Cong. (U)	Janata	Lok Dal	BJP	Cong. (S)	CPI (M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
<b>STATES</b>												
Andhra Pradesh L.C. (As on 1-1-85)	90	48	1	...	7	...	1	2	20(a)	8	87	3
Andhra Pradesh L.A.**												
Assam L.A. (As on 1-1-85)	126	99	...	...	...	1	2	1	1(b)	5	109	17
Bihar L.C. (As on 1-10-84)	96	39	9	1	...	2	...	7	1(c)	1	60	36
Bihar L.A. (As on 30-9-84)	325	196	32	16	23	5	6	21	17(d)	7	323*	1
Gujarat L.A. (As on 31-12-84)	182	142	15	...	13	...	...	...	6(e)	5	181	1
Haryana L.A. (As on 30-9-84)	90	57	9	15	6	...	...	...	2(f)	...	89*	...
Himachal Pradesh L.A. (As on 10-1-85)	68	37	2	...	28	...	...	...	...	1	68	...
Jammu and Kashmir L.C. (As on 1-10-84)	36	2	...	...	...	...	...	...	24(g)	1	27	9

1	2	3	4	5	6	7	8	9	10	11	12	13
Jammu and Kashmir L.A. (As on 1-7-84)	78	26	...	...	...	...	...	...	50(b)	1	77	1
Karnataka L.C. (As on 1-1-85)	63	20	8	...	5	...	...	...	...	9	42	21
Karnataka L.A. (As on 1.1.85)	225	88	96	...	18	...	3	3	6(i)	10	224*	...
Kerala L.A. (As on 1-1-85)	141	32	4	...	...	8	29	12	44(j)	9	138	3
Madhya Pradesh L.A. (As on 1-1-85)	321	242	1	1	61	...	...	2	2(k)	6	315*	5
Maharashtra L.C. (As on 1-3-85)	78	34	1	...	6	3	...	...	5(l)	8	57	21
Maharashtra L.A. (As on 1-3-85)	289	225	12	...	13	9	2	2	9(m)	4	276	13
Manipur L.A. (As on 1-10-84)	60	43	1	...	...	...	11	4	8(n)	2	59	1
Meghalaya L.A. (As on 1-1-85)	60	...	...	...	...	...	...	...	59(o)	...	59*	...
Nagaland L.A. (As on 1-1-85)	60	36	...	...	...	...	...	...	23(p)	1	60	...
Punjab L.A. (As on 1-1-85)	117	64	...	...	1	...	4	8	34(q)	1	112	5



\*Excluding the Speaker/Chairman,

\*\*Andhra Pradesh, Sikkim and Pondicherry Legislative Assembly is under dissolution.

- (a) Telugu Desam-17 and Progressive Democratic Front-3
- (b) Plains Tribals Council of Assam-1
- (c) Jharkhand Mukti Morcha-1
- (d) Forward Bloc-1; Jharkhand Mukti Morcha-14; SUCI-1 and Nominated-1
- (e) Rashtriya Congress-6
- (f) Indian National Congress (J)-2
- (g) National Conference-24
- (h) National Conference-48; Panthers Party-1 and People's Conference-1
- (i) All India Anna Dravida Munnetra Kazhagam (AIADM)-1 and MES-5
- (j) Indian Union Muslim League-14; Kerala Congress (J)-8; Kerala Congress-6; Janata (led by Shrimati M. Kamalan)-3; National Democratic Party-3; All India Muslim League-3; Revolutionary Socialist Party-4 and Socialist Republican Party-3
- (k) Republican Party of India (RPI) (Khobragade)-1 and Nominated-1
- (l) Peasants and Workers Party-2; Republican Party of India (RPI) (Gavai Group)-1; and Shiv Sana-2
- (m) Peasants and Workers Party-7; RPI (Khobragade Group)-1 and Nominated-1
- (n) M. P. P.-8
- (o) Meghalaya Democratic Front-37 and Meghalaya United Parliamentary Party-22
- (p) Nagaland National Democratic Party-23

- (q) Shiromani Akali Dal (L)-31; Shriomani Akali Dal (T)-2 and All India Communist Party-1  
Congress (J)-1
- (r) AIADMK-22; Dravida Munnetra Kazhagam (DMK)-5; Teachers-Graduates Progressive Front-4; and Gandhi-Kamaraj National Congress-1
- (s) AIADMK-130; DMK-32; All India Forward Bloc-3; Gandhi-Kamaraj National Congress-3; S.D. Somasundaram's Group-4 and Nominated-1
- (t) R.S.P.-2 and Tripura Upjati Juba Samiti-6
- (u) Lok Tantrik Samjvadi Dal-1; Shikshak Dal-7; Nirdaliya Vidhayak Paksha-3; Rashtriya Shikshak Dal-2 and Shikshak Manch-1
- (v) Rashtriya Lok Tantrik Morcha-66; Democratic Socialist Party-6; Congress (J)-2; Soshit Samaj Dal-1 and Unattached-1
- (w) Forward Bloc-28; Revolutionary Socialist Party-18; West Bengal Socialist Party-3; Democratic Socialist Party-2; Revolutionary Communist Party of India-2; Forward Bloc (Marxist)-2; Socialist Unity Centre of India-2 and Nominated-1
- (x) People's Party of Arunachal Pradesh-3
- (y) Goa Congress-8; Maharashtrawadi Gomantak Party (MGP)-2 and EGP (Separate Group)-2
- (z) People's Conference (P.C.)-8 and Mizo Convention (M.C.)-1

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