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EDITORIAL NOTE

Executive accountability to the Legislature is a basic postulate of parliamentary system of governance. The Executive emanates from the Legislature and is collectively responsible and accountable to it. The Legislature in turn, is accountable to the people. As in any other parliamentary democracy, the Parliament in India exercises total control over the Executive especially in matters relating to money and finances. Our Constitution details elaborately the manner in which this control is to be exercised. The Executive has the prerogative and the responsibility to formulate financial policies and budget, and the Parliament has the right to discuss, debate and approve or disapprove the budget and other fiscal proposals. Parliamentary control in these matters is not confined only to the budgetary process; it also extends to ensuring that every expenditure is incurred in a prudent manner and the objectives underlying the policies are achieved.

The parliamentary oversight on public finances and Government's expenditure is carried out by the Parliamentary Committees that have evolved over the years, starting with the Public Accounts Committee constituted in 1921; Estimates Committee set up in 1950; Committee on Public Undertakings established in 1964; and the Departmentally related Standing Committees created in 1993. Through these Committees, Parliament scrutinizes the manner in which the Executive raises funds and spends them. The Office of the Comptroller and Auditor-General (CAG), a unique institution enjoying constitutional status, also helps the Parliament in checking financial irregularities and through its audit reports *compells* the Government to take corrective measures. The reports of the Parliamentary Committees and CAG together have significantly contributed to the ever-increasing demand for greater transparency in Government's financial transactions.

The International Centre for Information Systems and Audit in the Office of the Comptroller and Auditor General of India organized a Seminar on the theme *Legislature and Audit Interface for Enforcing and Strengthening Accountability Mechanism* on 22 July 2005. The Speaker, Lok Sabha, Shri Somnath Chatterjee delivered the Inaugural Address at the Seminar. In his thought-provoking Address, he dwelt upon the major problems being faced by our accountability framework and emphasised that a relationship of trust and confidence between the Legislature and the CAG is essential to maintain the integrity of the framework of financial accountability. We reproduce in this issue of the *Journal* the

full text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee on that occasion.

The Conference of Presiding Officers of Legislative Bodies in India is a unique forum for discussing matters relating to Parliamentary practices and procedures and also other issues having a bearing on our parliamentary democratic system. Since its inception in 1921, the Conference of Presiding Officers has gone a long way in establishing sound democratic conventions and parliamentary practices and procedures in our Legislative Bodies. The Sixty-ninth Conference of the Presiding Officers of Legislative Bodies in India was held in New Delhi from 30 to 31 July 2005. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee inaugurated the Conference on 30 July 2005. In his Address, he touched upon several issues of contemporary interest and significant procedural developments in the parliamentary arena. The Conference held extensive discussions on the subjects on its Agenda. We include in this issue of the *Journal* the text of the Inaugural Address by Shri Somnath Chatterjee.

We would like to felicitate Shri Francisco Sardinha and Smt. Victoria Fernandes on their election as the Speaker and the Deputy Speaker, respectively, of the Goa Legislative Assembly. Our congratulations are also due to all the newly-elected members of the Rajya Sabha.

As always, we carry in this issue the regular features, viz. Parliamentary Events and Activities, Privilege Issues, Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, Sessional Review, Recent Literature of Parliamentary Interest and Appendices.

We have all along been striving to make the *Journal* more useful and informative. We would greatly welcome suggestions for its further improvement. We also welcome well-researched and informative articles in the field of parliamentary procedures and practices from members of Parliament and State Legislatures, scholars and others interested in the study of parliamentary democratic system.

P.D.T. Achary
—Editor

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE AT THE SIXTY-NINTH CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

The 69th Conference of Presiding Officers of Legislative Bodies in India was held at New Delhi from 30 to 31 July 2005. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee delivered the Inaugural Address on 30 July 2005. The Speaker, Lok Sabha, also released a Monograph titled "Babu Jagjivan Ram in Parliament: A Commemorative Volume" and a book titled "Anti-defection Law in India and the Commonwealth" on the occasion.

We reproduce below the text of the Address by the Speaker, Lok Sabha, at the Inaugural Function of the Conference.

—Editor

Honourable Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; Honourable Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; Honourable Presiding Officers from State Legislatures; Learned Secretaries-General of Lok Sabha and Rajya Sabha; Secretaries from the State Legislative Bodies; and Ladies and Gentlemen:

It is indeed my privilege to welcome you all to the Sixty-ninth All India Conference of Presiding Officers of Legislative Bodies in India at our Capital City.

Friends, before I proceed further, I have the sad duty to refer to the passing away of some of our esteemed colleagues, who, at one time or the other, belonged to our fraternity. We have already passed the resolution. All our sincere condolences on the sad demise of Sarvashri Rebala Dasaratha Rami Reddy, former Speaker, Andhra Pradesh Legislative Assembly; Mirigendra Pratap Singh, former Speaker, Jharkhand Legislative Assembly; Manindra Lal Bhowmik, former Speaker, Tripura Legislative Assembly; and Ramchandra Maheshwari, former Deputy Speaker, Madhya Pradesh Legislative Assembly.

I pay my respectful homage to their memory.

Since its inception in 1921, over the decades, the Conference of Presiding Officers has evolved into a vibrant and effective forum, keeping pace with the changing needs of our Legislatures and emerging dimensions

of our parliamentary polity. To begin with, way back in the 1920s and 1930s, the objective of the Conference was essentially to secure the appropriate coordination of parliamentary procedures throughout India. But, especially after Independence, many significant changes have taken place in the powers and functions of the Legislatures and in consonance with that, the aims, objects and scope of the Conference also kept on widening. Today, this is the forum for discussing matters relating not only to parliamentary practices and procedures but also various other issues having a vital significance for our parliamentary democratic system. Our Conferences have gone a long way in establishing sound democratic conventions and parliamentary practices and procedures in our Legislative Bodies.

Friends, as you all know, we met less than a year ago in Kolkata in October 2004. Soon after, we again met at an Emergent Conference in New Delhi in March 2005 in the wake of the Supreme Court's interim order of 9 March 2005 on Writ Petition (Civil) No.123/2005 filed by Shri Arjun Munda. As Chairman of the Conference of Presiding Officers of Legislative Bodies in India, I felt that the directions issued by the Honourable Supreme Court related to matters under the Rules of Procedure of the Jharkhand Legislative Assembly. I also felt that by virtue of well established parliamentary conventions, these were within the exclusive jurisdiction of the Presiding Officer of the Jharkhand Legislative Assembly or for that matter, the House itself.

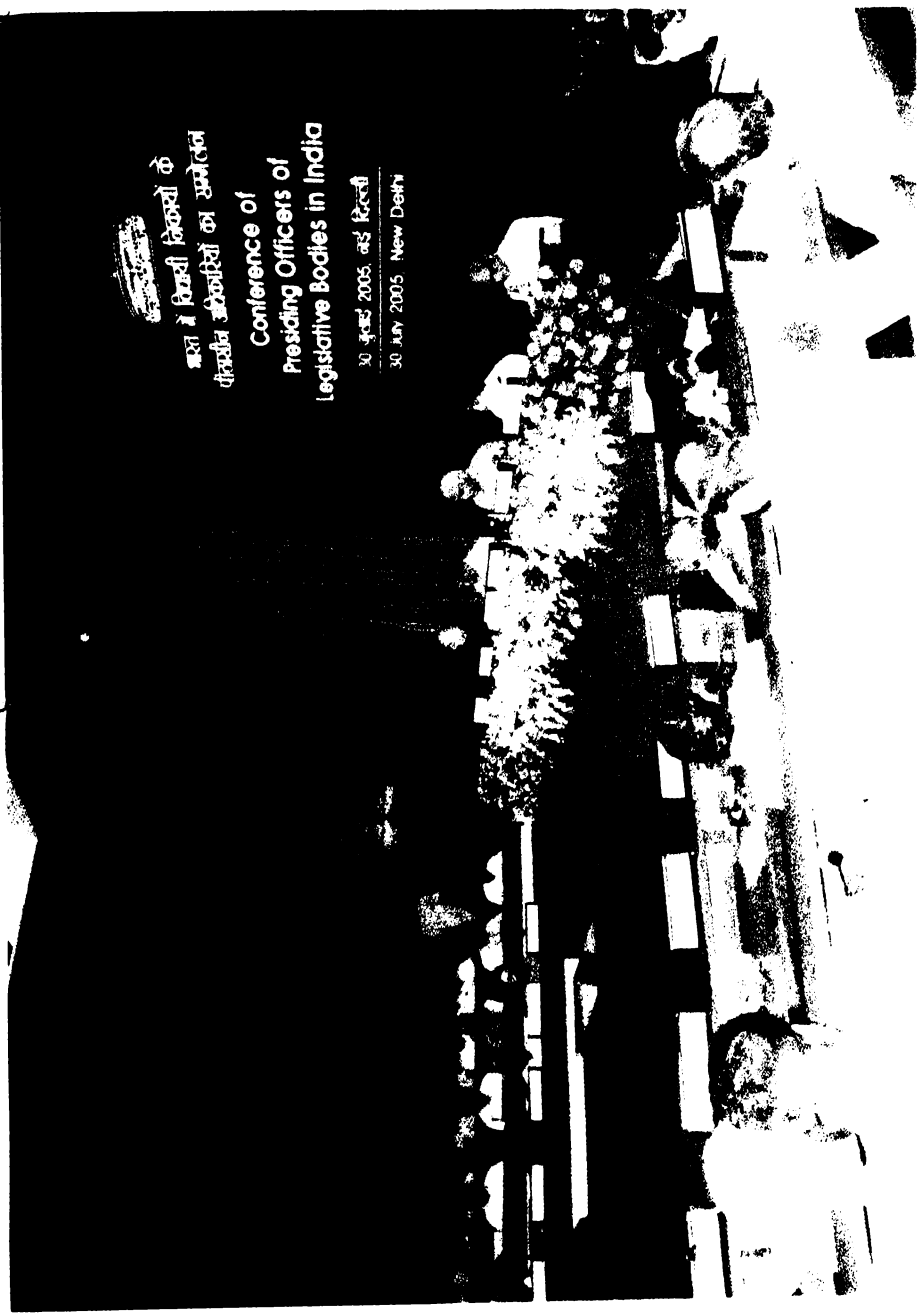
Let me once again reiterate that the political developments in the State of Jharkhand were not my concern at all when I decided to convene the Emergent Conference. My prime consideration, as the Presiding Officer of the highest Legislative Body in the country, was the erosion of the independence of the Legislature. I desired that the Conference should discuss how the Legislatures and the Presiding Officers should address the issue if the Courts continue to pass such orders. The Conference had lengthy deliberations in the matter and the Presiding Officers expressed deep concern over such orders being passed repeatedly by the Courts, which tended to disturb the delicate balance of power between the Legislature and the Judiciary. They also felt that such orders, besides amounting to transgression by the Judiciary into the exclusive domain of the Legislatures, tended to undermine the dignity of the Legislatures and their Presiding Officers. The Resolution that the Emergent Conference adopted, unanimously stressed that there must exist mutual trust and respect between the Legislature and the Judiciary and also an understanding that they are not acting at cross purposes but striving together to achieve the same goal, that is to serve



भारत में विधायी निकायों के
प्रमुख अधिकारियों का सम्मेलन

Conference of
Presiding Officers of
Legislative Bodies in India

30 जुलाई 2005, नई दिल्ली
30 July 2005, New Delhi



The Speaker, Lok Sabha, Shri Somnath Chatterjee addressing the 69th Conference of
Presiding Officers of Legislative Bodies in India

30 Years 2005,

2005,

250

The Speaker, Lok Sabha, Shri Somnath Chatterjee releasing the Monograph titled "Babu Jagjivan Ram in Parliament: A Commemorative Volume". Also seen in the picture (from left to right) are the Deputy Chairman of the Rajya Sabha, Shri K. Rahman Khan, the Union Minister for Social Justice and Empowerment, Smt. Meira Kumar and the Deputy Speaker of the Lok Sabha, Sardar Charnijil Singh Atwal

The Speaker, Lok Sabha, Shri Somnath Chatterjee releasing the Monograph titled "Babu Jagjivan Ram in Parliament:

ommemorative Volume". Also seen in the picture (from left to right) are the Deputy Chairman of the

Rajya Sabha. Shri K. Rahman Khan, the Union Minister for Social Justice and Empowerment.

Smt. Meira Kumar and the Deputy Speaker of the Lok Sabha. Sardar Charnjit Singh Atwal

Conference of Residing Officers of Legislative Bodies in India

जुलाई 2005, नई दिल्ली
2005,



The Speaker, Lok Sabha, Shri Somnath Chatterjee releasing the book titled "Anti-defection Law in India and the Commonwealth". Also seen in the picture (from left to right) are the Deputy Chairman of the Rajya Sabha, Shri K. Rahman Khan and the Deputy Speaker of the Lok Sabha, Sardar Charanjit Singh Atwal

the common man. The Resolution emphasized that the success of democratic governance would be greatly facilitated if these two important institutions respect each other's role in the national endeavour and do not transgress into areas assigned to them by the Constitution. It is this spirit of harmony among the organs of the State, which can help nourish and sustain our nation as the largest working democracy in the world.

After the Kolkata Conference, we have had as many as nine Presiding Officers joining our fraternity. They are: Shri Francisco Sardinha, Speaker, Goa Legislative Assembly; Sardar H.S. Chatha, Speaker, Haryana Vidhan Sabha; Sarvashri Inder Singh Namdhari, Speaker, Jharkhand Legislative Assembly; V.R. Sudarshan, Chairman, Karnataka Legislative Council; Krishnarao Rakhamajirao Desai *alias* Babasaheb Kupekar, Speaker, Maharashtra Legislative Assembly; Takar Marde, Deputy Speaker, Arunachal Pradesh Legislative Assembly; Azad Mohammed, Deputy Speaker, Haryana Vidhan Sabha; N.V. Gopalakrishna, Deputy Speaker, Karnataka Legislative Assembly; and Khot Sachidananda, Deputy Chairman, Karnataka Legislative Council.

On behalf of all of you and on my behalf, I extend a hearty welcome to each one of them on joining our fraternity and also welcome them to this Conference. I would also like to place on record our profound appreciation of the valuable contributions made by those colleagues who have demitted office since our Kolkata meet.

Friends, as per practice, let me now recapitulate some of the significant developments that have taken place in the parliamentary arena since the Conference in Kolkata. During this period, the Third and the Fourth Session of the Fourteenth Lok Sabha were held and the Fifth Session has just begun. The Third Session commenced on 1 December 2004 and concluded on 23 December 2004 and had 17 sittings spread over 103 hours. As the Session progressed, it was observed that too many notices were being given by the Honourable members for raising various issues during the so-called 'Zero Hour', leading to disruption of business. Therefore, I observed that the number of 'Zero Hour' matters may be restricted to about 15 per day and unless matters of emergent national or international importance are involved, each member may be allowed to raise not more than one matter per week.

Subsequently, pursuant to a decision arrived at the Leaders' meeting held on 20 April 2005, an attempt was made to further streamline the raising of matters during the 'Zero Hour'. The notices for raising such matters can now be given by 09.30 hours on the day on which the

matter is proposed to be raised instead of 10.00 hours as was fixed earlier. Also, with a view to enabling more Honourable members to raise important issues under Rule 377, the number of matters to be raised has now been increased from 15 to 20 per day.

The Fourth Session of the Fourteenth Lok Sabha commenced on 25 February 2005 and concluded on 13 May 2005. In all, the House sat for 38 days spread over 211 hours. During the Session, the House, unfortunately, witnessed disorderly scenes and pandemonium, resulting in adjournments for several days. The main Opposition party along with some of its allies remained absent from the House from 27 April 2005. To keep the House going, and persuade the Honourable members to come back to the House, I held meetings with the Leaders of Parties every day before the commencement of the sitting of the Lok Sabha.

I also started a practice of making an observation in the House every week informing members about the business transacted in the preceding week, mainly to apprise all of them of the work done by the House and the time lost due to forced adjournments and interruptions. Along with this, from 27 April 2005, I also have started a practice of convening every morning a meeting of the Leaders of all the Parties and Groups to discuss urgent issues likely to be raised by them in the House.

Coming to some procedural developments, you may recall that with a view to making the role of the Departmentally-Related Standing Committees (DRSCs) more meaningful, a new Direction 73A was added to the *Directions by the Speaker* which provides that the Minister concerned shall make a statement in the House once in six months regarding the status of implementation of the recommendations of the DRSCs with regard to his Ministry. The purpose of the new Direction is to highlight the qualitative aspects of the actual status of implementation of the recommendations. In pursuance of this Direction, 27 statements were made by the Ministers concerned during the Third and the Fourth Sessions.

In an important procedural development, sub-rule (2) of Rule 72 of the *Rules of Procedure and Conduct of Business in Lok Sabha* was amended. Earlier, for opposing the introduction of a Bill, members were not required to give any reason while tabling the notice. Over time, a need was felt to make it mandatory to give reasons for the same as it would facilitate not only its smooth admissibility but would also enable the Ministers concerned to come prepared on the subject. Hence, the said sub-rule was amended to insert the required provision.

Similarly, Rule 331H(c) provides that “the Committee shall make Report on the Bills in the given time”. However, no time limit for submission of the Report was normally prescribed, except in the case of Bills of a very emergent nature. To address this issue, I have ordered that at the time of reference, the Standing Committees may be requested to make a Report on the Bill within three months of the date of reference. Where a specific request is received from the Minister concerned for early presentation of the Report, or in such other cases where the Presiding Officers consider that the Report be made in a shorter time, they may prescribe time limit shorter than three months. In view of these orders, Standing Committees are now being requested for report on Bills within three months from the date of reference. The Committees may, however, seek extension of time for presentation of Report from the Presiding Officers if they require more than three months time for the purpose.

As you all know, the need to regulate the tours undertaken by the Parliamentary Committees has been engaging the attention of the Presiding Officers for some time. The number of tours undertaken in a year by each Committee, the necessity of these tours, the cumulative impact of all the tours on the resources of the organizations which finance them and many related issues have been looked into from time to time. A new set of guidelines regarding bearing of expenditure by the Lok Sabha and the Rajya Sabha Secretariats on study tours have now been finalized in consultation with and at the instance of the Honourable Chairman, Rajya Sabha. The new guidelines, *inter alia*, provide that, henceforth, the Lok Sabha and the Rajya Sabha Secretariats shall bear expenditure on boarding, lodging, transport, etc. for members and officers accompanying the Parliamentary Committees. Consequently, the practice of incurring expenditure by the Ministries/Government Organisations/PSUs on study tours of Parliamentary Committees has been discontinued. The new guidelines have come into force with effect from 18 May 2005.

As regards some other significant parliamentary developments, a landmark was achieved in the history of telecasting of parliamentary proceedings on 14 December 2004 when two separate dedicated Satellite Channels were launched for the live telecast of the entire proceedings of the Rajya Sabha and the Lok Sabha nation-wide. This would, no doubt, go a long way in promoting transparency in the working of the House and taking Parliament closer to the people of our country.

Friends, I am sure, you are all well aware of the crucial importance of the conservation of our nation's natural resources in general and water resources in particular. This issue of conservation of water came

up before the House on 22 March 2005 while commemorating the World Water Day when four members made submissions. Associating with the views of these members, I urged the House as well as the Government to be concerned about finding ways and means of conserving rainwater. On my part, I have offered the premises of the Parliament House and the Speaker's House in Delhi and my residence in Kolkata for rainwater harvesting. I have also asked the Ministries concerned to take up the project of providing facilities for harvesting rainwater in all the residential and official premises under the control of the Speaker. I shall take up this matter with the Ministry concerned for the inclusion of offering rainwater harvesting systems under the MPLAD Scheme. I have also decided to constitute a Parliamentary Forum on Water so that we can effectively discuss the problems in a structured manner and can discharge our obligations to the nation with a result-oriented approach.

The Tsunami tragedy, which caused havoc in several countries of South-East Asia, also ravaged our coastal States of Andhra Pradesh, Kerala, Tamil Nadu and Pondicherry and the Andaman and Nicobar Islands as well. Towards relief and rehabilitation in the affected areas, we, at the parliamentary level, have contributed generously from the MPLAD Scheme funds. The Committee on MPLADS has instructed that the Ministry of Statistics and Programme Implementation should monitor and coordinate the release and utilization of funds in consultation with the authorities concerned.

In our ceaseless endeavours to honour eminent parliamentarians and national leaders, the statues of Acharya Narendra Dev, Shri A.K. Gopalan and Shri S.A. Dange were unveiled in the Parliament Complex on 10 December 2004. Earlier, portraits of Sarvashri Subramania Bharathi, Sarat Chandra Bose, Tridib Kumar Chaudhuri and Vasudev Balwant Phadke were unveiled on 3 December 2004.

At another function held on 21 March 2005, the Honourable President, Dr. A.P.J. Abdul Kalam, conferred the Outstanding Parliamentarian Awards instituted by the Indian Parliamentary Group on Shri L.K. Advani, MP (1999); Shri Arjun Singh, MP (2000); Shri Jaswant Singh, MP (2001); and Dr. Manmohan Singh, MP (2002).

The Committee of Presiding Officers of Legislative Bodies on Telecasting of the Proceedings of Legislatures had examined various aspects of telecasting of the proceedings of our Legislative Bodies, including funds, manpower, transmission, etc. in detail. The Conference at Kolkata adopted the report of the Committee. The Committee felt that it would be extremely difficult for the State Governments and Legislatures to mobilize the

resources required for setting up of permanent infrastructure facilities and for meeting recurring operational expenses. The Committee, therefore, recommended that the Planning Commission and the Union Ministry of Finance might be requested to respond positively by agreeing to provide funds required for telecasting of the proceedings of Legislatures on a sharing basis between the Centre and the States. Accordingly, we have approached the Planning Commission and the Union Ministry of Finance requesting them to meet the expenditure required for setting up infrastructure facilities for live telecast of the proceedings of the State Legislatures.

Friends, the subjects for discussion at this Conference are 'Accountability of the Executive' and 'National E-Governance Plan', selected on demands from some of our colleagues from the State Legislatures. The topics slated for discussions are interrelated, one reinforcing the other. Securing Executive accountability to the Legislature is one of the cardinal principles of parliamentary democracy. Making use of the remarkable advancements in information and communication technology, e-governance substantially facilitates enforcing transparency and in promoting Executive accountability. The subjects for discussion are, therefore, of much contemporary relevance.

As you all know, the concept of Executive accountability to the Legislature is as old as parliamentary democracy itself. In a parliamentary set-up such as ours, accountability of the Executive has several aspects. It is primarily aimed at ensuring that the Government of the day performs to the best of its ability for public good. The policies and programmes of the Executive are constantly subjected to parliamentary scrutiny. We have introduced several innovations in the practices and procedures relating to the working of the two Houses with a view to safeguarding Executive accountability to the Legislature and bringing in more transparency in governance. Among these, the Parliamentary Committees have been an integral and inseparable part of the system. What is most significant is that the Committees examine Action Taken notes received from the Ministries/Departments and Action Taken Reports thereon are presented to the Houses. In this direction, the role of the Committee on Government Assurances, which is an innovation of our Parliament, as also that of the Departmentally-Related Standing Committees, is pivotal. We have to focus on how to enhance this accountability factor by strengthening our Committee system and securing implementation of Government assurances in the process.

Insofar as e-governance is concerned, the Government of India has approved the National E-governance Action Plan for implementation during the year 2003-2007. The Action Plan seeks to lay the foundation

and provide impetus for long-term growth of e-governance in the country. The Plan also seeks to create the right governance and institutional mechanisms, set up core infrastructure and policies, and implement a number of Mission Mode Projects at the Centre, State and integrated service level to create a citizen-centric and business-centric environment for governance. Legislatures being the supreme institutions of democracy provide an important forum for debate, discussion and above all for policy formulation and scrutiny of Executive functioning. Essentially, as institutions representing the will of the people, they need to be closer to and well connected with each other. In view of the crucial importance of information storage, dissemination and sharing, both among themselves and between the State Legislatures and the Parliament, it would be appropriate that we have a well-developed information management system and Local Area Network (LAN) / Wide Area Network (WAN) connectivity within the Legislature and connectivity to the Parliament of India. We have the Parliament of India Home Page, which disseminates information on many aspects of the functioning of our Parliament. Most of our State Legislatures have also created their own websites. As you know, the website on 'Legislative Bodies in India', developed by the Lok Sabha Secretariat and launched during the Presiding Officers' Conference at Kolkata, is indeed a major step forward in sharing of information among the Legislatures. During the deliberations on the theme 'National E-Governance Plan' we can further explore as to how to make use of the advancements in information and communication technology in the parliamentary realm.

My fellow Presiding Officers, the people of India have time and again reposed their abiding and unwavering faith in parliamentary democracy. It is in our Legislative Bodies that the sovereign will of the people finds its resounding echo and full expression. The wide array of diversities that we have in our society, as also the political, economic and social compulsions of the day, are bound to get reflected in the Chambers of our Legislatures. In a vibrant and pulsating democracy like ours, it is but natural that some heat and dust are generated on the floors of the Legislatures, especially in an era of coalition politics. As Presiding Officers, all of us have to facilitate the smooth and orderly conduct of business of the House. We have to enable the members to raise issues of topical importance, of course within the rules laid down for the purpose. We also have to let all sections of the House participate meaningfully in the proceedings. As custodians of the rights and privileges of the House and its members, we have a very challenging task at hand, which warrants a judicious blend of wisdom, dignity and commitment to the highest ideals of parliamentary democracy. I am

confident that all of us will ceaselessly endeavour to safeguard the pride and prestige of our Legislative Bodies and uphold the highest traditions of Parliamentary Democracy so that we may serve the people, who are the real masters.

I look forward to very fruitful deliberations here today.

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

Thank you very much.

**ADDRESS AT THE SEMINAR ON 'LEGISLATURE
AND AUDIT INTERFACE FOR ENFORCING AND
STRENGTHENING ACCOUNTABILITY MECHANISM'
DELIVERED BY THE SPEAKER, LOK SABHA,
SHRI SOMNATH CHATTERJEE**

On 22 July 2005, Speaker, Lok Sabha, Shri Somnath Chatterjee delivered the Inaugural Address at the Seminar on 'Legislature and Audit Interface for Enforcing and Strengthening Accountability Mechanism', organized by the International Centre for Information Systems and Audit in the Office of the Comptroller and Auditor General, at Noida. The theme of the address being a topical one, it has been included in this issue of the Journal.

We reproduce below the text of the Address.

—Editor

Shri Vijayendra Kaul, Comptroller and Auditor General of India and Ladies and Gentlemen:

I am happy to be here to inaugurate the one-day Seminar on 'Legislature and Audit Interface for Enforcing and Strengthening Accountability Mechanism' that has been organized by the International Centre for Information Systems and Audit in the Office of the Comptroller and Auditor General.

The theme of the Seminar is of immense topical relevance to all democracies, more so for a parliamentary democracy like ours, which functions through an institutionalized system of checks and balances to secure good governance practices.

As you all know, Executive accountability to the Legislature is one of the cornerstones on which the edifice of a parliamentary democracy is erected. It is also one of the crucial components of good governance, along with securing Rule of Law, ensuring transparency and combating lack of probity. In all these respects, it is imperative to have a proper interface between the Legislature and the Supreme Audit Institution. Parliamentary control over public expenditure is not limited only to voting of moneys required for carrying on the administration of the country but it also extends to ensuring that the expenditure is incurred in a prudent manner and that the objectives underlying the policies approved by the

Parliament are achieved. The Legislature has the power to grant appropriations to the Executive for public expenditure, but, mere power to grant funds will not achieve the intended purpose unless the Legislature has the means of ensuring that the moneys voted by it are spent by the Executive for the specified purpose. This is well facilitated by way of providing for audit of government transactions by an independent authority and the subsequent discussion of the audit report in the Parliament.

In our parliamentary system, the accountability of the Executive to the Parliament is absolute. While the Executive keeps control over the public finance, the Parliament secures the accountability of the Executive through various mechanisms, including the audit report of the Comptroller & Auditor General of India (CAG), the Supreme Audit Authority provided in our Constitution. In our scheme of things, the CAG examines the annual accounts of the Government to satisfy that the moneys granted by the Parliament and the State Legislatures to the respective Executives have been applied to the purpose for which they were intended and that they have been spent according to the laws, rules and regulations governing the subject. The CAG, while submitting the report, brings to the fore, cases of waste and inefficiency, if any. The CAG's observations are of crucial import in matters of accounting and financial principles and go a long way in ensuring and enforcing Executive accountability. The CAG, while acting as a watchdog of public funds, is at once a friend, philosopher and guide to the Parliament and in particular to the Financial Committees of Parliament.

In our system, parliamentary control over public finance is made to bear in two stages. In the first stage, parliamentary control is exercised at the time of policy making, which finds space in the Annual Budget. In the second stage, parliamentary control is exercised *ex post facto*, in ensuring that the approved policy is implemented without any deviation. The control in the second stage represents the actual interface between the Legislature and the Audit which is primarily exercised through the Public Accounts Committee and the Committee on Public Undertakings, both of which stand to benefit from the reports of the CAG.

The Public Accounts Committee (PAC), as you know, is concerned with ascertaining that the moneys granted by the Parliament have been spent by the Government within the scope of the Demand. This implies that the money shown as spent against the grant must not be more than the amount granted and the amount should have been spent specifically for the purposes set out in the detailed Demand. The functions

of the Committee extend, however, much beyond the formality of expenditure to its wisdom, faithfulness and economy.

It is in the furtherance of this objective that the PAC examines cases involving losses, nugatory expenditure and financial irregularities and, wherever necessary, calls for an explanation from the concerned Ministry/Department. When any case of proven negligence resulting in loss to the public exchequer is brought to the notice of the Committee, the Ministry concerned is called upon to explain as to what remedial action, disciplinary or otherwise, has been taken to prevent its recurrence. In such cases, the PAC also records its opinion either disapproving the action of the Government or passing strictures against the extravagance or lack of proper control by the Ministry or Department concerned. The Committee also discusses points of financial discipline and principle.

The Public Accounts Committee, thus, is more concerned with the failure in the system or the control mechanisms which facilitated the loss, defalcation or wastage rather than the individual involved. Though the Committee is not concerned with the policy of the Government as such, it does, however, point out cases where there have been extravagances, wastage or losses in the implementation of a policy. In a way, the effectiveness of Audit depends on the information and inputs it receives from the Committees; likewise, the effectiveness of the Committees, in turn, depends on the independence with which the audit has been conducted and its report compiled.

The Legislature-Audit interface is also witnessed in the functioning of the Committee on Public Undertakings (COPU). The Committee evaluates the performance of a Public Undertaking covering all aspects like implementation of policies, programmes, management, financial working, etc. The Committee also selects for examination matters raised in the audit reports of the CAG on the Public Undertakings which have been taken up for study. This Legislature-Audit interface assumes more importance especially when heavy investment has been made in the PSUs. When the audit by the CAG comes out as the efficiency-cum-performance audit, it enables the Parliament and the Legislative Bodies to effectively review the performance and efficiency of our PSUs.

For all these reasons, the independence of Audit is considered absolutely essential in ensuring good governance. The Supreme Audit Institution will not be in a position to discharge, without fear and favour, its duty of scrutinizing the financial action of various authorities if it is dependent on one or more of such authorities whose action or orders it might have to challenge. I would say that the Audit, independent of

Executive, forms an important ingredient of parliamentary democracy and that is why our Constitution provides for such independence. The power of Parliament for voting money for expenditure will be meaningless unless there is a powerful Audit to bring to its notice the failure on the part of the Executive in spending the money voted by it for the specified purpose.

Thus, in a vibrant democracy like ours, a relationship of trust and confidence between the Legislatures and CAG is essential to maintain the integrity of the framework of financial accountability in our country.

The basic framework for financial accountability in our country is sound. In fact, it has been a successful model for many emerging democracies. However, modern society is in a state of rapid change. The forces of globalization and technology are incessantly under-pinning and driving this change. To meet the rising expectations of the people, the Governments have to cater to various demands of the modern civil society through increased public expenditure. There is now a very sizeable growth of budgetary expenditure on every increasing number of developmental programmes with proportional increase in receipts. However, mere increase in expenditure is not enough, unless it is matched with corresponding strengthening of the accountability and assurance framework, without which the objectives will not be fulfilled.

In this connection, we should take note of some of the major issues or problems which should be attended to for early solution. Proper functioning of the processes of Parliamentary control over public exchequer is directly linked to the capability of the CAG to provide high quality and timely Reports to the Parliament and State Legislatures and the capacity of the Public Accounts Committee and the Committee on Public Undertakings to examine them and issue their recommendations effectively and speedily. The effectiveness of the Legislative Committees is not dependent only on the speed and extent of their examination of CAG's report but also on the Executive's response and commitment to act upon the recommendations made in the Reports of Legislative Committees with speed and without hindrance.

I would like to take advantage of this opportunity, when the Chairpersons of the Parliamentary and the State Legislative Committees and the CAG have gathered together, to focus on certain crucial issues that concern the CAG and the Legislative Committees. Besides, there are problems in the accountability and compliance systems within the Executive, which have impact on CAG's and Committee's effectiveness. However, appropriate to today's theme, I will confine to the issues in

relation to the functions of the Legislative Committees and CAG that should receive urgent attention.

The responsibilities of both the Central and State Governments in India have increased exponentially since Independence. Being a developing country, the Government is required to play a dominant role in economic and social sectors. This demand on the Government to take the country along the path of high industrial and economic growth coupled with its obligation to secure social justice and inclusiveness of the vulnerable sections has resulted in the growth of disbursements of the Union Government by over 400 times between 1950 and now. Similarly, revenues of the Union Government have multiplied 410 times over this period. The position obtaining in the States is similar.

This increase in public expenditure and receipt has directly impacted on the responsibility of audit and more importantly, the workload of the CAG. In 1950-51, the CAG's Audit Report for the Union comprised, a single volume only. It was possible for the Committee consisting of 22 members, 15 from the Lok Sabha and 7 from the Rajya Sabha, to examine the reports, issue recommendations and follow them up for substantive action by the Executive on their recommendations. Today, CAG tables over 21 Reports in the Parliament and 62 Reports in the State Legislatures. Out of the 21 Reports tabled by CAG in the Parliament, PAC examines 14 relating to receipt and expenditure of the Union Government. The other 7 on the accounts and performance of the Public Sector Undertakings are examined by COPU. These reports together contain hundreds of paragraphs and performance reviews. I understand from CAG that this number is almost certain to increase with emphasis on performance audits and coverage of more and more subjects.

Both the PAC and the COPU are today faced with a heavy overload of work. Despite the best intent and efforts by the Chairpersons, the Committees find it almost impossible to examine in time all issues, give recommendations and pursue follow-up to a logical conclusion. Even the well-intentioned decision of the Committees of the Parliament to examine the paragraphs on selective basis and ask the Executive to submit Action Taken Notes to them on the remaining paragraphs has its own limitation. Firstly, the selection of the paragraphs keeping in view the limited time that the Committees can devote leaves out a large number of very important matters in the Reports from the purview of the examination by the Committees. Secondly, though it is a tribute to the spirit of probity and oversight of the Committees that they always select a large number of subjects with the hope of

examining them, the actual examination has been limited to a small number of paragraphs. For example, the number of paragraphs examined every year by the PAC have remained around 10-15 against the total number of over 700-1000 paragraphs included in CAG's reports submitted to the PAC. The paragraphs not selected are seldom attended to, once PAC has finalized its report since there is no system of examination by the Committee of the *suo moto* Action Taken Notes by the Executive. Thus, the Action Taken is largely formal rather than substantive.

It is a matter of deep concern that in the State Legislatures against a pendency of 12,168 audit paras to be examined by the Committees in 2004, the total number of paras discussed was only 511. I understand that in some States, Audit Reports of the CAG are pending discussion by the concerned PACs from 1983-84. In a large number of cases, reports on the matters examined are delayed. Public audit by its very nature is essentially a *posteriori* exercise and by the time the entire processes of auditing and reporting are completed, some time has already elapsed. Delaying the examination of the matters brought out in the Reports runs the risk of rendering a large number of them irrelevant.

It is not as if Legislatures have not been concerned or diligent about tackling this problem of work overload. Shakhdar Committee's recommendations have been accepted by many PACs in the States. The PAC of Parliament has also devised an improved system for speedy disposal. However, these efforts are found to be inadequate in view of rapid increase in the workload. The sheer volume and complexity of the exercise is straining the physical capacity, in spite of their best and sincere efforts, of the Committees to discharge effectively the role of legislative scrutiny over Government's finances and performance. In this context, we should comprehensively review the situation and look at radical means to address and overcome the problem. I am happy to note that this Seminar will deliberate on this crucial issue.

To find out solutions, many PACs including the PAC of the Parliament have set up working groups and sub-Committees to deal with Audit paras that cannot be considered in detail by the full Committee. Ways must be found to strengthen the work of these sub-Committees or working groups.

Suggestions have been made in the past that the sub-Committees should be empowered to deal with the subjects referred to them by the

main Committee in a conclusive manner after approval of the Chairman of PAC and allowed to record evidence of the Executive. Their recommendations could be approved by the Chairman and endorsed by other members by circulation.

Another suggestion that you may like to deliberate is whether sub-Committees, particularly those of the Public Accounts Committee, could be constituted department-wise for major departments e.g. Defence, Railways, etc. at the Centre or like the Public Works Department in the States for study and scrutiny of public accounting purposes. This is a practice in some countries, which have a PAC system like we have in India. It may also be debated whether formation of working groups or sub-committees on these lines to examine the paragraphs finally, is possible within the existing strength of the PAC and COPU.

The CAG has the responsibility to audit receipts of the Government as well as its expenditure. As far as the Union Government is concerned, CAG currently tables four Reports in Parliament on Direct and Indirect Taxes alone. I believe, CAG is contemplating an additional Audit Report on Non Tax Revenues, looking at their growing importance. We all realize that the Receipt Audit Reports of the CAG have a direct revenue implication for the Government. It is, therefore, essential that Receipt Audit Reports receive the speediest consideration in the PACs. But this has not been possible because of the constraint of time. You may like to discuss in this Seminar if the time is ripe for a separate Committee for receiving the Receipt Audit Reports of the CAG to enable quick and timely disposal of these Reports.

The second major issue that our accountability framework faces today is that some new financial arrangements and institutions by-pass CAG's statutory audit. The first of such arrangements is the devolution of grants directly to the third tier of Government namely, the Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs).

Devolution and delegation for grass root level planning and execution, unless matched by equally pervasive and independent accountability and oversight system is a glaring loophole in our scheme of financial accountability. Authority and responsibility must go together. As you are aware, primary audit of these institutions under our Constitution is the responsibility of the State Government whose capacity both financially and technically is strained. I understand that CAG's institution is the primary auditor only in the three States of Bihar, Jharkhand and West Bengal, and in other States, CAG audits only those Local bodies which fall under his Audit purview.

The Eleventh Finance Commission, noting the risk of this arrangement had recommended that the State Governments should entrust the CAG with the responsibility of exercising control and supervision over the proper maintenance of accounts and their audit of PRIs and ULBs. The Government of India, Ministry of Finance has advised State Governments to consider entrusting PRI audit to the CAG. I am happy to note that 18 major States have already fully entrusted audit of PRIs/ULBs to the CAG under the Technical Guidance and Supervision Scheme (TGSS) formulated by him. It would promote the cause of grass root level accountability and professional oversight if remaining State Governments consider similar action.

Moreover mere entrustment of guidance and supervision over the works of local fund examiners by itself is not enough if the Reports prepared by CAG's organization are dealt with finally at the Executive level. In some States, like Kerala and Rajasthan, Legislative Committees have already been established to deal with the Reports of the CAG relating to PRIs/ULBs audit. I would recommend similar action in other States also as recommended by the Eleventh Finance Commission.

The matter of accountability of NGOs, increasingly being involved with the execution of public sector programmes is another area of serious concern. The NGOs are not subject to audit by CAG. The reliability of their accounts from the point of view of their actual utilization for the intended purpose is uncertain in some cases. Many countries have provided for audit by public auditors of every unit of Government or tax payer's money, irrespective of the agency through which these are spent and we must consider on similar lines.

There are attempts to keep the regulatory bodies, whose decisions affect the Government finances and the public in a significant manner, out of CAG jurisdiction through statutory provisions like TRAI Act. We should be aware of the emerging risks of such efforts and must take suitable measures in the best interest of the country and the general public.

The third major problem faced by the current accountability system is the increasing inclination to dilute or even exclude CAG's auditory jurisdiction over the audit of Public Sector Undertakings. There is even a suggestion that Government companies should be taken out of the purview of the CAG's Audit. I view this with great concern as it dilutes the accountability of enterprises created out of public money.

In my view, a public sector corporation is not merely a profit maximizing commercial entity. It is difficult for a private auditor carrying out a financial audit to report comprehensively on the performance of a public sector corporation in respect of achievements of its social and other special objectives for which the Government may have set it up. CAG's audit not only verifies on compliance, transparency, regularity and propriety but also economy, efficiency and effectiveness of the management of the PSU. Past history has shown that CAG's audit of public sector enterprises has been able to identify major instances of mis-management, waste and fraud, including material errors in accounts, which would have gone undetected, had the Company Law not empowered the CAG to carry out supplementary and test audit.

Thus, though our accountability framework is sound, it faces many risks, as mentioned. I hope this Seminar will contribute in a substantial manner in providing solution that can mitigate the risks that our financial accountability framework faces today.

As you are well aware, there is an increasing emphasis the world over on securing good governance in all its manifestations. Governmental expenditure and allocations for developmental programmes have increased manifold in the recent decades. Today, we are debating aspects of economic reforms and issues relating to the WTO regime. We are also discussing matters pertaining to the better performance and further streamlining of our Public Sector Undertakings and governmental institutions which we have built up with substantial investments in terms of money and manpower.

The Parliament and its Committees have been deliberating on all these topical subjects with serious concern, especially the financial issues involved. The huge financial allocations associated with our policies and programmes and our PSUs also make it a matter of utmost importance to the health and well being of our economy, rather the nation as a whole, that efficiency, economy and prudence become the hallmarks of their functioning.

If the Parliament, as the Supreme Legislative Institution of the country, has to exercise effectively its cardinal role of ensuring Executive accountability in all its varied manifestations, it is imperative that it receives unstinted cooperation from the Supreme Audit Institution. Both of us are partners in the gigantic and challenging task of nation-building. Our interface has been and must continue to be marked by harmony and complementarity in the larger cause of national weal. As one who has been associated with the Parliament for over three decades, I can say with confidence that the CAG has all through been a vital

force and a pillar of strength to the Parliament in exercising its constitutionally ordained duty of ensuring Executive accountability. Therefore, we have a collective responsibility in ensuring that the office of the CAG retains the independence and autonomy enjoined by the Constitution and the CAG's (DPC) Act and that its authority and ambit are not curtailed.

I greatly appreciate the initiative taken by the CAG in organizing this Seminar and look forward to concrete recommendations emerging from the deliberations that would help in strengthening not only the accountability and the quality of financial administration in our country but also in promoting good governance.

With these words, I inaugurate the Seminar and I wish it all success.

Thank you.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

The Second World Conference of Speakers of Parliaments in New York: The Second World Conference of Speakers of Parliaments organized by the Inter-Parliamentary Union on the sidelines of the UN General Assembly Session was held in New York from 7 to 9 September 2005. The overall purpose of the Conference was to present the United Nations with a comprehensive view of the contribution of the world's Parliaments in strengthening the multilateral system and in furthering peace, security, democracy, human rights and development pursuant to internationally agreed commitments. The Conference was attended by the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal.

The Conference deliberated on the theme, "Parliaments and Multilateral Cooperation: Meeting the Challenges of the 21st Century" and adopted a declaration on the subject, "Bridging the Democracy Gap in International Relations: A Stronger Role for Parliaments".

During the Conference, Panel discussions on the following two subjects were also organized by the IPU:

- (i) Parliaments' Contribution to Democracy; and
- (ii) Role and Responsibility of Parliaments as regards the work of the United Nations

The Tenth Session of the Inter-Parliamentary Union Steering Committee on World Trade Organization (WTO) in Geneva: The Tenth Session of the IPU Steering Committee on the WTO was held in Geneva, Switzerland on 22 and 23 September 2005. Shri Rupchand Pal, MP attended the Session as a member of the Steering Committee of the Inter-Parliamentary Union.

The Session finalised the agenda and other logistical details for the Hong Kong Session of the Parliamentary Conference on the WTO which was to be held on 12 and 15 December 2005.

The Fifty First Commonwealth Parliamentary Conference in Fiji: The Fifty First Commonwealth Parliamentary Conference was held at Nadi,

Fiji, from 1 to 9 September 2005. The Indian Delegation to the Conference was led by the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Delegation consisted of Sarvashri Rishang Keishing, Mahadeo Shiwankar, Rajiv Ranjan Singh (Lalan), Dr. Meinya Thokchom and Smt. Sushma Swaraj, all members of Parliament. Smt. Jaya Prada Nahata, MP (Lok Sabha) attended the Conference as a member of the Commonwealth Women Parliamentarians Steering Committee. Sarvashri Bhartruhari Mahtab and Kirti Vardhan Singh, both members of Parliament; Shri P.D.T. Achary, Secretary-General, Lok Sabha and Dr. Yogendra Narain, Secretary-General, Rajya Sabha also attended the Conference as Observers. Shri R.C. Ahuja, Joint Secretary, Lok Sabha Secretariat, was the Secretary to the Delegation.

Besides, the Indian Delegation also included the following delegates from the State CPA Branches in India: Shri K.R. Suresh Reddy, Speaker, Andhra Pradesh Legislative Assembly; Shri Setong Sena, Speaker, Arunachal Pradesh Legislative Assembly; Shri Prithibi Majhi, Speaker, Assam Legislative Assembly; Shri Prem Prakash Pandey, Speaker, Chhattisgarh Legislative Assembly; Shri Francisco Caetano Sardinha, Speaker, Goa Legislative Assembly, Prof. Mangalbai Madhavdas Patel, Speaker, Gujarat Legislative Assembly; Shri Harmohinder Singh Chatha, Speaker, Haryana Legislative Assembly; Shri G.R. Mussafir, Speaker, Himachal Pradesh Legislative Assembly; Shri Abdul Rashid Dar, Chairman, Jammu and Kashmir Legislative Council (Regional Representative of India Region to CPA Executive Committee); Shri Mohd. Akbar Lone, Deputy Speaker, Jammu & Kashmir Legislative Assembly; Shri Inder Singh Namdhari, Speaker, Jharkhand Vidhan Sabha; Shri V.R. Sudarshan, Chairman, Karnataka Legislative Council; Shri Therambil Ramakrishnan, Speaker, Kerala Legislative Assembly; Shri Krishnajirao Rakhmajirao Desai *alias* Babasaheb Kupekar, Speaker, Maharashtra Legislative Assembly; Shri T.N. Haokip, Speaker, Manipur Legislative Assembly; Shri Martin M. Danggo, Speaker, Meghalaya Legislative Assembly; Shri C. Lalrinsanga, Deputy Speaker, Mizoram Legislative Assembly; Shri Kiyanilie Peseyie, Speaker, Nagaland Legislative Assembly; Shri Maheswar Mohanty, Speaker, Orissa Legislative Assembly; Dr. Kewal Krishan, Speaker, Punjab Legislative Assembly; Smt. Sumitra Singh, Speaker, Rajasthan Legislative Assembly; Shri D.N. Takarpa, Speaker, Sikkim Legislative Assembly; Shri V.A. Arunachalam, Deputy Speaker, Tamil Nadu Legislative Assembly; Shri R.C. Debnath, Speaker, Tripura Legislative Assembly; Shri Yashpal Arya, Speaker, Uttaranchal Legislative Assembly; Shri Mata Prasad Pandey, Speaker, Uttar Pradesh

Legislative Assembly; Shri Hashim Abdul Halim, Speaker, West Bengal Legislative Assembly (Regional Representative of India Region to CPA Executive Committee); Shri Kripa Sindhu Saha, Deputy Speaker, West Bengal Legislative Assembly; Chaudhary Prem Singh, Speaker, Delhi Legislative Assembly; and Shri M.D.R. Ramachandhran, Speaker, Pondicherry Legislative Assembly.

Shri J.R. Gazta, Secretary, Himachal Pradesh Vidhan Sabha; Shri S.A. Narvekar, Secretary, Goa Legislative Assembly; Shri Balakrishna Sahoo, Secretary, Orissa Legislative Assembly; and Smt. B. Rajee, Additional Secretary, Meghalaya Legislative Assembly were the four Secretaries from the State Branches who attended the Conference.

The theme of the Conference was “Commonwealth Parliamentarians in Partnerships for Global Development”. The following were the discussion topics in the Workshops:—

- (a) Millennium Development Goal 1—Eradicate Extreme Poverty and Hunger;
- (b) Millennium Development Goal 6—Combat HIV/AIDS, Malaria and other Diseases;
- (c) Millennium Development Goal 8—Develop a Global Partnership for Development;
- (d) The Role of Parliament in Conflict-Affected Countries;
- (e) Debt Relief and Development Aid Delivery; and
- (f) Fighting Corruption—What Can Parliamentarians Do?

The Speaker, Lok Sabha and Regional Representative, Shri Somnath Chatterjee was the moderator on the topic “Millennium Development Goal 8—Develop a Global Partnership for Development”. Smt. Sushma Swaraj, MP (Rajya Sabha) was one of the Discussion Leaders on the topic, “Millennium Development Goal 1—Eradicate Extreme Poverty and Hunger”. There were three Plenary Sessions, viz. “Constitutional Systems for Parliamentary Democratic Government”; “Millennium Development Goal 3—Promote Gender Equality and Empower Women”; and “Natural Disasters—Effective Early Warning Relief and Reconstruction”.

During the Conference, meetings of the CPA Executive Committee were held in Fiji from 1 to 5 September 2005. The Speaker, Lok Sabha, Shri Somnath Chatterjee attended the meeting as a Regional Representative from India Region of the CPA.

Election of the Speaker, Lok Sabha as Vice-President of the CPA: During the Conference, the CPA General Assembly, which met on 9 September 2005, elected the Speaker, Lok Sabha, Shri Somnath Chatterjee as the Vice-President of the CPA for the year 2005-2006.

Election of Shri Hashim Abdul Halim as Chairman, CPA Executive Committee: The Speaker, West Bengal Legislative Assembly, Shri Hashim Abdul Halim was elected as the Chairman of the CPA Executive Committee by the CPA General Assembly, which met during the Conference on 9 September 2005. Shri Halim secured 188 votes against 73 secured by Sir Geoffrey Henry of Cook Islands.

Election of Regional Representatives from the India Region to the CPA Executive Committee: The Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan was elected as the Regional Representative from the India Union CPA Branch *vice* Speaker, Lok Sabha, Shri Somnath Chatterjee who became the Vice-President of the CPA. Shri K.R. Suresh Reddy, Speaker, Andhra Pradesh Legislative Assembly, was elected Regional Representative from the India Region *vice* Shri Abdul Rashid Dar, Chairman, Jammu & Kashmir Legislative Council. Smt. Sumitra Singh, Speaker, Rajasthan Legislative Assembly was elected as one of the Regional Representative from India Region *vice* Shri Hashim Abdul Halim, Speaker, West Bengal Legislative Assembly who was elected as the Chairman of the CPA Executive Committee.

Meeting of the Society of Clerks-at-the-Table during the Fifty First Commonwealth Parliamentary Conference in Fiji: The 42nd General Meeting of the Society of Clerks-at-the-Table was held from 7 to 9 September 2005. The Secretary-General, Lok Sabha, Shri P.D.T. Achary, attended the meeting. The Secretary-General, Rajya Sabha, Dr. Yogendra Narain, presented a paper on the subject, "The manner in which the live coverage of Parliamentary proceedings by the electronic media has, on the one hand, influenced the performance of Members on the floor of the House and, on the other, impacted public perceptions about the role and image of the Parliament as also of the parliamentarians".

The Sixty-ninth Conference of Presiding Officers of Legislative Bodies in India: The Sixty-ninth Conference of Presiding Officers of Legislative Bodies in India was held in New Delhi on 30 July 2005. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee presided over the Conference. The Conference, hosted by the Lok Sabha Secretariat, was attended by almost all Presiding Officers of the Legislative Bodies in India.

The Conference discussed/considered the following items on the Agenda:—

- (i) Enhancing the Accountability of the Executive to the Legislature by strengthening the Committee System and ensuring Implementation of Government Assurances; and
- (ii) Computerization of State/UT Legislatures under National E-Governance Plan and establishing e-connectivity between Parliament and State Legislatures

The Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan and the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal also attended the Conference and participated in the discussions on all the points on the Agenda.

A monograph titled, "Babu Jagjivan Ram in Parliament: A Commemorative Volume" and a book titled, "Anti-Defection Law in India and the Commonwealth" were also released on the occasion by the Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee.

The Forty-Eighth Conference of the Secretaries of Legislative Bodies in India: The Conference of the Presiding Officers was followed by the Forty-eighth Conference of the Secretaries of Legislative Bodies in India on 31 July 2005. The Secretary-General, Lok Sabha and Chairman of the Conference, Shri G.C. Malhotra delivered the Inaugural Address. The Secretary-General, Rajya Sabha, Dr. Yogendra Narain also addressed the Conference. The Secretary General, Lok Sabha (designate), Shri P.D.T. Achary and the Principal Secretaries/Secretaries of almost all the State/Union Territory Legislatures attended the Conference.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

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

The birth anniversaries of the following leaders were celebrated during the period from 1 July to 30 September 2005.

Dr. Syama Prasad Mookerjee: On the occasion of the birth anniversary of Dr. Syama Prasad Mookerjee, a function was held on 6 July 2005.

The Speaker, Lok Sabha, Shri Somnath Chatterjee; former Prime Minister of India, Shri Atal Bihari Vajpayee; the Leader of Opposition in the Lok Sabha, Shri L.K. Advani; the Leader of Opposition in the Rajya Sabha, Shri Jaswant Singh; the Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; members of Parliament; and former members of Parliament and others paid floral tributes.

Lokmanya Bal Gangadhar Tilak: On the occasion of the birth anniversary of Lokmanya Bal Gangadhar Tilak, a function was held on 23 July 2005. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; members of Parliament; and former members of Parliament and others paid floral tributes.

Shri Rajiv Gandhi: On the occasion of the birth anniversary of Shri Rajiv Gandhi, a function was held on 20 August 2005. The Prime Minister of India, Dr. Manmohan Singh; the Chairperson, United Progressive Alliance, Smt. Sonia Gandhi; the Leader of Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Human Resource Development, Shri Arjun Singh; the Minister of Railways, Shri Lalu Prasad; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of Law and Justice, Shri H.R. Bhardwaj; the Minister of Water Resources, Shri Priyaranjan Dasmunsi; the Minister of State (Independent Charge) of the Ministry of Science and Technology and Minister of State (Independent Charge) of the Department of Ocean Development, Shri Kapil Sibal; the Minister of State (Independent Charge) of the Ministry of Urban Employment & Poverty Alleviation, Km. Selja; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri; the Minister of State in the Ministry of Defence and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; the Minister of State in the Ministry of Health & Family Welfare, Smt. Panabaka Lakshmi; members of Parliament; and former members of Parliament and others paid floral tributes.

Dadabhai Naoroji: On the occasion of the birth anniversary of Dadabhai Naoroji, a function was held on 4 September 2005. The Leader of Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam

Nabi Azad; the Minister of State (Independent Charge) of the Ministry of Statistics & Programme Implementation, Minister of State (Independent Charge) of the Ministry of Youth Affairs & Sports and Minister of State (Independent Charge) of the Ministry of Overseas Indian Affairs, Shri Oscar Fernandes; members of Parliament and former members of Parliament and others paid floral tributes.

- EXCHANGE OF PARLIAMENTARY DELEGATIONS

INDIAN PARLIAMENTARY DELEGATION GOING ABROAD

European Parliament: An 11-member Indian Parliamentary Delegation led by the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan visited the European Parliament from 2 to 7 July 2005. Other members of the Delegation were: Sarvashri Ashok Argal, M. Sreenivasulu, Sukhdev Singh Dhindsa, Fali S. Nariman, Dr. Radhakant Nayak, all members of Parliament and Dr. Yogendra Narain, Secretary-General, Rajya Sabha. Shri D.R. Kalra, Director, Lok Sabha Secretariat was the Secretary to the Delegation.

FOREIGN PARLIAMENTARY DELEGATION VISITING INDIA

Malaysia: A 9-member Parliamentary Delegation from Malaysia led by Mr. Tan Sri Dato' Seri DiRaja Ramli Bin Ngah Talib, Speaker of the House of Representatives of the Malaysian Parliament visited India from 25 to 27 July 2005.

On 26 July 2005, the Delegation called on the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Speaker hosted a banquet in honour of the Delegation the same evening. On 27 July 2005, the Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from 1 July to 30 September 2005, the Bureau of Parliamentary Studies and Training (BPST) organized the following courses/programmes:

Lecture Series: As part of the Lecture Series for Members of Parliament which was started during the Fifth Session of the Fourteenth Lok Sabha, the following Lecture Sessions were organized:

- (i) Lecture on "Water Conservation" by Ms. Sunita Narain of the Centre for Science and Environment was held on

17 August 2005 and was attended by 50 members of Parliament; and

- (ii) Lecture on "Need for Having a Value Added Tax System" by Dr. Parthasarathi Shome, Advisor to the Minister of Finance was held on 24 August 2005 and was attended by 36 members.

Appreciation Courses: During the period, Appreciation Courses in Parliamentary Processes and Procedures were organised for (i) Middle Level Officers from Defence Headquarters from 25 to 29 July 2005, attended by 27 participants; (ii) Senior Audit Officers of the Office of the Comptroller and Auditor-General of India from 11 to 15 July 2005, attended by 45 participants; (iii) Probationers of Indian Forest Service, Indian Railway Service of Signal Engineers and Indian Railway Service of Mechanical Engineers from 8 to 12 August 2005, attended by 43 participants; (iv) Lecturers and Professors of Universities and Colleges from 22 to 26 August 2005, attended by 43 participants; and (v) Probationers of Central Accounts and Finance Services from NIFM, Faridabad from 5 to 9 September 2005, attended by 20 participants.

Training Programmes: During the period, Training Programmes were organised for: (i) Parliamentary Officials of the National Assembly of Afghanistan from 8 to 26 August 2005, attended by 30 participants; (ii) Hindi Assistants, Translators and Editors of the Lok Sabha, the Rajya Sabha and State Legislature Secretariats from 29 August to 2 September 2005, attended by 48 participants; (iii) Watch and Ward officials of the Lok Sabha, the Rajya Sabha and State Legislature Secretariats from 26 to 30 September 2005, attended by 32 participants.

Management Development Programme: A Management Development Programme organized for the Middle Level Officers of the Lok Sabha, the Rajya Sabha and State Legislature Secretariats from 4 to 8 July 2005. The Programme was attended by 32 participants.

Computer Training Programme: A Computer Training Programme was organised for officials of the Lok Sabha Secretariat from 12 to 16 September 2005. Twenty six participants attended the Programme.

Study Visits: Study Visits were conducted for a 5-member Parliamentary Delegation from Afghanistan led by Dr. A. Lodin, Secretary-General of the National Assembly of Afghanistan from 26 to 29 July 2005. Besides, the Bureau also conducted seven Study Visits for the benefit of students/trainees/officers of various institutes/organisations during the period. 190 participants in total attended these visits.

PRIVILEGE ISSUES

REFLECTION ON SPEAKER, LOK SABHA

On 12 August 2005, seven members, Sarvashri Ramji Lal Suman, Devendra Prasad Yadav, Sitaram Singh, Ganesh Prasad Singh, Raghunath Jha, Ram Kripal Yadav and M.P. Veerendra Kumar, gave notices of question of privileges against the Editor and Publisher of '*The Pioneer*' for having published an allegedly derogatory news-report captioned 'Speaker asks for trouble' appearing in '*The Pioneer*' dated 7 August 2005.

The Speaker gave the following ruling on 18 August 2005, in the matter:—

"Honourable members, on 12 August 2005, Shri Ramji Lal Suman, honourable Member, gave notice of a question of privilege under rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha against one Swapn Dasgupta, the correspondent of the newspaper, '*The Pioneer*', which carried an article published on 7 August 2005, titled, 'Speaker asks for trouble'. In his notice, Shri Ramji Lal Suman stated that the article was highly objectionable, as it had adversely commented on the prestige and dignity of the high office of the Speaker, and as it had raised doubts on the motive of the Speaker and tried to drag him into controversies. A copy of the relevant publication was enclosed to his notice.

Honourable members Shri Devendra Prasad Yadav, Shri Sitaram Singh, Shri Ram Kripal Yadav, Shri Ganesh Prasad Singh and Shri Raghunath Jha also gave notices of breach of privilege against the editor and printer of the newspaper and the said correspondent regarding the same publication on the ground that the impugned article questioned the impartiality of the Speaker and they further contended that it was a calculated attempt to defame the House and the high office of the Speaker.

Shri M.P. Veerendra Kumar also gave a notice of privilege against the correspondent in view of the contents of the above article.

After hearing Shri Ramji Lal Suman who raised the matter on the floor of the House, I made the following observations:

'I am thankful to you for taking up this matter and for raising it. Now, let me conduct this. You have made your observation. I do not want to linger this. I have already read that. I feel that there are some people who pay lip service to parliamentary democracy but try their best to denigrate this great institution. We need not take notice of all irresponsible and immature utterances made out of frustration and desperation. I treat all the motivated insinuations with the contempt they deserve and I close the matter'.

Thereafter, several other honourable members, namely, Prof. S.P. Singh Baghel, Prof. Ram Gopal Yadav, Shri Devendra Prasad Yadav, Prof. Vijay Kumar Malhotra, Shri Prabhunath Singh, Shri Mohd. Salim and Shri N.N. Krishnadas made submissions on the issue and because of the interruptions in the proceedings, I adjourned the House at 12.26 p.m. and held a meeting with the leaders in my room. The House reassembled at 12.47 p.m. when Shri Devendra Prasad Yadav made submissions on the issue and I observed that I would give my ruling next week.

Pursuant thereto, I wish to give my ruling as follows:-

In the impugned article, it has been alleged, amongst others, that the present Speaker of Lok Sabha has extra-territorial loyalty, that he is a committed Speaker, that he is partisan and that he has no sense of prestige, that he is highhanded in his behaviour and has no sense of fair play.

It is well established that the speeches and writings, which cast reflection on the character and impartiality of the Speaker in the discharge of his duty, constitute breach of privilege and contempt of the House (Kaul and Shakhder-Practice and Procedure of Parliament (5th Edition) Pages 279-280).

In May's Parliamentary Practice (20th Edition) at page 159, it has been observed that the reflections on the character of the Speaker and accusations of partiality in the discharge of his duty have been held to constitute breaches of privilege or contempt. At page 235 of the same edition of May's Parliamentary Practice, it has been observed that "reflections upon the character or actions of the Speaker may be punished as breaches of privileges. His action cannot be criticized incidentally in debate or upon any form of proceeding except a substantive motion."

According to me, the position in law is beyond any doubt and to anyone concerned with the parliamentary system, it is clear that the impugned article not only reeks of malice but is highly contumacious in its conception and in its contents as it deliberately accuses the Speaker of partiality and reflects on his character and actions as Speaker, which amounts to gross breach of privilege of the Speaker and also of the House.

It has been contented by some honourable members on the floor of this House that journalists enjoy the freedom of Press and that one is entitled to criticize the Speaker. The present Speaker has not claimed any immunity from any *bona fide* criticism, which no doubt has also to take note of the privileges of this great institution.

Freedom of Press, a cherished fundamental right in our country, is subject to reasonable restrictions, as contemplated by the Constitution itself, and cannot and does not comprise of deliberately tendentious and motivated attacks on the great institutions of this Republic and their officers and functionaries. The freedom of Press does not also contemplate making of reckless allegations, devoid of truth and lacking in *bona fides*. In the name of exercising freedom of Press, there cannot be trial by the Press in which it plays the role of both the accuser and the judge.

Freedom of Press also encompasses fundamental duties of the Press, which call for showing respect for others and responsible behaviour and cannot permit denigration of the constitutional bodies and institutions and their important segments.

It should be noted that although the Presiding Officer of this House is publicly accused of improper behaviour and of partisanship, he cannot join in any public controversy. A most disquieting development is that when the matter has been raised in the House and the Speaker has reserved his ruling, there are open discussions in the Electronic Media as also in the same newspaper where the concerned correspondent and his Editor have tried to justify the allegations and thereby, in my opinion, have aggravated the breach of privilege. Significantly, the Speaker can only be a viewer of the so-called discussion and not a participant. The Speaker has to depend on the commitment of the honourable members of this House, who are keen to preserve the dignity and the status of

this great institution. Precisely, for this reason, I had expressed my thanks to those honourable members, who raised the matter on 12 August 2005, on the floor of this House because only by such reference, the exposure of the contumacious acts could be made. I have no manner of doubt that if such serious accusations of partisanship and libellous allegations had been made against the Judiciary, it would have been glaring examples of contempt of Court.

While reiterating my view of the allegations, I wish particularly to refer to some deliberately factual mis-statements made in the impugned article in an attempt to make out a case, so that the honourable members and the country may be aware of the truth.

The impugned article refers to the so-called conflict between the Chair and one honourable member over Parliamentary agenda and it has alleged that the said honourable member felt that she was being gagged and as such had staged a dramatic protest. This accusation is clearly motivated. So far as I have been informed, the honourable member attended the House only on one day in the current Monsoon Session. She had given a notice of Adjournment Motion on an issue identical with the one, which had been fully discussed for several hours as an Adjournment Motion only on 26 July last and as such could not be allowed under rule 58(v) to be raised again in the same Session. She had not participated in the discussion and no other notice and I repeat, no other notice, or any intimation was ever submitted by the honourable member to Lok Sabha nor to the office of the Speaker of her intention to raise any other matter or issue. Thus, there was no occasion for disallowing any matter, which the honourable member wanted to raise during the whole of the Fourteenth Lok Sabha. In spite of this fact, baseless allegations of gagging one particular member have been made and the motive is clear.

Further, it has been alleged in the impugned article that on an occasion, charges of highhanded behaviour (*Tanashahi*) had been made by some honourable members directed at the Speaker, when it was categorically stated by the honourable Deputy Leader of Bharatiya Janata Party that the slogans raised by some honourable members of his party were directed at the Government and not at the Speaker. Such statement was given wide publicity and there is no reason to assume that the correspondent and

others did not know of the same yet made the most scurrilous allegations against the Speaker.

Further, it has been alleged that in the Monsoon Session, 34 Calling Attention Motions had been admitted, of which 22 have been raised by the Left Parties and 14 of the 21 Short Duration Debates under Rules 193 have been initiated by the Left. These are nothing but imaginary particulars and I have no manner of doubt that this has been deliberately concocted with a view to bolster up the contrived attempt of alleging partisanship against the Presiding Officer. Anyone believing in truth or exactitude could not have made such reckless and tendentious allegations, which have only compounded the contumacious conduct.

In this circumstance, when the contents of the impugned article, on their face, are grossly libellous and amount to contempt of the Presiding Officer of the House and thereby of the entire House and of the honourable members thereof, what should be done? One wonders, what is the dignity and prestige of this august House, when it has a Presiding Officer with such vices and negative attributes as has been depicted in the impugned article? I ask myself: "Does the publication even enhance the prestige of the Media in this country?" I yield to none; in my regard for the Media and its right to discharge its functions in a *bona fide* and constructive manner.

Since assumption of this high office, I have been regularly meeting with the Editors and the leading Correspondents of the Media and have sought their co-operation and valuable suggestion. The Press is rightly described as the Fourth Estate, because without a free and responsible Press, alive to its duties and believing in truth and honesty, this democratic system would almost collapse. I only hope that the fraternity to which the Correspondent belongs would consider the matter in its proper perspective.

As to the action to be taken, I have already made my observations on 12 August 2005, which I reiterate with all the emphasis at my command. I believe that the disapprobation by large sections of this honourable House of the contents of the impugned article, clearly indicates their opinion that the publication is grossly contumacious and a deliberate affront to this honourable House, whereby gross breach of privilege has been committed. Submission has been made with considerable force and justification for reference of the matter to the Committee of Privileges.

However, to my mind, in view of the condemnation on the floor of the House, and as it would be beneath the dignity of this great institution to take further notice of the motivated imputations in the impugned article, I do not give my consent as requested and I treat this matter as closed, of course, with the observation that in future reckless and contumacious conduct indulged in by whosoever may be would be dealt with in the appropriate manner so as to preserve and enhance the dignity of the highest public forum in our country."

II

First Report of the Committee of Privileges in regard to the request from CBI for making available to them the original documents containing 'admitted signatures' of Shri Gangaram Koli, Ex-MP for investigation of case No. RC 9(S)/2004-SIV./SCR/CBI, New Delhi under section 420 IPC (illegal human trafficking case).

On 19 July 2005, in exercise of his powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Speaker referred the above-mentioned request from the Central Bureau of Investigation (CBI) to the Committee of Privileges for examination and report.

The Committee in their Report, presented to the Speaker on 24 August 2005 and laid on the Table on 25 August 2005, after taking into account documents on record, noted that the original documents containing 'admitted signatures' of Shri Koli were required by the Central Bureau of Investigation for comparison purpose. The Committee also noted that photocopies of documents containing 'admitted signatures' of Shri Gangaram Koli, which had earlier been made available to the Central Bureau of Investigation might not be adequate to meet the requirement of law for conclusive proof about the signatures. The Committee were of the view that any response of the House in such a case should not result in impeding investigation of a criminal case.

The Committee, therefore, recommended that the originals of nomination form and declaration form containing 'admitted signatures' of Shri Gangaram Koli, available with the Lok Sabha Secretariat, might with the leave of the House, be made available to the Superintendent of Police, Central Bureau of Investigation. The Committee also recommended that the Deputy Superintendent of Police, Central Bureau of Investigation, concerned with the investigation of the case, might personally receive these documents from the Lok Sabha Secretariat and return the same immediately after the necessary comparison of signatures.

The Report was adopted by the House on 29 August 2005.

PROCEDURAL MATTERS

Observations from the Chair: Regulation of raising of Matters of Urgent Public Importance after the Question Hour: On 29 July 2005, at 12.06 hours, the Speaker made the following observation:

“Honourable members, I have to inform the House that in the Leaders meeting held on 24 July 2005, it was agreed that the matters of urgent public importance to be raised after the Question Hour may be taken up in a phased manner. In the first phase about five matters (of) extremely urgent national and international importance would ordinarily be taken up after the Question Hour. In the second phase, remaining matters of public importance for the day, including constituency matters, may be taken up after 6.00 p.m. The above decision is made effective from Monday, the 1 August 2005.

I seek the cooperation of all the honourable members in this matter so that we may have optimum utilization of the time facilitating wider coverage of issues sought to be raised by the honourable members.”

Resignation of a member not accepted as it was not in proper form: On 4 August 2005, at 15.12 hours, the Speaker made the following Observation regarding the remarks made and conduct exhibited by Kumari Mamata Banerjee against the Chair; and the letter of resignation submitted by her:

“It is the Parliament of India to which we are all proud to belong to. I was not here when some incident happened but I had the occasion to see the television footage on this. I have also heard on the Television what the Honourable Minister of Parliamentary Affairs has said. This is not a question—so far as the Chair is concerned—of trying to create complications for the running of the House. But, I can only say that—because it has been attributed to me that I have taken a decision on the basis of my political affiliation—I wish to strongly refute it. Such remarks are totally uncalled for, unjustified and extremely condemnable, and I condemn it very much.

Secondly, I have no manner of doubt that every section of the House will strongly condemn the way it has been done.

I do not know whether all the honourable leaders were present, or all the honourable members were present, but I have just now seen what has happened. I am not standing in the way; I want the House to run normally. I was very happy; I have been repeatedly extending my sincere thanks and gratitude to all of you for very orderly conduct of the proceedings that have been going on. We have had very important discussions of a very high order, and everybody felt happy and I felt proud that such excellent discussions are going on in this House on various issues. If an honourable member is aggrieved about some decision of the Chair—I have said repeatedly—there are methods of getting that matter rectified or cured. If we, today, behave in a manner which shows to the world at large that even the Chair is not protected, then this is a very very sad day. I hope every section of the House agrees with this. On that basis—of course it is for the honourable member to decide whether he or she would tender an apology or not—I am not insisting on it myself sitting on the Chair.

It will be the member's decision and that will add to the stature of the member if the member does that.

Secondly, I ought to inform the honourable House that a letter has been received by me just before this from the officer of the House, which is addressed to the honourable Deputy Speaker, in which the honourable member concerned has tendered resignation. But I wish to announce that it is not a proper letter of resignation. The Constitution requires that it has to be submitted in a proper form. Therefore, I am not treating it as a letter of resignation I want her to come back and take part in the proceedings of the House. But I am sure, as a responsible leader of this country and as an honourable member of this House, she will feel inclined herself to say something about her conduct”.

Rejection of charges and insinuations made against the Chair: On 5 August 2005, at the commencement of the sitting, the Speaker made the following observation refuting charges casting reflection on the impartiality of the Chair, as reported in some sections of the electronic media:

“Honourable members, my attention has been drawn to some reports in the Print Media and I have also seen some of the news items in the Electronic Media on what has happened in the honourable House yesterday. Unfortunately, somewhat one-sided report has been given in some quarters raising

questions about the impartiality of the Chair in dealing with the issue desired to be raised by one honourable member. As such, I wish to make the position clear.

It is necessary to recall only on 26 July 2005, one Adjournment Motion was admitted by me and there was a full and comprehensive discussion on the question of infiltration of foreigners into our country including infiltration from Bangladesh. The concerned honourable member did not choose to take part in the debate nor, so far as I have been informed, was even present in the House. The same matter cannot be raised twice in one Session of the House as clearly provided by the Rules. Just because one honourable member was not present during the discussion in the House does not justify trying to raise the similar issue within a week or, at all, during that Session. Rules will have to prevail at all times and for all. If there was any doubt, the reason could have been ascertained from the Chair.

The honourable Deputy Speaker was in the Chair when the question was raised and he had, if I may say so, rightly informed the House of my decision as the Speaker. But nobody met me or tried to know the reasons of my refusal to admit the similar Motion. Whatever may have been the feeling, it could not and cannot ever justify in indulging in behaviour as happened yesterday. I wish to repudiate categorically and with all the authority of the Chair and with all sincerity, the reprehensible insinuation that my decision was promoted by political considerations. Making such allegations was a deliberate attempt to insult the Chair and thereby insult the House as a whole.

Since I have had the honour of occupying this great Chair, I have been trying repeatedly and most sincerely appealing to all sections of the House to see that the prestige and dignity of the House is maintained and enhanced, which can be only done by our conducting the proceedings in a manner which justifies the responsibility imposed on us by the people of this great country. During the Monsoon Session, we have had several discussions, which, if I may say so, the Opposition parties rightly raised and I had admitted Adjournment Motions and allowed discussion under Rule 184 and I am thankful to all the honourable members for, by and large, cooperating in the maintenance of the dignity and decorum of the House.

However, I shall be failing in my duty if I do not record my total rejection of the grossly defamatory insinuation made against me about taking decisions on political grounds.

I again wish to appeal to all the honourable members and all sides of the House that as this House belongs to all and ultimately to the people of this country, let us not do or say anything which will, in any way, compromise with the dignity of the House and belie the expectations of the people."

Freedom of Press does not permit denigration of the Constitutional bodies: On 18 August 2005, after the Question Hour, on the notices given by certain members of breach of privilege, arising out of the publication of an article by Shri Swapan Dasgupta in 'The Pioneer' commenting adversely on the prestige and dignity of the high Office of the Speaker, the Speaker *inter-alia* ruled*:

Freedom of Press, a cherished fundamental right in our country, is subject to reasonable restrictions, as contemplated by the Constitution itself, and cannot and does not comprise of deliberately tendentious and motivated attacks on the great institutions of this Republic and their officers and functionaries. The freedom of Press does not also contemplate making of reckless allegations, devoid of truth and lacking in *bona fides*. In the name of exercising freedom of Press, there cannot be trial by the Press in which it plays the role of both the accuser and the judge.

Need for harmonious relationship between the Legislature and the Judiciary: On 24 August 2005, at 12.08 hours some members made submissions regarding the reported observation made by the Chief Justice of India advising the Government to exercise self-restraint in criticising Supreme Court's judgment. Associating himself with the sentiments of the House, the Speaker made the following observation:

"On what has appeared in the newspapers, I only wish to say that during the last occasion, the House unanimously expressed its views. It is the glory of this institution that when occasion arises, the House forgets its differences and in one voice expresses its views which concern the people of the country as a whole and that was what was precisely done. All the sections of the House had expressed their views. As I said, we are obliged to act according to the Constitution.

Legislature has its own rights and Parliament, as the supreme legislative body, surely will act according to its rights under

* For full text of Speaker's ruling, please refer to pp. 520-525

the Constitution. Similarly, the courts have their own rights to function in their own sphere without any interference; and nobody can interfere. Now there is an undoubted right of the court to construe the laws passed by this Parliament. Therefore, many laws passed by the Parliament have been declared *ultra vires* and it is binding on everybody. Therefore, what is important is that there should be a harmonious relationship between the major Constitutional organizations like the legislature and the court, and nothing should be done or said which may create an avoidable controversy. The only thing which strikes me is that the observations which the Supreme Court kindly made yesterday were not part of any judgment.

It is not in deciding a matter before the Supreme Court but it was an expression of certain views of the Supreme Court with regard to what may have happened inside the House. Therefore, we are only requesting ourselves that we should not do or say anything which may be misunderstood. But we are also not giving up our right to make laws according to the Constitutional provisions which the Supreme Court will have power, no doubt, to construe at the appropriate time.

The unanimous view of the House that a law is necessary, I hope, will be translated into action as soon as possible."

Instances when the Chair allowed members to lay their written speeches on the Table of the House: On 11 August 2005, during discussion on the Supplementary Demand for Grant (Railways) 2005-2006 and the Demands for Excess Grants (Railways) 2002-2003, the Chair permitted thirty-two members to lay their written speeches on the Table of the House. Out of these, four members laid portions of their written speeches on the Table.

On 22 August 2005, during discussion on the National Rural Employment Guarantee Bill, 2004, the Chair permitted thirteen members to lay their written speeches on the Table of the House. Out of these, four members laid portions of their written speeches on the Table.

On 24 August 2005, during discussion on the Protection of Women from Domestic Violence Bill, 2005, the Chair permitted one member to lay his written speech on the Table of the House.

Instances when the Chair allowed members, whose names were not in the List of Business, to ask clarificatory questions on the Calling Attentions: On 28 July 2005, the Chair allowed eight members, Sarvashri Shailendra Kumar, Varkala Radhakrishnan, B.C. Khanduri, Devendra

Prasad Yadav, Sukhdev Singh Libra, Iliyas Azmi, M.A. Kharabela Swain and Dr. M. Jagannath whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding need for effective implementation of various Centrally sponsored schemes for Rural Development.

On 28 July 2005, the Chair allowed three members, Sarvashri K.C. Palanisamy, A.V. Bellarmin and Vijayendra Pal Singh, whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding closure of more than 600 dyeing and bleaching factories in and around Tirupur in Coimbatore district of Tamil Nadu.

On 2 August 2005, the Speaker allowed two members, Sarvashri Basudeb Acharia, and M.A. Kharabela Swain whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding Government's move to disinvest the Government equity shares of the profit making public sector undertakings, particularly BHEL.

On 2 August 2005, the Speaker allowed three members, Sarvashri Shailendra Kumar, Varkala Radhakrishnan and Sitaram Singh whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding rise in prices of medicines, particularly life saving drugs in the country.

On 4 August 2005, the Speaker allowed two members, Dr. Thokchom Meinya and Shri W. Wangyuh Konyak whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding the on-going blockade in Manipur resulting in non-availability of essential commodities, including medicines.

On 8 August 2005, the Speaker allowed four members, Sarvashri Varkala Radhakrishnan, Basudeb Acharia, Shailendra Kumar and Dr. C. Krishnan whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding problems being faced by the Beedi workers in the country.

On 11 August 2005, the Speaker allowed two members, Sarvashri Shailendra Kumar and Hiten Barman whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding reported instructions issued by the Government to Jute Corporation of India to stop procurement of raw jute in West Bengal.

On 12 August 2005, the Speaker allowed two members, Shri Shailendra Kumar and Prof. Rasa Singh Rawat whose names were

not in the List of Business, to ask clarificatory questions on the Calling Attention regarding spread of encephalitis in the country.

On 16 August 2005, the Speaker allowed three members, Sarvashri Prabhunath Singh, Devendra Prasad Yadav and Sushil Kumar Modi whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding dilapidated condition of National Highways in Bihar.

On 17 August 2005, the Speaker, considering the importance of the matter, allowed nine members, Sarvashri S.K. Kharventhan, P. Mohan, Charnjit Singh Atwal, Devendra Prasad Yadav, Mohan Singh, Iliyas Azmi, Arjun Charan Sethi, Nitish Kumar and Dr. M. Jagannath, whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding need for legislation for reservation to Scheduled Castes, Scheduled Tribes and Other Backward Classes in Higher Educational institutions. Further, as a special case, the Chair also allowed Sarvashri Ramdas Athawale, Prahlad Joshi, B. Vinod Kumar, Shailendra Kumar, Virendra Kumar, Pradeep Gandhi, Brahmananda Panda, Sugrib Singh, Ram Kripal Yadav, Madhu Goud Yaskhi, Shriniwas Dadasaheb Patil, Lal Mani Prasad, Dr. Ravinder Naik Dharavath, Dr. Satyanarayan Jatiya and Prof. Rasa Singh Rawat, to associate with the issue raised in the Calling Attention.

On 22 August 2005, the Speaker allowed nine members, Sarvashri Suresh C. Angadi, D.V. Sadananda Gowda, P.C. Gaddigoudar, Prahlad V. Joshi, G.M. Siddeswara, Basanagouda Patil, Ramesh Chandappa Jigajinagi, Kunnur Manjunath Channappa, and M. Shivanna whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding flood in Karnataka, particularly in Belgaum, Bagalkot, Gulbarga, Bijapur, Raichur and Mangalore.

On 23 August 2005, the Chair allowed six members, Sarvashri Varkala Radhakrishnan, Ch. Lal Singh, Raja Ram Pal, Lakshman Chandra Seth, Santasri Chatterjee and Smt. Jayaben B. Thakkar whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding violation of labour laws in the country particularly in private and unorganized sectors.

On 23 August 2005, the Chair allowed five members, Sarvashri P. Karunakaran, Shailendra Kumar, Dr. Chinta Mohan, Prof. Ram Gopal Yadav and Prof. Rasa Singh Rawat whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding need for effective law to take action against fake universities in the country.

On 24 August 2005, the Chair allowed two members, Sarvashri Arjun Charan Sethi and Jual Oram whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding recent agreement of Orissa Government with Korean Steel Major POSCO.

On 24 August 2005, the Chair allowed two members, Sarvashri Shailendra Kumar and Lakshman Chandra Seth whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding proposed closure of Central Inland Water Transport Corporation.

On 25 August 2005, the Speaker allowed Shri Bachi Singh Rawat whose name was not in the List of Business, to ask clarificatory question on the Calling Attention regarding unsatisfactory utilisation of funds under the Pradhan Mantri Gramin Sadak Yojana in Uttaranchal.

On 25 August 2005, the Speaker allowed two members, Sarvashri M.P. Veerendra Kumar and A. Krishnaswamy whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding unprecedented fall in price of green tea leaves particularly in the Nilgiri Hill District of Tamil Nadu.

On 29 August 2005, the Speaker allowed Shri Madan Lal Sharma whose name was not in the List of Business, to ask clarificatory question on the Calling Attention regarding need to provide financial assistance to the displaced families of Kashmiri Pandits in Jammu and Kashmir.

On 29 August 2005, the Speaker allowed two members, Sarvashri Dharmendra Pradhan and Basudeb Acharia whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding recurring accidents in Coal Mines in the country.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 JULY TO 30 SEPTEMBER 2005)

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

—Editor

INDIA

DEVELOPMENTS AT THE UNION

Parliament Session: The Fifth Session of the Fourteenth Lok Sabha and the Two Hundred and Fifth Session of the Rajya Sabha commenced on 25 July 2005. Both the Houses of Parliament were adjourned *sine die* on 30 August 2005. The President of India Dr. A.P.J. Abdul Kalam prorogued the two Houses on 1 September 2005.

Elections to Rajya Sabha: On 19 August 2005, the following six members were declared elected to the Rajya Sabha from West Bengal: Sarvashri Sitaram Yechury and Chittabrata Majumdar and Smt. Brinda Karat, all from CPI (M); Shri Abani Roy (Revolutionary Socialist Party); Shri Swapan Sadhan Bose (All India Trinamool Congress); and Shri Arjun Kumar Sengupta (Independent).

Three members were declared elected from Gujarat on the same day. They are: Sarvashri Surendra Motilal Patel and Suryakant Krupashanker (both from Bharatiya Janata Party) and Shri Ahmed Patel (Indian National Congress).

Death of Lok Sabha Members: On 12 July 2005, Shri P.K. Vasudevan Nair, a CPI member of the Lok Sabha from Thiruvananthapuram constituency of Kerala passed away in New Delhi.

On 1 August 2005, Shri Bikash Chowdhury, a CPI (M) member of the Lok Sabha from Asansol (West Bengal) passed away.

Death of Rajya Sabha Member: On 17 July 2005, Dr. Biplab

Dasgupta, a CPI (M) member of the Rajya Sabha from West Bengal passed away in Kolkata.

Resignation of Union Minister: On 10 August 2005, the Minister of State for Overseas Indian Affairs, Shri Jagdish Tytler resigned from the Union Council of Ministers.

Lok Sabha Bye-election Results: Shri Deepender Singh Hooda of the Indian National Congress (INC) and Shri Bansagopal Choudhury of the CPI (M) were declared elected to the Lok Sabha from Rohtak (Haryana) and Asansol (West Bengal) constituencies, respectively, bye-elections for which were held on 28 September 2005. The results for the Rohtak and the Asansol Lok Sabha constituencies were announced on 1 and 4 October 2005, respectively.

AROUND THE STATES

ANDHRA PRADESH

Resignation of Ministers: On 4 July 2005, five Telangana Rashtriya Samiti (TRS) Ministers submitted their resignations from the Council of Ministers to the Chief Minister Shri Y.S. Rajshekhar Reddy. They are: Sarvashri G. Vijayarama Rao (Civil Supplies), T. Harish Rao (Youth Services), A. Chandrasekhar (Minor Irrigation), V. Laxmikanth Rao (Backward Classes Welfare) and Naini Narasimha Reddy (Technical Education).

On 13 July 2005, the Transport Minister Shri S. Santosh Reddy belonging to the TRS submitted his resignation to the Chief Minister.

On 16 July 2005, the Chief Minister forwarded the resignations submitted by the six TRS Ministers to the Governor for acceptance. On the recommendation of the Chief Minister, the Governor accepted the resignations.

Death of an MLA: On 15 August 2005, suspected CPI (M) Maoists shot dead Shri Chittam Narsi Reddy, Indian National Congress (INC) MLA and eight others at Narayanpet town of Mehboob Nagar District.

BIHAR

Extension of President's Rule: On 25 July 2005, the Union Cabinet decided to extend the President's rule in Bihar by 6 more months. The Parliament approved the extension on 2 August 2005.

GOA

New Speaker and Deputy Speaker: On 8 July 2005, Shri Francisco

Sardinha and Smt. Victoria Fernandes of the Indian National Congress were unanimously elected as the Speaker and the Deputy Speaker, respectively, of the State Legislative Assembly.

GUJARAT

Resignation of Minister: On 25 July 2005, the Finance Minister Shri Vajubhai Vala resigned from the State Council of Ministers.

JAMMU AND KASHMIR

Assembly Bye-election Result: Shri Ghulam Raza (Independent) was declared elected from Zanskar Assembly Constituency, bye-election for which was held on 26 August 2005.

KARNATAKA

Resignation of Three Ministers: On 5 August 2005, the Chief Minister Shri N. Dharam Singh removed the Deputy Chief Minister, Shri S. Siddaramaiah and two other Ministers Sarvashri H.C. Mahadevappa (Rural Development & Panchayati Raj) and Satish Jharikoli (Minister of State for Textiles) from his Cabinet.

KERALA

Resignation of MLAs: On 5 July 2005, nine MLAs belonging to the Indian National Congress resigned from the State Assembly and joined the National Congress (Indira). The MLAs who resigned are: Sarvashri M.P. Gangadharan, P. Sankaran, T.V. Chandramohan, D. Sugathan, M.A. Chandrasekharan, and N.D. Appachan; Smt. Shobhana George, Smt. Malethu Sarala Devi, and Smt. Radha Raghavan.

On 11 August 2005, Shri V.C. Kabeer, member of the Legislative Assembly belonging to Congress (Secular) resigned from the State Legislative Assembly.

MAHARASHTRA

Political Developments: On 3 July 2005, the Shiv Sena expelled its party MLA and also Leader of the Opposition in the State Legislative Assembly, Shri Narayan T Rane from the party for anti-party activities. On 12 July 2005, Shri Rane resigned as the Leader of the Opposition. On 23 July 2005, Shri Narayan Rane resigned his seat in the State Legislative Assembly.

On 30 July 2005, Shri Narayan Rane joined the Indian National Congress (INC). On the same day, the Chief Minister Shri Vilasrao

Deshmukh inducted Shri Narayan Rane into his Council of Ministers as the Cabinet Minister (Revenue).

UTTAR PRADESH

Allocation of Portfolios: On 8 September 2005, the Chief Minister Shri Mulayam Singh Yadav inducted into the Council of Ministers Sarvashri Ujjawal Raman Singh and Khwaja Halim as the Cabinet Ministers, Environment and Industrial Development, respectively. Shri Durga Prasad Mishra, Minister of State for Science & Technology and Soldiers Welfare was elevated to the rank of Cabinet Minister and Shri Rajpal Tyagi was inducted as the Minister of State-Independent Charge (Rural Development).

UTTARANCHAL

MLA's Election Set Aside: On 22 July 2005, the Supreme Court set aside the election of Shri Surendra Singh Negi, INC MLA from Kotdwar Assembly Constituency, held in 2002, on the ground that the nomination papers of the rival Bharatiya Janata Party candidate were improperly rejected.

Assembly Bye-election Result: Shri Surendra Singh Negi of the Indian National Congress was declared elected from Kotdwar Assembly Constituency, bye-election for which was held on 28 September 2005.

WEST BENGAL

Death of a Minister: On 26 July 2005, the Minister for Irrigation and Waterways, Shri Ganesh Chandra Mondal died in Kolkata.

EVENTS ABROAD

ALBANIA

Legislative Elections: The elections to the 140-seat People's Assembly were held on 3 July 2005. The Democratic Party of Albania (PDS) secured 55 seats. The position in respect of other parties is as follows:—Socialist Party of Albania (PSS): 42; Republican Party: 11; Social Democratic Party: 7; Socialist Movement for Integration: 5; Environmentalist Agrarian Party: 4; New Democratic Party: 4; Democratic Alliance Party: 3; Social Democracy Party: 2; Christian Democrat Party: 2; Human Rights Union: 2; Liberal Democrat Union: 1; Independent: 1; Result Awaited: 1.

New Prime Minister: On 2 September 2005, the President

Gen. (retd.) Alfred Moisiu appointed Mr. Sali Berisha of the PDS as the new Prime Minister.

On the same day, Ms Jozefina Topalli was elected as the Speaker of the People's Assembly. Ms Topalli is the first woman to hold the post of Speaker.

BULGARIA

New Coalition Government: On 16 August 2005, a three-Party coalition Government comprising the Bulgarian Socialist Party (BSP), National Movement Simeon II (NDSV) and Turkish Movement for Rights and Freedoms (DPS) with Mr. Sergei Stanishev of the BSP as the Prime Minister, was sworn in.

BURUNDI

Legislative Elections: The elections to the 118-seat National Assembly were held on 4 July 2005. The party position following the elections is as follows: National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD): 64; Front for Democracy in Burundi (Frodebu): 30; Union for National Progress (Uprona): 15; National Council for the Defence of Democracy (CNDD): 4; Movement for the Rehabilitation of Citizens-Rurenzangemero (MRC-Rurenzangemero): 2; and Seats reserved for ethnic Twa members: 3.

New President: On 19 August 2005, Mr. Pierre Nkurunziza was elected as the President of Burundi.

CANADA

New Governor-General Sworn-in: On 27th September 2005, Ms. Michaëlle Jean was officially inaugurated as the country's 27th Governor-General.

EGYPT

President Re-elected: In the Presidential elections, which took place on 7 September 2005, Mr. Mohammed Hosni Mubarak was re-elected as the President.

GERMANY

Legislative Elections: The elections to the 613-seat *Bundestag* (the lower house of the federal Legislature) were held on 18 September 2005. The Social Democratic Party (SPD) won 222 seats while the Christian Democratic Union (CDU) secured 179 seats. The position in respect of

the other parties is as follows: Free Democratic Party (FDP): 61; Left Party: 54; Greens: 51; and Christian Social Union (CSU): 46.

IRAN

President Sworn-in: On 3 August 2005, Mr. Mahmoud Ahmadi-Nejad was formally sworn in as the President of the country.

JAPAN

Legislative Elections: The elections to the 480-seat House of Representatives (the lower House of the *Diet*) were held on 11 September 2005. The Liberal Democratic Party (LDP) secured 296 seats. The position in respect of the other parties is as follows: Democratic Party of Japan (DPJ): 113; New Komeito: 31; Japanese Communist Party (JCP): 9; Social Democratic Party of Japan (SDPJ): 7; New Party Japan: 4; People's New Party: 1; Shinto Daichi: 1; and Others: 18.

KYRGYZSTAN

Election of President: Mr. Kurmanbek Bakiev was elected as the President of the country, elections for which were held on 10 July 2005. Mr. Kurmanbek Bakiev was sworn in on 14 August 2005.

New Prime Minister: On 1 September 2005, Mr. Feliks Kulov was sworn in as the Prime Minister of Kyrgyzstan.

LEBANON

New Government: On 19 July 2005, a new Government with Mr. Fuad Siniora as the Prime Minister was sworn in. The Siniora Government replaced Mr. Najib Mikati's Government formed in April 2005.

MALAWI

New Speaker: On 8 July 2005, the National Assembly unanimously elected Mr. Louis Chimango as the new Speaker. Mr. Chimango replaced Mr. Rodwell Munyenjembe who had passed away in June 2005.

MAURITANIA

President Removed: On 3 August 2005, a group of Army Officers overthrew the President Mr. Maaouiya Ould Sid Ahmad Taya in a bloodless *coup*. Col. Ely Ould Mohamed Vall declared himself as the President. On 7 August 2005, the President appointed Mr. Sidi Mohamed Ould Boubacar as the Prime Minister of the country.

MAURITIUS

Legislative Elections: The elections to the 70-member National Assembly were held on 3 July 2005. The Social Alliance (AS) secured 42 seats. The position in respect of other parties is as under: Mauritian Socialist Movement-Mauritian Militant Movement (MSM-MMM): 24; Rodrigues People's Organisation (OPR): 2; and Rodrigues Movement (MR): 2.

NEW ZEALAND

Legislative Elections: The elections to the 121-seat House of Representatives were held on 17 September 2005. The Labour Party and the National Party secured 50 and 48 seats, respectively. The position in respect of the other parties is as follows: New Zealand First (NZF): 7; Green Party: 6; Maori Party: 4; United Future New Zealand (UFNZ): 3; Association of Consumers and Taxpayers (ACT): 2; and Jim Anderton's Progressive Coalition Party: 1.

NORWAY

Legislative Elections: The elections to the 169-seat *Storting* were held on 12 September 2005. The Labour Party (AP) and the Progress Party (FrP) secured 61 and 38 seats, respectively. The position in respect of the other parties is as follows: Conservative Party (H): 23; Socialist Left Party (SV): 15; Christian People's Party (KrF): 11; Centre Party (Sp): 11; and Liberal Party (V): 10.

PERU

New Government: On 11 August 2005, the Government led by the Prime Minister, Mr. Carlos Ferrero Costa resigned. The President, Mr. Alejandro Toledo appointed a new Government with Mr. Pedro Pablo Kuczynski as the Prime Minister on 16 August 2005.

POLAND

Legislative Elections: The elections to the 460-seat *Sejm* and the 100-seat Senate were held on 25 September 2005. The party position with respect to *Sejm* is as follows: Total seats: 460; Law and Justice Party (PiS): 155; Citizens' Platform (PO): 133; Self Defence (S-Samoobrona): 56; Democratic Left Alliance (SLD): 55; League of Polish Families (LPR): 34; Polish Peasants' Party (PSL): 25; and German Minority: 2.

The party position in 100-seat Senate is as follows: Law and

Justice Party (PiS): 49; Citizens' Platform (PO): 34; League of Polish Families (LPR): 7; Self Defence (S-Samoobrona): 3; Polish Peasants' Party (PSL): 2; and Others: 5.

SAUDI ARABIA

Death of King Fahd: On 1 August 2005, the King Fahd ibn Abdul Aziz passed away and was succeeded as King by Crown Prince Abdullah ibn Abdul Aziz.

SURINAM

President Re-elected: On 3 August 2005, Mr. Ronald Venetiaans was re-elected as the President for a third term.

UKRAINE

New Prime Minister: On 8 September 2005, the President Mr. Viktor Yushchenko removed the Prime Minister Ms. Yuliya Tymoshenko and her Government. On 9 September 2005, the President nominated Mr. Yury Yekhanurov as the new Prime Minister. The *Verkhovna Rada* (the unicameral Legislature) approved Mr. Yury Yekhanurov's appointment on 22 September 2005.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Citizenship Act, 1955 provided for the acquisition of citizenship, at the commencement of the Constitution by birth, descent, registration, naturalization and incorporation of territory under certain circumstances, and also provided for the termination and deprivation of citizenship. The High Powered Committee on Indian Diaspora, constituted by the Central Government, *inter alia*, recommended an amendment to the said Act to provide for grant of dual citizenship to persons of Indian origin belonging to certain specified countries. The Central Government, accordingly, notified the Citizenship (Amendment) Act, 2003 making provision for acquisition of Overseas Citizenship of India (OCI) by the Persons of Indian Origin (PIOs) of 16 specified countries other than Pakistan and Bangladesh. The Prime Minister on the Pravasi Bharatiya Divas, 2005 made a statement on OCI scheme that the Government had decided to grant OCI to all overseas Indians who migrated from India after 26 January 1950, as long as their home countries allowed dual citizenship under their local laws. In order to implement the Government's decision, the Citizenship (Amendment) Ordinance, 2005 was promulgated on 28 June 2005 to extend the scope of OCI for PIOs of all countries except Pakistan and Bangladesh as long as their countries allowed dual citizenship. The said Ordinance was proposed to be replaced by a Bill by amending the provisions of the Citizenship Act, 1955 so as to (i) expand the scope of grant of Overseas Citizenship of India to Persons of Indian Origin of all countries except Pakistan and Bangladesh; and (ii) to reduce the period of residence in India from two years to one year for the persons registered as Overseas Citizens of India to acquire Indian Citizenship.

The Citizenship (Amendment) Bill, 2005 sought to replace the Citizenship (Amendment) Ordinance, 2005 and achieve the above-mentioned objectives. It was passed by the Rajya Sabha and the Lok Sabha on 29 July and 16 August 2005, respectively. It was assented to by the President on 24 August 2005.

The Displaced Persons Claims Act, 1950, the Administration of Evacuee Property Act, 1950, the Evacuee Interest (Separation) Act, 1951, the Displaced Persons (Claims) Supplementary Act, 1954 and the Displaced Persons (Compensation and Rehabilitation) Act, 1954 were enacted, *inter alia*, to make provisions for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan, the administration of evacuee property, provided for the separation of the interests of evacuees from those of other persons in property in which such other persons were also interested, the payment of compensation and rehabilitation grant to displaced persons and the disposal of certain proceedings pending under the Displaced Persons (Claims) Act, 1950.

The major works of claims, compensation and rehabilitation more or less had been completed by the year end of 1970. Subsequently, the erstwhile Ministry of Labour and Rehabilitation (Department of Rehabilitation) which was responsible for the aforesaid rehabilitation work also concluded that only a limited number of acquired evacuee urban and agricultural lands or properties had remained to be disposed of and the expenditure which was being incurred for the purpose was out of proportion to the volume of work and the receipts from their disposal. To effect economy in expenditure in the management of the evacuee properties, the Central Government made administrative and financial arrangements with the concerned State Government for the disposal of the residuary assets in the manner consistent with the purposes of the aforesaid Acts and transferred the surplus evacuee properties to the State Governments in various package deals. This arrangement had virtually put an end to the ownership of the Central Government of the undisposed evacuee properties.

Subsequent to the transfer of the ownership of the Central Government on the undisposed evacuee properties to the State Governments concerned, it was reported by the State Governments that a large number of claims under the aforesaid Acts were being continued to be filed in the various courts under the aforesaid Acts. It had further been brought to the notice of the Central Government that a number of persons unconnected with the claimants posing as their legal heirs were presenting repeated demands for lands. Examinations had revealed that in most of such cases the claimants under the temptation to grab more lands had managed to obtain bogus and excess allotments. It therefore, had become difficult for the State Governments to retrieve the Government lands and properties worth crores of rupees from the hands of unscrupulous persons.

In view of above, the concerned State Governments, therefore, recommended to repeal the above Acts. Consequently, after consulting the State Governments, the Central Government constituted a Core Group on 7 February 2003, to examine the proposal to repeal the aforesaid Acts. The said Core Group in March 2003, recommended repeal of the aforesaid Acts and rules made thereunder. The Central Government decided to accept the recommendations of the concerned State Governments and the Core Group to repeal the above Acts.

The Displaced Persons Claims and Other Laws Repeal Bill, 2004, which sought to achieve the above-mentioned objectives was passed by the Rajya Sabha and the Lok Sabha on 12 and 29 August 2005, respectively. It was assented to by the President on 5 September 2005.

The Payment of Wages Act, 1936 was enacted with a view to ensuring that wages payable to the employed persons covered by the Act were disbursed by the employers within the prescribed time limit and that no deductions other than those authorised by law were made by them. The last amendment was made in 1982 and several provisions of the Act had become obsolete over the years. Many proposals had been received by the Government for amending various provisions that were creating practical difficulties in enforcement of this Act. In order to bring this law in uniformity with other labour laws as also to make it more effective and practicable, it was proposed to make, *inter alia*, the following changes:

- (i) Enhancing the wage ceiling of Rs. 1600 per month to Rs. 6500 per month: The then existing ceiling of Rs. 1000 per month was last revised to Rs. 1600 per month in 1982. Since then a large number of employed persons had gone out of the purview of the Act due to successive rise in wages levels resulting from rise in the cost of living. Thus, with a view to covering more employed persons, it was proposed to enhance the wage ceiling from Rs. 1600 per month to Rs. 6500 per month;
- (ii) To substitute the expressions "the Central Government" or "a State Government" by the expression "appropriate Government": In Parliamentary enactments relating to labour, other than the Payment of Wages Act, 1936, the enforcing authorities were either the Central Government or the State Governments depending upon the nature of industry. However, for implementing the Payment of Wages Act, 1936, matters were referred to the State Governments and quite often action required to be taken by them was delayed. In order that this law was in conformity with the other labour laws, it was proposed to introduce the concept of "appropriate Government";
- (iii) Removing the ambiguities/weakness from the extant provisions of the Act and prescribing more effective grievance redressal: Over the years, it had been noticed that certain provisions of the Act had been differently interpreted thus leading to administrative difficulties in implementing the same. In order to remove ambiguities, appropriate changes were being proposed in sections 3, 7, 8 and 15 of the Act which respectively dealt with responsibility for payment of wages, deductions from wages, fines and claims in certain cases; and
- (iv) Strengthening compensation and penal provisions of the Act: The penal provisions of the Act had become almost insignificant due to passage of time as well as decrease in money value since these provisions were last amended in 1982. It was, therefore, proposed to make the penal provisions more stringent by enhancing the quantum of penalties by amending section 20 of the Act.

The Payment of Wages (Amendment) Bill, 2005, which sought to achieve the above-mentioned objectives was passed by the Rajya Sabha and the Lok Sabha on 2 December 2004 and 17 August 2005, respectively. The amendments made by the Lok Sabha were agreed to by the Rajya Sabha on 24 August 2005. It was assented to by the President on 5 September 2005.

Productive absorption of under-employed and surplus labour force in the rural sector had been a major focus of planning for rural development. In order to provide direct supplementary wage-employment to the rural poor through public works, many programmes were initiated by the Government

of India, namely, National Rural Employment Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP) and Jawahar Rozgar Yojana (JRY). The Sampoorna Gramin Rozgar Yojana (SGRY) was being implemented all over the country with the objective to provide supplementary wage employment in rural areas, create durable rural infrastructure and to ensure food security. Though the SGRY was providing some relief to the rural poor, its reach had been inadequate in view of the dimension of the unemployment in rural areas. It had been observed that the scale of employment generation under SGRY in 2002-03 and 2003-04 was barely adequate to provide on an average 20 days of employment to each Below Poverty Line (BPL) household in the rural areas. Secondly, there was no guarantee that employment would be available to the rural households on demand as SGRY was an allocation based programme. The situation of unemployment had been compounded by the absence of any social security mechanism. There was, therefore, an urgent need to ensure at least some minimum days of employment in the shape of manual labour to every household in the rural areas. Recognizing the urgent need to ensure a certain minimum days of wage-employment, the United Progressive Alliance (UPA) Government had declared in its National Common Minimum Programme (NCMP) that it "....will immediately enact a National Employment Guarantee Act. This will provide a legal guarantee for at least 100 days of employment, to begin with, on asset-creating public works programmes every year at minimum wages for at least one able-bodied person in every rural, urban poor and lower middle class household." It was also necessary to empower the poor in the rural areas by appropriate enactment so that they could demand work on the strength of this legal entitlement.

The proposed legislation constituted a pioneering endeavour to secure wage employment for the poor households in the rural areas as a guaranteed entitlement on this scale. It took into account the experience gained under the Employment Guarantee Scheme in Maharashtra. Considering that a programme of this kind was being contemplated on such a massive scale for the first time, it had to be necessarily implemented in phases so as to eventually cover all the rural areas of the country, subject to the economic capacity of the Central and State Governments.

In view of the above, it was proposed to enact a new legislation through the National Rural Employment Guarantee Bill, 2004. The salient features of the proposed legislation were the following:

- (i) The objective of the legislation was to enhance the livelihood security of the poor households in rural areas of the country by providing at least one hundred days of guaranteed wage employment to every poor household whose adult members volunteer to do unskilled manual work;
- (ii) The State Government should, in such rural areas in the State and for such period as may be notified by the Central Government, provide to every poor household guaranteed wage employment in unskilled manual work at least for a period of one hundred days in a financial year in accordance with the provisions made in the legislation;
- (iii) Every State Government should, within six months from the date

of the commencement of this legislation, prepare a scheme to give effect to the guarantee proposed under the legislation;

- (iv) The one hundred days of employment under the legislation would be provided at the wage rate to be specified by the Central Government for the purpose of this legislation. Until such time a wage rate was specified by the Central Government for an area, the minimum wage rate fixed by the State Government under the Minimum Wages Act, 1948 for agricultural labourers should be considered as the wage rate applicable to that area;
- (v) If an eligible applicant was not provided work as per the provisions of this legislation within the prescribed time limit, it would be obligatory on the part of the State Government to pay unemployment allowance at the prescribed rate;
- (vi) A Central Employment Guarantee Council at the Central level and the State Employment Guarantee Councils at the State level in all the States where the legislation was made applicable would be constituted for review, monitoring and effective implementation of the legislation in their respective areas;
- (vii) The Standing Committee of the District Panchayat, District Programme Coordinator, Programme Officers and Gram Panchayats had been assigned specific responsibilities in implementation of various provisions of the legislation at the Gram Panchayat, Block and District levels;
- (viii) The Central Government should establish a fund to be called 'National Employment Guarantee Fund' for the purposes of this legislation. Similarly, the State Governments might constitute the State Employment Guarantee Funds;
- (ix) Provisions for transparency and accountability, audit, establishment of grievance and redressal mechanisms and penalty of non-compliance were also envisaged; and
- (x) Provisions for Minimum features of Rural Employment Guarantee Scheme and conditions for guaranteed Rural Employment under a scheme and minimum entitlements of labourers had been laid.

The National Rural Employment Guarantee Bill, 2004, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 23 and 24 August 2005, respectively. It was assented to by the President on 5 September 2005.

Domestic Violence has undoubtedly been a human rights issue and serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and the Platform for Action (1995) had also acknowledged the same. The United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in its General Recommendation No. XII (1989) had recommended that the State parties should act to protect women against violence of any kind especially that occurring within the family.

The phenomenon of domestic violence was widely prevalent but had remained largely invisible in the public domain. Under the prevailing law, where a woman was subjected to cruelty by her husband or his relatives, it was an offence under section 498A of the Indian Penal Code. The civil law did not however address this phenomenon in its entirety.

It was, therefore, proposed to enact a law keeping in view the rights guaranteed under articles 14, 15 and 21 of the Constitution to provide for a remedy under the civil law, which was intended to protect the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.

The Bill, *inter alia*, sought to provide for the following:—

- (i) It covered those women who were or had been in a relationship with the abuser where both parties had lived together in a shared household and were related by consanguinity, marriage or through a relationship in the nature of marriage or adoption. In addition, relationships with family members living together as a joint family were also included. Even those women who were sisters, widows, mothers, single women, or living with the abuser were entitled to legal protection under the proposed legislation. However, whereas the Bill enabled the wife or the female living in a relationship in the nature of marriage to file a complaint under the proposed enactment against any relative of the husband or the male partner, it did not enable any female relative of the husband or the male partner to file a complaint against the wife or the female partner;
- (ii) It defined the expression “domestic violence” to include actual abuse or threat or abuse that was physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition;
- (iii) It provided for the rights of women to secure housing. It also provided for the right of a woman to reside in her matrimonial home or shared household, whether or not she had any title or rights in such home or household. This right was secured by a residence order, which was to be passed by the Magistrate;
- (iv) It empowered the Magistrate to pass protection orders in favour of the aggrieved person to prevent the respondent from aiding or committing an act of domestic violence or any other specified act, entering a work place or any other place frequented by the aggrieved person, attempting to communicate with her, isolating any assets used by both the parties and causing violence to the aggrieved person, her relatives or others who provided her assistance from the domestic violence; and
- (v) It provided for appointment of Protection Officers and registration of non-governmental organizations as service providers for providing assistance to the aggrieved person with respect to her medical examination, obtaining legal aid, safe shelter, etc.

The Protection of Women from Domestic Violence Bill, 2005, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha

and the Rajya Sabha on 24 and 29 August 2005, respectively. It was assented to by the President on 13 September 2005.

The Immigration (Carriers' Liability) Act, 2000 was enacted to tackle the problem of large number of passengers being brought into the country without any valid travel document by the carriers in contravention of the Passport (Entry into India) Act, 1920 and the rules made thereunder. The said Act empowered the competent authority appointed under the Foreigners Order, 1948 or any other officer notified by the Central Government to impose a penalty of rupees one lakh on the carrier for bringing persons into India in contravention of the provisions of the Passport (Entry into India) Act, 1920 and the rules made thereunder.

According to the Convention on International Civil Aviation Organisation, to which India is a party, contracting States shall not fine operators in the event that passengers were found inadmissible unless there was evidence to suggest that the carrier was negligent in taking precautions to the end that the passengers complied with the documentary requirements for entry into the receiving State. This obligation was difficult to implement as the Government had no power to exempt any carrier or class of carriers from application of the Immigration (Carriers' Liability) Act, 2000. Accordingly, it was proposed to amend the said Act so as to empower the Central Government to exempt any carrier or class of carriers from the operations of all or any of the provisions of this Act subject to such conditions as may be specified in the order. It was also proposed to give power to the Central Government to modify or revoke such order. By the proposed amendment the Central Government would be in a position to fulfil its international obligations.

The Immigration (Carriers' Liability) Amendment Bill, 2005, which sought to achieve the above-mentioned objectives was passed by the Rajya Sabha and the Lok Sabha on 12 and 29 August 2005, respectively. It was assented to by the President on 15 September 2005.

In case of all Central Government employees, including members of All-India Services, 50 per cent of the Dearness Allowance (DA) was merged with the basic pay with effect from 1 April 2004. This was separately shown as Dearness Pay (DP), which was counted for purposes like payment of allowances including House Rent Allowance (HRA), transfer grant, retirement benefits, contribution of GPF and various advances, etc.

In view of the above, a necessity was felt to increase the pension, additional pension and maximum pension of the Judges of the High Courts and Supreme Court by 1.5 times. The family pension for Judges, with effect from 1 April 2004, was also proposed to be calculated, as in the case of Central Government employees, at the rate of 50 per cent of the salary plus 50 per cent of the Dearness Pay up to the age of sixty-five years or first seven years of death whichever was earlier and thereafter 30 per cent of salary plus 30 per cent of Dearness Pay subject to a minimum of, Rs. 1,913/-. With the merger of 50 per cent of DA with the basic pay, the House Rent Allowance (HRA) admissible to the Central Government employees, including members of All-India Services had been revised to 30 per cent of basic pay plus 30 per cent of Dearness Pay, with effect from 1 April 2004. Rates of sumptuary allowance admissible to the Judges of High Courts and Supreme Court were also proposed to be revised with effect from 1 April 2004.

Under the provisions of article 124 (3) (b) of the Constitution, an Advocate who has been for at least ten years an advocate of a High Court or of two more such courts in succession, can be directly appointed to the Bench of the Supreme Court. Generally, no Advocate below the age of 55 years was considered for appointment. These Judges get pension under Part I of the Schedule to Supreme Court Judges (Salaries and Conditions of Service) Act, 1958. They sometimes could not even complete seven years of service required for eligibility of pension. As such they were entitled to a fixed amount as pension. For such Judges it was proposed to dispense with the condition of seven years of service and to add a period of ten years to the qualifying period of service for pension.

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2005, which sought to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 for achieving the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 24 and 30 August 2005, respectively. It was assented to by the President on 15 September 2005.

We reproduce here the texts of the above Acts.

—Editor

THE CITIZENSHIP (AMENDMENT) ACT, 2005

An Act further to amend the Citizenship Act, 1955.

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

1. *Short title and commencement.* (1) This Act may be called the Citizenship (Amendment) Act, 2005.

(2) It shall be deemed to have come into force on the 28th day of June, 2005.

2. *Amendment of section 2.* In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in sub-section (1),—

(i) for clause (ee), the following clause shall be substituted, namely:—

(ee) “overseas citizen of India” means a person registered as an overseas citizen of India by the Central Government under section 7A;’;

(ii) clause (gg) shall be omitted.

3. *Amendment of section 5.* In section 5 of the principal Act, in sub-section (1), in clause (g), for the words “two years”, the words “one year” shall be substituted.

4. Substitution of new section for section 7A. For section 7A of the principal Act, the following section shall be substituted, namely:—

Registration of overseas citizens of India. “7A. The Central Government may, subject to such conditions and restrictions as may be prescribed, on an application made in this behalf, register as an overseas citizen of India—

(a) any person of full age and capacity,—

- (i) who is citizen of another country, but was a citizen of India at the time of, or at any time after, the commencement of the Constitution; or
- (ii) who is citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or
- (iii) who is citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or
- (iv) who is a child or a grand-child of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a):

Provided that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an overseas citizen of India.”.

5. Omission of Fourth Schedule. The Fourth Schedule to the principal Act shall be omitted.

6. Repeal and saving. (1) The Citizenship (Amendment) Ordinance, 2005 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.

THE DISPLACED PERSONS CLAIMS AND OTHER LAWS REPEAL ACT, 2005

*An Act to repeal the Displaced Persons (Claims) Act,
1950 and certain other enactments.*

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

1. *Short title.* This Act may be called the Displaced Persons Claims and other Laws Repeal Act, 2005.

2. *Repeal of enactment.* The enactments specified in the Schedule are hereby repealed.

THE SCHEDULE

(See section 2)

REPEAL OF ENACTMENTS

Sl. No.	Name of the Act	Year	Act No.
1.	The Administration of Evacuee Property Act	1950	31
2.	The Displaced Persons (Claims) Act	1950	44
3.	The Evacuee Interest (Separation) Act	1951	64
4.	The Displaced Persons (Claims) Supplementary Act	1954	12
5.	The Displaced Persons (Compensation and Rehabilitation) Act	1954	44

THE PAYMENT OF WAGES (AMENDMENT) ACT, 2005

An Act further to amend the Payment of Wages Act, 1936.

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

1. *Short title and commencement.* (1) This Act may be called the Payment of Wages (Amendment) Act, 2005.

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

2. *Amendment of Section 1.* In section 1 of the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act), for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) This Act applies to wages payable to an employed person in respect of a wage period if such wages for that wage period do not exceed six thousand five hundred rupees per month or such other higher sum which, on the basis of figures of the Consumer Expenditure Survey published by the National Sample Survey Organisation, the Central Government may, after every five years, by notification in the Official Gazette, specify.”

3. *Substitution of references to certain expressions by other*

expression. Throughout the principal Act, unless otherwise expressly provided for, the expressions "The Central Government or a State Government", and "the State Government", wherever they occur, the expression "appropriate Government" shall be substituted and such other consequential amendments as the rules of grammar may require shall also be made.

4. Amendment of section 2. In section 2 of the principal Act,—

- (a) clauses (i). (ia) and (ib) shall be re-numbered as clauses (ia), (ib) and (ic), respectively, and before clause (ia) as so re-numbered, the following clause shall be inserted, namely:—

(i) "appropriate Government" means, in relation to railways, air transport services, mines and oilfields, the Central Government and, in relation to all other cases, the State Government;';

- (b) for clause (v), the following clause shall be substituted, namely:—

'(v) "railway administration" has the meaning assigned to it in clause (32) of section 2 of the Railways Act, 1989;'.

5. Substitution of new section for section 3. For section 3 of the principal Act, the following section shall be substituted, namely:—

Responsibility for payment of wages. "3. (1) Every employer shall be responsible for the payment of all wages required to be paid under this Act to persons employed by him and in case of persons employed,—

- (a) in factories, if a person has been named as the manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948;
- (b) in industrial or other establishments, if there is a person responsible to the employer for the supervision and control of the industrial or other establishments;
- (c) upon railways (other than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned;
- (d) in the case of contractor, a person designated by such contractor who is directly under his charge; and
- (e) in any other case, a person designated by the employer as a person responsible for complying with the provisions of the Act,

the person so named, the person responsible to the employer,

the person so nominated or the person so designated, as the case may be, shall be responsible for such payment.

(2) Notwithstanding anything contained in sub-section (1), it shall be the responsibility of the employer to make payment of all wages required to be made under this Act in case the contractor or the person designated by the employer fails to make such payment.”.

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

- (a) in sub-section (1), for the words, brackets and figures “sub-section (2) of section 47 of the Indian Railways Act, 1890”, the words and figures “the Railways Act, 1989” shall be substituted;
- (b) in sub-section (2), in clause (i), for the words, figures and letter “in section 58A of the Indian Income-tax Act, 1922”, the words, brackets and figures “in clause (38) of section 2 of the Income-tax Act, 1961” shall be substituted;
- (c) in sub-section (4), for the words and figures “the Indian Railways Act, 1890”, the words and figures “the Railways Act, 1989” shall be substituted.

7. Amendment of section 8. In section 8 of the principal Act, in sub-section (6), for the words “sixty days” the words “ninety days” shall be substituted.

8. Amendment of section 15. In section 15 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The appropriate Government may, by notification in the Official Gazette, appoint—

- (a) any Commissioner for Workmen's Compensation; or
- (b) any officer of the Central Government exercising functions as,—
 - (i) Regional Labour Commissioner; or
 - (ii) Assistant Labour Commissioner with at least two years' experience; or
- (c) any officer of the State Government not below the rank of Assistant Labour Commissioner with at least two years' experience; or
- (d) a presiding officer of any Labour Court or Industrial Tribunal, constituted under the Industrial Disputes Act, 1947 or under any corresponding law relating to the

investigation and settlement of industrial disputes in force in the State; or

- (e) any other officer with experience as a Judge of a Civil Court or a Judicial Magistrate,

as the authority to hear and decide for any specified area all claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed or paid in that area, including all matters incidental to such claims:

Provided that where the appropriate Government considers it necessary so to do, it may appoint more than one authority for any specified area and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or other person responsible for the payment of wages under section 3, or give them an opportunity of being heard, and, after such further enquiry, if any, as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of the delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and not exceeding three thousand rupees but not less than one thousand five hundred rupees in the latter, and even if the amount deducted or delayed wages are paid before the disposal of the application, direct the payment of such compensation, as the authority may think fit, not exceeding two thousand rupees:

Provided that a claim under this Act shall be disposed of as far as practicable within a period of three months from the date of registration of the claim by the authority:

Provided further that the period of three months may be extended if both parties to the dispute agree for any *bona fide* reason to be recorded by the authority that the said period of three months may be extended to such period as may be necessary to dispose of the application in a just manner:

Provided also that no direction for the payment of compensation shall be made in the case of delayed wages if the authority is satisfied that the delay was due to—

- (a) a *bona fide* error or *bona fide* dispute as to the amount payable to the employed person; or
 - (b) the occurrence of an emergency, or the existence of exceptional circumstances, the person responsible for the payment of the wages was unable, in spite of exercising reasonable diligence; or ,
 - (c) the failure of the employed person to apply for or accept payment.”;
- (iii) in sub-section (4), for the words “not exceeding fifty rupees” wherever they occur, the words “not exceeding three hundred seventy-five rupees” shall be substituted.

9. Amendment of section 20. In section 20 of the principal Act,—

- (a) in sub-section (1), for the words “with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees”, the words “with fine which shall not be less than one thousand five hundred rupees but which may extend to seven thousand five hundred rupees” shall be substituted;
- (b) in sub-section (2), for the words “with fine which may extend to five hundred rupees”, the words “with fine which may extend to three thousand seven hundred fifty rupees” shall be substituted;
- (c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Whoever being required to nominate or designate a person under section 3 fails to do so, such person shall be punishable with fine which may extend to three thousand rupees.”;
- (d) in sub-section (3), for the words “with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees”, the words “with fine which shall not be less than one thousand five hundred rupees but which may extend to seven thousand five hundred rupees” shall be substituted;
- (e) in sub-section (4), for the words “with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees”, the words “with fine which shall not be less than one thousand five hundred rupees but which may extend to seven thousand five hundred rupees” shall be substituted;
- (f) in sub-section (5), for the words “with fine which shall not be less than five hundred rupees but which may extend to

three thousand rupees”, the words “with fine which shall not be less than three thousand seven hundred fifty rupees but which may extend to twenty-two thousand five hundred rupees” shall be substituted;

- (g) in sub-section (6), for the words “one hundred rupees”, the words “seven hundred fifty rupees” shall be substituted.

10. Substitution of new section for section 24. For section 24 of the principal Act, the following section shall be substituted, namely:—

Delegation of powers. “24. The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be also exercisable—

- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification;
- (b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.”.

11. Amendment of section 26. In section 26 of the principal Act,—

- (a) in sub-section (4), for the words “which may extend to two hundred rupees”, the words “which shall not be less than seven hundred fifty rupees but which may extend to one thousand five hundred rupees” shall be substituted;
 - (b) after sub-section (6), the following sub-section shall be inserted, namely:—
- “(7) All rules made under this section by the State Government shall, as soon as possible after they are made, be laid before the State Legislature.”.

THE NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005

An Act to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. (1) This Act may be called the National Rural Employment Guarantee Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States or for different areas in a State and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision in such State or, as the case may be, in such area:

Provided that this Act shall be applicable to the whole of the territory to which it extends within a period of five years from the date of enactment of this Act.

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

- (a) “adult” means a person who has completed his eighteenth years of age;
- (b) “applicant” means the head of a household or any of its other adult members who has applied for employment under the Scheme;
- (c) “Block” means a community development area within a district comprising a group of Gram Panchayats;
- (d) “Central Council” means the Central Employment Guarantee Council constituted under sub-section (1) of section 10;
- (e) “District Programme Coordinator” means an officer of the State Government designated as such under sub-section (1) of section 14 for implementation of the Scheme in a district;
- (f) “household” means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;
- (g) “implementing agency” includes any department of the Central Government or a State Government, a Zila Parishad, Panchayat at intermediate level, Gram Panchayat or any local authority or Government undertaking or non-governmental organisation authorised by the Central Government or the State Government to undertake the implementation of any work taken up under a Scheme;

- (h) "minimum wage", in relation to any area, means the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 for agricultural labourers as applicable in that area;
- (i) "National Fund" means the National Employment Guarantee Fund established under sub-section (1) of section 20;
- (j) "notification" means a notification published in the Official Gazette;
- (k) "preferred work" means any work which is taken up for implementation on a priority basis under a Scheme;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "Programme Officer" means an officer appointed under sub-section (1) of section 15 for implementing the Scheme;
- (n) "project" means any work taken up under a Scheme for the purpose of providing employment to the applicants;
- (o) "rural area" means any area in a State except those areas covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force;
- (p) "Scheme" means a Scheme notified by the State Government under sub-section (1) of section 4;
- (q) "State Council" means the State Employment Guarantee Council constituted under sub-section (1) of section 12;
- (r) "unskilled manual work" means any physical work which any adult person is capable of doing without any skill or special training;
- (s) "wage rate" means the wage rate referred to in section 6.

CHAPTER II

GUARANTEE OF EMPLOYMENT IN RURAL AREAS

3. *Guarantee of rural employment to households.* (1) Save as otherwise provided, the State Government shall, in such rural area in the State as may be notified by the Central Government, provide to every household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the Scheme made under this Act.

(2) Every person who has done the work given to him under the Scheme shall be entitled to receive wages at the wage rate for each day of work.

(3) Save as otherwise provided in this Act, the disbursement of daily wages shall be made on a weekly basis or in any case not later than a fortnight after the date on which such work was done.

(4) The Central Government or the State Government may, within the limits of its economic capacity and development, make provisions for securing work to every adult member of a household under a Scheme for any period beyond the period guaranteed under sub-section (1), as may be expedient.

CHAPTER III

EMPLOYMENT GUARANTEE SCHEMES AND UNEMPLOYMENT ALLOWANCE

4. *Employment Guarantee Schemes for rural areas.* (1) For the purposes of giving effect to the provisions of section 3, every State Government shall, within six months from the date of commencement of this Act, by notification, make a Scheme, for providing not less than one hundred days of guaranteed employment in a financial year to every household in the rural areas covered under the Scheme and whose adult members, by application, volunteer to do unskilled manual work subject to the conditions laid down by or under this Act and in the Scheme:

Provided that until any such Scheme is notified by the State Government, the Annual Action Plan or Perspective Plan for the *Sampoorna Grameen Rozgar Yojana* (SGRY) or the National Food for Work Programme (NFFWP) whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the Scheme for the purposes of this Act.

(2) The State Government shall publish a summary of the Scheme made by it in at least two local newspapers, one of which shall be in a vernacular language circulating in the area or areas to which such Scheme shall apply.

(3) The Scheme made under sub-section (1) shall provide for the minimum features specified in Schedule I.

5. *Conditions for providing guaranteed employment.* (1) The State Government may, without prejudice to the specified in Schedule II, specify in the Scheme the conditions for providing guaranteed employment under this Act.

(2) The persons employed under any Scheme made under this Act shall be entitled to such facilities not less than the minimum facilities specified in Schedule II.

6. Wage rate. (1) Notwithstanding anything contained in the Minimum Wages Act, 1948, the Central Government may, by notification, specify the wage rate for the purposes of this Act:

Provided that different rates of wages may be specified for different areas:

Provided further that the wage rate specified from time to time under any such notification shall not be at a rate less than sixty rupees per day.

(2) Until such time as a wage rate is fixed by the Central Government in respect of any area in a State, the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 for agricultural labourers, shall be considered as the wage rate applicable to that area.

7. Payment of unemployment allowance. (1) If an applicant for employment under the Scheme is not provided such employment within fifteen days of receipt of his application seeking employment or from the date on which the employment has been sought in the case of an advance application, whichever is later, he shall be entitled to a daily unemployment allowance in accordance with this section.

(2) Subject to such terms and conditions of eligibility as may be prescribed by the State Government and subject to the provisions of this Act and the Schemes and the economic capacity of the State Government, the unemployment allowance payable under subsection (1) shall be paid to the applicants of a household subject to the entitlement of the household at such rate as may be specified by the State Government, by notification, in consultation with the State Council:

Provided that no such rate shall be less than one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.

(3) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as—

- (a) the applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or depute at least one adult member of his household; or
- (b) the period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment; or

- (c) the adult members of the household of the applicant have received in total at least one hundred days of work within the financial year; or
- (d) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

(4) The unemployment allowance payable to the household of an applicant jointly shall be sanctioned and disbursed by the Programme Officer or such local authority (including the Panchayats at the district, intermediate or village level) as the State Government may, by notification, authorise in this behalf.

(5) Every payment of unemployment allowance under sub-section (1) shall be made or offered not later than fifteen days from the date on which it became due for payment.

(6) The State Government may prescribe the procedure for payment of unemployment allowance under this Act.

8. Non-disbursement of unemployment allowance in certain circumstances. (1) If the Programme Officer is not in a position to disburse the unemployment allowance in time or at all for any reason beyond his control, he shall report the matter to the District Programme Coordinator and announce such reasons in a notice to be displayed on his notice board and the notice board of the *Gram Panchayat* and such other conspicuous places as he may deem necessary.

(2) Every case of non-payment or delayed payment of unemployment allowance shall be reported in the annual report submitted by the District Programme Coordinator to the State Government along with the reasons for such non-payment or delayed payment.

(3) The State Government shall take all measures to make the payment of unemployment allowance reported under sub-section (1) to the concerned household as expeditiously as possible.

9. Disentitlement to receive unemployment allowance in certain circumstances. An applicant who—

- (a) does not accept the employment provided to his household under a Scheme; or
- (b) does not report for work within fifteen days of being notified by the Programme Officer or the implementing agency to report for the work; or
- (c) continuously remains absent from work, without obtaining

a permission from the concerned implementing agency for a period of more than one week or remains absent for a total period of more than one week in any month,

shall not be eligible to claim the unemployment allowance payable under this Act for a period of three months but shall be eligible to seek employment under the Scheme at any time.

CHAPTER IV

IMPLEMENTING AND MONITORING AUTHORITIES

10. Central Employment Guarantee Council. (1) With effect from such date as the Central Government may, by notification specify, there shall be constituted a Council to be called the Central Employment Guarantee Council to discharge the functions, and perform the duties, assigned to it by or under this Act.

(2) The headquarters of the Central Council shall be at Delhi.

(3) The Central Council shall consist of the following members to be appointed by the Central Government, namely:—

- (a) a Chairperson;
- (b) not more than such number of representatives of the Central Ministries including the Planning Commission not below the rank of Joint Secretary to the Government of India as may be determined by the Central Government;
- (c) not more than such number of representatives of the State Governments as may be determined by the Central Government;
- (d) not more than fifteen non-official members representing Panchayati Raj Institutions, organisations of workers and disadvantaged groups:

Provided that such non-official members shall include two chairpersons of District Panchayats nominated by the Central Government by rotation for a period of one year at a time:

Provided further that not less than one-third of the non-official members nominated under this clause shall be women:

Provided also that not less than one-third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities;

- (e) such number of representatives of the States as the Central Government may, by rules, determine in this behalf;

(f) a Member-Secretary not below the rank of Joint Secretary to the Government of India.

(4) The terms and conditions subject to which the Chairperson and other members of the Central Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council shall be such as may be prescribed by the Central Government.

11. Functions and duties of Central Council. (1) The Central Council shall perform and discharge the following functions and duties, namely:—

- (a) establish a central evaluation and monitoring system;
- (b) advise the Central Government on all matters concerning the implementation of this Act;
- (c) review the monitoring and redressal mechanism from time to time and recommend improvements required;
- (d) promote the widest possible dissemination of information about the Schemes made under this Act;
- (e) monitoring the implementation of this Act;
- (f) preparation of annual reports to be laid before Parliament by the Central Government on the implementation of this Act;
- (g) any other duty or function as may be assigned to it by the Central Government.

(2) The Central Council shall have the power to undertake evaluation of the various Schemes made under this Act and for that purpose collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes.

12. State Employment Guarantee Council. (1) For the purposes of regular monitoring and reviewing the implementation of this Act at the State level, every State Government shall constitute a State Council to be known as the (name of the State) State Employment Guarantee Council with a Chairperson and such number of official members as may be determined by the State Government and not more than fifteen non-official members nominated by the State Government from Panchayat Raj institutions, organisations of workers and disadvantaged groups:

Provided that not less than one-third of the non-official members nominated under this clause shall be women:

Provided further that not less than one third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities.

(2) The terms and conditions subject to which the Chairperson and members of the State Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the State Council shall be such as may be prescribed by the State Government.

(3) The duties and functions of the State Council shall include—

- (a) advising the State Government on all matters concerning the Scheme and its implementation in the State;
- (b) determining the preferred works;
- (c) reviewing the monitoring and redressal mechanisms from time to time and recommending improvements;
- (d) promoting the widest possible dissemination of information about this Act and the Schemes under it;
- (e) monitoring the implementation of this Act and the Schemes in the State and coordinating such implementation with the Central Council;
- (f) preparing the annual report to be laid before the State Legislature by the State Government;
- (g) any other duty or function as may be assigned to it by the Central Council or the State Government.

(4) The State Council shall have the power to undertake an evaluation of the Schemes operating in the State and for that purpose to collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes and Programmes in the State.

13. *Principal authorities for planning and implementation of Schemes.* (1) The Panchayats at district, intermediate and village levels shall be the principal authorities for planning and implementation of the Schemes made under this Act.

(2) The functions of the Panchayats at the district level shall be—

- (a) to finalise and approve blockwise shelf of projects to be taken up under a programme under the Scheme;
- (b) to supervise and monitor the projects taken up at the Block level and district level; and
- (c) to carry out such other functions as may be assigned to it by the State Council, from time to time.

(3) The functions of the Panchayat at intermediate level shall be—

- (a) to approve the Block level Plan for forwarding it to the district Panchayat at the district level for final approval;
- (b) to supervise and monitor the projects taken up at the Gram Panchayat and Block level; and
- (c) to carry out such other functions as may be assigned to it by the State Council, from time to time.

(4) The District Programme Coordinator shall assist the Panchayat at the district level in discharging its functions under this Act and any Scheme made thereunder.

14. District Programme Coordinator. (1) The Chief Executive Officer of the District Panchayat or the Collector of the district or any other district level officer of appropriate rank as the State Government may decide shall be designated as the District Programme Coordinator for the implementation of the Scheme in the district.

(2) The District Programme Coordinator shall be responsible for the implementation of the Scheme in the district in accordance with the provisions of this Act and the rules made thereunder.

(3) The functions of the District Programme Coordinator shall be—

- (a) to assist the district Panchayat in discharging its functions under this Act and any scheme made thereunder;
- (b) to consolidate the plans prepared by the Blocks and project proposals received from other implementing agencies for inclusion in the shelf of projects to be approved by the Panchayat at district level;
- (c) to accord necessary sanction and administrative clearance, wherever necessary;
- (d) to coordinate with the Programme Officers functioning within his jurisdiction and the implementing agencies to ensure that the applicants are provided employment as per their entitlements under this Act;
- (e) to review, monitor and supervise the performance of the Programme Officers;
- (f) to conduct periodic inspection of the works in progress; and
- (g) to redress the grievances of the applicants.

(4) The State Government shall delegate such administrative and financial powers to the District Programme Coordinator as may be required to enable him to carry out his functions under this Act.

(5) The Programme Officer appointed under sub-section (1) of

section 15 and all other officers of the State Government and local authorities and bodies functioning within the district shall be responsible to assist the District Programme Coordinator in carrying out his functions under this Act and the Schemes made thereunder.

(6) The District Programme Coordinator shall prepare in the month of December every year a labour budget for the next financial year containing the details of anticipated demand for unskilled manual work in the district and the plan for engagement of labourers in the works covered under the Scheme and submit it to the district panchayat.

15. Programme Officer. (1) At every Panchayat at intermediate level, the State Government shall appoint a person who is not below the rank of Block Development Officer with such qualifications and experience as may be determined by the State Government as Programme Officer at the Panchayat at intermediate level.

(2) The Programme Officer shall assist the Panchayat at intermediate level in discharging its functions under this Act and any Scheme made thereunder.

(3) The Programme Officer shall be responsible for matching the demand for employment with the employment opportunities arising from projects in the area under his jurisdiction.

(4) The Programme Officer shall prepare a plan for the Block under his jurisdiction by consolidating the project proposals prepared by the Gram Panchayats and the proposals received from intermediate panchayats.

(5) The functions of the Programme Officer shall include—

- (a) monitoring of projects taken up by the Gram Panchayats and other implementing agencies within the Block;
- (b) sanctioning and ensuring payment of unemployment allowance to the eligible households;
- (c) ensuring prompt and fair payment of wages to all labourers employed under a programme of the Scheme within the Block;
- (d) ensuring that regular social audits of all works within the jurisdiction of the Gram Panchayat are carried out by the Gram Sabha and that prompt action is taken on the objections raised in the social audit;
- (e) dealing promptly with all complaints that may arise in connection with the implementation of the Scheme within the Block; and

(h) any other work as may be assigned to him by the District Programme Coordinator or the State Government.

(6) The Programme Officers shall function under the direction, control and superintendence of the District Programme Coordinator.

(7) The State Government may, by order, direct that all or any of the functions of a Programme Officer shall be discharged by the Gram Panchayat or a local authority.

16. Responsibilities of the Gram Panchayats. (1) The Gram Panchayat shall be responsible for identification of the projects in the Gram Panchayat area to be taken up under a Scheme as per the recommendations of the Gram Sabha and the Ward Sabhas and for executing and supervising such works.

(2) A Gram Panchayat may take up any project under a Scheme within the area of the Gram Panchayat as may be sanctioned by the Programme Officer.

(3) Every Gram Panchayat shall, after considering the recommendations of the Gram Sabha and the Ward Sabhas, prepare a development plan and maintain a shelf of possible works to be taken up under the Scheme as and when demand for work arises.

(4) The Gram Panchayat shall forward its proposals for the development projects including the order of priority between different works to the Programme Officer for scrutiny and preliminary approval prior to the commencement of the year in which it is proposed to be executed.

(5) The Programme Officer shall allot at least fifty per cent of the works in terms of its cost under a Scheme to be implemented through the Gram Panchayats.

(6) The Programme Officer shall supply each Gram Panchayat with—

(a) the muster rolls for the works sanctioned to be executed by it; and

(b) a list of employment opportunities available elsewhere to the residents of the Gram Panchayat.

(7) The Gram Panchayat shall allocate employment opportunities among the applicants and ask them to report for work.

(8) The works taken up by a Gram Panchayat under a Scheme shall meet the required technical standards and measurements.

17. Social audit of work by Gram Sabha. (1) The Gram Sabha shall monitor the execution of works within the Gram Panchayat.

(2) The Gram Sabha shall conduct regular social audits of all the projects under the Scheme taken up within the Gram Panchayat.

(3) The Gram Panchayat shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Gram Sabha for the purpose of conducting the social audit.

18. Responsibilities of State Government in implementing Scheme. The State Government shall make available to the District Programme Coordinator and the Programme Officers necessary staff and technical support as may be necessary for the effective implementation of the Scheme.

19. Grievance redressal mechanism. The State Government shall, by rules, determine appropriate grievance redressal mechanisms at the Block level and the district level for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints.

CHAPTER V

ESTABLISHMENT OF NATIONAL AND STATE EMPLOYMENT GUARANTEE FUNDS AND AUDIT

20. National Employment Guarantee Fund. (1) The Central Government shall, by notification, establish a fund to be called the National Employment Guarantee Fund for the purposes of this Act.

(2) The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants or loans such sums of money as the Central Government may consider necessary to the National Fund.

(3) The amount standing to the credit of the National Fund shall be utilised in such manner and subject to such conditions and limitations as may be prescribed by the Central Government.

21. State Employment Guarantee Fund. (1) The State Government may, by notification, establish a fund to be called the State Employment Guarantee Fund for the purposes of implementation of the Scheme.

(2) The amount standing to the credit of the State Fund shall be expended in such manner and subject to such conditions and limitations

as may be prescribed by the State Government for the purposes of implementation of this Act and the Schemes made thereunder and for meeting the administrative expenses in connection with the implementation of this Act.

(3) The State Fund shall be held and administered on behalf of the State Government in such manner and by such authority as may be prescribed by the State Government.

22. Funding pattern. (1) Subject to the rules as may be made by the Central Government in this behalf, the Central Government shall meet the cost of the following, namely:—

- (a) the amount required for payment of wages for unskilled manual work under the Scheme;
- (b) up to three-fourths of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;
- (c) such percentage of the total cost of the Scheme as may be determined by the Central Government towards the administrative expenses, which may include the salary and allowances of the Programme Officers and his supporting staff, the administrative expenses of the Central Council, facilities to be provided under Schedule II and such other item as may be decided by the Central Government.

(2) The State Government shall meet the cost of the following, namely:—

- (a) the cost of unemployment allowance payable under the scheme;
- (b) one-fourth of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;
- (c) the administrative expenses of the State Council.

23. Transparency and accountability. (1) The District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilisation and management of the funds placed at their disposal for the purpose of implementing a Scheme.

(2) The State Government may prescribe the manner of maintaining proper books and accounts of employment of labourers and the expenditure incurred in connection with the implementation of the provisions of this Act and the Schemes made thereunder.

(3) The State Government may, by rules, determine the arrangements

to be made for the proper execution of Schemes and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes.

(4) All payments of wages in cash and unemployment allowances shall be made directly to the person concerned and in the presence of independent persons of the community on pre-announced dates.

(5) If any dispute or complaint arises concerning the implementation of a Scheme by the Gram Panchayat, the matter shall be referred to the Programme Officer.

(6) The Programme Officer shall enter every complaint in a complaint register maintained by him and shall dispose of the disputes and complaints within seven days of its receipt and in case it relates to a matter to be resolved by any other authority it shall be forwarded to such authority under intimation to the complainant.

24. Audit of accounts. (1) The Central Government may, in consultation with the Comptroller and Auditor General of India, prescribe appropriate arrangements for audits of the accounts of the Schemes at all levels.

(2) The accounts of the Scheme shall be maintained in such form and in such manner as may be prescribed by the State Government.

CHAPTER VI

MISCELLANEOUS

25. Penalty for non-compliance. Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees.

26. Power to delegate. (1) The Central Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or such officer subordinate to the Central Government or the State Government as it may specify in such notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules and Schemes) may, in such circumstances and subject to such conditions and limitations, be exercisable also by such officer subordinate to it as it may specify in such notification.

27. Power of Central Government to give directions. (1) The Central Government may give such directions as it may consider necessary to the State Government for the effective implementation of the provisions of this Act.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may, on receipt of any complaint regarding the issue or improper utilisation of funds granted under this Act in respect of any Scheme if *prima facie* satisfied that there is a case, cause an investigation into the complaint made by any agency designated by it and if necessary, order stoppage of release of funds to the Scheme and institute appropriate remedial measures for its proper implementation within a reasonable period of time.

28. Act to have overriding effect. The provisions of this Act or the Schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law:

Provided that where a State enactment exists or is enacted to provide employment guarantee for unskilled manual work to rural households consistent with the provisions of this Act under which the entitlement of the households is not less than and the conditions of employment are not inferior to what is guaranteed under this Act, the State Government shall have the option of implementing its own enactment:

Provided further that in such cases the financial assistance shall be paid to the concerned State Government in such manner as shall be determined by the Central Government, which shall not exceed what the State would have been entitled to receive under this Act had a Scheme made under this Act had to be implemented.

29. Power to amend Schedules. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II and thereupon Schedule I or Schedule II, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

30. Protection of action taken in good faith. No suit, prosecution or other legal proceedings shall lie against the District Programme Coordinator, Programme Officer or any other person who is, or who is

deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code in respect of anything which is in good faith done or intended to be done under this Act or the rules or Schemes made thereunder.

31. Power of Central Government to make rules. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(2) In particular and without the prejudice of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the number of representatives of the State Governments under clause (e) of sub-section (3) of section 10;
- (b) the terms and conditions subject to which the Chairman and other members of the Central Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council, under sub-section (4) of section 10;
- (c) the manner in which and the conditions and limitations subject to which the National Fund shall be utilised under sub-section (3) of section 20;
- (d) the rules relating to funding pattern to meet the cost of certain items under sub-section (1) of section 22;
- (e) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

32. Power of State Government to make rules. (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the terms and conditions upon which eligibility for unemployment allowance may be determined under sub-section (2) of section 7;
- (b) the procedure for payment of unemployment allowance under sub-section (6) of section 7;
- (c) the terms and conditions subject to which the Chairperson and members of the State Council may be appointed, and

- the time, place and procedure of the meetings (including the quorum at such meetings) of their appointment to the State Council, under sub-section (2) of section 12;
- (d) the grievance redressal mechanism at the Block level and the District level and the procedure to be followed in such matter under section 19;
- (e) the manner in which and the conditions and limitations subject to which the State Fund shall be utilised under sub-section (2) of section 21;
- (f) the authority who may administer and the manner in which he may hold the State Fund under sub-section (3) of section 21;
- (g) the manner of maintaining books of account of employment of labourers and the expenditure under sub-section (2) of section 23;
- (h) the arrangements required for proper execution of Schemes under sub-section (3) of section 23;
- (i) the form and manner in which the accounts of the Scheme shall be maintained under sub-section (2) of section 24;
- (j) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

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

(2) Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

34. *Power to remove difficulties.* (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by

order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

SCHEDULE I

[See section 4(3)]

MINIMUM FEATURES OF A RURAL EMPLOYMENT GUARANTEE SCHEME

1. The focus of the Scheme shall be on the following works in their order of priority:-

- (i) water conservation and water harvesting;
- (ii) drought proofing (including afforestation and tree plantation);
- (iii) irrigation canals including micro and minor irrigation works;
- (iv) provision of irrigation facility to land owned by households belonging to the Scheduled Castes and Scheduled Tribes or to land of beneficiaries of land reforms or that of the beneficiaries under the Indira Awas Yojana of the Government of India;
- (v) renovation of traditional water bodies including desilting of tanks;
- (vi) land development;
- (vii) flood control and protection works including drainage in water logged areas;
- (viii) rural connectivity to provide all-weather access; and
- (ix) any other work which may be notified by the Central Government in consultation with the State Government.

2. Creation of durable assets and strengthening the livelihood resource base of the rural poor shall be an important objective of the Scheme.

3. The works taken up under the scheme shall be in rural areas.

4. The State Council shall prepare a list of preferred works for different areas based on their ability to create durable assets.

5. The Scheme shall be subject to appropriate arrangements as may be laid down by the State Government under the rules issued by it for proper maintenance of the public assets created under the Scheme.

6. Under no circumstances shall the labourers be paid less than the wage rate.

7. When wages are directly linked with the quantity of work, the wages shall be paid according to the schedule of rates fixed by the State Government for different types of work every year, in consultation with the State Council.

8. The schedule of rates of wages for unskilled labourers shall be so fixed that a person working for seven hours would normally earn a wage equal to the wage rate.

9. The cost of material component of projects including the wages of the skilled and semi-skilled workers taken up under the Scheme shall not exceed forty per cent of the total project costs.

10. It shall be open to the Programme Officer and Gram Panchayat to direct any person who applied for employment under the Scheme to do work of any type permissible under it.

11. The Scheme shall not permit engaging any contractor for implementation of the projects under it.

12. As far as practicable, a task funded under the Scheme shall be performed by using manual labour and not machines.

13. Every Scheme shall contain adequate provisions for ensuring transparency and accountability at all level of implementation.

14. Provisions for regular inspection and supervision of works taken up under the Scheme shall be made to ensure proper quality of work as well as to ensure that the total wages paid for the completion of the work is commensurate with the quality and quantity of work done.

15. The District Programme Coordinator, the Programme Officer and the Gram Panchayat implementing the Scheme shall prepare annually a report containing the facts and figures and achievements relating to the implementation of the Scheme within his or its jurisdiction and a copy of the same shall be made available to the public on demand and on payment of such fee as may be specified in the Scheme.

16. All accounts and records relating to the Scheme shall be made available for public scrutiny and any person desirous of obtaining a copy or relevant extracts therefrom may be provided such copies or extracts on demand and after paying such fee as may be specified in the Scheme.

17. A copy of the muster rolls of each Scheme or project under a

Scheme shall be made available in the offices of the Gram Panchayat and the Programme Officer for inspection by any person interested after paying such fee as may be specified in the Scheme.

SCHEDULE II

(See section 5)

CONDITIONS FOR GUARANTEED RURAL EMPLOYMENT UNDER A SCHEME AND MINIMUM ENTITLEMENTS OF LABOURERS

1. The adult members of every household who—

(i) reside in any rural areas; and

(ii) are willing to do unskilled manual work,

may submit their names, age and the address of the household to the Gram Panchayat at the village level (hereafter in this Schedule referred to as the Gram Panchayat) in the jurisdiction of which they reside for registration of their household for issuance of a job card.

2. It shall be the duty of the Gram Panchayat to register the household, after making such enquiry as it deems fit and issue a job card containing such details of adult members of the household affixing their photographs, as may be specified by the State Government in the Scheme.

3. The registration made under paragraph 2 shall be for such period as may be laid in the Scheme, but in any case not less than five years, and may be renewed from time to time.

4. Every adult member of a registered household whose name appears in the job card shall be entitled to apply for unskilled manual work under the Scheme.

5. All registered persons belonging to a household shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.

6. The Programme Officer shall ensure that every applicant referred to in paragraph 5 shall be provided unskilled manual work in accordance with the provisions of the Scheme within fifteen days of receipt of an application or from the date he seeks work in case of advance application, whichever is later:

Provided that priority shall be given to women in such a way

that at least one-third of the beneficiaries shall be women who have registered and requested for work under this Act.

7. Applications for work must be for at least fourteen days of continuous work.

8. There shall be no limit on the number of days of employment for which a person may apply, or on the number of days of employment actually provided to him subject to the aggregate entitlement of the household.

9. Applications for work may be submitted in writing either to the Gram Panchayat or to the Programme Officer, as may be specified in the Scheme.

10. The Gram Panchayat and Programme Officer, as the case may be, shall be bound to accept valid applications and to issue a dated receipt to the applicant. Group applications may also be submitted.

11. Applicants who are provided with work shall be so intimated in writing, by means of a letter sent to him at the address given in the job card and by a public notice displayed at the office of the Panchayats at the district, intermediate or village level.

12. As far as possible, employment shall be provided within a radius of five kilometres of the village where the applicant resides at the time of applying.

13. A new work under the Scheme shall be commenced only if—

(a) at least fifty labourers become available for such work;
and

(b) the labourers cannot be absorbed in the ongoing works:

Provided that this condition shall not be applicable for new works, as determined by the State Government, in hilly areas and in respect of afforestation.

14. In cases the employment is provided outside such radius, it must be provided within the Block, and the labourers shall be paid ten per cent of the wage rate as extra wages to meet additional transportation and living expenses.

15. A period of employment shall ordinarily be at least fourteen days continuously with not more than six days in a week.

16. In all cases where unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the District Programme Coordinator in writing the reasons why it was not possible for him to

provide employment or cause to provide employment to the applicants.

17. The District Programme Coordinator shall, in his Annual Report to the State Council, explain as to why employment could not be provided in cases where payment of unemployment allowance is involved.

18. Provision shall be made in the Scheme for advance applications, that is, applications which may be submitted in advance of the date from which employment is sought.

19. Provision shall be made in the Scheme for submission of multiple applications by the same person provided that the corresponding periods for which employment is sought do not overlap.

20. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and passbooks issued, name, age and address of the head of the household and the adult members of the household registered with the Gram Panchayat.

21. The Gram Panchayat shall send such list or lists of the names and addresses of households and their adult members registered with it and supply such other information to the concerned Programme Officer at such periods and in such form as may be specified in the Scheme.

22. A list of persons who are provided with the work shall be displayed on the notice board of the Gram Panchayat and at the office of the Programme Officer and at such other places as the Programme Officer may deem necessary and the list shall be open for inspection by the State Government and any person interested.

23. If the Gram Panchayat is satisfied at any time that a person has registered with it by furnishing false information, it may direct the Programme Officer to direct his name to be struck off from the register and direct the applicant to return the job card:

Provide that no such action under this paragraph shall be directed unless the applicant has been given an opportunity of being heard in the presence of two independent persons.

24. If any personal injury is caused to any person employed under the Scheme by accident arising out of and in the course of his employment, he shall be entitled to, free of charge, such medical treatment as is admissible under the Scheme.

25. Where hospitalisation of the injured worker is necessary, the State Government shall arrange for such hospitalisation including accommodation, treatment, medicines and payment of daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.

26. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an *ex gratia* payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and the amount shall be paid to the legal heirs of the deceased or the disabled, as the case may be.

27. The facilities of safe drinking water, shade for children and periods of rest, first-aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work being performed shall be provided at the work site.

28. In case the number of children below the age of six years accompanying the women working at any site are five or more, provisions shall be made to depute one of such women worker to look after such children.

29. The person deputed under paragraph 28 shall be paid wage rate.

30. In case the payment of wages is not made within the period specified under the Scheme, the labourers shall be entitled to receive payment of compensation as per the provisions of the Payment of Wages Act, 1936 (4 of 1936).

31. The wages under a Scheme may be paid either wholly in cash or in cash and kind provided that at least one-fourth of the wages shall be paid in cash only.

32. The State Government may prescribe that a portion of the wages in cash may be paid to the labourers on a daily basis during the period of employment.

33. If any personal injury is caused by accident to a child accompanying any person who is employed under a Scheme, such person shall be entitled to, free of charge, such medical treatment for the child as may be specified in the Scheme and in case of death or disablement, through an *ex gratia* payment as may be determined by the State Government.

34. In case of every employment under the Scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976 (25 of 1976), shall be complied with.

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.* (1) This Act may be called the Protection of Women from Domestic Violence Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

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

- (a) “aggrieved person” means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;
- (b) “child” means any person below the age of eighteen years and includes any adopted, step or foster child;
- (c) “compensation order” means an order granted in terms of section 22;
- (d) “custody order” means an order granted in terms of section 21;
- (e) “domestic incident report” means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;
- (f) “domestic relationship” means a relationship between two

persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

- (g) "domestic violence" has the same meaning as assigned to it in section 3;
- (h) "dowry" shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961;
- (i) "Magistrate" means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973 in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;
- (j) "medical facility" means such facility as may be notified by the State Government to be a medical facility for the purposes of this Act;
- (k) "monetary relief" means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;
- (l) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8;
- (o) "protection order" means an order made in terms of section 18;
- (p) "residence order" means an order granted in terms of sub-section (1) of section 19;
- (q) "respondent" means any adult male person who is; or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:

Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner;

- (h) “service provider” means an entity registered under sub-section (1) of section 10;
- (s) “shared household” means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;
- (t) “shelter home” means any shelter home as may be notified by the State Government to be a shelter home for the purposes of this Act.

CHAPTER II

DOMESTIC VIOLENCE

3. Definition of domestic violence. For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- (b) harasses, harms, injures or endangers that aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation 1.—For the purposes of this section,—

- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of

the aggrieved person and includes assault, criminal intimidation and criminal force;

- (ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- (iii) “verbal and emotional abuse” includes—
 - (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
 - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- (iv) “economic abuse” includes—
 - (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, *stridhan*, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
 - (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her *stridhan* or any other property jointly or separately held by the aggrieved person; and
 - (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

CHAPTER III

POWERS AND DUTIES OF PROTECTION OFFICERS, SERVICE PROVIDERS, ETC.

4. Information to Protection Officer and exclusion of liability of

informant. (1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

(2) No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose of sub-section (1).

5. Duties of police officers, service providers and Magistrate. A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person—

- (a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;
- (b) of the availability of services of service providers;
- (c) of the availability of services of the Protection Officers;
- (d) of her right to free legal services under the Legal Services Authorities Act, 1987;
- (e) of her right to file a complaint under section 498A of the Indian Penal Code, wherever relevant;

Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

6. Duties of shelter homes. If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

7. Duties of medical facilities. If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.

8. Appointment of Protection Officers. (1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise

the powers and perform the duties conferred on him by or under this Act.

(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.

(3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed.

9. Duties and functions of Protection Officers. (1) It shall be the duty of the Protection Officer—

- (a) to assist the Magistrate in the discharge of his functions under this Act;
- (b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- (c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- (d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 and make available free of cost the prescribed form in which a complaint is to be made;
- (e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;
- (f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;
- (g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;

(h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973;

(i) to perform such other duties as may be prescribed.

(2) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.

10. Service providers. (1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 or a company registered under the Companies Act, 1956 or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

(2) A service provider registered under sub-section (1) shall have the power to—

- (a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;
- (b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;
- (c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.

(3) No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence.

11. Duties of Government. The Central Government and every State Government, shall take all measures to ensure that—

- (a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
- (b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;
- (c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;
- (d) protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

CHAPTER IV

PROCEDURE FOR OBTAINING ORDERS OF RELIEFS

12. Application to Magistrate. (1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:

Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

(3) Every application under sub-section (1) shall be in such form and

contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

13. Service of notice. (1) A notice of the date of hearing fixed under section 12 shall be given by the Magistrate to the Protection Officer, who shall get it served by such means as may be prescribed on the respondent, and on any other person, as directed by the Magistrate within a maximum period of two days or such further reasonable time as may be allowed by the Magistrate from the date of its receipt.

(2) A declaration of service of notice made by the Protection Officer in such form as may be prescribed shall be the proof that such notice was served upon the respondent and on any other person as directed by the Magistrate unless the contrary is proved.

14. Counselling. (1) The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed.

(2) Where the Magistrate has issued any direction under sub-section (1), he shall fix the next date of hearing of the case within a period not exceeding two months.

15. Assistance of welfare expert. In any proceeding under this Act, the Magistrate may secure the services of such person, preferably a woman, whether related to the aggrieved person or not, including a person engaged in promoting family welfare as he thinks fit, for the purpose of assisting him in discharging his functions.

16. Proceedings to be held in camera. If the Magistrate considers that the circumstances of the case so warrant, and if either party to the proceedings so desires, he may conduct the proceedings under this Act *in camera*.

17. Right to reside in a shared household. (1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the

shared household, whether or not she has any right, title or beneficial interest in the same.

(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

18. Protection orders. The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being *prima facie* satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from—

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;
- (d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- (e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her *stridhan* or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- (f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;
- (g) committing any other act as specified in the protection order.

19. Residence orders. (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order—

- (a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
- (b) directing the respondent to remove himself from the shared household;

- (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
- (d) restraining the respondent from alienating or disposing off the shared household or encumbering the same;
- (e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or
- (f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:

Provided that no order under clause (b) shall be passed against any person who is a woman.

(2) The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.

(3) The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.

(4) An order under sub-section (3) shall be deemed to be an order under Chapter VIII of the Code of Criminal Procedure, 1973 and shall be dealt with accordingly.

(5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.

(6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.

(7) The Magistrate may direct the officer in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.

(8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her *stridhan* or any other property or valuable security to which she is entitled to.

20. Monetary relief. (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,—

- (a) the loss of earnings;
- (b) the medical expenses;
- (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
- (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is or accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.

(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

21. Custody orders. Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief

under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent:

Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

22. Compensation orders. In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

23. Power to grant interim and ex parte orders. (1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application *prima facie* discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an *ex parte* order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

24. Court to give copies of order free of cost. The Magistrate shall, in all cases where he has passed any order under this Act, order that a copy of such order, shall be given free of cost, to the parties to the application, the police officer in-charge of the police station in the jurisdiction of which the Magistrate has been approached, and any service provider located within the local limits of the jurisdiction of the court and if any service provider has registered a domestic incident report, to that service provider.

25. Duration and alteration of orders. (1) A protection order made under section 18 shall be in force till the aggrieved person applies for discharge.

(2) If the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any

order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate.

26. Relief in order suits and legal proceedings. (1) Any relief available under sections 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, family court or a criminal court, affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act.

(2) Any relief referred to in sub-section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court.

(3) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, she shall be bound to inform the Magistrate of the grant of such relief.

27. Jurisdiction. (1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which—

- (a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or
- (b) the respondent resides or carries on business or is employed; or
- (c) the cause of action has arisen,

shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made under this Act shall be enforceable throughout India.

28. Procedure. (1) Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973.

(2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.

29. Appeal. There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

CHAPTER V**MISCELLANEOUS**

30. *Protection Officers and members of service providers to be public servants.* The Protection Officers and members of service providers, while acting or purporting to act in pursuance of any of the provisions of this Act or any rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

31. *Penalty for breach of protection order by respondent.* (1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

(2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.

(3) While framing charges under sub-section (1), the Magistrate may also frame charges under section 498A of the Indian Penal Code or any other provision of that Code or the Dowry Prohibition Act, 1961, as the case may be, if the facts disclose the commission of an offence under those provisions.

32. *Cognizance and proof.* (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under sub-section (1) of section 31 shall be cognizable and non-bailable.

(2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.

33. *Penalty for not discharging duty by Protection Officer.* If any Protection Officer fails or refuses to discharge his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

34. *Cognizance of offence committed by Protection Officer.* No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

35. Protection of action taken in good faith. No suit, prosecution or other legal proceeding shall lie against the Protection Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

36. Act not in derogation of any other law. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

37. Power of Central Government to make rules. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the qualifications and experience which a Protection Officer shall possess under sub-section (2) of section 8;
- (b) the terms and conditions of service of the Protection Officers and the other officers subordinate to him, under sub-section (3) of section 8;
- (c) the form and manner in which a domestic incident report may be made under clause (b) of sub-section (1) of section 9;
- (d) the form and the manner in which an application for protection order may be made to the Magistrate under clause (c) of sub-section (1) of section 9;
- (e) the form in which a complaint is to be filed under clause (d) of sub-section (1) of section 9;
- (f) the other duties to be performed by the Protection Officer under clause (i) of sub-section (1) of section 9;
- (g) the rules regulating registration of service providers under sub-section (1) of section 10;
- (h) the form in which an application under sub-section (1) of section 12 seeking reliefs under this Act may be made and the particulars which such application shall contain under sub-section (3) of that section;
- (i) the means of serving notices under sub-section (1) of section 13;
- (j) the form of declaration of service of notice to be made by the Protection Officer under sub-section (2) of section 13;

- (k) the qualifications and experience in counselling which a member of the service provider shall possess under sub-section (1) of section 14;
- (l) the form in which an affidavit may be filed by the aggrieved person under sub-section (2) of section 23;
- (m) any other matter which has to be, or may be, prescribed.

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

THE IMMIGRATION (CARRIERS' LIABILITY) AMENDMENT ACT, 2005

An Act to amend the Immigration (Carriers' Liability) Act, 2000.

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

1. *Short title.* This Act may be called the Immigration (Carriers' Liability) Act, 2005.

2. *Insertion of new section 3A to Act 52 of 2000.* After section 3 of the Immigration (Carriers' Liability) Act, 2000, the following section shall be inserted, namely:—

Power to exempt “3A. (1) Without prejudice to the provisions of the Passport (Entry into India) Act, 1920 and the rules made thereunder, if the Central Government is of opinion that it is necessary or expedient in the interest of the general public or to fulfil the international obligation, it may, by order notified in the Official Gazette and subject to such conditions as may be specified in the order, exempt any carrier or class of carriers from the operations of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2005

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

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

CHAPTER I

PRELIMINARY

1. *Short title and commencement.* (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005.

(2) It shall be deemed to have come into force on the 1st day of April, 2004.

CHAPTER II

AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

2. *Amendment of section 17A.* In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 17A, in sub-section (1),—

- (i) after the words “family pension calculated at the rate of fifty per cent of his salary”, the words “plus fifty per cent of his dearness pay” shall be inserted;
- (ii) for the words “and thereafter at the rate of thirty per cent of his salary subject to a minimum of twelve hundred and seventy-five rupees per month”, the words “and thereafter at the rate of thirty per cent of his salary plus thirty per cent of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month” shall be substituted.

3. *Amendment of section 22A.* In section 22A of the High Court Judges Act, in sub-section (2), for the words “of ten thousand rupees”, the words “equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay” shall be substituted.

4. *Amendment of section 22C.* In section 22C of the High Court Judges Act, for the words “three thousand” and “two thousand”, the words “seven thousand five hundred” and “six thousand” shall respectively be substituted.

5. Amendment of the First Schedule. In the First Schedule to the High Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (a), for the letters and figures “Rs. 14,630”, the letters and figures “Rs. 21,945” shall be substituted;

(B) in clause (b), for the letters and figures “Rs. 11,150”, the letters and figures “Rs. 16,725” shall be substituted;

(C) in the proviso, for the letters and figures “Rs. 1,80,000” and “Rs. 1,56,000”, the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000” shall respectively be substituted;

(ii) in paragraph 8, for the letters and figures “Rs. 1,80,000”, the letters and figures “Rs. 2,70,000” shall be substituted;

(iii) in paragraph 9, for the letters and figures “Rs. 51,190”, the letters and figures “Rs. 76,785” shall be substituted;

(b) in Part II,—

(i) in the proviso to paragraph 2, for the letters and figures “Rs. 1,80,000” and “Rs. 1,56,000”, the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000” shall respectively be substituted;

(ii) in paragraph 3, for the figures “11,265”, “13,520”, “15,766”, “18,022”, “20,280” and “22,533”, the figures “16,898”, “20,280”, “23,649”, “27,033”, “30,420” and “33,799” shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures “Rs. 5,200”, the letters and figures “Rs. 7,800” shall be substituted;

(B) in the proviso, for the letters and figures “Rs. 1,80,000” and “Rs. 1,56,000”, the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000” shall respectively be substituted.

CHAPTER III

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

6. Amendment of section 13. In section 13 of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), clause (a) shall be omitted.

7. Insertion of new section 13A. After section 13 of the Supreme Court Judges Act, the following section shall be inserted, namely:—

Benefit of added years of service. “13A. Subject to the provisions of this Act, a period of ten years shall be added to the service of a Judge for the purposes of his pension, who qualified for appointment as such judge under sub-clause (b) of clause (3) of article 124 of the Constitution.”.

8. Amendment of section 16A. In the Supreme Court Judges Act, in section 16A, in sub-section (1),—

(i) in clause (a),—

(A) after the words “family pension calculated at the rate of fifty per cent of his salary”, the words “plus fifty per cent of his dearness pay” shall be inserted;

(B) after the words “and thereafter at the rate of thirty per cent of his salary”, the words “plus thirty per cent of his dearness pay” shall be inserted;

(ii) in clause (b), after the words “family pension shall be thirty per cent of his salary”, the words “plus thirty per cent of his dearness pay” shall be inserted.

9. Amendment of section 23. In section 23 of the Supreme Court Judges Act, in sub-section (1A), for the words “of ten thousand rupees”, the words “equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay” shall be substituted.

10. Amendment of section 23B. In section 23B of the Supreme Court Judges Act, for the words “four thousand” and “three thousand”, the words “ten thousand” and “seven thousand five hundred” shall respectively be substituted.

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

(a) in Part I,—

(i) in paragraph 2,—

(A) the words “and who has completed not less than seven years of service for pension as a Judge in India” shall be omitted;

(B) in clause (b), for the letters and figures “Rs. 4,020”, “Rs. 1,21,880” and “Rs. 10,240”, the letters and figures “Rs. 6,030”, “Rs. 1,82,820” and “Rs. 15,360” shall respectively be substituted;

(C) in the proviso, for the letters and figures “Rs. 1,98,000”,

the letters and figures "Rs. 2,97,000" shall be substituted;

(ii) in paragraph 3,—

(A) the words "and who has completed not less than seven years of service for pension as a Judge in India" shall be omitted;

(B) in the proviso, for the letters and figures "Rs. 1,80,000", the letters and figures "Rs. 2,70,000" shall be substituted;

(iii) paragraph 5 shall be omitted;

(b) in Part II,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 11,265", the letters and figures "Rs. 16,898" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 1,98,000" and "Rs. 1,80,000", the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000" shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 5,200", the letters and figures "Rs. 7,800" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 1,98,000" and "Rs. 1,80,000", the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000" shall respectively be substituted.

SESSIONAL REVIEW

FOURTEENTH LOK SABHA

FIFTH SESSION

The Fifth Session of the Fourteenth Lok Sabha which commenced on 25 July 2005 was adjourned *sine die* on 30 August 2005. The House was prorogued on 1 September 2005. In all, the House sat for 24 days. A resume of some of the important discussions held and other business transacted during the period from 25 July to 30 August 2005 is given below:

A. DISCUSSIONS / STATEMENTS

Discussion under Rule 193 regarding natural calamities in the country: The discussion on the subject took place on 26, 27 and 28 July and 5 August 2005. Initiating the discussion on 26 July 2006, Shri Basudeb Acharia of the CPI(M) referred to the flood situation in the State of Maharashtra and said that the country had not seen such unprecedented floods in the past. The Railway lines in Mumbai city were submerged and in one village about 200 people were washed away. Besides Maharashtra, a number of other States including Madhya Pradesh, Jammu and Kashmir, Andhra Pradesh and Kerala were also affected by the floods. The States of Gujarat, Himachal Pradesh, Bihar and West Bengal were continually affected by the floods. Shri Acharia wanted to know what the Central Government had done to provide relief to the people. He also wanted to know what action the Government had taken on the recommendations of the task force which was constituted by the Ministry of Water Resources to mitigate the impact of floods. He further said that enough allocation had not been made for the expansion of irrigation systems in the country. There were a large number of irrigation projects awaiting completion. He suggested that the Food for Work Programme should be extended to the States affected by floods and the Public Distribution System should also be strengthened there. He urged the Government to dispatch relief material immediately to the people who were adversely affected in Maharashtra and start rescue operations immediately.

Participating in the discussion* on 28 July 2005, Shri Prabhunath Singh of the Janata Dal (United) said that many States faced the onslaught of floods every year. This time Maharashtra was affected by heavy downpour which was even worse than floods. He suggested that desilting of rivers could go a long way in minimising the effects of floods. Another important step that he suggested was making arrangement for fore-warning the people so that they could move to safer places before the advent of floods.

Prof. M. Ramadass (Pattali Makkal Katchi) emphasised on the need to evolve a rehabilitation package and suggested that Disaster Management Department should be created in every State and in every district by involving the local panchayats and communities. He also suggested that disaster management should be introduced as a part of the curriculum in schools, colleges and universities.

Shri Ramdas Athawale [Republican Party of India (A)] stressed upon the need for proper planning to check natural calamities and suggested that an independent Ministry should be created to help the people affected by the natural calamities.

Shri W. Wangyuh Konyak (Nagaland Peoples Front) said that it was for the Government to solve the problem of natural calamities. The entire North-eastern States were often affected by the floods in Assam and therefore, a comprehensive plan should be formulated, he suggested.

Replying to the discussion on 5 August 2005, the Minister of Home Affairs, Shri Shivraj V. Patil said that India was vulnerable to natural disasters. Heavy rains and severe floods were reported from the States of Maharashtra, Gujarat, Himachal Pradesh, Madhya Pradesh, Arunachal Pradesh and Assam. The number of districts affected was 161; villages affected were 18,771; population affected was 190.37 lakh; human lives lost were 1,581 (excluding lives lost in Maharashtra); livestock lost was 70,087 and the number of houses damaged was 4.42 lakh. The Minister

* Others who participated in the discussion were: Sarvashri Kashiram Rana, Harin Pathak, Ratilal Kalidas Varma, Abdul Rahman Antulay, N.N. Krishnadas, Ramji Lal Suman, Ram Kripal Yadav, Mahendra Prasad Nishad, Suresh Prabhakar Prabhu, Harisingh Rathod, Madhusudan Mistry, Bhartruhari Mahtab, C.K. Chandrappan, A.K.S. Vijayan, Ganesh Singh, K.S. Rao, Rajnarayan Budholiya, Raghunath Jha, Bikram Keshari Deo, Raja Ram Pal, Sitaram Singh, Rakesh Singh Thakur, Shripad Yasso Naik, Shailendra Kumar, Francis K. George, Suresh Angadi, Bharatsinh Madhavsinh Solanki, Chandramani Tripathi, Manoranjan Bhakta, Suresh Chandel, Virendra Kumar, Chandra Bhan Singh, Ch. Lal Singh, Dr. M. Jagannath, Dr. Ramkrishna Kusmaria, Prof. Chander Kumar, Smt. Pratibha Singh, Smt. Preneet Kaur and Smt. Jayaben B. Thakkar

stated that the concerned State Governments promptly responded to the situation and undertook rescue and relief operations on a large-scale in the areas affected by the floods.

The Minister said that the Union Government had closely monitored and rendered necessary financial and logistic support to deal effectively with the flood situation in the country. He said that he and the Prime Minister had visited the flood-affected areas of Maharashtra on 28 July 2005 and had first hand information on the flood situation in the State. The Minister informed that he had also visited Himachal Pradesh and Gujarat earlier to review the flood situation. Considering the severity of the flood situation in these States, he said that an immediate financial assistance of Rs.500 crore to Gujarat; Rs.500 crore to Maharashtra and Rs.100 crore to Himachal Pradesh had been provided from the National Calamity Contingency Fund (NCCF). He said that a Task Force was set-up for Flood Management/Erosion Control under the chairmanship of the Chairman, Central Water Commission (CWC) to look into the problem of floods in Assam, West Bengal, Bihar and eastern Uttar Pradesh. The Government of India was having a continuous dialogue with Nepal for co-operation in water-resource development. He informed the House that a scheme for advanced warning from Nepal had been in operation from where the data was obtained and processed by the CWC for flood forecasts. He said that an India-Bhutan Joint Group of Experts (JGE) on flood management had been constituted. Regarding proper utilisation of the funds released to the State Governments, he said that the Ministry of Finance and Ministry of Home Affairs had prescribed a format for submission of item-wise expenditure under the Calamity Relief Fund (CRF)/NCCF.

The Minister said that Disaster Management education had been included in the CBSE syllabus for VII, IX and Xth standard. To meet the challenges posed by the natural and manmade disasters, he said that the Government had brought about a paradigm shift in its approach to the disaster management. With this objective, the Government proposed to enact a law on Disaster Management. He assured the members that the Government would give due importance to the valuable suggestions given by them.

Statement by the Prime Minister regarding his official visit to the United States of America: On 29 July 2005, the Prime Minister, Dr. Manmohan Singh made a statement in the House regarding his official visit to the United States. He said that during his visit, his talks with the US President George Bush covered a wide range of bilateral and global issues. The Vice-President and the senior Cabinet Members

of the US Administration including the Secretary of State, Dr. Condoleezza Rice, Defence Secretary, Mr. Rumsfeld and Treasury Secretary, Mr. Snow had called on him. He believed that the visit was a success in furthering the foreign policy interest of both the countries and a great honour was bestowed on him as he was invited to address the Joint Session of the US Congress.

The Prime Minister stated that the purpose of his visit was to sensitise the US Government about the full extent of changes that had taken place in India since 1991. These changes had given India a stronger capability to work with the United States on more equal terms as both the countries addressed common concerns and challenges. The Indian economy was stronger than what it had ever been and India hoped to participate in and benefit from the economic processes of globalisation. The country was determined to be a competitive destination for investment and that the US business community could contribute towards development of India through greater investment and trade. India was uniquely placed to enter into such mutually beneficial interaction drawing on the strength of her knowledge sector. The Prime Minister said that both sides agreed that the relationship between the two countries was based on shared values and shared interests that included strengthening of democratic capacities and in combating terrorism without selectivity or segmentation. The conclusion of the United Nations Comprehensive Convention on International Terrorism proposed by India, at an early date, was deemed a priority by both the countries. On the economic side, India welcomed launching of the CEOs Forum that had brought together the best business minds of both the countries. He informed that both he and President Bush had discussed the urgent need for modernization of India's infrastructure. They also agreed on an agricultural initiative aimed at facilitating a new generation of research and agricultural practices to build up the green revolution. Appreciating the importance of technology for India's economic and social development, they also discussed measures that would ensure more liberal and predictable access to US high technology. The Prime Minister expressed India's endeavour to build closer ties in frontier areas such as space exploration, satellite navigation and launch, and related commercial activities. He said that a Science and Technology Framework Agreement had been agreed during his visit which would provide for expanded joint research and training. Underlining the intent of working at a new level of cooperation, the United States announced the removal of five Indian organizations from its Entity List—three from the space sector and two from atomic energy—and indicated further review in the matter.

The Prime Minister said that India's quest for energy security was a significant theme during his talks with the US President. He said that he elaborated the imperative need for India to have unhindered access to all sources of energy, including nuclear energy, to maintain and accelerate her rate of economic growth. He was glad that the US understood India's position in regard to securing adequate and affordable energy supplies, from all sources. This approach, he underlined, would enable India to reduce her dependence on fossil fuels. This would have concomitant advantages for all in terms of reduced pressure on oil prices and environmental sustainability. It was in this context that both the countries affirmed the importance of cooperation in the civilian nuclear energy sector. Accordingly, a central element of his interaction with President Bush was the resumption of bilateral civilian nuclear cooperation between India and the United States, which had been frozen for decades. He said that President Bush and himself agreed that both would work towards promoting nuclear energy as a means for India to achieve energy security. The US side undertook to adjust its laws and policies domestically and to work with its friends and allies to adjust relevant international regimes. India's desire to attain energy security was to enable the country to leapfrog stages of economic development obtained at the least possible cost. For this purpose, it would be very useful if India could access nuclear fuel as well as nuclear reactors from the international market. Presently, this was not possible because of the nuclear technology restrictive regimes in operation. The Prime Minister said that the United States had agreed to open up the possibility for India to access nuclear fuel and nuclear power reactors and other technologies from outside to supplement its domestic efforts.

As such, the Joint Statement recognized that as a responsible State with advanced nuclear technology, India should acquire the same benefits and advantages as other such States which had advanced nuclear technology. India could now expect that the resumption of India's nuclear trade and commerce with the US, and globally, was an achievable goal, involving dismantling of the technology denial regimes which had hitherto targeted India. Predicated on India obtaining the same benefits and advantages as other nuclear powers, was the understanding that India would undertake the same responsibilities as such other countries, including the United States. Concomitantly, India expected the same rights and benefits. Thus, the Country had ensured the principle of non-discrimination. The Prime Minister emphasised that India's commitments would be conditional upon, and reciprocal to, the US fulfilling its side of this understanding. The Joint Statement referred

to India's identifying and separating civilian and military nuclear facilities in a phased manner and taking a decision to place voluntarily civilian nuclear facilities under the International Atomic Energy Agency (IAEA) safeguards. India's actions would be contingent at every stage on actions taken by the other side. Should India not be satisfied that her interests were fully secured, she would not feel pressed to move ahead in a pre-determined manner. Before voluntarily placing civilian facilities under IAEA safeguards, India would ensure that all restrictions on her had been lifted. India's autonomy of decision-making would not be circumscribed in any manner whatsoever. He emphasised that the basis for the understanding was a clear recognition that India was a responsible nuclear power with an impeccable record on nuclear non-proliferation. Her strategic policies and assets were a source of national security and would continue to be so, and would remain outside the scope of discussions with any external interlocutors. The defence and security interests of the country were accorded highest priority and would continue to remain so.

The Prime Minister said that he used the occasion of his visit to the US to spell out the basis on which India had made a compelling case for the expansion of the UN Security Council, and for India's admission as a Permanent Member. He said that the US had a different position on this matter and had not found it possible to endorse India's position. He hoped, however, that over a period of time the US would recognise the validity of what India said. In fact, the Joint Statement itself reflected growing US recognition of this position. It stated "international institutions must fully reflect changes in the global scenario that have taken place since 1945". The US President also reiterated that international institutions would gradually reflect upon India's central and growing role. He expressed his sincere belief that his visit to the United States had led to a greater understanding and appreciation of India's concerns and interests. He said that he had made a strong case on behalf of the Indian people that their voice be heard when decisions that would affect them were made in global councils. He hoped that the House would welcome these developments. He also said that the people of India would feel justly proud that their achievements were being recognised globally. This was a tribute to the scientists, engineers, teachers, workers, farmers, entrepreneurs and professionals of our country. India was now a nation of over one billion people; the world's fourth-largest economy, with the second highest rate of growth today. The manner in which India had achieved this progress within the framework of a democratic dispensation was the subject of admiration and respect. He said that India's strength lies in the essential correctness of the path it

had chosen, and in the creativity and enterprise of her people. This, he said, had enabled India to stand tall in the comity of nations.

The Prime Minister said he realised that there would be criticism in some quarters regarding aspects of the Joint Statement. But he assured the august House, and through it, the whole nation, that his visit to the United States was undertaken solely with the purpose of enhancing relations with one of the world's pre-eminent powers, so as to widen the country's developmental options. He said that it was his endeavour to expand India's access to energy supplies to fuel her growth, while protecting her strategic interests. The Prime Minister said he ventured to think that his visit to the United States had opened up new opportunities and possibilities for promoting India's energy security and pathways to accelerated social and economic development. He urged all to work together as a united nation to realize these opportunities to make India a major powerhouse of the evolving global economy.

Statement by the Minister of Defence regarding New Framework for the U.S.–India Defence Relationship: Making a statement in the House on 2 August 2005, the Minister of Defence, Shri Pranab Mukherjee stated that he made an official visit to the United States of America (USA) at the end of June 2005 at the invitation of the US Secretary of Defence. The visit provided an opportunity for an exchange of views with the US leadership on international security issues and to promote cooperation with the US to strengthen and modernize Indian Armed Forces and Defence industries through increased professional interaction in the military sphere and collaboration in the sphere of Defence equipment and technology in the mutual interest of both the countries. He said that a document entitled 'New Framework for the US–India Defence Relationship' was signed during the visit. The Minister said that the 'Framework' contained only enabling provisions. It did not contain any commitments or obligations. It updated the 'Agreed Minutes on Defence Relations between India and the United States' signed in January 1995. It identified global security threats that had seriously affected Indian security, such as terrorism and violent religious extremism, and the proliferation of weapons of mass destruction (WMD) and related materials, data and technologies as areas of shared concern, and provided for cooperation with the US to enhance the country's capabilities in responding to these and prospects of cooperation in advanced and sensitive technologies and other challenges like natural disasters. It reflected India's interests in the security of the sea-lanes and regional and global security and stability. It established a new Defence Procurement

and Production Group under the existing Defence Policy Group to promote a defence trade, production and technology relationship with the US. It also provided for a dialogue on international security issues, and cooperation with the international community to promote regional and global stability through cooperative actions in the mutual interest.

The Minister said that the visit strengthened India's ongoing efforts to expand cooperation with the US in the field of high technology by opening up the US as a potential source of advanced defence equipment and technology, increasing India's options and leverage *vis-à-vis* suppliers in the acquisition of Defence technology, promoting cooperation with the US to enhance the capabilities of India's Armed Forces and Defence industries, and increasing India's strategic maneuverability in international affairs. He said that the 'Framework' document should be seen in this context. He stated that concerns expressed in Parliament and in the Press on the implications of the document had included apprehensions that it committed India to deploying troops in support of US-led coalition operations in Iraq and possibly elsewhere; that it adopted vocabulary and language, and therefore the world view, of the United States; and that it promoted US security interests and not India's, and therefore, compromised the country's security. He asserted that none of these apprehensions were justified. The document, more than anything else, signaled US willingness to enhance Defence cooperation with India and strengthen India's Defence capabilities. It was in India's interest to see how this change of attitude could be exploited to its advantage. It was an enabling document that provided a framework within which specific cooperation could take place. This would not be dictated to India but would be decided by mutual agreement.

The Minister said that the presumption that the "shared" interests involving the US must necessarily mean primacy to US interests, reflected a lack of self-confidence. As a trustee of the legacy of independence, secularism, non-alignment and autonomy and independent domestic and foreign policies, the people of India had the self-confidence that they would be able to recognize as well as resist anything that was not in the national interest and would not confuse US interests with theirs, or subordinate the country's interests to US interests.

Discussion under Rule 184: Motion regarding deteriorating law and order situation in the State of Bihar and situation arising out of the Chief Secretary of the State proceeding on long leave and Statutory Resolution regarding continuance in force of the proclamation in respect of the

State of Bihar: The combined discussion on the Motion and the Resolution took place on 2 August 2005. Shri Nitish Kumar of the Janata Dal (United) moved the motion that the House expressed its deep concern over the deteriorating law and order situation in the State of Bihar under the President's rule and also on the situation arising out of the Chief Secretary of the State proceeding on long leave.

The Minister of Home Affairs, Shri Shivraj V. Patil moved the Resolution that the House approved the continuance in force of the Proclamation, dated the 7 March 2005 in respect of the State of Bihar, issued under article 356 of the Constitution by the President, for a further period of six months with effect from 7 September 2005.

Moving the motion, Shri Nitish Kumar said that so far as the law and order situation in Bihar was concerned no efforts were made to check the crime rate to improve the situation there. Incidents of crime were on the increase and cases of kidnapping were rampant. These incidents were on the increase even in the home district of the DGP, Bihar whereas the statistics given by the Minister showed that such incidents had reduced. He asked what type of a governance was this? While on the one hand the Government intended to control crime, on the other hand the officers who were efficiently dealing with the situation and had good image with the public were being transferred. Shri Nitish Kumar questioned as to why the Chief Secretary had proceeded on long leave and also sought clarification on the allegation made by the Chief Secretary that he was being by-passed on all issues of governance. He added while popular Governments were necessary for Democracy, new definitions were being given to it and new dimensions were being added thereto. He therefore urged the House to accept the Motion and reject the Resolution moved by the Home Minister.

Participating in the discussion*, Shri Basudeb Acharia (CPI-M) said that when elections were held for the Bihar Legislative Assembly and the results came in on 27 February, it was found that no party got a majority. When the RJD, the single largest party, could not muster the required majority to form the Government, there was no alternative but to impose the President's Rule. He wanted that President's Rule should not however continue for a very long period.

* Others who participated in the discussion were: Sarvashri Sushil Kumar Modi, Mohan Singh, Devendra Prasad Yadav, Iliyas Azmi, Jai Prakash, Uday Singh, Suravaram Sudhakar Reddy, Prasanna Acharya, Subrata Bose, Raghunath Jha, Suraj Singh and Dr. Rajesh Kumar Mishra

Shri Prabhunath Singh (JD-U) supported the Motion and opposed the Resolution moved by the Minister of Home Affairs for continuance of President's Rule in Bihar. He said that there was no doubt that the law and order situation in Bihar had deteriorated during the President's Rule. The transfer and deployment of officers of the rank of Superintendent of Police was being done there on monetary strength. Much had been written in the Press about the situation which had been created due to the controversy over the Chief Secretary proceeding on leave. The Governor of the State had stated through the media that a three Member Committee had been constituted to look into the matter, which in fact was not true. He asked, if indeed a Committee was set up when was the Notification issued in that regard?

He said that when Bihar Assembly was placed under suspended animation, the leader of his party, Shri Nitish Kumar had expressed an apprehension that the Congress wanted the President's Rule for a longer period and it was trying to form its own Government there. The manner in which the Bihar Assembly was suspended was not proper. He said that the Minister of Home Affairs had himself said in the House that a popular Government should be formed there and his party made an effort towards that direction. He felt proud that they achieved success in their effort. But, the Assembly was dissolved on the plea of horse-trading. The Home Minister mentioned about the Tenth Schedule. It was very clear in the Schedule that the group which enjoyed two-third majority in a particular party would not form a separate group or party, but it could join a certain political party.

Shri K. Yerrannaidu (TDP) said that his party had supported the motion for imposition of President's Rule in Bihar on 7 March. But there was no necessity now to extend the same. In six months' time, the Government should have intervened to ask the Election Commission to hold elections.

Shri Joachim Baxla (Revolutionary Socialist Party) wanted that law and order situation in Bihar should improve. Unfortunately, all efforts to form popular Government in Bihar after the elections had failed and President's Rule was imposed there. He wanted that elections should be held in Bihar after which a popular Government could be formed there.

Shri Ramdas Athawale (Republican Party of India-A) wanted that elections should be held in Bihar as early as possible and supported the Resolution brought by the Home Minister.

Shri Asaduddin Owaisi (AIMIM) said that out of 17 IPS Officers, 15 officers were transferred and only two out of them had created contro-

versy. These two cases relate to Patna and Siwan. The Government had the right to transfer the officers. If an officer proceeded on leave and gave a statement in the media about his displeasure over the decision of the Government, then the Government should replace him by another officer.

Replying to the discussion, the Minister of Home Affairs, Shri Shivraj V. Patil said that the discussion had been very interesting and comprehensive. He said that there were certain facts which members had to bear in mind while appreciating the issues which were before them. He said that one of the most important facts was that after the election, it was only the RJD which staked the claim, and none else staked the claim. The second fact, which had to be remembered, was that the NDA did not stake the claim. The third fact was that, for some months, the Governor waited for the parties to come together and stake the claim. When it was not done, the Government had to come before the two Houses of Parliament to pass a Resolution suspending the Assembly. The fourth fact was that under the Resolution passed by the Parliament, the last date the suspension would remain in existence was 6 September. After 6 September, the Government had to decide what should be done with the situation in Bihar.

The Minister said that the Government dissolved the House and the matter was placed before the Election Commission for consideration. The Election Commission said that the elections could take place in the months of October or November. Since the House was dissolved, the Executive had no power and it was the Election Commission which had to decide what to do with the situation over there and when to hold the elections. In such a situation, the Minister said that it became necessary to impose the President's Rule in Bihar. Regarding the law and order situation in Bihar, he said that members should not expect miracles to happen over there. He said that he was going to put forward the facts and figures since without the statistics it would be difficult to understand whether the law and order situation in Bihar had improved or it was the same or it had further worsened. In order to know correctly what was the situation in Bihar, the Minister said that members should take into account what had been done by the Administration over there.

Regarding formation of Government in Bihar, the Minister said that the Parties and the members should have come together and formed the Government. But it did not happen. The Government which was in existence before the election, staked the claim. Those who took the decision not to stake the claim were also not wrong. He appreciated their judgment and their assessment. They were of the view that it

would be difficult for them to form and continue in the Government for a long time. Thereafter, Government had written not only one but two letters and waited for some parties to come together and form the Government. He concluded that none should therefore doubt the intentions of the Government of India or the Governor.

The Motion was negatived and the Resolution was passed.

Discussion under Rule 193 regarding the Statement made by the Prime Minister on 29 July 2005 regarding his recent official visit to the United States of America: The discussion in this regard took place on 3 August 2005. Initiating the discussion in the House, Shri Atal Bihari Vajpayee of the Bharatiya Janata Party said that several issues had been mentioned in the Indo-US Agreement. Important announcements had been made regarding trade, energy, agriculture, science, technology and terrorism. He said that the growing cooperation between the two countries was welcomed. However, the changing nuclear policy was a matter of concern. Several countries raised protest against India after Pokharan atomic test. Even in that difficult time India had an independent nuclear policy. Credible Minimum Nuclear Deterrent was the focal point of India's nuclear policy. The present Indo-US Agreement had raised many questions. He said that the most concerning point was that India had given assurance that its nuclear programme would be bifurcated as strategic and non-strategic. He wondered whether this bifurcation would not affect the strategic capability. He stressed that the nation must be taken into confidence about this indirect ban on India's nuclear capability. He further added that the US had not recognised India as a Nuclear Power State under the Agreement and as such his party's demand that the country should be taken into confidence in this regard was a genuine one since the Nuclear Policy of the country was part of the National Policy.

Participating in the discussion*, Prof. Ram Gopal Yadav of the Samajwadi Party congratulated the Prime Minister for pointing out that America's attack on Iraq was a mistake. In the same way, he said that the Prime Minister did a very good job as he raised the topic pertaining to selectivity on terrorism in the US Press as well as in the American

* Others who participated in the discussion were: Sarvashri Prabodh Panda, Pawan Kumar Bansal, Rupchand Pal, Devendra Prasad Yadav, Kirip Chaliha, Brajesh Pathak, Suresh Prabhakar Prabhu, Braja Kishore Tripathy, P.A. Sangma, Sukhdev Singh Dhindsa, Manvendra Singh, Ajay Maken, George Fernandes, Dushyant Singh, Milind Murli Deora and Maj. Gen. (Retd.) B.C. Khanduri

Congress. On the Security Council seat issue, he added, it was necessary to demand this seat in view of India's position in the international politics.

On the question of weapons of mass destruction, he said that every one knew that they were bad. But some times, for self defence one had to do such things. Today, the nuclear weapons in the world had piled up to such an extent that in the event of a war, there would be no difference between the victor and the vanquished. Everything would be finished. The whole globe would be destroyed within half-an-hour. But the country had to resort to such means for its self defence, when others had such weapons. India should not agree to their use for peaceful purposes only. When many other countries including India's neighbouring country were in possession of such weapons, then India should also have these weapons. So far as its relations with the USA were concerned, he said that in the whole country and particularly among the scientists a wrong message was going that some sort of ban on our nuclear capability could be there and such things would do more harm than any good. On this, he said, if a country was sovereign, no outsider could impose its on it.

Prof. M. Ramadass (PMK) said that the Prime Minister had succeeded in raising the image and prestige of the country in the comity of nations. The agreement with the US would give greater strength and resilience to the country.

Shri Ramdas Athawale (Republican Party of India-A) said that after the incident of 11 September, USA resolved to fight terrorism in the world. If this was so, then terrorism from India, Pakistan, Iraq must be eliminated and all the nuclear weapons should be done away with so that peace could be established.

Replying to the discussion, the Prime Minister, Dr. Manmohan Singh said that his visit to the United States was in some way the most challenging task that he had faced. He said that two types of comments were made on the visit. The Left parties commented that the Government was continuing with the same policies as of the previous Government of getting closer and closer to the United States. Another stream of comment that came from the Opposition benches stated that somehow the Government had compromised on India's strategic nuclear autonomy. The Prime Minister clarified that in moving towards a multi-polar world, practical strategies had to lay emphasis on building economic strength and cohesion of the country. If India grows in the next ten years at the rate of eight to ten per cent per annum, then it would probably become

the third or the fourth economy in the world. Step by step India had to move in that direction and good relations with the United States were of great importance in achieving that objective.

The Prime Minister said that India was seeking an international environment which was supportive of her development efforts. Energy security was the key to India's emergence as a strong and powerful nation in the years to come. Therefore, for the country's quest for energy security, it was necessary to widen the option of nuclear energy. Referring to a point raised by Shri Vajpayee that India had not been given the status of a nuclear weapon State, the Prime Minister said that in international parlance, the nuclear weapon States were the ones which were identified in the NPT Treaty and India was not a party to that Treaty. Regarding questions about the membership of the Security Council, he said that it was certainly true that the United States had a different viewpoint, but he stated that when the time comes, India's claim could no longer be ignored. Addressing the issues raised on the Iran-Pakistan-India pipeline, the Prime Minister said that he had explicitly stated that this was a matter for India, Pakistan and Iran; the United States had no role in it. In conclusion, he said that he stood by what the national policies were, and believed that, by and large, he had carried out the mandate that was given to him.

Discussion under rule 193 regarding terrorism in the country including the attack on the Ram Janam Bhoomi Complex at Ayodhya: The discussion in this regard took place in the House on 4 and 12 August 2005. Initiating the discussion on 4 August 2005, Prof. Vijay Kumar Malhotra of the Bharatiya Janata Party said that the country was shocked by the incidents of terrorism within the country and abroad. The entire world was expressing concern over terrorism. On 5 July, terrorists tried to attack Ram Mandir at Ayodhya and they were killed by the security forces. He stated that the present Government had not taken appropriate steps to combat terrorism during the last one year due to vested political interests. The present Government had repealed POTA which was formulated to combat terrorism in the country. The Home Minister had given statements that Pakistan was behind these terrorist activities. Prof. Malhotra therefore, wanted to know whether the Indian Government had raised the matter with the Pakistan Government. He alleged that the Government was adopting a liberal attitude towards Pakistan. Pakistan had not put an end to those infrastructures which were existing there to promote terrorism and had not stopped terrorist activities either. He said that if these incidents were taking place, then there was no use in holding talks with Pakistan.

Participating in the discussion*, Shri Prabhunath Singh (JD-U) said that the only purpose behind the attack was to incite the feelings and sentiments of the Hindus and to spread communal tension in the country. He said that Ram was part and parcel of Ayodhya and keeping this in mind a solution should be brought to the Mandir-Masjid dispute to create social harmony there.

Shri K. Yerranna (TDP) said that the country had been witnessing cross-border terrorism since the last two decades. He pointed out that Pakistani President Gen. Musharraf had given an assurance to Shri Atal Bihari Vajpayee that his territory would not be used for terrorist activities. But this had not happened. He suggested that the Government should adopt measures to control cross-border terrorism in three ways, by curbing infiltration, by fencing the international border and enhancing intelligence capabilities.

Shri Asaduddin Owaisi (AIMIM) said that the attack on Ayodhya shrine was condemnable and wanted that the Home Minister should order a high level inquiry. He said that terrorism was a global phenomenon and to tackle it, a proper policy was required.

Replying to the discussion on 12 August 2005, the Minister of Home Affairs, Shri Shivraj V. Patil said that Ayodhya meant a land of peace, and not of war, but politics had inflicted conflict and war on it. The terrorists who attacked the shrine at Ayodhya had tried to ignite the fire of communal hatred and divide the country. He praised the officers and men who averted the attack by killing the terrorists without caring for their own lives and safety. The Government had also decided to assist the State Governments in this respect without any reservations. Terrorism was not a new phenomenon. The developing parts and countries of the world were also affected by it. India had entered into agreements for mutual cooperation with many countries and international organizations of the world to fight terrorism. Jammu and Kashmir, North-eastern States, parts of Andhra Pradesh, Maharashtra, Orissa, Chhattisgarh, Jharkhand, Bihar, West Bengal and Uttar Pradesh had been affected by terrorist activities. He said that some members were of the view that terrorism had increased because POTA had been repealed. In this

* Others who participated in the discussion were: Sarvashri Sunil Khan, Ramji Lal Suman, Devendra Prasad Yadav, Mitrasen Yadav, Anantrao Gudhe, C.K. Chandrapan, Dharmendra Pradhan, Surendra Prakash Goyal, Ram Kripal Yadav, Avinash Rai Khanna, Shailendra Kumar, Madan Lal Sharma, Bijendra Singh, Aditya Nath, Dr. Rajesh Kumar Mishra, Dr. Prasanna Kumar Patasani and Prof. K.M. Kader Mohideen

context, the Minister said that laws were needed certainly but laws by themselves did not solve all the problems. What was required was the will.

Shri Patil further said that war or terrorism developed in the minds of man and they should be restrained and controlled there only. A lot of strength was needed to be tolerant, compassionate and non-violent. Economic, social and cultural disparities and injustice created a climate in which terrorism thrived. The polity should be just and a multi-pronged approach should be adopted to deal with terrorism. He said that the western borders had been closed and more than half of the eastern border around Bangladesh had been fenced. The Government was giving Rs.35 crore to each district, which was supposed to be backward, for the development of infrastructure so that the people there do not feel neglected. The Minister said that the Government was giving a lot of money to the State Governments to strengthen their police forces. Nearly Rs.10,000 crore were being made available for this purpose to the State Governments. In naxalite areas there was a Committee which met every month to discuss the matter.

The Minister said that the reason behind the attack on Ayodhya was that the perpetrators wanted to divide the country. As far as the preparation to provide security to the city of Delhi on 15 August was concerned, he said that steps had been taken and the officers and sepoys were doing whatever was possible. The people who had come from Pakistan to watch cricket and had not gone back were being searched and action would be taken against them. So far as the training camps in Pakistan were concerned, the Minister said that at that point of time whatever was being said by the Government of Pakistan was probably being said with all sincerity, and yet the fact was that the training camps were still there.

B. LEGISLATIVE BUSINESS

*Statutory resolution regarding Disapproval of the Citizenship (Amendment) Ordinance, 2005 and The Citizenship (Amendment) Bill, 2005**: On 16 August 2005, Shri Santosh Gangwar of the Bharatiya Janata Party moved the statutory resolution that the House disapproved of the Citizenship (Amendment) Ordinance, 2005 promulgated by the President on 28 June 2005. Moving the statutory resolution, he said that though

* The Bill, as passed by the Rajya Sabha, was laid on the Table of the House on 2 August 2005

there was one reason to oppose the Bill, the way it was introduced through an Ordinance and the attitude of the Government was not right. He wanted that the Government should pay heed towards this and avoid running Government through Ordinances. He said that a number of people of this country who had migrated to foreign countries were indulging in anti-national activities. It was a fact that all the nations had been included in the Bill barring Pakistan and Bangladesh. But there were people living in countries other than these and were indulging in such activities. He wanted to know if the Government had taken note of this. Expressing his party's support to the Bill, he appealed to the people of Indian origin to avail the facility and come to India for investment purposes and expand their business here.

The Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal moved the motion that the Bill further to amend the Citizenship Act, 1955, as passed by the Rajya Sabha, be taken into consideration. The Citizenship Act, 1955 provided for the acquisition of citizenship, at the commencement of the Constitution by birth, descent, registration, naturalization and incorporation of territory under certain circumstances, and also provided for the termination and deprivation of citizenship. A High Powered Committee on Indian Diaspora, constituted by the Central Government, *inter alia*, recommended the amendment of the said Act to provide for grant of dual citizenship to persons of Indian origin belonging to certain specified countries. The Central Government, accordingly, notified the Citizenship (Amendment) Act, 2003 making provision for acquisition of Overseas Citizenship of India (OCI) by Persons of Indian Origin (PIOs) of 16 specified countries other than Pakistan and Bangladesh. The Prime Minister in the Pravasi Bhartiya Divas, 2005 made a statement on OCI scheme that the Government had decided to grant OCI to all overseas Indians who migrated from India after 26 January 1950 as long as their home countries allowed dual citizenship under their local laws. In order to implement the Government's decision, the Citizenship (Amendment) Ordinance, 2005 was promulgated on 28 June 2005 to extend the scope of OCI for PIOs of all countries except Pakistan and Bangladesh as long as their countries allow dual citizenship. The said Ordinance was proposed to be replaced by a Bill amending the provisions of the Citizenship Act, 1955 so as to expand the scope of grant of Overseas Citizenship of India to Persons of Indian Origin of all countries except Pakistan and Bangladesh; and to reduce the period of residence in India from two years to one year for the persons registered as Overseas Citizens of India to acquire Indian Citizenship.

Replying to the discussion*, the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal said that the facility of granting dual citizenship to PIO had not been extended to the people living in Pakistan and Bangladesh as they migrated there at their own sweet will. The Minister said that several members had expressed their concern over internal security, to which he clarified that such provisions had been incorporated by which those people who were involved in a crime or who had been prosecuted in any case would not get the benefits of this facility.

Referring to a query made by several members, why an ordinance was promulgated, the Minister said that the Government had promulgated the ordinance because it wanted to extend the facility to several other countries instead of 16 countries only. The Government had included those countries in the list who had accepted the concept of dual citizenship. The Gulf countries had not been included in this list since no information in this regard had been received from those countries. The Indian citizens who were in foreign countries, could apply for voting rights in India and they would certainly get this right. The people of all classes would get all those facilities, which were available to the citizens, who reside in India.

The Resolution was negatived and the Bill was passed.

*The National Rural Employment Guarantee Bill, 2004***: The discussion on the Bill took place on 18, 22 and 23 August 2005. Moving the motion for consideration of the Bill, the Minister of Rural Development, Dr. Raghuvansh Prasad Singh said that the United Progressive Alliance (UPA) Government recognized the urgent need to ensure a certain minimum days of wage-employment and declared in its National Common Minimum Programme (NCMP) that it "...will immediately enact a National Employment Guarantee Act. This will provide a legal guarantee for at least 100 days of employment, to begin with, on asset-creating public work programmes every year at minimum wages for at least one able-bodied person in every rural, urban poor and lower middle class household". The proposed legislation constituted a pioneering endeavour to secure wage employment for the poor households in the rural areas

* Those who participated in the discussion were: Sarvashri K.S. Rao, Chandraman Tripathi, Sudhangshu Seal, Shailendra Kumar, Bhartruhari Mahtab, Ilyas Azmi, C.K. Chandrappan, Ram Kripal Yadav, Suresh Prabhakar Prabhu, Francis Fanthome Avinash Rai Khanna, Tathagata Satpathy, Varkala Radhakrishnan and Nikh Kumar

** The Bill was introduced in the Lok Sabha on 21 December 2004

as a guaranteed entitlement on this scale. It took into account the experience gained under the Employment Guarantee Scheme in Maharashtra. Considering that a programme of this kind was being contemplated on such a massive scale for the first time, it had to be necessarily implemented in phases so as to eventually cover all the rural areas of the country, subject to the economic capacity of the Central and State Governments.

With these objects in mind, it was proposed to enact a new legislation through the National Rural Employment Guarantee Bill, 2004. Among others, the proposed legislation provided that every State Government should, within six months from the date of commencement of the legislation, prepare a scheme to give effect to the guarantee proposed under the legislation. One hundred days of employment under the legislation would be provided at the wage rate to be specified by the Central Government for the purpose of this legislation. Until such time a wage rate was specified by the Central Government for an area, the minimum wage rate fixed by the State Government under the Minimum Wages Act, 1948 for agricultural labourers would be considered as the wage rate applicable to that area. If an eligible applicant was not provided work as per the provisions of this legislation within the prescribed time limit, it would be obligatory on the part of the State Government to pay unemployment allowance at the prescribed rate. A Central Employment Guarantee Council at the Central level and State Employment Guarantee Councils at the State level in all States where the legislation was made applicable would be constituted for review, monitoring and effective implementation of the legislation in their respective areas. The Standing Committee of the District Panchayat, District Programme Coordinator, Programme Officers and Gram Panchayats had been assigned specific responsibilities in implementation of various provisions of the legislation at the Gram Panchayat, Block and District levels. The Central Government would set up a fund to be called 'National Employment Guarantee Fund' for the purposes of this legislation. Similarly, the State Governments would constitute State Employment Guarantee Funds. Provisions for transparency and accountability, audit, establishment of grievance redressal mechanisms and penalty of non-compliance were also envisaged. Provisions for Minimum features of Rural Employment Guarantee Scheme and conditions for guaranteed Rural Employment under the scheme and minimum entitlements of labourers had been laid. The Minister stated that strict vigilance, people's participation and transparency constituted a three-point formula adopted in the Bill. He added that India was envisaged to be in the forefront of the countries of the world by the year 2020. Unless the

villages were developed, this dream would not come true. This was a firm step towards eradication of unemployment and poverty.

Participating in the discussion* on 22 August 2005, the Minister of Water Resources, Shri Priyaranjan Dasmunsi said that it was not possible for any Government to find an easy solution to the problem of unemployment and poverty in the country. During the Third to Tenth Five Year Plan, the Minister said that poverty could have been removed from the country by implementing the poverty alleviation programmes, but the Government could not control the population growth rate of 20 per cent. Therefore, poverty could not be removed from the country. The Minister said that population management should go together with economic management.

Shri K. Yerrannaidu (TDP) said that this was not a full Bill, but a part Bill since it had not mentioned about the urban poor. Further, this Bill would not be applicable to the whole country. There were thousands of people who were below the poverty line having no work and were migrating from villages to urban areas. This Bill would not provide employment in those districts. According to the Bill, power had been given to the Gram Panchayats, etc. and if these organisations were not strengthened this programme would not percolate to the ground level and ultimately the poor people would not get the benefit.

Participating in the discussion, the Minister of Petroleum and Natural Gas and Minister of Panchayati Raj, Shri Mani Shankar Aiyar said that it was, perhaps, for the first time that the domain of the

* Others who participated in the discussion were: Sarvashri Kalyan Singh, Hannan Mollah, Mohan Singh, Devendra Prasad Yadav, Nitish Kumar, Subodh Mohite, Iliyas Azmi, Tathagata Satpathy, Suravaram Sudhakar Reddy, Bachi Singh Rawat, Jyotiraditya Scindia, P. Mohan, Dharmendra Pradhan, Ramji Lal Suman, A.K.S. Vijayan, V. Kishore Chandra S. Deo, Kishan Singh Sangwan, Shrinivas Dadasaheb Patil, Raghunath Jha, Suresh Prabhakar Prabhu, Kharabela Swain, Tek Lal Mahato, Ravinder Naik Dharavath, Arjun Charan Sethi, Annasaheb Patil, Nikhilananda Sar, Shailendra Kumar, Subhash Maharia, Bir Singh Mahato, Nikhil Kumar, Uday Singh, Lal Mani Prasad, Rupchand Pal, Ajay Maken, M. Appadurai, Rewati Raman Singh, Bikram Keshari Deo, Sitaram Singh, Pradeep Gandhi, Gauri Shankar Chaturbhuj Bisen, L. Rajagopal, Hansraj G. Ahir, S.K. Bwiswmuthiary, Virendra Kumar, Suresh Waghmare, Tukaram Ganpatrao Renge Patil, Adhir Chowdhury, Tufani Saroj, Bhartruhari Mahtab, Rajaram Pal, Choudhary Bijendra Singh, Rakesh Singh Thakur, Ravichandran Sippiparai, Lalit Mohan Suklabaidya, Haribhau Rathod, Ravi Prakash Verma, Varkala Radhakrishnan, Rajesh Mishra, Chandrakant Khaire, Punnilal Mohale, Dr. Rameshwar Oraon, Dr. Chinta Mohan, Dr. C. Krishnan, Dr. Satyanarayan Jatiya, Dr. Karan Singh Yadav, Dr. Thokchom Meinya, Dr. Col. (Retd.) Dhani Ram Shandil, Prof. Mahadeorao Shiwankar, Smt. Sonia Gandhi, Smt. Tejaswini Seeramesh, Smt. Neeta Pateria and Smt. Jayaben B. Thakkar

participation of panchayats in the implementation of projects had been widened to this extent through this Bill. There would be checks and balances at every stage, to see to it that worthwhile schemes were included in the shelf of projects. There was integration of activity at every single level—from the Ward Sabha to the Gram Sabha, from the Gram Sabha to the Gram Panchayat, from the Gram Panchayat to the intermediate panchayat and the officer serving the intermediate panchayat who was the Programme Officer. The Minister stated that the present Bill was truly historic because, for the first time, unambiguously the Panchayati Raj institutions and the Gram Sabhas and Ward Sabhas had been given full recognition.

Prof. M. Ramadass (PMK) welcomed the Bill and said that it was in consonance with the policy of his party. He said that all the past mistakes associated with earlier schemes would not be repeated in this scheme because there were in-built mechanisms. He, however, said that in the absence of Below Poverty Line (BPL) census, it would be difficult to implement the Scheme immediately.

Shri Bir Singh Mahato (All India Forward Bloc) expressed the hope that there would be no starvation and people would not go to towns in search of work with the passing of this Bill. He said that social audit and public scrutiny were some of the significant features of the Bill.

Shri Joachim Baxla (Revolutionary Socialist Party) said that the scheme envisaged in the Bill was praiseworthy since certain number of persons would certainly get employment under the said scheme. But, this employment could not be the permanent solution. If population explosion was not checked, this scheme would not prove to be effective, he added.

Shri Basudeb Acharia (CPI-M) said that the Common Minimum Programme was prepared with a view to safeguarding the interests of the poor, landless agriculture labourers, poor farmers, the labourers of the unorganized sector in the small industries. The Government had taken a step in the right direction and right to work should be included within the Fundamental Rights of our Constitution. He suggested that the Government should try to extend this programme to all parts of the country as soon as possible.

Shri Ramdas Athawale (RPI-A) wanted that the wage per day which had been fixed at Rs.60 be increased further by Rs. 20 and that the employment guarantee should be of 250 days. Unless and until the poor were ensured of guaranteed employment they would not develop, he added.

Replying to the discussion on 23 August 2005, the Minister of Rural Development, Dr. Raghuvansh Prasad Singh said that the scheme was going to serve dual purposes. On the one hand, it would provide employment and prevent starvation and on the other, permanent assets would be created with infrastructure facilities. This Bill would also meet the litmus test of providing succour to the poorest of the poor. Referring to the question as to why only 100 days of employment had been guaranteed, the Minister said that besides 100 days of guaranteed employment, any person could seek employment in other schemes of the Central Government like the *Pradhan Mantri Gramin Sadak Yojana* or the *Bharat Nirman Yojana*, etc. Even in the schemes of the State Governments people could get employment. It was not correct to say that people would get employment for 100 days only out of the 365 days and would sit idle for the remaining 265 days.

The Minister said that Noble laureate Prof. Amartya Sen had mentioned that this ambitious scheme of providing guaranteed employment would prove to be a big boon for the country. The Government had given full rights to the Panchayati Raj institutions and had given the principal role to the Panchayats. Responding to the apprehension of a few members in regard to corruption, the Minister assured that the Government would leave no stone unturned to see that there were no irregularities whatsoever in this regard. He said that the worries and suggestions forwarded by the members had encouraged him a lot. He said that the Government would definitely make a guideline and would incorporate all those valuable suggestions in it so that the poor did not suffer.

The Bill, as amended, was passed.

*The Protection of Women from Domestic Violence Bill, 2005**: The discussion on the Bill took place on 23 and 24 August 2005. Moving the Motion for consideration of the Bill on 23 August 2005, the Minister of State in the Ministry of Human Resource Development, Shrimati Kanti Singh said that domestic violence was another form of human rights violation and was an impediment in the development of women folk. Presently, where a woman was subjected to cruelty by her husband or his relatives, it was an offence under section 498A of the Indian Penal Code. The civil law did not however address this phenomenon in its entirety. It was, therefore, proposed to enact a law keeping in view the rights guaranteed under articles 14, 15 and 21 of the Constitution to provide for a remedy under the civil law which was intended to protect

* The Bill was introduced in the Lok Sabha on 22 August 2005

the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.

The Bill, *inter alia*, covered those women who were or had been in a relationship with the abuser where both parties had lived together in a shared household and were related by consanguinity, marriage or through a relationship in the nature of marriage or adoption. In addition, relationships with family members living together as a joint family were also included. Even those women who were sisters, widows, mothers, single women, or living with the abuser were entitled to legal protection under the proposed legislation. The Bill also defined the expression "domestic violence" to include actual abuse or threat or abuse that was physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition. The Bill provided for the rights of women to secure housing. It also provided for the right of a woman to reside in her matrimonial home or shared household, whether or not she had any title or rights in such home or household. This right was secured by a residence order, to be passed by the Magistrate, who was empowered to pass protection orders in favour of the aggrieved person. It provided for appointment of Protection Officers and registration of non-governmental organizations as service providers for providing assistance to the aggrieved person with respect to her medical examination, obtaining legal aid, safe shelter, etc.

Participating in the discussion* on 24 August 2004, Shri M.P. Veerendra Kumar of the Janata Dal (Secular) said that domestic violence on women was taking place from time immemorial. He said that mere words would not give liberation to the women; but they would be liberated only when they were given equal rights of property and when they were protected from gender discrimination.

Replying to the discussion, the Minister of State in the Ministry of Human Resource Development, Shrimati Kanti Singh said that despite getting widespread support from all sections on the Bill, many members had raised an apprehension that the Bill might breach the trust on which the relationship of a husband and his wife was built in a family. But the fact remained that the cases filed against domestic violence were far

* Others who participated in the discussion were: Sarvashri Shailendra Kumar, Alok Kumar Mehta, Mitrasen Yadav, C.K. Chandrappan, L. Rajagopal, Anantrao Gudhe, Dr. R. Senthil, Dr.(Smt.) Tejaswini Seeramesh, Smt. P. Satheedevi, Smt. Sumitra Mahajan, Smt. Daggubati Purandeswari, Smt. Minati Sen, Smt. M.S.K. Bhavani Rajenthiran, Smt. Archana Nayak, Smt. Kiran Maheshwari, Smt. Krishna Tirath, Smt. Nivedita Mane, Smt. P. Jaya Prada Nahata, Smt. C.S. Sujatha, Smt. Neeta Pateriya and Smt. Jayaben B. Thakkar

less in proportion to such incidents taking place. Through this Bill, an effort had been made to provide justice to the oppressed and the exploited women, confined to the four walls of her house and suffering atrocities at the hands of her own kith and kin. There was a need to instil a sense of self-confidence and self respect in her by protecting her from harassment and exploitation both within her house and outside.

The Bill was passed.

The Hindu Succession (Amendment) Bill, 2005^{*}: Moving the motion for consideration of the Bill on 29 August 2005, the Minister of Law and Justice, Shri H.R. Bhardwaj said that the Hindu Succession Act (Amendment) Bill, 2004 was passed by the Rajya Sabha and that he commended that the House consider the Bill. The Minister said that the National Common Minimum Programme of the UPA Government, among other things, sought to give complete legal equality for women in all spheres, by enacting a new legislation that gave equal rights of ownership of assets like house and land. The Bill was a part of the endeavour in this direction.

The Minister said that Section 6 of the Hindu Succession Act, 1956 dealt with the devolution of interest of a male hindu in coparcenary property and recognised the rule of devolution by survivorship among the members of the coparcenary. The retention of the Mitakshara coparcenary property without including the females in it meant that the females could not inherit in ancestral property as their male counterparts did. The law by excluding the daughter from participating in the coparcenary ownership not only contributed to her discrimination on the ground of gender but had also led to oppression and negation of her fundamental right of equality guaranteed by the Constitution. Having regard to the need to render social justice to women, the States of Andhra Pradesh, Tamil Nadu, Karnataka and Maharashtra had made necessary changes in the law giving equal right to daughters in Hindu Mitakshara coparcenary property. The Bill proposed to remove the discrimination as contained in Section 6 of the Act by giving equal rights to daughters in the Hindu Mitakshara coparcenary property as the sons had. Section 23 of the Act disentitled a female heir to ask for partition in respect of a dwelling house wholly occupied by a joint family until the male heirs choose to divide their respective shares therein. It was also proposed to omit the said section so as to remove the disability on female heirs contained in that Section.

* The Bill, as passed by the Rajya Sabha, was laid on the Table of the House on 18 August 2005

Participating in the discussion*, Shri K. Yerrannaidu of the TDP said that Articles 14 and 15 of the Constitution guaranteed equality before the law and gender equality. He felt that the legislation was a progressive one and that if there was any deficiency or any shortfall, the Hindu Succession Act could be amended in future.

Prof. M. Ramadass (PMK) said that there were different systems of inheritance in India and a uniform inheritance law and also gender equality was required. He added that the solution to many of the problems in the Hindu society today required abolition of the Hindu joint family system.

Replying to the discussion, the Minister of Law and Justice, Shri H.R. Bhardwaj said this was only a beginning of the vast work ahead of the Government. He said that the *Mahila Sakthi*, indeed gave birth to everything—our resources, strength, faculty, etc. So, no one could deny equality to this very great power, the *Mahila Sakthi*. He was grateful that the House had unanimously supported the Bill. The Bill was a small beginning and the zeal had to continue to see that it was taken to the logical conclusion so that women were given their due place in the society. He said that the Government would take all possible steps. He added that the abolition of the joint family right had been undertaken by the States and that he would take up the matter with them.

The Bill, as passed by the Rajya Sabha, was passed.

C. QUESTION HOUR

During the Fifth Session of the Fourteenth Lok Sabha, 24,701 Notices of Questions (18,411 Starred; 6,237 Unstarred; and 53 Short Notice Questions) were received. Out of these, 439 Notices were admitted as Starred, (excluding 1 postponed and 1 deleted) 4,594 as Unstarred (including 3 Short Notice Questions which were admitted as Unstarred but excluding 2 Questions which were deleted from Unstarred Question List) and one was admitted as Short Notice Question.

As the House adjourned after obituary reference on 25 July and 1 August 2005 without transacting any business, the replies to Starred Questions listed for those days were treated as Unstarred and their answers together with the answers to Unstarred Questions listed for

* Others who participated in the discussion were: Sarvashri Bachi Singh Rawat, Shailendra Kumar, Raja Ram Pal, Bhartruhari Mahtab, Kishan Singh Sangwan, Bhubneshwar Prasad Mehta, Suresh Prabhakar Prabhu, P.S. Gadhavi, Tufani Saroj, Dr. Thokchom Meinya, Smt. Daggubati Purandeswari, Smt. Susmita Bauri, Smt. M.S.K. Bhavani Rajenthiran, Smt. C.S. Sujatha and Smt. Neeta Pateriya

those days were printed in the Official Report for those days. Due to interruptions in the House on 26 July, 9 and 23 August 2005, Starred Questions were not called for oral answer. Replies to Starred Questions listed for those days were treated as Unstarred and their answers together with the answers to Unstarred Questions were printed in the Official report for those days. On 10 August 2005, the Speaker, with the consent of the House, suspended the Question Hour in order to enable Shri Sukhdev Singh Dhindsa to seek leave of the House to move the Adjournment Motion regarding 'Failure of the Government to take action against the persons indicted by the Nanavati Commission' The Business Advisory Committee at its sitting held on 17 August 2005 had, *inter alia*, recommended that the sitting fixed for 26 August 2005 may be cancelled. The Chair made an announcement in this regard in the House, which was agreed by the House. As the Question Lists for the same were not printed and circulated to members and Ministers, notices of questions tabled for the above mentioned date were treated as lapsed.

Daily average of Questions in the List of Questions: The average number of Starred Questions answered orally in the House during the Session was 3.08. The maximum number of Starred Questions answered orally on a day were 7 on 12 August 2005. The average number of questions appearing in the Unstarred List came to 199 per day against the prescribed limit of 230, the minimum being 156 Questions on 29 July 2005.

Half-an-Hour Discussion: In all, 33 notices of Half-an-Hour Discussion were received during the Session. Out of these, 7 Notices were admitted but only 2 were discussed on the floor of the House.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Union Minister, Shri Sunil Dutt, His Majesty King Fahd Bin Abdul Aziz Al Saud of Saudi Arabia; Sarvashri P.K. Vasudevan Nair and Bikash Chowdhury both sitting members; Sarvashri Hukam Ram, Murlidhar Mane, Chhangur Ram, Laxminarain Tripathi, Balram Singh Yadav, Bipin Pal Das, Nathu Ram Shakyawar, Dr. Biplab Dasgupta and Shrimati Girija Kumari, all former members.

Besides, references were made to the loss of several lives in the terrorist bomb blasts in London on 7 and 21 July 2005 and to the terrorist attacks in Sharm-el-Sheikh, Egypt on 23 July 2005 resulting in large-scale deaths.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

RAJYA SABHA**TWO HUNDRED AND FIFTH SESSION***

The Rajya Sabha, which met for its Two Hundred and Fifth Session on 25 July 2005, was adjourned *sine die* on 30 August 2005 and was prorogued by the President on 1 September 2005.

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

A. STATEMENTS / DISCUSSIONS

Statement by the Prime Minister on his recent official visit to the United States of America: Making a Statement in the House on 29 July 2005, the Prime Minister, Dr. Manmohan Singh said that during his recent visit to the United States he had talks with the US President covering a wide range of bilateral and global issues. Talks were also held with the US Vice-President and senior functionaries of the US Administration such as Secretary of State, Dr. Condoleezza Rice, Defence Secretary, Mr. Rumsfeld and Treasury Secretary, Mr. Snow. Dr. Singh also addressed the Joint Session of the US Congress. He laid a copy of the Joint Statement issued during his US visit on the Table of the House.

The Prime Minister stated that the purpose of his visit was to sensitise the US Government about the full extent of the changes that had taken place in India since 1991. These changes had given India a stronger capability to work with the United States on more equal terms to address common concerns and challenges. He emphasised that the Indian economy was stronger than ever before and hoped to participate in and benefit from the process of globalisation. He stressed that the emergence of India as a centre of knowledge based industries and services would provide a good basis for long-term collaboration between the two economies. The Prime Minister further stated that both sides agreed for strengthening of democratic capacities and combating terrorism. The conclusion of the UN Comprehensive Convention on International Terrorism proposed by India, at an early date, was deemed a priority by the two countries.

Dr. Singh said that both India and the USA endeavoured to build

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

closer ties in areas such as space exploration, satellite navigation and launch, and related commercial activities that would greatly benefit Indian space industry. India's quest for energy security as an essential component of her development was a significant theme of the talks.

An important area of focus in the talks held was the resumption of bilateral civilian nuclear cooperation between India and the United States. President Bush and Dr. Singh agreed upon working towards promoting nuclear energy as a means for India to achieve energy security. An agreement was also reached on the possibility of India having access to nuclear fuel and nuclear power reactors and other technologies from outside to supplement her domestic efforts. There was also considerable concern with regard to global climate changes arising out of carbon dioxide emissions and the need to pursue clean energy technologies. Concluding his Statement, the Prime Minister stated that his visit opened up new opportunities and possibilities for promoting India's energy security and pathways to accelerated social and economic development.

Statement regarding fire accident in Mumbai High North Platform of O.N.G.C.: Making a Statement in the House on 28 July 2005, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Parliamentary Affairs, Shri Suresh Pachauri said that a major accident occurred on Mumbai High North (MHN) processing platform at 4.05 P.M. on 27 July 2005 when Oil and Natural Gas Commission's (ONGC) Multi-purpose Support Vessel (MSV) "Samudra Suraksha" lost control and collided with the platform causing major fire which also engulfed the MSV.

The MHN platform was totally lost in less than two hours along with a Pawan Hans helicopter positioned on it. ONGC's support and supply vessels and three chartered helicopters were quickly mobilized for search and rescue operations. Indian Navy and Coast Guard provided prompt assistance by deploying their ships and aircrafts.

A total of 384 personnel had to abandon the affected platform and the two vessels. Ten personnel were confirmed dead till 28 July 2005. The Minister stated that despite severe destruction caused by the floods and rains in Mumbai, all possible resources for rescue and relief were mobilized immediately. This was in spite of the fact that the control centre at Bandra (East) was non-functional as a result of power outage, all communication links were destroyed, and the fleet of 12 chartered helicopters at Juhu helipads was completely grounded because of the flood situation. An emergency control centre was set up immediately to manage the response effectively.

While assessing the extent of destruction caused by the accident, the Minister said that the loss of the platform immediately impacted 110,000 barrels per day of crude production. He expressed hope that seventy per cent of this production would be restored within four weeks. He said that an internal enquiry committee was constituted by the Chairman cum Managing Director, ONGC to go into the causes of this tragic accident with the help of outside experts. He praised the ONGC for successfully carrying out the prescribed safety drill at the site of the accident. Shri Pachauri expressed gratitude to the Navy and the Coast Guard for a rapid and successful search and rescue operation and also to the Cairn Energy and British Gas for their support.

Statement Regarding New Framework for U.S.–India Defence Relationship: Making a Statement in the House on 2 August 2005, the Minister of Defence, Shri Pranab Mukherjee said that he had made an official visit to the United States of America (USA) at the end of June 2005 at the invitation of the US Secretary of Defence. The visit provided an opportunity for an exchange of views with the US leadership on international security issues and to promote cooperation with the US to strengthen and modernise Indian armed forces and defence industries. A document entitled 'New Framework for the US-India Defence Relationship' was signed during the visit.

The 'Framework' updated the 'Agreed Minutes on Defence Relations between India and the United States' signed in January 1995. It identified global security threats that had seriously affected India's security such as terrorism and violent religious extremism, and the proliferation of weapons of mass destruction (WMD) and related materials, data and technologies as areas of shared concern, and provided for cooperation with the US to enhance our capabilities in responding to these and prospects of cooperation in advanced and sensitive technologies and other challenges like natural disasters. It reflected India's interest in regional and global security and stability. It established a new Defence Procurement and Production Group under the existing Defence Policy Group to promote defence trade, production and technology relationship with the United States. It also provided for a dialogue on international security issues and cooperation with the international community to promote regional and global stability through cooperative actions in the mutual interest. Shri Mukherjee dismissed apprehensions that the Framework promoted only US security interests thereby compromising Indian security and said that the presumption that "shared" interests involving the US meant primacy to US interests reflected lack of self-confidence.

Replying to the discussion on 8 August 2005*, the Minister of Defence, Shri Pranab Mukherjee said that the Framework of India-US Defence Relationship that emerged during his recent visit to US provided a broad outline of Indo-US defence relationship. Mentioning the agreement, Shri Mukherjee stated that the agreement would in no way compromise India's national interest. However, he stressed upon the need to upgrade India's defence technology to meet future requirements in tune with technological upgradation and information technology. Speaking further on the Indo-US defence relationship, Shri Mukherjee said that India was a signatory to the Chemical Weapons Convention (CWC) but that would not make it a signatory to the Non-Proliferation Treaty (NPT). On terrorism, he stated that cross-border terrorism was the biggest menace to world peace and tranquility in the post-Cold War era. Speaking on the upgradation of defence technology, he said that India had decided to set up Joint Production Group with the USA.

Calling Attention on the grave situation arising due to unprecedented rain in Maharashtra: On 2 August 2005, Shri Pramod Mahajan of the Bharatiya Janata Party (BJP) called the attention of the Minister of Home Affairs in this regard.

Replying to the Calling Attention, the Minister of State in the Ministry of Home Affairs, Shri S. Regupathy stated that there were unprecedented rains in Konkan and other parts of Maharashtra causing extensive flooding in many parts of the State since 22 July 2005. Giving a detailed account of the impact of incessant rains, he said that 17 districts and 300 villages in Maharashtra were affected. 929 persons reportedly lost their lives, 72 persons suffered injuries, while 100 persons were reported missing. The flood impacted the life of approximately 1.20 crore people and more than 50,000 persons were evacuated to safer places. A large number of livestock also perished in different parts of the State.

The heavy rains and floods caused extensive damage to the infrastructure of the State. The traffic on the Mumbai-Goa National Highway and the Mumbai-Pune expressway was completely disrupted. Rail and air services were also adversely affected. There was damage to other public infrastructure viz. public buildings, water supply network, power supply system, primary health centres and telecommunication network.

* Those who participated were: Sarvashri Jaswant Singh, Jairam Ramesh, Nilotpal Basu, Shahid Siddiqui, Mangani Lal Mandal, Shankar Roy Chowdhury, Dr. Farooq Abdullah, Dr. K. Kasturirangan, Shrimati S.G. Indira and Shrimati N.P. Durga

Mentioning the steps taken by the State Government, the Minister said that the State Government had initiated relief measures including disbursement of foodgrains and kerosene to restore normalcy in Mumbai and other parts of the State. The State Government also distributed *ex-gratia* assistance to all the families at the rate of Rs.1,000 per person and an assistance of Rs.2 lakh to heirs of the deceased. Monitoring teams under the Chairmanship of Guardian Secretaries of the Districts and a State level team of Secretary level officers were set up to coordinate and monitor relief and rescue operations.

Shri Regupathy claimed that the flood situation improved considerably in the State with the release of surplus water from Koyna, Dhon, Veer, Kaner and other reservoirs. Army was deployed to deal with any likelihood of inundation. In the aftermath, top most priority was given to the removal of garbage and providing safe drinking water. Electricity was restored in all the areas except in some parts of Mumbai. All possible assistance was provided to Reliance Energy by the Maharashtra State Electricity Board to restore power supply. He claimed that the State Government was paying adequate attention to health needs of the people in flood-affected areas. The Central Government also provided all required support to the Government of Maharashtra to enable them to restore normalcy in the affected areas.

The Minister of Home Affairs, Shri Shivraj V. Patil said that the contribution of government servants, police personnel, civil servants, municipal officials, doctors and many others in mitigating the situation deserved proper mention. He said that special attention needed to be paid to slum dwellers as they were the worst affected. Talking about the problems caused due to heavy rains, he said that drinking water was a major problem due to disruption of electricity supply. Moreover roads and railways were also adversely affected. With regard to medical assistance, he said that the Government of Maharashtra had constituted 100 teams to work in the city of Mumbai and 500 teams to work in different parts of the State. He welcomed the suggestion of clearing insurance claims of hawkers and shopkeepers without any delay. He stated that the report of the Expert Committee appointed to deal with the problem of drainage in Mumbai was in the process of being implemented. He added that the burden on drainage due to addition of 5-10 lakh people to the population of Mumbai every year should be taken into account while dealing with the problem.

Shri Patil stressed upon the need to have long term planning for Mumbai and stated that all efforts would be made for making Mumbai

like Shanghai. He assured that no discrimination would be made in giving relief and assistance to the people coming from Mumbai or any other place. He stated that in order to deal with any natural calamity, the Government had introduced a Bill on disaster management. He requested the State Governments to either adopt the law or pass their own law and create a Disaster Management Authority at the State and district level. He also called for the upgradation of the Department of Meteorology.

Replying to the points raised by the members, the Minister for Railways, Shri Lalu Prasad said that due to heavy rainfall in Maharashtra particularly in Mumbai both air and rail communication were severely disrupted. Apprising the House, he said that 85 per cent trains of the Western Railways had resumed operations by 3 August 2005. As regards Central Railways, while most of the trains had resumed operations, he assured that rest of the lines would be repaired soon and traffic movement restored. As for relief measures, the Minister said that priority was to provide temporary shelter, food and medicines to the displaced persons.

The Minister of Health and Family Welfare, Dr. Anbumani Ramdoss gave assurance of sufficient supply of medicines and dismissed any apprehension of disease outbreak. He stated that a Central team from the National Institute of Communicable Diseases (NICD) was sent to Mumbai to assess the situation and all efforts were made to spread public awareness in this regard. He informed that the Red Cross Society had supplied two units of water purification plants and two more were being flown in from International Federation in Geneva.

Calling Attention on the situation arising due to recent hike in petrol and diesel prices: On 2 August 2005, Shri Pramod Mahajan of the Bharatiya Janata Party (BJP) called the attention of the Minister of Petroleum and Natural Gas in this regard. Replying to the Calling Attention, the Minister of Petroleum and Natural Gas, Shri Mani Shankar Aiyar said that since India imported 76 per cent of its crude oil, increase in international oil prices directly impacted domestic oil prices. The period between March 2002 and the first quarter of 2005 saw a rise of 114.9 per cent in international oil prices. The price of petrol rose from \$ 26.43 per barrel (bbl) to \$ 57.41 bbl, diesel went up from \$23.27 bbl to \$ 61.28 bbl, kerosene from \$ 23.65 bbl to \$ 65.78 bbl and LPG from \$ 194 to \$ 411.13 per metric tonne. Since May 2004, when the UPA Government came to power, petrol price had registered an increase of about 20 per

cent, diesel increased by 31 per cent, kerosene by 0.4 per cent and LPG by 22 per cent.

With a view to equally distributing the share of burden of increasing international prices between the Government, oil companies and consumers and to partially compensate under-recoveries suffered by the Oil Marketing Companies (OMCs), the Government increased the prices of petrol and diesel by Rs. 2.50 and Rs. 2.00 per litre, respectively in June 2005.

Drawing the attention of the House to the under-recoveries and losses under which Navratna and Miniratna OMCs were reeling, the Minister said that the under-recoveries which were Rs. 9,370 crore in 2003-04, rose to Rs. 19,910 crore in 2004-05 and in 2005-06 the under-recoveries were likely to exceed Rs. 40,000 crore. Reflecting further on the impact of price hike, Shri Aiyar said that Navratna and Miniratna OMCs were suffering net or cash losses which had been affecting their abilities to meet capital expenditure targets or maintain dividends on equity.

The Minister said that it was necessary to inflict a part of the rise in prices on the consumer but at the same time UPA Government was trying its best to protect the consumer to the maximum extent possible. He stated that the Government had reduced the excise and customs duties on petrol and diesel with a view to lessen the impact of hike in international fuel prices.

As regards the cess on upstream oil companies, he stated that the cess was to be used for the development of the oil industry. Making a clarification on the issue of separation of fertilizer subsidy from oil sector, Shri Aiyar stated that the Oil Industry (Development) Act, 1974 needed to be amended before it was done and that the Government would strive to find an equitable balance between the fertilizer industry and the petroleum industry within the language of the Act.

Refuting the claim of some members regarding favouring stand-alone private refineries, Shri Aiyar stated that this was an unintended but inevitable consequence of the way in which duties had been structured. But the beneficiaries were all stand-alone refineries and not only the stand-alone private refineries. The UPA Government was exploring the possibility of putting some of the subsidy burden on the stand-alone private refineries. Speaking on the increasing international price of petroleum products, he stated that while the demand went up, the traditional sources of supply were not expanding alongside it. It was an international phenomenon over which the Government did not have any direct control.

Short Duration Discussion on drought and floods in various parts of the country: The discussion on the subject took place on 26 and 27 July 2005. Initiating the discussion in the House on 26 July 2005, Shri Jayanti Lal Barot of the Bharatiya Janata Party (BJP) said that many States like Himachal Pradesh, Uttar Pradesh, Bihar and Gujarat received much more rainfall in the year 2005 as compared to past several years. From 24 June 2005 to 3 July 2005, eleven districts of Gujarat were flooded. 200 people and 7,000 cattle died and there was a loss of nearly Rs. 9,000 crore. More than 250 State highways, National highways and Express highways were damaged due to floods. Shri Barot urged for the application of Tsunami norms in Gujarat and other States facing floods. He said that funds from the Calamity Relief Fund should be released to the States before a calamity occurred and the announcements made by the Central Government should be fulfilled within 24 or 48 hours of such calamities. He said that in Gujarat while 11 districts were flooded, 30 odd districts had drought. He requested the Central Government to approve the *Sujalam Sufalam* scheme in order to overcome the drought like situation in Gujarat.

Participating in the discussion*, Shri Karnendu Bhattacharjee of the Indian National Congress (INC) stated that in 2004 there was a tremendous flood in Assam which displaced twelve million people, damaged large sectors of crops and totally cut up road link of the North-East with the rest of India. He complained that despite the institution of a Task Force no action was taken. He further complained that the Brahmaputra Board instituted in 1981 had also not taken any concrete action.

Shri Bhattacharjee added that there was another spate of floods in Assam on 21 July 2005, which affected 13 districts and 363 villages. It also affected 34,853 people, damaged 86 houses and 21,953 hectares of land. He said that mere promises and allocation of funds was not the solution and urged the Central Government to find some permanent solution to save Assam from the loss of lives, crops and economy. He urged the Finance Minister to approve the fund for this purpose and requested the Minister of Water Resources to take care of the flood situation in Assam as well as in the other North-Eastern States.

* Others who participated in the discussion were: Sarvashri Matilal Sarkar, Ravula Chandra Sekar Reddy, Vikram Verma, Vidya Sagar Nishad, R. Shunmugasundaram, Vayalar Ravi, Shankar Roy Chowdhury, Jairam Ramesh, Sharad Anantrao Joshi, Suresh Bhardwaj, R.S. Gaval, Harendra Singh Malik, Motilal Vora, Sharad Pawar, Dr. T. Subbarami Reddy, Dr. A.K. Patel and Prof. Alka Balram Kshatriya

He further stated that floods in Himachal Pradesh and Assam were somehow linked to China and Bhutan and urged the Government to examine these things technically. He asked the Central Government to declare floods in Assam as a 'National Problem'.

Shri P.G. Narayanan of the All India Anna Dravida Munnetra Kazhagam (AIADMK) stated that it was a paradoxical situation in the country that some States like Assam, Gujarat, U.P. and Bihar were facing floods while the peninsular States were facing water shortage. He suggested linking of rivers to avoid floods and droughts in the country. He said that though a Task Force was set up by the previous Government on linking of rivers, the present Government was not serious in implementing the scheme for linking of rivers. He urged that the Central Government should enact a legislation to nationalize all the rivers in order to avoid parochial considerations in the implementation of inter-state water projects.

Dr. Narayan Singh Manaklao, nominated member, said that the Central and State Governments should evolve a long-term plan in order to find a permanent solution for dealing with such national calamities. He stated that the western part of Rajasthan was always in the grip of drought. Despite excessive rainfall in many States in 2005, Western Rajasthan was still experiencing drought. He said that development of Rajasthan had been hindered due to insufficient rainfall every year except for a span of 11 years from 1992-2004 when it received sufficient rainfall.

Dr. Narayan Singh further stated that some lacunae existed in the management of floods and droughts despite huge expenditure for the purpose during the last fifty-five years. He complained that relief works were generally temporary in nature and corruption was involved from top to bottom. He urged the Government to chalk out a long term scheme for harvesting rain water in every village. He opined that water conservation could be achieved by augmenting conventional sources. He added that the Government should undertake Foster Land Development Programme and make arrangement of fodder in order to protect livestock. He demanded launch of the River Linking Scheme to save Rajasthan from recurring droughts.

Replying to the discussion, the Minister of Home Affairs, Shri Shivraj V. Patil said that in 2005 incessant rains had caused extensive damage in various parts of the country. At the same time it also resulted in storage of water in various ponds which would be utilized for both drinking and agricultural purposes for the next two years. He said that

in 2005 southern States received more rainfall as compared to the northern States. Elaborating the extent of damage caused by the floods he stated that 15,930 villages, 54.54 lakh persons, 76,000 cattle and 7 lakh hectare land were adversely affected while 633 people lost their lives and 2,83,000 houses were destroyed. The State Governments, he said, made all efforts to provide succour to the hapless people. The Central Government also extended the necessary support to the State Governments including funds, food items, drinking water, medicines, etc. He stressed upon the need for having a permanent solution to deal with recurring natural calamities in the country. He said that the Government had constituted National Disaster Management Authority to deal with natural calamities. He urged for the constitution of such authorities in the States also.

Referring to the suggestion made by the members to have a plan for flood control, Shri Patil stated that the Government would ask the Irrigation Department to construct dams wherever necessary particularly in the foothills of Himalaya and the Western and Eastern Ghats. Agreements with some neighbouring countries were also needed as a number of rivers passing through India originated in neighbouring countries. With regard to inter-linking of rivers, he said that an amount of seven lakh crore would be required for the purpose. However, the amount would increase substantially in case the work was not completed in time. He emphasized the need for developing a technology whereby sea-water could be converted and used for drinking and irrigation purposes.

Short Duration Discussion on the situation arising out of striking down of IMDT Act by the Supreme Court: The discussion in this regard took place on 22 and 23 August 2005. Initiating the discussion in the House on 22 August 2005, Shri Pramod Mahajan of the Bharatiya Janata Party (BJP) complimented the Supreme Court for striking down the Illegal Migrants Determination by Tribunal (IMDT) Act on 12 July 2005. He alleged that the Act, unlike its name, instead of determining illegal immigrants, legalised them. He quoted the Supreme Court decision wherein it was stated that the Act was purposefully enacted with a view to giving shelter or protection to illegal immigrants who came to Assam from Bangladesh on or after 25 March 1971, rather than to identify and deport them.

Shri Mahajan further stated that as per the agreement between the then Prime Minister, Smt. Indira Gandhi and the President of Bangladesh, Shri Mujibur Rahman, it was agreed that those who had come to Assam

till 25 March 1971 were legal migrants but those coming thereafter were illegal. Elaborating the provision of the Act he stated that the Act laid the onus of identifying the illegal migrant on the complainant instead of the police. The provisions of the Act were such that it made it difficult to deport illegal migrants to Bangladesh and thus only 1,300 illegal migrants could be deported between 1983 to 2005. He said that the Act was for the whole country but was applied only in Assam. Tracing the origin of the Act, he said that since 1971 there was large scale illegal migration in Assam and in 1979 there was a historic and unprecedented agitation against it. In 1980, General Elections could not be held for 12 out of 14 Lok Sabha seats in Assam and in 1983 Vidhan Sabha elections not more than 20-21 per cent voters turned up. Thereafter, the IMDT Act was enacted in 1983. He alleged that the Government constituted a Group of Ministers (GoM) to reconsider the repeal. He believed that the intention of the Group of Ministers was to bring back the IMDT Act in some other form.

He said that most of the border States of the country had 10-12 per cent illegal migrants. However, in Assam, illegal migrants constituted 25-50 per cent of the population. Differentiating between an illegal immigrant and a refugee, he said that Muslims who did not leave India after partition had equal rights in India as any other Indian citizen but the same was not applicable to Muslims belonging to Bangladesh.

Dismissing similarities drawn by some people between Indians working in Gulf and Bangladeshi immigrants working in Assam, Shri Mahajan stated that Indians going to Gulf had passports and visas whereas Bangladeshis had none. Moreover, the illegal immigrants who came to Assam got employment at the cost of original Indians. He further mentioned that the western border was better fenced and protected by the BSF as compared to the eastern border.

Participating in the discussion*, Shri N. Jothi of the All India Anna Dravida Munnetra Kazhagam (AIADMK) justified the striking down of the IMDT Act as it was enacted without considering certain aspects. He said that from 1971 onwards a lot of agitation took place in Assam against illegal immigrants and to deal with the situation, the IMDT Act

* Others who participated in the discussion were: Sarvashri Raashid Alvi, Matilal Sarkar, Indramoni Bora, Karnendu Bhattacharjee, Debabrata Biswas, Abu Asim Azmi, Silvius Condpan, Kalraj Mishra, Dwijendra Nath Sharmah, Maulana Obaidullah Khan Azmi, Dinesh Trivedi, Prof. Ram Deo Bhandary and Shrimati Syeda Anwara Taimur

was enacted in 1983, which, however, failed to serve its purpose. Twenty years since the Act came into force, the Tribunals set up under its provisions could declare only 10,015 persons as illegal immigrants and only 1,181 persons were deported. He alleged that the Act instead of expelling the foreigners gave protection to them. He stated that the decadal growth of population in border districts of Assam registered sharp increase due to illegal immigration. He wondered as to why IMDT Act was given an overriding effect in Assam when Citizenship Act, Foreigners Act and the Passport Act were applicable all over India.

Shri Tariq Anwar of the Nationalist Congress Party (NCP) said that the issue of illegal immigrants in Assam arose in 1978 when the voters list was being revised by the Election Commission during the Vidhan Sabha elections. It was then that an agitation began demanding the removal of the names of illegal immigrants' from the voters list and their deportation after identification. In two years, the agitation assumed dangerous proportions and during the Lok Sabha elections in 1980, elections could not be held in the entire State except in two areas namely, Silchar and Karimganj.

Justifying the enactment of IMDT Act, Shri Anwar stated that though the Foreigners Act was in force in Assam, the situation in the State compelled the Government to enact such an Act whereby the minorities were relieved of the harassment by the local administration and the police. Adding further, he stated that in the Assam Accord signed in 1985, it was agreed to deport illegal migrants through the IMDT Act. He dismissed allegations that the IMDT Act gave protection to the illegal immigrants.

Replying to the discussion the Minister of Home Affairs, Shri Shivraj Patil stated that since most of the people did not have documents to prove their nationality, anybody could be caught and termed as a foreigner. He said that the IMDT Act was enacted to check this. He added that even when the NDA Government was in power, the IMDT Act was neither repealed nor rules were changed. He said that the Government would honour the apex Court's judgement to repeal the Act and would implement the directions given. However, there was a need to see that the people were not discriminated against and deported back on the basis of language or religion. A Group of Ministers was constituted to look into the question whether there was a need for bringing changes in the Foreigners Act or Citizenship Act or enacting a new legislation so as to ensure that injustice was not meted out to the innocent people.

Dismissing concerns that illegal immigration would adversely affect the internal law and order situation and change the demography of the State, he stated that illegal immigrants were not concentrated in one State but were rather scattered. He welcomed the suggestion to expedite the fencing of the eastern border and assured that the work would be completed within one and a half years. He added that steps were also being taken to protect the riverine area. He further said that the suggestion of increasing the BSF strength in the eastern border was being considered seriously and the work to provide identity cards was also in progress.

Short Duration Discussion on the state of agriculture, poverty and unemployment in the country in the light of Mid-term Appraisal of Tenth Five Year Plan: The discussion in this regard took place on 23 and 24 August 2005. Initiating the discussion in the House on 23 August 2005, Shri Sitaram Yechury of the Communist Party of India (Marxist) stated that though the foodgrains output did not drop substantially, the per capita availability of foodgrains for consumption in the country declined from 177 kilograms to 155 kilograms, indicating that the degree of poverty and inequalities in the country was growing. He stressed on the need to enhance investments in the agriculture sector in order to tackle the problem of poverty. He also expressed his reservations over the suggestions made in the appraisal *vis-à-vis* subsidies. He pointed out that the utilization of resources available to the Ministry of Agriculture during the first three years of the Tenth Plan was only 43.7 per cent despite growth in poverty and unemployment. He complimented the Government for coming up with the National Rural Employment Guarantee Bill. He said that the purchasing power of the country could be restored by spending about Rs. 65,000 to Rs. 75,000 crore annually on rural development.

Participating in the discussion*, Shri Balbir K. Punj of the Bharatiya Janata Party (BJP) expressed disappointment over the situation in agriculture and quoted the Mid-Term Appraisal document which stated that the overall growth target as well as the agricultural sub-target would not be achieved in the Tenth Five-Year Plan period. He stated that the growth rate of agriculture in the country had been falling significantly, as a consequence adversely affecting the per capita availability of foodgrains,

* Others who participated in the discussion were: Sarvashri Vayalar Ravi, N.R. Govindraj, Mangani Lal Mandal, Suresh Bhardwaj, Sharad Anantrao Joshi, Shantaram Laxman Naik and Dr. Radhakant Nayak

employment generation and poverty reduction in rural areas. Tracing the reasons for the tardy progress, he stated that the Department of Agriculture and Cooperation started nine new schemes under the Tenth Plan but none of them took off. He stated that ever since WTO recommendations were implemented, imports became easier resulting in the decline of production of pulses and oil seeds as farmers were not getting their due. Speaking about the solutions, he said that the Electricity Act held solution to many problems in rural areas as no economic activity was possible without it. He dismissed the claims that eighty-four per cent of the villages had been electrified and said that only forty-four per cent villages were electrified and even in those villages electricity was available only for three to four hours a day and in some cases there was power cut for days together. He called upon the Government to do whatever was needed for improvement in generation and distribution of electricity so that problems of unemployment, poverty and those of agriculture could be addressed.

Shri Ravula Chandra Sekar Reddy of the Telugu Desam Party (TDP) drew attention of the House to the plight of the farmers in Andhra Pradesh and stated that suicide by the farmers was continuing in the State and had crossed the figure of 3,000. He urged the Government to include the Report of the Task Force on Micro-Irrigation in its priority list. Expressing concern over the decreasing investment in the agriculture sector, he said that while the allocation was Rs. 7,300 crore during 1980-81, it came down to Rs. 4,658 crore during 2001-02. He sought to know from the Government the action taken by it on the report submitted by an organization 'MANAGE' in Hyderabad, on the causes of suicide by farmers in the State. Referring to the report, he said that there was need to look into the problem of rural credit as farmers were still taking loans from the private lenders at a higher rate of interest. He added that the National Agricultural Insurance Scheme needed a fresh look. He said that the premium borne by the Central and the State Governments should be increased from 50 to 90 per cent as the farmers were not in a position to pay the premium. He further urged the Government to increase the subsidies as far as fertilizers and pesticides were concerned and also to increase the allocation for organic farming. He stated that unemployment was on the rise and the benefits of schemes like *Swarna Jayanti Rozgar Yojana* (SJRY) and *Jawahar Rozgar Yojana* (JRY) were not reaching the targeted people.

Speaking on the issue, Shri Ram Jethmalani (Independent) said that primacy should be given to the control of population. Secondly, in order to improve the standard of living and buying capacity of the poor farmers

there was a need to reverse the persistent flow of population from rural areas to urban areas. Moreover, free market economics should be applied even to the rural areas. He stressed on giving full freedom to the farmers to market their products wherever they wanted and at whatever prices. He further stated that since the national debt servicing absorbed 72 per cent of the revenue, there was a need to liquidate the national debt to take this burden off the poor man's shoulders.

Replying to the points raised by the members, the Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution, Shri Sharad Pawar admitted that the growth rate in agriculture in the first three years of the Tenth Five-Year Plan was far below the target rate of four per cent. Referring to a study made by a Hyderabad based organisation 'MANAGE' regarding suicide by the farmers, he said that majority of suicide cases were due to non-availability of credit. He expressed concern for not spending more than 27 per cent of the actual planned expenditure in 2002-03 and 2003-04. He admitted that both productivity and production of rice and wheat had been declining for the last many years. The production of cereals also went down in the past three years. Regarding sugarcane production he was hopeful of 1.5 per cent improvement in production per annum.

Expressing concern over continuous decline in public and private investment in the agriculture sector for the last many years, the Minister said that in the year 2000-01 budgetary provision for agriculture sector was 1.66 per cent while for telecommunication sector it was 16.23 per cent. He said that since 65 per cent of the population depended on agriculture, any improvement in the situation was dependent on increased investment in the sector.

In order to check the problem of credit, he said that the Government had taken up an ambitious programme through banks to double the agricultural credit in three years. Moreover, the Government has also introduced a decentralised procurement scheme so that farmers could get appropriate price for their crops.

Replying to the points raised by the members, the Minister of State in the Ministry of Planning, Shri M.V. Rajasekharan said that the Tenth Five-Year Plan addressed the question of how the growth rate could be accelerated as well as structured so as to achieve even faster reduction in poverty levels. He said that agricultural productivity and public expenditure on social development had stronger poverty-reducing effects than other components of growth. He added that the Mid-Term Appraisal recognised that policies facilitating agricultural growth including

land reforms and watershed development were crucial. Regarding availability and management of water, he said that the priorities laid down in the Mid-Term Appraisal were completion of on-going irrigation projects; rehabilitation of the existing irrigation systems; ground-water development in areas where there was unutilised potential through back-ended subsidy schemes; artificial recharge of ground water in areas suffering from aquifer depletion; and inclusion of command area development works.

He said that as agricultural development depended critically upon the development of other essential infrastructure in rural areas, '*Bharat Nirman*' was therefore conceived during the current year for building infrastructure with specific targets for completion in four years. He added that the Mid-Term Appraisal aimed at attaining rapid growth in sectors such as construction, tourism, transport, small-scale industry, modern retailing, IT sector, which had a large employment potential.

The Minister stated that the Government was implementing several anti-poverty programmes like the Food-for-Work Programme and the Rural Employment Guarantee Scheme, both in the rural and urban areas. At the national level there were schemes like the *Swaranjayanti Gram Swarozgar Yojana* (SGSY), the *Sampoorna Grameen Rozgar Yojana* (SGRY), the *Swarna Jayanti Shahari Rozgar Yojana* (SJSRY) and the *Rashtriya Sam Vikas Yojana* (RSVY).

Regarding the importance of education and health in the context of poverty alleviation, he said that the prime focus of the Government in the National Common Minimum Programme was on elementary education and on taking earnest steps to achieve the goal of universalisation of elementary education. He said that the *Sarva Shiksha Abhiyan* was launched to meet the needs of, particularly, the rural population and the Mid-Day Meal Scheme (MDMS) was revised and universalised at primary level from 1 September 2004.

B. LEGISLATIVE BUSINESS

The Citizenship (Amendment) Bill, 2005: Moving the motion for consideration of the Bill on 28 July 2005, the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal said that a High Powered Committee on Indian Diaspora headed by Dr. L.M. Singhvi recommended dual citizenship for Indians who migrated from India after 26 January, 1950 and accepted the citizenship of other countries while being emotionally attached to their motherland. The Government accepted the recommendation and amended the Citizenship Act, 1955 in 2003,

whereby People of Indian Origin (PIOs) residing in 16 specified countries (which included the USA, the UK, Australia, New Zealand, Canada, Finland, France, Greece, Ireland, Israel, Italy, Netherlands, Portugal, Sweden, Switzerland and Cyprus) were provided dual citizenship. The amendment came into force on 3 December 2004.

He stated that apart from the 16 specified countries, the Government of India received applications from the People of Indian Origin from other countries requesting for dual citizenship. Besides, applications were also received for simplifying the proforma and procedure of getting dual citizenship. Consequent to scrutiny of applications, the Prime Minister during the Pravasi Bharatiya Diwas celebrations in Mumbai in January 2005 announced the Government's decision to provide dual citizenship to all overseas Indians except from Pakistan and Bangladesh who migrated from India after 26 January 1950, provided local laws in the country concerned permitted dual citizenship. The Prime Minister also assured that the proforma and procedure would be simplified.

The Citizenship (Amendment) Bill, 2005 could not be introduced in the Budget Session as consultations with various Ministries took time. The delay in its introduction caused worry among the NRIs. As the Parliament was not in session there was an urgent need to take immediate action in this regard. Accordingly, the Citizenship (Amendment) Ordinance, 2005 was issued on 28 June 2005. The Citizenship (Amendment) Bill 2005 proposed to replace the said Ordinance by amending the provisions of the Citizenship Act, 1955 thereby granting overseas citizenship of India to Persons of Indian Origin of all countries except Pakistan and Bangladesh and reducing the period of residence in India from two years to one year for the persons registered as Overseas Citizens of India (OCIs) to acquire Indian citizenship.*

The Government amended the Citizenship Rules 1956 and provided for multi-entry, multipurpose and life long visa; and equal rights of PIOs in financial, economic and educational areas. The Minister also stated that the Persons of Indian Origin had neither been given voting rights during Lok Sabha, Vidhan Sabha and Vidhan Parishad elections nor had they been given the right to occupy constitutional posts of President, Vice-President, Judges of Supreme Court and High Courts. He added that the Government intended to implement the scheme at the earliest and said that consequent to their registration NRIs would not only be

* Excerpts from the Statement of Objects and Reasons of the Bill

free to visit India at any time and for any period but could also contribute for the development of the national economy.

Replying to the discussion* the Minister clarified that the grant of dual citizenship was subject to the condition that the country of which the NRI was a resident should also permit dual citizenship. As regards the status of Overseas Citizens of India (OCIs), the Minister said that they would remain citizens of their respective country, with the freedom to visit India anytime and for any period.

Dismissing doubts that the scheme would pose threat to the internal security of India the Minister said that all applications would be examined properly. An application by any person involved in moral turpitude, drug trafficking, terrorism or sentenced for more than one year would be verified by the security agencies under the Home Ministry before arriving at a decision. He stated that the Ministry of Overseas Indian Affairs was being authorised to expand the scope of rights given to the OCIs.

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

The National Rural Employment Guarantee Bill, 2005: Moving the motion for consideration of the Bill on 24 August 2005, the Minister of Rural Development, Dr. Raghuvansh Prasad Singh said that under the provisions of the Bill, at least one hundred days of guaranteed wage employment was to be provided to every household whose adult members volunteered to do unskilled manual work. If no employment was provided to an applicant within 15 days of the registration, he would be paid unemployment allowance at the prescribed rate. Out of 600 districts, the programme would be initially launched in 200 districts and within a period of five years this would be started in all rural areas throughout the country. The present Bill aimed at eliminating poverty and unemployment from the country within 15 years.

The Minister added that different rates of minimum wages prevalent in various States under Section 3 of the Minimum Wages Act, 1948 would not be disturbed. However, under special circumstances, Central

* Others who participated in the discussion were: Sarvashri Ajay Maroo, Anand Sharma, Yashwant Sinha, Nand Kishore Yadav, C. Perumal, Mangani Lal Mandal, Tariq Anwar, N.K. Premachandran, Su. Thirunavukkarasar, R.K. Anand, Fali S. Nariman, V. Narayanasamy, Shankar Roy Chowdhury, Prof. P.J. Kurien, Dr. M.S. Gill, Shrimati Chandra Kala Pandey and Shrimati N.P. Durga

Government had the right to determine the minimum wages which in no case would be less than Rs. 60 per day. He stated that in order to ensure effective implementation of the legislation, Central Employment Guarantee Council and State Employment Guarantee Councils were provided for. Moreover, the Standing Committee of the District Panchayat, District Programme Coordinator, Programme Officers and Gram Panchayats were assigned specific responsibilities in the implementation of various provisions. He also stated that women would be provided work within a distance of five kilometers from their places of residence so that they did not have to face any inconvenience and in case they were required to go beyond that distance, they would be paid travelling allowance for attending to the work.

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

The Hindu Succession (Amendment) Bill, 2004: Moving the motion for consideration of the Bill in the House on 16 August 2005, the Minister of Law and Justice, Shri H.R. Bhardwaj stated** that in order to accord equality to women with the men before the law, the Government brought the Hindu Succession (Amendment) Bill, 2004 before Rajya Sabha on 20 December 2004. The Bill was then referred to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice which returned the Bill with certain recommendations.

Section 6 of the Hindu Succession Act, 1956, dealing with the devolution of interest in coparcenary property, discriminated daughters by excluding them from participating in the coparcenary ownership.*** This meant that women could not inherit the ancestral property as their male counterparts did. The Law Commission of India made a *suo motu* study of the discriminative provisions of the Hindu Succession Act and

* Others who participated in the discussion were: Sarvashri Balavant *alias* Bal Apte, R.K. Dhawan, Nilotpal Basu, Kamal Akhtar, Arjun Kumar Sengupta, N. Jothi, Jairam Ramesh, Mangani Lal Mandal, Manoj Bhattacharya, Tariq Anwar, Sharad Anantrao Joshi, S.S. Chandran, Debabrata Biswas, Rajeev Shukla, R.S. Gavai, Rudra Narayan Pany, Prof. R.B.S. Varma, Dr. Bimal Jalan, Dr. Manmohan Singh, Dr. P.C. Alexander, Shrimati Vanga Geetha, Kumari Pramila Bohidar and Prof. Alka Balram Kshatriya

** Others who participated in the discussion were: Sarvashri R. Shunmugasundaram, Smt. Maya Singh, Smt. Chandra Kala Pandey, Smt. N.P. Durga, Smt. Kum Kum Rai and Dr. Prabha Thakur

*** Excerpts from the Statement of Objects and Reasons of the Bill

presented its 174th Report on "Property Rights of Women: Proposed reform under the Hindu Law" (May, 2000) to the Central Government. The Government considered the said Report in consultation with the State Governments and decided to give equal right to the daughter in Hindu joint family property governed by the *Mitakshara* law. In this connection several States had already made local amendments to the Act.

In order to remove the gender bias in the Hindu succession *Mitakshara* coparcenary property, the present Bill proposed to amend the Hindu Succession Act, 1956 and provided for equal rights to daughters in the Hindu *Mitakshara* coparcenary property as the sons had. The benefit of declaring daughters as coparceners by birth was proposed to be extended to the married daughters as well subject to the condition that it shall not affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the introduction of this Bill in the Rajya Sabha on 20 December, 2004.

The Hindu Succession Act, 1956 made the children of the sons, heirs of Class I while children of the daughters were kept in Class II. The present Bill proposed to remove this disparity by putting children of the daughter also in Class I. The Standing Committee had recommended omission of section 24, which dealt with prevention of certain widows from inheriting property of the intestate if she got remarried as there was no corresponding disability to widowers. It was proposed to omit this section. Section 23 disentitled a female heir to ask for partition in respect of a dwelling house wholly occupied by a joint family until the male heirs chose to divide their respective shares therein. It was also proposed to omit the said section so as to remove the disability on female heirs contained therein.

The motion for consideration of the Bill, clauses, etc. were adopted and the Bill as amended, was passed.

*The Displaced Persons Claims and Other Laws Repeal Bill, 2004**: The Displaced Persons (Claims) Act, 1950, the Administration of Evacuee Property Act, 1950, the Evacuee Interest (Separation) Act, 1951, the Displaced Persons (Claims) Supplementary Act, 1954 and the Displaced

* Excerpts from the Statement of Objects and Reasons of the Bill

Persons (Compensation and Rehabilitation) Act, 1954 were enacted, *inter alia*, to make provisions for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan, the administration of evacuee property, providing for the separation of interests of evacuees from those of other persons in property in which such other persons were also interested, the payment of compensation and rehabilitation grant to the displaced persons and the disposal of certain proceedings pending under the Displaced Persons (Claims) Act, 1950.

The major works of claims, compensation and rehabilitation more or less had been completed by the year end of 1970. To effect economy in expenditure in the management of the evacuee properties, the Central Government made administrative and financial arrangements with the concerned State Government in various package deals. This arrangement virtually put an end to the ownership of the Central Government on the undisposed evacuee properties.

Subsequent to the transfer of the ownership of the Central Government on the undisposed evacuee properties to the State Governments concerned, it was reported by the State Governments that a large number of claims under the aforesaid Acts continued to be filed in the various courts under the aforesaid Acts. It had further been brought to the notice of the Central Government that a number of persons unconnected with the claimants posing as their legal heirs were presenting repeated demands for lands. Examinations had revealed that in most of such cases the claimants under the temptation to grab more lands, had managed to obtain bogus and excess allotments. It, therefore, had become difficult for the State Governments to retrieve the government lands and properties worth crores of rupees from the hands of the unscrupulous persons.

In view of this, the concerned State Governments, recommended the repeal of the aforesaid Acts. Consequently, after consulting the State Governments, the Central Government constituted a Core Group on 7 February 2003 to examine the proposal recommending repeal of the aforesaid Acts and rules made thereunder. The Central Government decided to accept the recommendations of the concerned State Governments and the Core Group to repeal these Acts. The Displaced Persons Claims and Other Laws Repeal Bill, 2004 sought to achieve the said objectives.

Moving the motion for consideration of the bill in the House on 12 August 2005, the Minister of State in the Ministry of Home Affairs,

Shri S. Regupathy said that the purpose of the bill was to repeal these Acts which had outlived their utility and also to put an end to their misuse. The Department-related Parliamentary Standing Committee on Home Affairs examined the bill and presented its report to the House on 27 July 2005. The Committee had adopted the bill after a thorough discussion and recommended that the bill be passed in its present form.

The motion for consideration of the Bill and clauses, etc. were adopted and the Bill, as amended, was passed.

C. QUESTION HOUR

During the Session, 9,023 notices of Questions were received. Out of these, 440 Questions were admitted as Starred and 3,278 as Unstarred. The total number of notices of Questions received in Hindi was 2,296.

Daily average of Questions: For all the days, the list of Starred Questions contained 20 Questions each. On an average, 4.43 Questions were orally answered per sitting. The maximum number of Questions orally answered on a particular day was 10 on 8 September 2005 and the minimum number of Questions orally answered was 3 on 23 September 2005. The list of Unstarred Questions contained 98 Questions on 25 July 2005 and on the rest of the days, it contained 155 Questions each.

Half-an-Hour Discussion: In all, twenty-one notices of Half-an-Hour Discussion were received but none was admitted and discussed.

Short Notice Question: One Short Notice Question was received but it was not admitted.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Shri Sunil Dutt, a sitting member of Lok Sabha and Union Minister of Youth Affairs and Sports, Dr. Biplab Dasgupta, a sitting member, and Sarvashri Shyam Lal, Sunder Singh Bhandari, Bipin Pal Das, Bal Ram Singh Yadav, Natha Singh, Parmeshwar Kumar Agarwalla, Maulana Habibur Rahman Nomani and Dr. Rafiq Zakaria, all former members. Members stood in silence as a mark of respect to the deceased.

STATE LEGISLATURES

ASSAM LEGISLATIVE ASSEMBLY*

The Eleventh Assam Legislative Assembly commenced its Session on 8 August 2005 and was adjourned *sine die* on 12 August 2005.

Financial Business: On 8 August 2005, the List of Supplementary Demands for Grants and Supplementary Appropriation for the year 2005-2006 and the List of Demands for Excess Grants relating to the years 2000-2001 and 2001-2002 were presented to the House. The Supplementary Demands for Grants for the year 2005-2006 and Demands for Excess Grants relating to the years 2000-2001 and 2001-2002 were passed by the House. The Assam Appropriation Bills in this regard were also introduced and passed after consideration by the House.

Obituary references: During the Session, obituary references were made on the passing away of leading personalities.

CHHATTISGARH LEGISLATIVE ASSEMBLY**

The Second Chhattisgarh Legislative Assembly, which commenced its Sixth Session on 11 July 2005, was adjourned *sine die* on 22 July 2005.

There were 10 sittings in all. The Governor prorogued the House on 25 July 2005.

Election of Deputy Speaker: On 12 July 2005, Shri Badri Dhar Diwan was elected as the Deputy Speaker of the State Legislative Assembly.

Legislative business: During the Session, 10 Bills were passed by the House.

Financial Business: On 13 July 2005, the Statement of the First Supplementary Expenditure for the year 2005-2006 was presented to the House. The Statement included 46 Demands for Grants, which were discussed and passed by the House on 14 July 2005. The Appropriation (No. 3) Bill 2005, was discussed and passed by the House on the same day.

Obituary references: During the Session, obituary references were

* Material contributed by the Assam Legislative Assembly Secretariat

** Material contributed by the Chhattisgarh Legislative Assembly Secretariat

made on the passing away of Sarvashri Sunil Dutt, Union Minister of Sports and Youth Affairs, Sunder Singh Bhandari, former Governor of Bihar and Gujarat, Dr. Govind Narayan Singh, former Chief Minister of Madhya Pradesh, Dr. Shridhar Mishra, a former member of Madhya Pradesh Legislative Assembly, and the persons who died in the heavy floods in Gujarat and other States of India.

DELHI LEGISLATIVE ASSEMBLY*

The Third Delhi Legislative Assembly, which commenced its Fifth Session on 22 September 2005, was adjourned *sine die* on 26 September 2005. There were 3 sittings in all.

Legislative business: During the Session, the Value Added Tax (Second Amendment) Bill 2005 was considered and passed by the House.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri Sunil Dutt, Union Minister of Sports and Youth Affairs; and Darshan Kumar Bahl, a former member of the Delhi Legislative Assembly.

GUJARAT LEGISLATIVE ASSEMBLY**

The Eleventh Gujarat Legislative Assembly, which commenced its Eighth Session on 12 September 2005, was adjourned *sine die* on 14 September 2005. There were three sittings in all. The Governor prorogued the House on 15 September 2005.

Legislative business: During the Session, the following three Bills were introduced and passed by the House: (i) The Bombay Electricity Duty (Gujarat Second Amendment) Bill, 2005; (ii) The Bombay Sales of Motor Spirit Taxation (Gujarat Amendment) Bill, 2005; and (iii) The Gujarat Entertainments Tax (Second Amendment) Bill, 2005.

Obituary references: During the Session, nine obituary references were made in the House.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY***

The Tenth Himachal Pradesh Legislative Assembly, which commenced its Eighth Session on 5 August 2005, was adjourned *sine die* on

* Material contributed by the Delhi Legislative Assembly Secretariat

** Material contributed by the Gujarat Legislative Assembly Secretariat

*** Material contributed by the Himachal Pradesh Legislative Assembly Secretariat

11 August 2005. The Governor prorogued the House on the same day. There were five sittings in all.

Legislative business: During the Session, the following twelve Bills were considered and passed by the House: (i) The Himachal Pradesh Fiscal Responsibility and Budget Management (Amendment) Bill, 2005; (ii) The Himachal Pradesh Tax on Professions, Trades, Callings and Employments (Amendment) Bill, 2005; (iii) The Himachal Pradesh Value Added Tax (Amendment) Bill, 2005; (iv) The Himachal Pradesh Village Common Lands Vesting and Utilization (Amendment) Bill, 2005; (v) The Himachal Pradesh Apartment and Property Regulation Bill, 2005; (vi) The Himachal Pradesh Bus Stands Management and Development Authority (Second Amendment) Bill, 2005; (vii) The Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Bill, 2005; (viii) The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Bill, 2005; (ix) The Himachal Pradesh Municipal (Amendment) Bill, 2005; (x) The Himachal Pradesh Municipal Corporation (Amendment) Bill, 2005; (xi) The Himachal Pradesh Sports (Registration, Recognition and Regulation of Associations) (Amendment) Bill, 2005; and (xii) The Himachal Pradesh Electricity (Duty) (Amendment) Bill, 2005.

Obituary references: During the Session, obituary references were made on the passing away of Shri Bhagwan Singh, a former member of the State Legislative Assembly.

KARNATAKA LEGISLATIVE COUNCIL*

The Karnataka Legislative Council which commenced its One Hundred and Third Session on 30 June 2005, was adjourned *sine die* on 3 August 2005. There were 24 sittings in all.

Legislative business: During the Session, one Bill of the Legislative Council and 10 Bills as passed by the Legislative Assembly were adopted.

Obituary references: During the Session, obituary references were made on the passing away of 15 persons who had rendered commendable service in various fields.

KERALA LEGISLATIVE ASSEMBLY**

The Eleventh Kerala Legislative Assembly, which commenced its

* Material contributed by the Karnataka Legislative Council Secretariat

** Material contributed by the Kerala Legislative Assembly Secretariat

Twelfth Session on 4 July 2005, was adjourned *sine die* on 12 August 2005. The Governor prorogued the House on the same day. There were 24 sittings in all.

Address by the President: On 28 July 2005, the President of India, Dr. A.P.J. Abdul Kalam addressed the members of the House.

Legislative business: During the Session, the following twenty-eight Bills were introduced, considered and passed by the House: (i) The Kerala Promotion of Tree Growth in Non-Forest Areas Bill, 2004; (ii) The Kerala Ground Water (Control and Regulation) Amendment Bill, 2004; (iii) The Kovalam Palace (Taking over by Resumption) Bill, 2005; (iv) The Kerala Local Authorities Entertainments Tax (Amendment) Bill, 2005; (v) The University Laws (Amendment) Amending Bill, 2005; (vi) The Kerala Self Financing Professional Colleges (Prohibition of Capitation Fees and Procedure for Admission and Fixation of Fees) Amendment Bill, 2005; (vii) The Kerala Water Supply and Sewerage (Amendment) Bill, 2002; (viii) The Kerala Kisan Pass Book Bill, 2005; (ix) The Kerala Motor Transport Worker's Welfare Fund (Amendment) Bill, 2005; (x) The Kerala Motor Vehicles Taxation (Amendment) Bill, 2005; (xi) The Koodalmanickam Devaswom Bill, 2002; (xii) The Kerala Tax on Luxuries (Amendment) Bill, 2005; (xiii) The Kerala General Sales Tax (Amendment) Bill, 2005; (xiv) The Kerala Tax on Entry of Goods into Local Areas (Amendment) Bill, 2005; (xv) The Kerala Value Added Tax (Amendment) Bill, 2005; (xvi) The Kerala Agricultural Income Tax (Amendment) Bill, 2005; (xvii) The Kerala Municipality (Amendment) Bill, 2003; (xviii) The Kerala Municipality (Amendment) Bill, 2004; (xix) The Kerala Municipality (Second Amendment) Bill, 2004; (xx) The Kerala Municipality (Third Amendment) Bill, 2004; (xxi) The Kerala Municipality (Amendment) Bill, 2005 (xxii) The Kerala Panchayat Raj (Second Amendment) Bill, 2003; (xxiii) The Kerala Panchayat Raj (Amendment) Bill, 2004; (xxiv) The Kerala Panchayat Raj (Third Amendment) Bill, 2005; (xxv) The National University of Advanced Legal Studies Bill, 2005; (xxvi) The Kerala Payment of Pension to Members of Legislature (Amendment) Bill, 2005; (xxvii) The Kerala Land Reforms (Amendment) Bill, 2004; and (xxviii) The Kerala Land Reforms (Amendment) Bill, 2002.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri P. K. Vasudevan Nair, former Chief Minister and member of Parliament; Ebrahim Sulaiman Sait, former member of Parliament; T.K. Balan, a sitting member from Azhikode Assembly Constituency; and Kaniyapuram Ramachandran and Raghavan Pozhakkadavil, former members of the State Legislative Assembly.

NAGALAND LEGISLATIVE ASSEMBLY*

The Tenth Nagaland Legislative Assembly, which commenced its Eighth Session on 18 August 2005, was adjourned *sine die* on 20 August 2005. There were 3 sittings in all. The Governor prorogued the House on the same day.

Legislative business: During the Session, the following three Bills were introduced, considered and passed by the House: (i) The Nagaland Money Lenders Bill, 2005; (ii) The Nagaland Fiscal Responsibility and Budget Management Bill, 2005; and (iii) The Nagaland Salaries, Allowances and Other Facilities of the Chief Minister, other Ministers, Speaker, Leader of the Opposition, Deputy Speaker, Parliamentary Secretaries and other members of the Nagaland Legislative Assembly and Pension for Ex-members Bill, 2005.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri Sunil Dutt, Union Minister of Sports and Youth Affairs; and N.C. Zeliang and Dalle Namo, both former members of the Nagaland Legislative Assembly.

ORISSA LEGISLATIVE ASSEMBLY**

The Thirteenth Orissa Legislative Assembly, which commenced its Fifth Session on 1 August 2005, was adjourned *sine die* on 12 August 2005. There were 10 sittings in all. The Governor prorogued the House on 28 August 2005.

Legislative business: During the Session, five Official Bills including three Bills replacing as many Ordinances promulgated earlier were passed.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri Birendra Kumar Sahu, Mayadhar Sethy, Mandangi Kamaya, Biswanath Mallick, and Mochiram Tiria, all former members of the State Legislative Assembly; and Shri Tapas Kumar Mallick, an ex-serviceman (army).

* Material contributed by the Nagaland Legislative Assembly Secretariat

** Material contributed by the Orissa Legislative Assembly Secretariat

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APPENDIX I

**STATEMENT SHOWING THE WORK TRANSACTED
DURING THE FIFTH SESSION OF
FOURTEENTH LOK SABHA**

1. PERIOD OF THE SESSION	25 July to 30 August 2005	
2. NUMBER OF SITTINGS HELD		24
3. TOTAL NUMBER OF SITTING HOURS	158 hours, 49 minutes	
4. NUMBER OF DIVISIONS HELD		02
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session		19
(ii) Introduced		14
(iii) Laid on the Table as passed by Rajya Sabha		7
(iv) Returned by the Rajya Sabha with any amendment/recommendation and laid on the Table		—
(v) Referred to Select Committee		—
(vi) Referred to Joint Committee		—
(vii) Reported by Select Committee		—
(viii) Reported by Joint Committee		—
(ix) Reported by Standing Committee		18
(x) Referred to Departmentally-related Standing Committee by Speaker, Lok Sabha/Chairman, Rajya Sabha		7
(xi) Discussed		18
(xii) Passed		16
(xiii) Withdrawn		—
(xiv) Negatived		—
(xv) Part-discussed		—
(xvi) Discussion postponed		—
(xvii) Returned by Rajya Sabha without any recommendation	5 (Money Bills)	
(xviii) Motion of concurrence to refer the Bill to Joint Committee adopted		—
(xix) Pending at the end of the Session		24
6. PRIVATE MEMBERS' BILLS		
(i) Pending at the commencement of the Session		104
(ii) Introduced		42
(iii) Motion for leave to introduce negative		Nil

(iv) Laid on the Table of the House as passed by the Rajya Sabha	Nil
(v) Returned by Rajya Sabha with any Amendment	Nil
(vi) Reported by Select Committee	Nil
(vii) Discussed	2
(viii) Passed	Nil
(ix) Withdrawn	1
(x) Negatived	Nil
(xi) Circulated for eliciting opinion	Nil
(xii) Part-discussed	1
(xiii) Discussion postponed	Nil
(xiv) Motion for circulation of Bill Negatived	Nil
(xv) Referred to Select Committee	Nil
(xvi) Removed from the Register of pending bills	Nil
(xvii) Pending at the end of the Session	145
7. NUMBER OF DISCUSSION HELD UNDER RULE 184	
(i) Notices received	366
(ii) Admitted	118
(iii) Discussed	1
(iv) Part-discussed	Nil
8. NUMBER OF MATTERS RAISED UNDER RULE 377	273
9. NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	343
10. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	
(i) Notices received	500
(ii) Admitted	5
(iii) Discussions held	4
(iv) Discussions completed	3
(v) Part-discussed	1
11. NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling Attention to Matters of Urgent Public Importance)	25
12. STATEMENTS MADE BY MINISTERS UNDER RULE 372	49
12A. STATEMENT UNDER RULE 199	1
13. MOTION OF NO-CONFIDENCE IN COUNCIL OF MINISTERS	Nil
(i) Notices received	Nil
(ii) Admitted and discussed	Nil
(iii) Barred	Nil
(iv) Withdrawn	Nil

14. STATUTORY RESOLUTIONS

- (i) Notices received
- (ii) Admitted
- (iii) Moved
- (iv) Adopted
- (v) Negatived
- (vi) Withdrawn

**15. RESOLUTION(S) PLACED BEFORE THE HOUSE
BY SPEAKER, LOK SABHA****16. GOVERNMENT RESOLUTIONS**

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

17. PRIVATE MEMBERS' RESOLUTIONS

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

18. GOVERNMENT MOTIONS

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

19. PRIVATE MEMBERS' MOTIONS

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

20. MOTION REGARDING MODIFICATION OF STATUTORY RULES		
(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
21. NUMBER OF ADJOURNMENT MOTIONS		
(i) Total No. of Notices received		48
(ii) Brought before the House		Nil
(iii) Admitted		2
(iv) Barred in view of Adjournment Motion admitted on the Subject		11
(v) Consent withheld by Speaker, Lok Sabha outside the House		35
(vi) Consent given by Speaker but leave not asked for members concerned		Nil
22. NUMBER OF PARLIAMENTARY COMMITTEE CONSTITUTED, IF ANY DURING THE SESSION	Parliamentary Forum on Water Conservation & Management	
23. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION		
		13,622
24. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED		
		1,115 on 24 August 2005
25. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred		439
(ii) Un-starred		4,594
(iii) Short Notice Questions		1
(iv) Half-an-Hour discussions		2
26. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE		3
27. PETITIONS PRESENTED		2
28. NUMBER OF NEW MEMBERS SWORN-IN WITH DATE	One member sworn-in on 27 July 2005	
29. NUMBER OF PRIVILEGE MOTIONS		
(i) Notices received		20
(ii) Brought before the House		3
(iii) Consent withheld by Speaker		1
(iv) Observation made by Speaker		2

30. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 July to 30 September 2005	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	—	—
ii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	3 2 (Tour)	2 (Original) 5 (Action Taken)
iii)	Committee of Privileges	—	—
iv)	Committee on Absence of Members from the Sittings of the House	—	—
v)	Committee on Empowerment of Women	4	2
vi)	Committee on Estimates	3	—
vii)	Committee on Ethics	—	—
viii)	Committee on Government Assurances	3	1
ix)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	3	—
x)	Committee on Papers Laid on the Table	—	—
xi)	Committee on Petitions	—	—
xii)	Committee on Private Members' Bills and Resolutions	—	—
xiii)	Committee on Provision of Computers for Members of Parliament, Offices of Political Parties and Officers of LSS	—	—
xiv)	Committee on Public Accounts	9	2 (Original) 2 (Action Taken)
xv)	Committee on Public Undertakings	—	—
xvi)	Committee on Subordinate Legislation	—	—
xvii)	Fellowship Committee	—	—
xviii)	General Purposes Committee	—	—
xix)	House Committee	—	—
	a) Accommodation Sub-Committee	—	—
	b) Sub-Committee on Amenities	—	—
xx)	Library Committee	—	—
xxi)	Railway Convention Committee	2	1
xxii)	Rules Committee	—	—

JOINT / SELECT COMMITTEES

i)	Joint Committee on Offices of Profit	—	—
ii)	Joint Committee on Salaries and Allowances of Members of Parliament	—	—

DEPARTMENTALLY-RELATED STANDING COMMITTEES

i)	Committee on Agriculture	—	—
ii)	Committee on Chemicals and Fertilizers	—	—
iii)	Committee on Coal & Steel	5	—
iv)	Committee on Defence	6	—
v)	Committee on Energy	5	3
vi)	Committee on External Affairs	2	—
vii)	Committee on Finance	12	4
viii)	Committee on Food, Consumer Affairs and Public Distribution	—	—
ix)	Committee on Information Technology	9	—
x)	Committee on Labour	—	—
xi)	Committee on Petroleum and Natural Gas	—	—
xii)	Committee on Railways	11	3 (Original) 1 (Action Taken)
xiii)	Committee on Rural Development	4	1
xiv)	Committee on Social Justice and Empowerment	5	—
xv)	Committee on Urban Development	—	—
xvi)	Committee on Water Resources	2	—

31. CELL ON PARLIAMENTARY FORUM

Sl. No.	Name of Forum	No. of meetings held during the period 1 July to 30 September 2005	No. of Lectures held
1.	Parliamentary Forum on Water Conservation and Management	1	1
2.	Parliamentary Forum on Children	—	—
3.	Parliamentary Forum on Youth	—	—

APPENDIX II

**STATEMENT SHOWING THE WORK TRANSACTED
DURING THE TWO HUNDRED AND FIFTH SESSION
OF THE RAJYA SABHA**

1. PERIOD OF THE SESSION	25 July to 30 August 2005
2. NUMBER OF SITTINGS HELD	24
3. TOTAL NUMBER OF SITTINGS HOURS	117 Hours and 26 Minutes
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	36
(ii) Introduced	9
(iii) Laid on the Table as passed by Lok Sabha	9
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Referred to the Department-related Standing Committees	5
(viii) Reported by Select Committee	Nil
(ix) Reported by Joint Committee	Nil
(x) Reported by the Department-related Standing Committees	18
(xi) Discussed	16
(xii) Passed	16
(xiii) Withdrawn	Nil
(xiv) Negatived	Nil
(xv) Part-discussed	Nil
(xvi) Returned by the Rajya Sabha without any recommendation	6
(xvii) Discussion postponed	Nil
(xviii) Pending at the end of the Session	38
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	161
(ii) Introduced	34
(iii) Laid on the Table as passed by the Lok Sabha	Nil
(iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	3

(vii) Withdrawn	2
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	7
(xvi) Pending at the end of the Session	186
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)	
(i) Notices received	65
(ii) Admitted	9
(iii) Discussions held	9 (On 4 Subjects)
8. NUMBER OF STATEMENT MADE UNDER RULE 180 (Calling Attention to Matters of Urgent Public Importance) Statement made by Ministers	6
9. HALF-AN-HOUR DISCUSSIONS HELD	Nil
10. STATUTORY RESOLUTIONS	
(i) Notices received	3
(ii) Admitted	3
(iii) Moved	3
(iv) Adopted	Nil
(v) Negatived	3
(vi) Withdrawn	Nil
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	5
(ii) Admitted	3
(iii) Moved	3
(iv) Adopted	3
12. PRIVATE MEMBERS' RESOLUTION	
(i) Received	9
(ii) Admitted	9
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	Nil
(vi) Adopted	Nil

(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved and discussed	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	33
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	1
(vii) Withdrawn	Nil
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
(viii) Lapsed	Nil
16. NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEE CREATED, IF ANY	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED	1,514
18. TOTAL NUMBER OF VISITORS	3,116
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	152 (on 21.12.2005)
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	254 (on 23.12.2005)
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	440
(ii) Unstarred	3,278
(iii) Short-Notice Questions	Nil
22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES	Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of meetings held during the period from 1 July to 30 September 2005	No. of Reports presented
1	2	3	4
(i)	Business Advisory Committee	5	Nil
(ii)	Committee on Subordinate Legislation	4	2
(iii)	Committee on Petitions	2	1
(iv)	Committee of Privileges	Nil	Nil
(v)	Committee on Rules	Nil	Nil
(vi)	Committee on Government Assurances	2	Nil
(vii)	Committee on Papers Laid on the Table	4	1
(viii)	General Purposes Committee	Nil	Nil
(ix)	House Committee	2	Nil
Department-Related Standing Committees:			
(x)	Commerce	3	2
(xi)	Home Affairs	5	1
(xii)	Human Resource Development	6	3
(xiii)	Industry	14	1
(xiv)	Science and Technology, Environment and Forests	5	Nil
(xv)	Transport, Tourism and Culture	8	2
(xvi)	Health and Family Welfare	4	2
(xvii)	Personnel, Public Grievances, Law and Justice	8	5
Other Committees			
(xviii)	Committee on Ethics	2	Nil
(xix)	Committee on Provision of Computers to Members of Rajya Sabha	1	Nil
(xx)	Committee on Member of Parliament Local Area Development Scheme	2	Nil
(xxi)	Committee Co-ordination Section	Nil	Nil

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE

6

25. PETITIONS PRESENTED

Nil

26. NAME OF NEW MEMBERS SWORN-IN WITH DATES

Sl.No.	Name of members sworn-in	Party affiliation	Date on which sworn-in
1	2	3	4
1.	Shri Shantaram Laxman Naik	INC	29.7.2005
2.	Shri Suryakant Bhai Acharya	BJP	22.8.2005

3.	Shri Surendra Motilal Patel	-do-	-do-
4.	Shri Ahmed Patel	INC	-do-
5.	Shri Swapan Sadhan Bose	AITC	-do-
6.	Smt. Brinda Karat	CPI(M)	-do-
7.	Shri Sitaram Yechuri	-do-	-do-
8.	Shri Chittabrata Mazumdar	-do-	-do-
9.	Shri Abani Roy	RSP	-do-
10.	Shri Arjun Kumar Sengupta	Ind	-do-

27. OBITUARY REFERENCES

Sl. No.	Name	Sitting member/ Ex-member
1.	Shri Sunil Dutt	Member, Lok Sabha
2.	Dr. Biplab Das Gupta	Sitting Member
3.	Shri Shyam Lal	Ex-Member
4.	Shri Sunder Singh Bhandari	-do-
5.	Shri Bipin Pal Das	-do-
6.	Shri Bal Ram Singh Yadav	-do-
7.	Dr. Rafiq Zakaria	-do-
8.	Shri Natha Singh	-do-
9.	Shri Parmeshwar Kumar Agarwalla	-do-
10.	Maulana Habibur Rahman Nomani	-do-

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD 1 JULY TO 30 SEPTEMBER 2005

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—
Assam L.A.	8.8.2005 to 12.8.2005	5	12(12)	—	249(100)	123(214)*	51(44)
Bihar L.A.**	—	—	—	—	—	—	—
Bihar L.C.**	—	—	—	—	—	—	—
Chhattisgarh L.A.	11.7.2005 to 22.7.2005	10	10(10)	—	693(365)	417(258)	—
Delhi L.A.*	22.9.2005 to 26.9.2005	3	2(1)	3	(60)	(371)	—
Goa L.A.	11.8.2005 to 31.8.2005	14	12(12)	—	580(473)	208(193)	—
Gujarat L.A.	12.9.2005 to 14.9.2005	3	3(3)	—	657(388)	358(232)	6(1)
Haryana L.A.*	—	—	—	—	—	—	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	26.9.2005 to 30.9.2005	5	4(4)	—	(175)	(128)	—
Jammu & Kashmir L.C.	26.9.2005 to 3.10.2005	5	5(5)	—	91(91)	48(48)	—
Jharkhand L.A.	10.6.2005 to 4.7.2005	—	14(14)	—	24	—	—
Karnataka L.A.	30.6.2005 to 3.8.2005	26	11(11)	—	373(373)	2,550(2,550)	—
Karnataka L.C.	30.6.2005 to 3.8.2005	24	10	—	1,503(375)	525(1,653)⊕	—

APPENDIX III (Contd.)

COMMITTEES AT WORK / NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED DURING THE PERIOD 1 JULY TO 30 SEPTEMBER 2005

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Business Advisory Committee																	
Committee on Govt. Assurances																	
Committee on Petitions																	
Committee on Private Members Bills and Resolutions																	
Committee of Privileges																	
Committee on Public Undertakings																	
Committee on Subordinate Legislation																	
Committee on the Welfare of SCs and STs																	
Committee on Estimates																	
General Purposes Committee																	
House/Accommodation Committee																	
Library Committee																	
Public Accounts Committee																	
Rules Committee																	
Joint/Select Committee																	
Other Committees																	

STATES

Andhra Pradesh L.A.** —

Arunachal Pradesh L.A. —

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttaranchal L.A.	—	6	2	—	—	3	—	2	1	—	3	—	3	2	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY																
Pondicherry L.A.	—	—	—	—	—	—	—	—	26	—	—	—	27	—	—	—

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

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

(a) Employment Review Committee-1; and Act Implementation Committee-1

(b) Committee on Papers Laid on the Table-1

(c) Committee on Papers Laid on the Table-3(1); Committee on Environment-1; and Committee on Rural Issue-1

(d) Members Pay and Allowance Rules Committee-2; Panchayati Raj Committee-6(1); Welfare of Socially and Educationally Backward Classes Committee-2; and Committee on Papers Laid on the Table-4

(e) Environment Committee-2

(f) Ethics Committee-2; and Departmental Committees-9

(g) Committee on Vidhayak Nidhi-20; Committee on Woman and Child Welfare-8; Zila Panchayat / Zila Parishad Committee-9; and Weaver Welfare Committee-7

(h) Committee on Backward Classes and Minorities-5(1); Committee on Welfare of Women and Children-5(2); and Committee on Papers Laid on the Table-6(1)

(i) House Committees-28; Committee on Ethics-7; and Committee on Papers Laid on the Table-9

(j) Committee on Papers Laid/ to be Laid on the Table of the House-8; Committee on Questions and References-12; and Committee on Local Bodies and Panchayat Raj Institutions-17

APPENDIX IV**LIST OF BILLS PASSED BY THE HOUSES OF
PARLIAMENT AND ASSENTED TO BY THE
PRESIDENT DURING THE PERIOD****1 JULY TO 30 SEPTEMBER 2005**

Sl. No.	Title of the Bill	Date of assent
1	2	3
1.	The Citizenship (Amendment) Bill, 2005	24.8.2005
2.	The Bihar Appropriation (Vote on Account) (No.2) Bill, 2005	24.8.2005
3.	The Appropriation (No.3) Bill, 2005	24.8.2005
4.	The Appropriation (No.4) Bill, 2005	24.8.2005
5.	The Appropriation (Railways) No.3 Bill, 2005	25.8.2005
6.	The Appropriation (Railways) No.4 Bill, 2005	25.8.2005
7.	The Displaced Persons Claims and Other Laws Repeal Bill, 2005	5.9.2005
8.	The Hindu Succession (Amendment) Bill, 2005	5.9.2005
9.	The Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Bill, 2005	5.9.2005
10.	The Payment of Wages (Amendment) Bill, 2005	5.9.2005
11.	The National Rural Employment Guarantee Bill, 2005	5.9.2005
12.	The Protection of Women from Domestic Violence Bill, 2005	13.9.2005
13.	The Immigration (Carriers' Liability) Amendment Bill, 2005	15.9.2005
14.	The Warehousing Corporations (Amendment) Bill, 2005	15.9.2005
15.	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2005	15.9.2005
16.	The Railways (Amendment) Bill, 2005	15.9.2005

APPENDIX V
LIST OF BILLS PASSED BY THE LEGISLATURES
OF THE STATES AND THE UNION TERRITORIES
DURING THE PERIOD

1 JULY TO 30 SEPTEMBER 2005

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Appropriation (No.III) Bill, 2005
2. The Assam Appropriation (No.IV) Bill, 2005
3. The Assam Appropriation (No.V) Bill, 2005
4. The Assam Value Added Tax (Second Amendment) Bill, 2005
5. The Guwahati Municipal Corporation (Amendment) Bill, 2005
6. The Guwahati Metropolitan Development Authority (Amendment) Bill, 2005
7. The Assam Cinema (Regulation) (Amendment) Bill, 2005
8. The Assam Tea Plantation Provident Fund & Pension Fund & Deposit Linked Insurance Fund Scheme (Amendment) Bill, 2005
9. The Assam Entry Tax (Second Amendment) Bill, 2005
10. The Assam Fiscal Responsibility & Budget Management (Amendment) Bill, 2005
11. The Assam Thangal Kachari Autonomous Council Bill, 2005
12. The Krishna Kanta Handique State Open University Bill, 2005

CHHATTISGARH LEGISLATIVE ASSEMBLY

1. The Chhattisgarh Madhyasthan Adhikaran (Sanshodhan) Vidheyak, 2005
2. The Chhattisgarh Tonhi Pratarna Niwaran Vidheyak, 2005
3. The Chhattisgarh Rajyakosiya Uttardayitwa aur Budget Prabandhan Vidheyak, 2005
4. The Chhattisgarh Nagar Palika Nigam (Sanshodhan) Vidheyak, 2005
5. The Chhattisgarh Nagar Palika (Sanshodhan) Vidheyak, 2005
6. The Chhattisgarh Viswavidyala (Sanshodhan) Vidheyak, 2005
7. The Indira Kala-Sangeet Viswavidyala Adhiniyat (Sanshodhan) Vidheyak, 2005
8. The Chhattisgarh Niji Viswavidyala (Sthapana Evam Sanchalan) Vidheyak, 2005
9. The Chhattisgarh Viniyog (Kramank-3) Vidheyak, 2005
10. The Chhattisgarh Kushabhau Thakre Patrakarita Evam Jana Sanchar Viswavidyalaya (Sanshodhan) Vidheyak, 2005

DELHI LEGISLATIVE ASSEMBLY

1. The Delhi Value Added Tax (Second Amendment) Bill, 2005

GOA LEGISLATIVE ASSEMBLY

1. The Goa Appropriation (No.4) Bill, 2005
2. The Goa Appropriation (No.5) Bill, 2005
3. The Goa Members of Legislative Assembly (Removal of Disqualification) Bill, 2005
4. The Goa Salaries, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2005
5. The Goa State Commission for Women (Amendment) Bill, 2005
6. The Goa Childrens' (Amendment) Bill, 2005
7. The Goa Medical Council (Amendment) Bill, 2005
8. The Goa Motor Vehicles Tax (Amendment) Bill, 2005
9. The Goa Value Added Tax (Amendment) Bill, 2005
10. The Goa Salaries and Allowances of Ministers (Amendment) Bill, 2005
11. The Goa Civil Courts (Amendment) Bill, 2005
12. The Prisons (Goa Amendment) Bill, 2005

GUJARAT LEGISLATIVE ASSEMBLY

1. The Bombay Electricity Duty (Gujarat Second Amendment) Bill, 2005
2. The Bombay Sales of Motor Spirit Taxation (Gujarat Amendment) Bill, 2005
3. The Gujarat Entertainments Tax (Second Amendment) Bill, 2005

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. The Jammu and Kashmir Flood Plain Zones (Regulation and Development) Bill, 2005
2. The Islamic University of Science and Technology, Kashmir Bill, 2005
3. The Ladakh Autonomous Hill Development Council (Amendment) Bill, 2005
4. The Jammu and Kashmir Water Supply (Amendment) Bill, 2005
5. The Jammu and Kashmir Protection of Human Rights (Amendment) Bill, 2003

JHARKHAND LEGISLATIVE ASSEMBLY

1. The Jharkhand Rajmarg Bill, 2005
2. The Jharkhand Panchayat Raj Bill, 2005

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Conduct of Government Business in the State Legislature Bill, 2005
2. The Karnataka Shops and Commercial Establishments (Amendment) Bill, 2005
3. The Industrial Employment (Standing Orders) (Karnataka Amendment) Bill, 2005
4. The Karnataka Appropriation (No.2) Bill, 2005

5. The Karnataka Legislatures Salaries, Pensions and Allowances (Amendment) Bill, 2005
6. The Karnataka Ministers Salaries and Allowances (Amendment) Bill, 2005
7. The Code of Criminal Procedure (Karnataka Amendment) Bill, 2005
8. The Karnataka Entertainments Tax (Amendment) Bill, 2005
9. The Karnataka Appropriation (No.3) Bill, 2005
10. The Karnataka Value Added Tax (Second Amendment) Bill, 2005

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Land Revenue (Amendment) Bill, 2005

MIZORAM LEGISLATIVE ASSEMBLY

1. The Mizoram Fisheries Bill, 2002
2. The Mizoram Societies Registration Bill, 2005
3. The Mizoram Civil Courts Bill, 2005

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Money-Lenders Bill, 2005
2. The Nagaland Fiscal Responsibility and Management Bill, 2005
3. The Nagaland Salaries, Allowances and other Facilities of the Chief Minister, other Ministers, Speaker, Leader of Opposition, Deputy Speaker, Parliamentary Secretaries and other Members of the Nagaland Legislative Assembly and Pension for ex-members Bill, 2005

ORISSA LEGISLATIVE ASSEMBLY

1. The Orissa Lokpal and Lokayuktas Amendment Bill, 2005
2. The Orissa Entry Tax Amendment Bill, 2005
3. The Orissa Textile and Sericulture Service Validation of Appointment of Assistant Director of Textile Bill, 2005
4. The Orissa Co-operative Societies Amendment Bill, 2005
5. The Orissa Value Added Tax Amendment Bill, 2005

APPENDIX VI
ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS
DURING THE PERIOD 1 JULY TO 30 SEPTEMBER 2005

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
UNION GOVERNMENT					
NIL					
CHHATTISGARH					
1.	The Chhattisgarh Municipal Corporation (Amendment) Ordinance, 2005	16.06.2005	11.07.2005	—	Replaced by Legislation
2.	The Chhattisgarh Municipalities (Amendment) Ordinance, 2005	16.06.2005	11.07.2005	—	Replaced by Legislation
GOA					
1.	The Goa Members of Assembly (Removal of Disqualification) Ordinance, 2005	11.07.2005	11.08.2005	09.09.2005	Replaced by Legislation
2.	The Goa Marine Fishing Regulation (Amendment) Ordinance, 2005	25.07.2005	11.08.2005	—	—

1.	The Islamic University of Science and Technology Kashmir Ordinance, 2005	—	JAMMU AND KASHMIR		26.09.2005	—	Replaced by Legislation
1.	The Institute of Chartered Financial Analysts of India University, Mizoram Ordinance, 2005	—	MIZORAM		29.09.2005	—	—
1.	The Orissa Co-operative Societies Amendment Ordinance, 2005	02.07.2005	ORISSA		01.08.2005	—	Replaced by Legislation

APPENDIX VII

A. PARTY POSITION IN 14TH LOK SABHA (STATEWISE) AS ON 19 FEBRUARY 2006

States	Seats	INC	BJP	CPI (M)	SP	RJD	DMK	BSP	SS	BJD	CPI	NCP	JD (U)	SAD	PMK	JMM	TRS	TDP	MO	LJ	AIIB
Andhra Pradesh	42	29	—	1	—	—	—	—	—	—	1	—	—	—	—	—	5	5	—	—	—
Assam	2	9	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar	40	3	5	—	—	22	—	—	—	—	—	—	6	—	—	—	—	—	—	4	—
Chhattisgarh	11	1	9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	12	14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	9	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	14	6	1	—	—	1	—	—	—	—	1	—	—	—	—	4	—	—	—	—	—
Karnataka	28	9	16	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala	20	—	—	12	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh	29	3	24	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	13	11	—	—	—	—	12	—	—	—	9	—	—	—	—	—	—	—	—	—
Manipur	2	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	2	7	—	—	—	—	—	—	11	—	—	—	8	—	—	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—
Rajasthan	25	4	21	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	10	—	—	—	16	—	—	—	—	2	—	—	—	5	—	—	—	4	—	—
Tripura	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttaranchal	5	1	3	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	9	10	—	36	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—
West Bengal	42	6	—	28	—	—	—	15	—	—	3	—	—	—	—	—	—	—	—	—	3
Nominated	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman and Diu	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
NCT of Delhi	7	6	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—
Pondicherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	545	147	131	43	36	23	16	15	12	11	10	10	8	8	6	5	5	5	4	4	3

Abbreviations used in respect of parties represented in the Lok Sabha:

AGP-Asom Gana Parishad; AIFB-All India Forward Bloc; AIMIM-All India Majlis-e-Ittehadul Muslimeen; AITC-All India Trinamool Congress; BJD-Biju Janata Dal; BJP-Bharatiya Janata Party; BNP-Bharatiya Navshakti Party; BSP-Bahujan Samaj Party; CPI(M)-Communist Party of India (Marxist); CPI-Communist Party of India; DMK-Dravida Munnetra Kazhagam; INC-Indian National Congress; IND-Independents; J&KPDP-Jammu & Kashmir Peoples Democratic Party; J&KNC-Jammu & Kashmir National Conference; JD(S)-Janata Dal (Secular); JD(U)-Janata Dal (United); JMM-Jharkhand Mukti Morcha; KC-Kerala Congress; LJP-Lok Jan Shakti Party; MDMK-Marumalarchi Dravida Munnetra Kazhagam; MLKSC-Muslim League Kerala State Committee; MNF-Mizo National Front; NCP-Nationalist Congress Party; NLP-National Loktantrik Party; NPF-Nagaland Peoples Front; PMK-Pattali Makkal Katchi; RJD-Rashtriya Janata Dal; RLD-Rashtriya Lok Dal; RPI(A)-Republican Party of India(A); RSP-Revolutionary Socialist Party; SAD-Shiromani Akali Dal; SDF-Sikkim Democratic Front; SJP(R)-Samajwadi Janata Party (Rashtriya); SP-Samajwadi Party; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi.

B. PARTY POSITION IN RAJYA SABHA (AS ON 15 FEBRUARY 2006)

Sl. No.	State/Union Territories	Seats	INC	BJP	CPI (M)	AIA-DMK	SP	TDP	RJD	BSP	BJD	NCP	INLD	*Others	IND	Total Vacancies	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
STATES																	
1.	Andhra Pradesh	18	8	—	1	—	—	9	—	—	—	—	—	—	—	18	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
3.	Assam	7	5	1	—	—	—	—	—	—	—	—	—	—	1	7	—
4.	Bihar	16	2	3	—	—	—	—	8	—	—	—	—	2 ^(a)	1	16	—
5.	Chhattisgarh	5	4	1	—	—	—	—	—	—	—	—	—	—	—	5	—
6.	Goa	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
7.	Gujarat	11	3	8	—	—	—	—	—	—	—	—	—	—	—	11	—
8.	Haryana	5	—	—	—	—	—	—	—	—	—	—	4	—	1	5	—
9.	Himachal Pradesh	3	1	2	—	—	—	—	—	—	—	—	—	—	—	3	—
10.	Jammu & Kashmir	4	2	—	—	—	—	—	—	—	—	—	—	2 ^(b)	—	4	—
11.	Jharkhand	6	1	4	—	—	—	—	—	—	—	—	—	1 ^(c)	—	6	—
12.	Karnataka	12	8	1	—	—	—	—	—	—	—	—	—	1 ^(d)	1	11	1
13.	Kerala	9	4	—	2	—	—	—	—	—	—	—	—	3 ^(e)	—	9	—
14.	Madhya Pradesh	11	5	6	—	—	—	—	—	—	—	—	—	—	—	11	—
15.	Maharashtra	19	5	3	—	—	—	—	—	—	—	4	—	5 ^(f)	2	19	—
16.	Manipur	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
17.	Meghalaya	1	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—
18.	Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(g)	—	1	—
19.	Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(h)	—	1	—
20.	Orissa	10	1	2	—	—	—	—	—	—	5	—	—	—	1	9	1
21.	Punjab	7	5	—	—	—	—	—	—	—	—	—	—	2 ⁽ⁱ⁾	—	7	—
22.	Rajasthan	10	6	4	—	—	—	—	—	—	—	—	—	—	—	10	—
23.	Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(j)	—	1	—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
24.	Tamil Nadu	18	3	—	—	12	—	—	—	—	—	—	—	3 ^(a)	—	18	—
25.	Tripura	1	—	—	1	—	—	—	—	—	—	—	—	—	—	1	—
26.	Uttaranchal	3	2	1	—	—	—	—	—	—	—	—	—	—	—	3	—
27.	Uttar Pradesh	31	1	8	—	—	12	—	—	6	—	—	—	1 ^(b)	3	31	—
28.	West Bengal	16	—	—	8	—	—	—	—	—	—	—	—	5 ^(c)	2	15	1
UNION TERRITORIES																	
29.	NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	—	—	—	3	—
30.	Pondicherry	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
31.	Nominated	12	—	3	—	—	—	—	—	—	—	—	—	4 ^(d)	—	7	5
TOTAL		245	73	47	12	12	12	9	8	6	5	5	4	32	12	237	8

OTHERS

(Break-up of Parties/Groups)

- (a) Samata Party-1; and Janata Dal (United)-1
 (b) Jammu and Kashmir National Conference-1; and Peoples' Democratic Party-1
 (c) Janata Dal (United)-1
 (d) Janata Dal (Secular)-1
 (e) Muslim League-2; and Revolutionary Socialist Party-1
 (f) Shiv Sena-3; Republican Party of India-1; and Sadbhavana Party-1
 (g) Mizo National Front-1
 (h) Nagaland Peoples Front-1
 (i) Shiromani Akali Dal-2
 (j) Sikkim Democratic Front-1
 (k) Dravida Munnetra Kazhagam-2; and Pattali Makkal Katchi-1
 (l) Akhili Bharatiya Loktantrik Congress-1
 (m) Revolutionary Socialist Party-2; Forward Bloc-1; and All India Trinamool Congress-2
 (n) Nominated-4

C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

State/Union territories	Seats	Cong.(I)	Janata Dal(U)	BJP	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A. (30.9.2005)	60	34	—	9	—	—	4 ^(a)	13	60	—
Assam L.A. (30.6.2005)	126	75	—	8	—	—	25 ^(a)	18	126	—
Bihar L.A.**	—	—	—	—	—	—	—	—	—	—
Bihar L.C.**	—	—	—	—	—	—	—	—	—	—
Chhattisgarh (1.12.2005)	91	35	—	51	—	—	4 ^(a)	—	90	1
Delhi L.A. (1.12.2005)	70	47	—	20	—	—	2 ^(a)	1	70	—
Goa L.A. (1.12.2005)	40	18	—	17	—	—	4 ^(a)	1	40	—
Gujarat L.A. (1.12.2005)	182	48	2	130	—	—	—	2	182	—
Haryana L.A.	90	66	—	2	—	—	11 ^(a)	10	89 ^a	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A. (1.2.2006)	89	20	—	1	2	—	49 ^(a)	14	86	3
Jammu & Kashmir L.C. (1.12.2005)	36	12	—	—	—	1	17 ^(a)	—	30 ^a	5
Jharkhand L.A. (30.9.2005)	82	9	5	30	—	—	34 ^(a)	3	81 ^a	—

Karnataka L.A. (1.12.2005)	225	64	5	79	1	—	62 ⁶⁰	13	224 ⁶	—
Karnataka L.C. (1.12.2005)	75	45	3	10	—	—	10 ⁶⁰	2	70 ⁶	4
Kerala L.A.**	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A.**	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—	—	—	—
Manipur L.A.**	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.**	—	—	—	—	—	—	—	—	—	—
Mizoram L.A. (1.9.2005)	40	10	—	—	—	—	27 ⁶⁰	1	38	2
Nagaland L.A. (1.12.2005)	60	16	2	7	—	—	31 ⁶⁰	4	60	—
Orissa L.A. (1.9.2005)	147	38	—	32	1	1	67 ⁶⁰	8	147	—
Punjab L.A. (1.12.2005)	117	66	—	2	—	—	40 ⁶⁰	9	117	—
Rajasthan L.A.*	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—
Uttaranchal L.A. (1.12.2005)	71	37	—	19	—	—	15 ⁶⁰	—	71	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY Pondicherry L.A. (30.9.2005)	33	17	—	1	—	1	10 ⁶⁰	2	31 ⁶	1

- * Information received from the State/Union territory Legislatures contained NIL report
- ** Information not received from the State/Union territory Legislatures
- Excluding Speaker/Chairman
- (a) Arunachal Congress-2; and Nationalist Congress Party-2
- (b) Asom Gana Parishad-20; Autonomous State Demand Committee (United)-2; Samata Party-1; Samajwadi Party-1; and All India Trinamool Congress-1
- (c) Bahujan Samaj Party-2; Nationalist Congress Party-1; and Nominated-1
- (d) Janata Dal(S)-1; and Nationalist Congress Party-1
- (e) United Goans Democratic Party-1; Maharashtrawadi Gomanlak Party-1; and Nationalist Congress Party-2
- (f) Indian National Lok Dal-9; Bahujan Samaj Party-1; and Nationalist Congress Party-1
- (g) National Conference-24; Peoples Democratic Party-16; National Panthers Party-4; Bahujan Samaj Party-1; Awami League-1; Democratic Movement-1; and Nominated-2
- (h) National Conference-8; Peoples Democratic Party-8; and National Panthers Party-1
- (i) Jharkhand Mukti Morcha-17; Rashtriya Janata Dal-7; All India Forward Bloc-2; Communist Party of India (Marxist-Leninist)-1; AJS-2; UGDP-2; and Nominated-1
- (j) Janata Dal(S)-58; Kannada Chhalavali Vatal Paksha-1; Kannada Naadu Party-1; Republican Party of India-1; and Nominated-1
- (k) Janata Dal(S)-10
- (l) Mizo National Front-23; Mizoram Peoples' Conference (MPC)-2; and Zoram Nationalist Party (ZNP)-2
- (m) Nagaland Peoples Front-31
- (n) Biju Janata Dal-61; Jharkhand Mukti Morcha-4; and Orissa Gana Parishad-2
- (o) Shiromani Akali Dal-40
- (p) Bahujan Samaj Party-7; Uttarakhand Party-4; Nominated-1; and Others-3
- (q) All India Anna Dravida Munnetra Kazhagam-2; Tamil Manila Congress-1; and Dravida Munnetra Kazhagam-7

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		Party position	131, 296, 485, 685
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