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EDITORIAL NOTE

India and Russia are two ancient civilizations which have interacted closely over the decades. The cooperation between these two great nations draws upon a long tradition of friendship and mutual understanding. In the 20th Century, Independent India and the erstwhile Soviet Union worked in tandem as a bulwark for international peace and cooperation. The resilience of Indo-Soviet cooperation was such that India's ties with the successor Russian Federation have not only survived the challenges of the post-Cold War era, but have strengthened and flourished in new directions in recent years. The tradition of high level exchanges between our two countries has contributed substantially to the building up of Indo-Russian cooperation. The visit to India of His Excellency, Mr. Vladimir V. Putin, President of the Russian Federation during the first week of October 2000 was yet another step in further consolidating the deep-rooted tradition of friendship, trust and confidence between the two nations.

On 4 October 2000, His Excellency, President Putin, addressed members of both Houses of Parliament in the Central Hall of Parliament House at a function organised under the auspices of the Indian Parliamentary Group (IPG). The Vice-President of India and Chairman of Rajya Sabha, Shri Krishan Kant welcomed the visiting dignitary to the function. Subsequently, His Excellency, President Putin addressed members of Parliament. The Prime Minister, Shri Atal Bihari Vajpayee and the Speaker, Lok Sabha, Shri G.M.C. Balayogi also addressed the distinguished gathering. The texts of the Addresses delivered by the dignitaries on the occasion are included in this issue of the *Journal*.

In the history of parliamentary democracy, the Office of the Presiding Officer has played a prominent role. It is accepted by all that one of the guiding forces behind the successful working of a parliamentary system is free and frank discussion on the floor of the House. And the Speaker is the key functionary of the House who has to facilitate orderly conduct of the business of the House. No other role in the parliamentary set up requires as much tact and tenacity as the Speaker's office. The responsibility of sustaining successful democratic functioning of the House also lies on his shoulder who, by not merely enforcing the rules but by his sagacious counsel and tolerance, in-depth understanding and persuasive skills, ensures that the voices of all sections of the House are heard with an open mind. Indeed, the Office of the Speaker is one of the cornerstones on which the edifice of the parliamentary system has been

built up. That being so, it is essential that the dignitary who adorns the office of the Speaker is one acceptable to all and is elected to the office in a manner that will generate goodwill for the incumbent.

Parliamentary democracies everywhere have laid down clear cut rules regarding the election of the Speaker of Parliament. In U.K., the Mother of all Parliaments, the Standing Orders, amended from time to time, provide for the procedure to be adopted while electing a Speaker.

On 12 July 2000, the then Speaker of the House of Commons, Miss Betty Boothroyd, announced her intention to relinquish the Office of Speaker. The Labour MP and the First Deputy Chairman of Ways and Means, Mr. Michael John Martin was elected as the 156th Speaker of the UK House of Commons on 23 October 2000. It was the third contested election after 1951, the fourth of the 20th Century and the ninth since the year 1800. The election was unique in two ways; for one, there was an unprecedented number of candidates; secondly, the considerable amount of the House time spent on conducting the election led to an urgent inquiry by the House Procedure Committee into the rules governing the election of the Speaker. The Procedure Committee, which went on to examine the election process anew, in its Report, recommended certain changes in the current procedure for electing the Speaker. The Report of the Procedure Committee has been approved by the House of Commons.

In India, which has also benefited from the Westminster model, the procedure for electing the Speaker of Lok Sabha is enshrined in rule 7 of the *Rules of Procedure and Conduct of Business in Lok Sabha*. In the article titled "Election of Speaker in UK and India", included in this issue of the *Journal*, the author attempts a study of the procedure for electing Speaker in UK and India. The article is laced with in-depth analysis of the electoral procedure in the two countries, the evolution of the electoral practice, the problem areas and the reforms that have been incorporated over the years. Extensive statistical information pertaining to the election of Speaker in the Lok Sabha and the House of Commons has also been included to give the reader a proper understanding of the electoral practice and procedure. The author also discusses the convention of 'Once a Speaker, always a Speaker' as evolved in the House of Commons and the difficulties in the way of such a convention striking roots in India.

This issue of the *Journal* carries the other regular Features, viz. Parliamentary Events and Activities, Privilege Issues, Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, a resume of the Sessions of the Lok Sabha,

the Rajya Sabha and the State Legislatures, Recent Literature of Parliamentary Interest and Appendices. A Comprehensive Index to Vol. XLVI of 2000 also finds place in this issue.

It has been our constant endeavour to make the *Journal* more useful and informative. We would greatly welcome suggestions for its further improvement. We also welcome practice and problem-oriented non-partisan articles in the field of parliamentary procedures and institutions from members of Parliament and State Legislatures, scholars and others interested in the field of parliamentary political science.

—G.C. Malhotra
Editor

ADDRESS BY HIS EXCELLENCY, MR. VLADIMIR V. PUTIN, PRESIDENT OF THE RUSSIAN FEDERATION TO MEMBERS OF PARLIAMENT

On 4 October 2000, His Excellency, Mr. Vladimir V. Putin, President of the Russian Federation, addressed members of both Houses of Parliament in the Central Hall of Parliament House at a function organised under the auspices of the Indian Parliamentary Group (IPG). The Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant welcomed the visiting dignitary to the function. Subsequently, His Excellency, Mr. Putin addressed members of Parliament. The Prime Minister, Shri Atal Bihari Vajpayee and the Speaker, Lok Sabha, Shri G.M.C. Balayogi also addressed the distinguished gathering on the occasion.

We reproduce below the texts of the Addresses delivered by the dignitaries on the occasion.

—Editor

ADDRESS BY THE VICE-PRESIDENT OF INDIA AND CHAIRMAN RAJYA SABHA, SHRI KRISHAN KANT

His Excellency Mr. Vladimir Putin, President of the Russian Federation, Honourable Prime Minister, Shri Vajpayee, Mr. Speaker, Shri Balayogi, Honourable members of Parliament and Distinguished Guests:

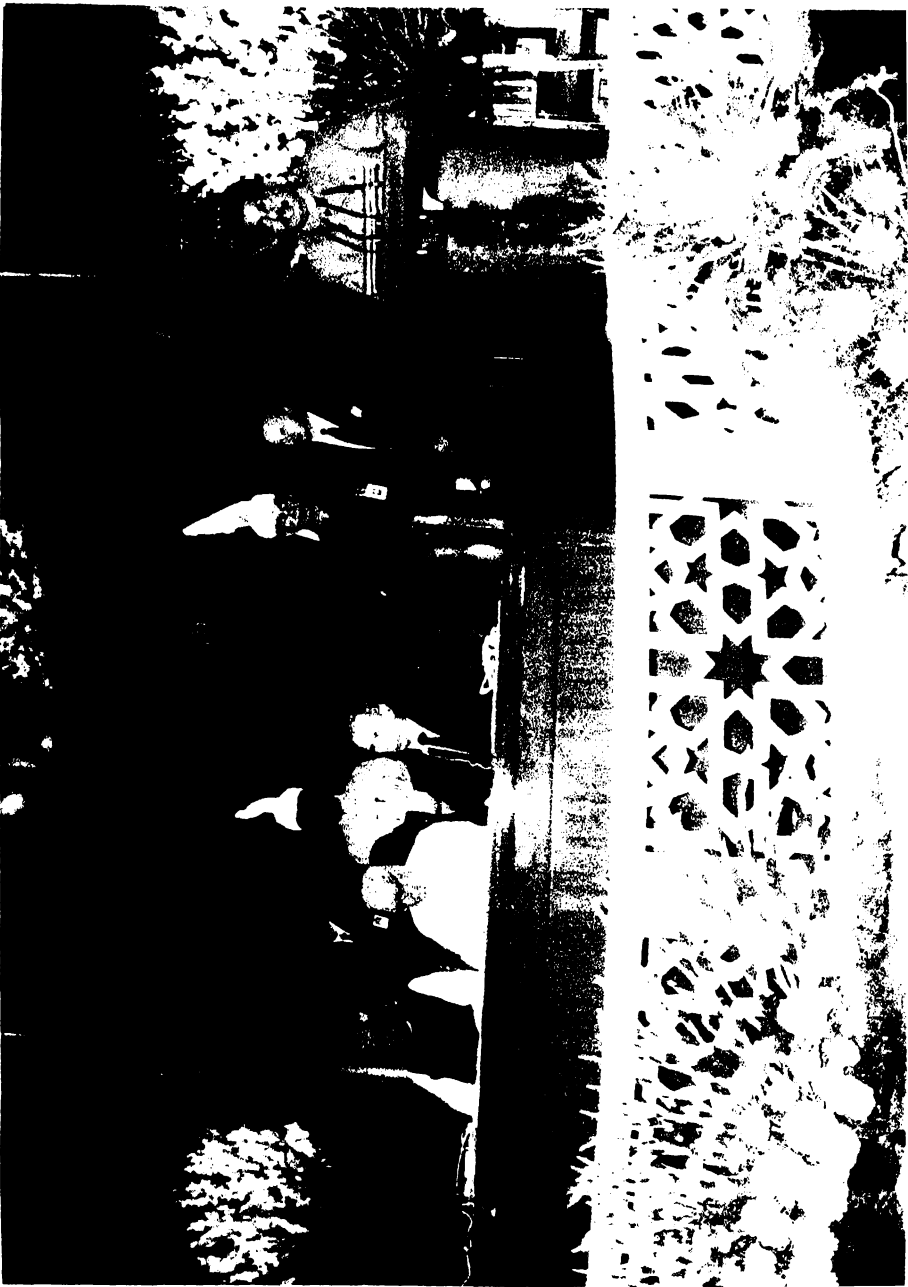
I have very great pleasure today in welcoming President Vladimir Putin of the Russian Federation to address the members of the Parliament of India. Excellency, it is an honour for me to receive you in this historic Central Hall, on behalf of one billion people of India and the members of our Parliament who represent them.

Mr. President, the friendship between Russia and India has been ordained by history. Nurtured by several generations of our leaders and, more importantly, endorsed and underwritten by our peoples, this friendship has assumed a historical character. No friendship, that enjoys the fulsome endorsement of the people, can ever fail. I shall be voicing the sentiments of all my colleagues assembled here that in welcoming you, Mr. President, we feel the unique joy, which one friend feels when he receives another.









Mr. President, together, our two nations, and our peoples, have witnessed and weathered some of the major twists and turns in contemporary history. One such major phase has been unfolding since the last one decade. The global community is changing in unprecedented ways, presenting to us both, an unprecedented challenge, as well as an unprecedented opportunity. Science and technology have emerged as the most powerful driving forces of history today.

Excellency, Russia possesses a large and efficient scientific and technological infrastructure. India, on the other hand, has its own advantages in scientific and technological pools of manpower, especially in information and computer technologies. Together, our two countries can create the new sunlit pathway to the Twenty-first Century's beckoning technological horizons. I am glad that this shall be an important focus of your visit.

We in India, Mr. President, are engaged in the monumental task of feeding, sheltering and clothing one-sixth of humanity in an environment in which democracy and freedom are our life-breath. This task was mandated to us by our founding fathers, who, fifty years ago, in this very historic Central Hall of our supreme legislature, gave to us our Constitution. Succeeding generations of Indians have since attempted, heroically, to achieve progress through freedom. In the new century this shall be the main challenge before the global community—to usher in progress without compromising freedom.

Our paths have not been without obstacles. But, today, we face a far greater danger—a pernicious one, which casts its deadly shadow on all that we cherish as good, sublime and noble. This spectre, this shadow, is international terrorism. Both our countries have suffered the destructive trepidations of this ferocious phenomenon which wears several garbs; now religious, now ethnic, now regional and, often times, all of it. It can be overt or covert, but it is always bloody, foul, immoral and destructive. Humanity's dream of a peaceful world will scarcely be realised unless it remains steadfastly uncompromising in its antipathies as well—antipathy for subverters of democracy and for the practitioners of terror as a state policy and extension of faith. Our two countries are home to some of the highest achievements of human mind and spirit. We will not allow this to be wantonly destroyed by these self-serving merchants of death. We shall never fail. Together we shall succeed.

Excellency, you have taken over the leadership of your great country at a crucial moment. We have watched with growing admiration your deft stewardship of the affairs of the Russian Federation and your

statesmanlike role is shaping world-events. You can count on our support. Together we can influence the pace and the direction of the forces that are so inexorably shaping our lives. You have rightly described India-Russia relationship as a strategic partnership, which has now been concretised through a formal Agreement between our two countries. It shall be further amelioration of the process commenced in 1971 with the signing of the Friendship Treaty between our countries. This itself is proof, if proof was ever needed, of the exceptional depth and resilience of our relations.

Indo-Russian contacts cannot be summed up in the prosaic and soulless term "international relation". Our encounter has been civilizational. Mahatma Gandhi's experiments with truth and non-violence were profoundly influenced by Leo Tolstoy, Kalidasa, Prem Chand and Krishan Chander were as popular in Russia as were Tolstoy, Gorky, Pushkin and Dostoevsky in India. Generations of Russians danced to the tune of "Awara Hun" and, Indians exulted in the excellence of Anna Pavlova's art. This is only a small glimpse of the size and the splendour of the Indo-Russian civilizational relations. As inheritors of this ennobling legacy, we have to take it forward and add to its majesty.

Excellency, many years ago, an Indian writer, Rahul Sankrityayan wrote a travelogue titled "From Volga to Ganga". Even the celebrated author himself didn't know then that he was providing the most perfect imagery for the Indo-Russian civilizational encounter. The great rivers represent to great civilizations, and their perennial flow symbolises the permanence, the serenity and the continuity of our contacts. Your visit is one more opportunity to us both to take our relationship a further step closer to its historically ordained height. Together we shall scale these heights.

I welcome you once again Mr. President, and may I now invite you to address the members of our Parliament.

**ADDRESS BY THE PRESIDENT OF THE RUSSIAN FEDERATION,
HIS EXCELLENCY, MR. VLADIMIR V. PUTIN**

Your Excellency, Mr. Vice-President, Your Excellency, Mr. Prime Minister, Your Excellency Mr. Speaker, Ladies and Gentlemen:

First of all, I would like to express my immense gratitude to the Indian leadership and to the Indian people for the invitation. Our contacts with the political leadership of India are at a very high level but the opportunity to address you here today in the Indian Parliament is a special honour and a special privilege. I would like to thank you for this

because it is not only pleasant to be surrounded by friends, it is not only pleasant to be in a circle of friends but I believe, it is very important to have the opportunity to meet the people, the members of Parliament, the people who are vested with the confidence of the population of the country, and to have the opportunity to directly tell you what the vision in contemporary Russia is about the relations between our countries. I hope that you will forward our vision and our analysis of the level and nature of our relations to your constituents.

This is my first visit to India. I am sincerely touched by the friendliness, sincerity and the cordiality that we experienced here on the Indian soil. This is a proof that the Russian-Indian relations are free of any political fluctuations. They are stable, firm, and they are not altered by time. The history of the relations between our countries shows what can be achieved if goodwill and mutual confidence are the cornerstones of the common cause. Our peoples have immense positive experience of friendship.

A new side of our co-operation is inter-parliamentary contacts. The Russian-Indian Inter-Parliamentary Commission is working successfully. The encounters between the members of Parliament are very important because they help each other, they study each other's experience. Being here, we see that it is not by accident that many of my compatriots devoted so much of attention to India. Five centuries ago, Russia found out about the existence of that remote magic country. Since then, our peoples have had mutual interests. Our great poets wrote about India. Chaikovsky and Fiat Bruz are among them. The Russians and Indians are united by the moral unity of the dignities of our cultures—for example, Leo Tolstoy and Rabindranath Tagore. Leo Tolstoy had kept up the correspondence with Mahatma Gandhi. Mahatma Gandhi considered Leo Tolstoy his special mentor. And the continuation of this high dialogue was the opening of the Department of Indian Philosophy in the Mahatma Gandhi University. Nicholas Cleric's family has contributed a lot between our countries. Russia is still very interested in India, the magic, and the charm of India are in the harmony between various origins—cultural, spiritual and historical.

Your country is the largest democracy in the world. You have negated the deep-rooted stereotypes, according to which the principles of democracy are only successful in the UK-type countries. India has demonstrated that the ancient systems can be modern and can meet the requirements of time. Your experience shows that democratic freedoms and human rights are universal but at the same time they have intrinsic credit values. They are the trace of history and customs of the

people. Yesterday, I talked to the Vice-President of your country about this in detail.

Russia has embarked on this path about ten years ago. This is our firm choice. We have achieved a lot. Of course, there have been mistakes and errors. The reason for them is the lack of experience of living in a democratic society. The customs and our roots were not taken into account in many cases. Russia, like India, is a huge pluralistic State. So, your positive experience is very valuable. It is important for us that you are capable of finding a balance between various interests, maintaining unity in pluralism. As Jawaharlal Nehru said, we respect the immense gift of India to humanity and the contribution of India to the treasure of international civilisation, of course, I mean the philosophy of non-violence and tolerance. In our era, it may play a great peace-keeping force, it may be a counter-balance to terrorism, militant nationalism and religious extremism. India is respected for its principled position in international affairs, be it human right or environmental protection. This commitment to principles is always of a friendly nature. This is specially important. I would like to emphasise that this commitment to principles is never associated with confrontation.

Dear Ladies and Gentlemen, Russia wants to see India, which is celebrating this year the 50th Anniversary of the declaration of the Republic, as a prospering country. We consider your country a major factor of global stability and we are for comprehensive strengthening of our relations with India. I thank you very much for your support. The comprehensive strengthening of our cooperation with India has always been, and remains a priority—one of the top priorities of Russian foreign policy. We have always maintained contacts at a high level.

Lately, for the last seven years, there has not been a Summit level visit. But I want you to know that nothing has changed. We highly value the fact that you have a consensus on the importance of cooperation with Russia. During my visit, the Declaration of Strategic Partnership between our countries has been signed. The Declaration is a new word in the Russian-Indian relations. It is a very important one for the two countries for a multi-polar world order. This is a practical document. Our relations are relations between equal partners. Our geopolitical interests coincide. This is the foundation of our cooperation for a long-term and historical perspective. In our domestic life, we face similar problems. We have to address very complicated, economic and social problems. And, in these areas, the interaction between Russia and India can be especially valuable and important. I am sure that in the conditions of

globalisation and inter-dependence, humanity is obliged to turn to non-confrontation in relations.

Jawaharlal Nehru many years ago said:

"The world is indivisible; prosperity and freedom are indivisible today; and happiness is also indivisible in this world which cannot be fragmented".

These are prophetic words. This is why Moscow and Delhi are against the efforts to unilateral relations on the key economic and social problems of the world. We are for strengthening global security on the basis of reforming and raising the sovereignty of the United Nations with strict respect for international law and respect for the sovereignty of the States. We should become more committed to, and other Asian States should also join this dialogue because we believe this is quite possible.

Dear Ladies and Gentlemen, Russia and India are the largest federal pluralistic States in the world. In 1994, we signed the Declaration of Protection of Rights in Pluralistic States. I take into account the complexity of religious and community problems. They should be resolved through political dialogue. At the same time, we should manifest commitment to principles and firmness when conflicts on this basis grow and jeopardise the lives of the people, the territorial integrity and sovereignty of the States. The Russian and Indian positions regarding this are identical. They actually coincide. We hope that this will bring about positive results. I have no doubts regarding this.

We know at present what is going on in Kashmir. We share your concern about outbreaks of violence there. The fact that the Kashmir issue has not been settled, has been making the relation between India and Pakistan tense, the worst over the last three decades. This issue can be resolved on a bilateral basis, on the basis of a compromise and on an unconditional respect for the Line of Control. Any foreign interference should be stopped.

We highly respect the consistent position of India on the action the Russian authorities have taken in the Northern Caucasus. The concept of forming a collective front to fight terrorism with the participation of all interested States is warmly welcome.

I would like to share with you—deviating from the text of my presentation—the information that we have which is absolutely true and verified, according to which, the same individuals, the same terrorist organisations, extremist organisations are organising and, very often,

the same individuals participate in organising, in conducting and igniting terrorist acts from the Philippines to Kosovo, including Kashmir, Afghanistan and Russia's Northern Caucasus. The so-called international terrorists have succeeded. So, we fully support the initiative of the Indian leadership on the collective front to fight terrorism. The commonality of the key interests of Russia and India allows to agree on nuclear issues which are quite complex. Our countries are capable of working out positions that would not contradict the interests of regional and international security. We assume that India, taking into account its own interest, will continue to move towards a non-proliferation regime.

Once again, I would like to say that our relations with India have always been, and remain one of the most important areas of the Russian foreign policy, and they have a special influence and significance for us. However, I would like to emphasise this that no matter how our relations with other countries developed, be it the Asian countries or other countries, we do not consider them as alternatives to our relations with India. They are not to prejudice our relations with India. This will never be so.

India is a great country. It is our long-term partner and ally. Our fruitful relations are devoid of alien and egoistic tasks, and are mutually beneficial. Between the peoples of Russia and India, there has never been any hostility; there has never been a voice of conflict. Russia and India are ancient civilisations but at the same time, they are living and developing democracies. On the threshold of the new century, we are ready to strengthen our relations, maintaining most valuable traditions of friendship and profound sympathy and respect for each other.

I thank you very much for your intentions and support.

**ADDRESS BY THE PRIME MINISTER,
SHRI ATAL BIHARI VAJPAYEE**

*Your Excellency President Putin, Honourable Vice President of India,
Honourable Speaker of the Lok Sabha, Honourable members of
Parliament, Distinguished Guests:*

I would like to thank President Putin for his stimulating and thought provoking speech. These thoughts should guide us as we build upon our strategic partnership in the Twenty-first century. It is indeed a privilege to have President Putin in our midst today.

Dobro pozhalavat!

Over two and a half centuries ago, Peter the Great had asked his

Special Envoy Vice Admiral D. Wilster, who had been sent to India to sign an agreement, to “work as hard as possible in order to have fruitful commercial relations between the two sides”.

Your Excellency, you are the inheritor of the legacy of Peter the Great and belong to the city that honours his memory. It is a city that withstood a siege of 900 days during the Second World War and gave the world a lesson in courage and endurance—qualities that the Russian people are justly famous for.

We are confident that your first visit to India will open a new chapter in Indo-Russian relations. We see in you a good friend of India and hold you in high esteem.

As the words of Peter the Great show, our ties go back centuries. Though the centuries. Tolstoy and Dostoevsky have inspired generations of Indians. Similarly, the prose of Munshi Prem Chand and the cinematic skills of Raj Kapoor have found committed followers in Russia.

This is the cultural and historical legacy which we have to build upon, and give new meaning to, as we enter the Twenty-first century.

We share common concerns and have common interests. The history of the last five decades demonstrates that close Indo-Russian understanding is essential to peace and stability in Asia and the world.

This is what makes us strategic partners. Our friendship is not based on short-term calculations, but transcends the twists and turns of history and politics.

We are commemorating this year the 50th Anniversary of the establishment of our Republic. We have reposed faith in the principles of democracy which are today universal ideals providing for the growth of the human being and society.

Our democratic structures are rooted in the cardinal values of pluralism, secularism, and tolerance.

Mr. President, not long ago, you had talked of the goodness of man in shaping relations in society and between States. This is what democracy is all about: empowering the people and releasing their creative energies.

India has embarked on an ambitious economic reform programme. We have had some success in our efforts at building a modern economy while ensuring distributive justice.

Along with the well-being of our people, we seek peace and security

in our region and the world over. We have desired friendly and cooperative relations with the countries in our neighbourhood and beyond, based on mutual respect and civilised norms of behaviour. We intend to pursue this approach.

India has consistently striven for global disarmament and has been in the forefront of all international efforts in this direction. We remain firmly committed to the creation of a nuclear weapons free world. The continuous proliferation of nuclear weapons and missiles in our region has been of concern to us. Mr. President, we have given formal shape to our relations by signing the Declaration on Strategic Partnership between India and the Russian Federation. This Declaration will guide us in further developing our cooperation. Your historic visit to India will help in the further cementing of these bonds.

It is of significance that the views of both India and the Russian Federation overlap and intersect on a wide range of international issues. Our positions on these subjects are based on mutuality of interests and shared perceptions. As we move towards the development of a new world order that is based on the principles of multipolarity, respect for sovereignty and territorial integrity and non-interference in the internal affairs of others, I am confident that the strength of Indo-Russian relations will prevail in the creation of a global order which fosters international peace, security and stability.

In this regard, the reform of the United Nations system becomes vital. We welcome Russia's continued support to India's candidature for permanent membership in an expanded United Nations Security Council.

One of the major challenges which we, in this region, have faced over a decade is the menace of international terrorism, religious extremism, drug trafficking and narco-terrorism and separatism. These dangers do not recognise any borders and affect all. Terrorism cannot be allowed to become an instrument of State policy. The international community should resolve to overcome these challenges through concerted efforts.

I take this opportunity to extend our greetings and best wishes to the people of the Great Russian Federation. I wish you, Mr. President, success in your endeavours in building a new Russia—a stable, democratic and confident Russia.

Thank you.

**ADDRESS BY THE SPEAKER, LOK SABHA,
SHRI G.M.C. BALAYOGI**

*Your Excellency, the President of the Russian Federation,
Respected Vice-President, Honourable Prime Minister, Honourable
Ministers, Honourable members of Parliament, members of the
Diplomatic Corps, Ladies and Gentlemen:*

It is with immense pleasure that I rise to thank you, Mr. President, for your enlightening Address to this august assembly and for your considered views on various matters concerning our two countries in particular and the world in general. Excellency, I am confident that your visit to India and your address to members of our Parliament would mark the beginning of a new era in the history of our time tested excellent bilateral relations.

Excellency, we in India have always cherished the long-standing and deep-rooted tradition of friendship, trust and confidence which has characterised relations between our two countries. We regard it as a precious legacy to be built upon. I feel greatly satisfied in taking note of the fact that our ties with the Russian Federation have not only endured the challenges of the post 1990 era but have been further strengthened and diversified in new directions.

Our commonalities have brought us together and kept us together through thick and thin. Both India and Russia are committed to the cause of world peace and a democratic and just global order. We believe in a multi-polar world where nations co-exist peacefully, and where progress, prosperity and development are ensured. Our views on a majority of regional and global issues, including the menace of global terrorism, are similar.

The most important commonality that is found in our societies is that both are pluralistic countries with diversities of language, religion and culture. We consider these diversities a source of our strength and take pride in them. As in the past, we can continue to work for the betterment of mankind in the new century and the new millennium.

Excellency, we in India have keenly watched the changes that have taken place in your country. We note with admiration your transition to a new democratic system based on free elections, free press and constitutional governance. These aspects form the fundamental values of our political system as well. We appreciate the Russian endeavours in evolving their own model of economic and industrial growth. This, in fact, is the cornerstone of our own philosophy since ancient times. Every society has to evolve its own methods and mechanisms to govern various

aspects of its life, of course, based on common human experiences. We have developed a political system to suit our conditions and a model of economy very Indian in character and ethos.

In this context, I would like to recall the famous essay you have posted on the internet in which you said that a worthy future for your country could be counted only by combining the principles of a market economy and democracy with the Russian reality. We consider your view an instance of Russian nationalism, which is rooted in history, reasserting itself with vigour. We have always endeavoured to carve out a niche for ourselves on the basis of an enlightened national interest.

In this context, your visit, towards which we have eagerly looked forward, is an important milestone in imparting a new dynamism to our relationship. I feel that we must also strive to add a strong parliamentary dimension to our relationship. Parliamentary interactions not only foster goodwill between Parliaments but also provide informal channels of diplomacy through people's representatives. This belief was further reinforced during the visit of an Indian Parliamentary Delegation led by me in November 1998 to Russia which was reciprocated very warmly from your side with a return visit to India by the Chairman of the State Duma. We hope this tradition will continue.

Excellency, your address to this distinguished gathering is an important initiative in expanding parliamentary relations between our countries. On behalf of the people and the Parliament of India, I convey through you. Mr. President, the strong sentiments of friendship and goodwill that exist in India for the people of Russia and their chosen representatives.

Thank you.

ELECTION OF SPEAKER IN UK AND INDIA

G.C. MALHOTRA

On 23 October 2000, fifty-five-year-old Labour MP and the First Deputy Chairman of Ways and Means¹, Mr. Michael John Martin was elected as the 156th Speaker of the UK House of Commons. This election was necessitated by the retirement of the incumbent Speaker Miss Betty Boothroyd. It was the third contested election after 1951, the fourth of the 20th century and the ninth since the year 1800. The election was unique in two ways; for one, there was an unprecedented number of candidates; secondly, the considerable amount of the House time spent on conducting the election led to an urgent inquiry by the House Procedure Committee into the rules governing the election of the Speaker. The Procedure Committee, which went on to examine the election process anew, in its Report, recommended certain changes in the current procedure for electing the Speaker.

Election of Speaker

The need for choosing a Speaker of the House of Commons arises when there is a newly-elected House or upon the resignation, retirement or death of a sitting Speaker or when the sitting Speaker ceases to be a member of the House for any reason. The election of the Speaker is held at the start of a new House of Commons, irrespective of whether or not the Speaker in the previous House has been re-elected as a member. If the previous Speaker has expressed his or her willingness to continue, the election becomes a mere formality.

Once a Speaker, Always a Speaker!

This practice has been maintained since 1841, when the Liberal sitting Speaker Charles Shaw-Lefevre, first elected Speaker in May 1839, was unanimously re-elected as Speaker in August 1841 by a newly-elected Tory-controlled House of Commons. The Tory leader, Sir Robert Peel

1. The Speaker of the House of Commons is nowadays assisted by three Deputies—the Chairman of Ways and Means, the First Deputy Chairman of Ways and Means and the Second Deputy Chairman of Ways and Means

argued that it was not necessary that a person elected to the Chair, who had conscientiously and ably performed his duties, should be replaced because his political opinions were not consonant with those of the majority of the House². Since then, whenever a sitting Speaker has sought re-election as Speaker, he has always been re-elected. There is, however, no constitutional or legislative provision that would guarantee re-election of the sitting Speaker. On 19 February 1835, the candidature of the sitting Conservative Speaker, Charles Manners-Sutton, the Speaker in seven previous Houses, for another term was rejected by the House which voted in favour of Mr. James Abercromby, a Liberal. Since then, till now, this has been the only instance when the House has rejected a sitting Speaker seeking re-election.

Starting 1835, when the sitting Speaker of the House was not re-elected as Speaker, till the year 2000, only 17 members have occupied the Office of the Speaker. Mr. Michael J. Martin is the 18th to occupy the Office since 1835³.

Speakers and Party Affiliations

In the general elections in the past, political parties have fielded candidates against the sitting Speakers. For instance, in the general elections held in April 1895, the Conservative Party had pitted a candidate against the sitting Speaker William Court Gully, a Liberal. Speaker Gully held to his seat by an increased majority even while the Conservatives won the general elections. The Conservatives who subsequently formed the government, however, did not put any candidate in the election for Speakership against the sitting Speaker Gully, who was re-elected Speaker unopposed on 12 August 1895. Earlier, Mr. Gully was first elected Speaker in a contested election on 10 April 1895 at the fag end of the previous House. He was elected Speaker the third time on 3 December 1900. For the next 35 years, no Speaker was opposed in his constituency. This practice was again broken in 1935 when the Labour Party decided to field a candidate against Speaker Edward A. FitzRoy belonging to the Conservatives. Speaker FitzRoy won in the general elections and was

2. *Parl. Deb.* Third Series, House of Commons, Vol. 59, col. 7, 1841

3. Speakers elected since 1835 -James Abercromby (1835-39); Charles Shaw-Lefevre (1839-57); John Evelyn Denison (1857-72); Henry Bouverie William Brand (1872-84); Arthur Wellesley Peel (1884-95); William Court Gully (1895-1905); James William Lowther (1905-21); John Henry Whitley (1921-28); Edward A. FitzRoy (1928-43); Clifton Brown (1943-51); William Shepherd Morrison (1951-59); Harry Braustyn Hylton-Foster (1959-65); Horace Maybray King (1965-71); Selwyn Lloyd (1971-76); George Thomas (1976-83); Bernard Weatherill (1983-92); Betty Boothroyd (1992-2000); and Michael J. Martin (2000-)

re-elected as the Speaker for another term. The Labour Party once again contested the Speaker's seat in the general election held in 1945. In spite of Labour's mammoth victory, the sitting Speaker, Clifton Brown, a Conservative, retained his seat and was re-elected Speaker. In the 1964 general elections, Speaker Sir Harry Hylton-Foster (Conservative) was opposed in his constituency by candidates of the Labour and Liberal Parties. While the Labour Party got a majority, Speaker Hylton-Foster retained his seat and was re-elected as the Speaker unanimously. Two factors in particular have been crucial in securing the continuity of the Office. Firstly, during the period of what may be termed modern Speakership, no Speaker seeking re-election in his constituency has ever been defeated at the polls; secondly, during the same period, no incoming majority following a change of government has ever given in to the temptation to replace a sitting Speaker⁴.

The first contested election of the 20th century took place in 1951 when two candidates – Mr. W.S. Morrison and Major James Milner – were proposed for Speakership⁵. The Conservative Party candidate Mr. Morrison was elected as the Speaker by 318 votes as against 251 votes for the Labour Party candidate, Major James Milner⁶. The second occasion for a division to decide the Speaker arose in 1971 when the name of a genuinely unwilling second candidate, Sir Geoffrey de Freitas, a prominent Labour back bencher was proposed in order to have a vote and express the back benchers' dissatisfaction and protest against the lack of prior consultation of back benchers, on both sides of the House, preceding the nomination of the Conservative Member, Mr. Selwyn Lloyd as Speaker. Speaking against the way in which the election procedure had been handled, Mr. John Pardoe, the Liberal Party M.P., argued that 'the Speaker in so far as he is a servant, and only a servant, of the

4. See Philip Laundy, "The Speaker and His Office in the Twentieth Century" in S.A. Walkland (ed.) *The House of Commons in the Twentieth Century – Essays by Members of the Study of Parliamentary Group*, Clarendon Press, Oxford, 1979, p. 132

5. There have been nine contested elections since the year 1800. The contested elections took place in 1817, 1833, 1835, 1839, 1895, 1951, 1971, 1992 and 2000. Charles Manners-Sutton (Tory) won the election in 1817 by 312 votes to 152 votes; re-elected for the seventh time in a contested election in 1833 by 241 to 31 votes. James Abercromby won the election in 1835 by 316 to 306 votes. Charles Shaw-Lefevre was elected in 1839 by 317 to 299 votes. William Court Gully was elected in 1895 by 285 to 274 votes. W.S. Morrison was elected in 1951 by 318 to 251 votes. Selwyn Lloyd was elected in 1971 by 294 to 55 votes. Betty Boothroyd was elected in 1992 by 372 to 238 votes. Michael Martin was elected in 2000 by 370 to 8 votes.

6. *House of Commons Deb.*, Vol. 493, c.16, 31.10.1951

House, he ought to be, and ought to be seen to be, a servant of the whole House and of the House itself, and not of the Executive or of the two Front Benches. Such can be the case only if the Speaker is elected in a proper democratic manner'⁷. He went on to say that 'Parliamentary democracy does not reside on the Opposition Front Bench; it does not reside on the Treasury Bench; nor does it reside in some spiritual "never-never land" suspended in the ether somewhere half-way between the two. It resides in this House, in the unfettered rights of individual members to be consulted and to speak their minds on a matter of this importance'⁸. Conservative MP, Mr. Robin Maxwell-Hyslop, supporting the objection raised by Mr. Pardoe, proposed the name of prominent Labour backbencher, Sir Geoffrey de Freitas as a candidate to have a division. In the subsequent division, Mr. Lloyd was elected by securing 294 votes to 55⁹. Sir Geoffrey had not been consulted about his candidature, and before the division was taken, he expressed his embarrassment and said that he would support Mr. Lloyd¹⁰.

The Procedure Committee of 1971-72

As a result of the back bench protest against lack of consultation before the 1971 Speaker's election, the Procedure Committee examined the procedure for electing the Speaker and presented its report on 26 January 1972. It recommended that the retiring Speaker should, if possible, occupy the Chair until his successor is elected and that on all other occasions, including the re-election of a Speaker at the beginning of a new Parliament or when the Speaker has ceased for whatever reason to be a member of the House, the House should meet under the Chairmanship of "that member of the House and not being a Minister of the Crown, who has served for the longest period continuously as a Member of this House" and not by the Clerk of the House of Commons as had been the practice till then. Such Member is popularly known as the Father of the House. Since then, the Father of the House presides from the lower Chair, the Clerk's place at the Table. The Father of the House enjoys all those powers which may be exercised by the Speaker during the proceedings to choose a Speaker. On the contrary, the Clerk of the House, presiding over the proceedings to elect a Speaker, had no power to speak or deal with points of order under the Standing Orders, thus putting the whole House in a vulnerable position.

7. *House of Commons Deb.*, Fifth Series, Vol. 809, c. 9, 12.01.1971

8. *Ibid.*, c.12

9. *House of Commons Deb.*, Vol. 809, col. 22, 12.01.1971

10. *Ibid.*, c. 22

The Procedure Committee also recommended that a question should be put to the House in the event of a single candidate; and the question on any other candidates should be put as amendments to the original motion. The Committee's proposals were accepted by the House on 8 August 1972, and are now enshrined in Standing Order No. 1. The assumption was that a 'vetting' of suitable candidates would take place behind the scenes by the Government in consultation with the Opposition and others, with a view to putting a sole candidate, or at the most two, before the House. The 1972 reforms were not intended to deal with a situation in which a multiplicity of candidates stood for election¹¹. The idea of having voting first on the second candidate put forward as an amendment to the original motion, was to measure the support he or she enjoyed in the House. If the amendment was defeated, a unanimous election of the first or another candidate might be achieved¹².

In case of a vacancy during the session, the House is acquainted by a senior Minister with Her Majesty's leave to elect a Speaker. The Chair calls a member to propose a candidate and another member to second that candidate. Then the Chair proposes the question "that.... do take the Chair of this House as Speaker" which may be followed by a debate, at the end of which the member proposed will make the customary speech submitting himself to the House. At the end of the debate, if no other candidate has been proposed, the Chair puts the question. However, before any decision is taken by the House on the first nominee, another member may be proposed which should be moved as an amendment to the original motion, to leave out the name in that motion and insert the other name. The Chair then proposes "that the amendment be made", which is followed by a debate. Then the member so nominated will indicate his or her willingness to accept the office. If the amendment is carried, no further amendment can be moved and the Chair puts the main question as amended, *i.e.* that the member named in the successful amendment take the Chair as Speaker. The House may divide on that question. If the amendment is not carried, further amendments may be moved in like manner. If and when all amendments have been negatived and no further amendments are forthcoming, the Chair puts to the House the main question unamended. Once the Speaker is elected, the Father of the House relinquishes the Chair.

11. *Election of a Speaker*, Second Report, Procedure Committee, House of Commons, February 2000-2001

12. For details see *Election of a Speaker*, First Report, Procedure Committee, House of Commons, 1971-72, Para 25

Putting an alternative candidate as an amendment

The new procedure as enshrined in Standing Order No. 1 came into operation for the first time on 6 March 1974 when Speaker Lloyd was unanimously re-elected to the Chair. However, the new procedure for putting an alternative candidate as amendment to the motion for the first candidate was put into operation for the first time in April 1992. On 27 April 1992, after the name of Mr. Peter Brooke was proposed and seconded, followed by a debate and submission to the House by the candidate, an amendment proposing the name of Miss Betty Boothroyd was carried by 372 to 238 votes¹³. Thereafter, the main question, as amended, was put and agreed to without division. This was the third contested election of the 20th century¹⁴.

Election of British Speakers, 1951-2000

The Procedure Committee of 1971-72 had expressed the hope that the Speakers would choose to retire in the middle of a session, giving at least ten days' notice of his or her impending retirement, rather than at the end of a Parliament. There is an advantage in doing this as members would have some knowledge about the qualities of the potential candidate as someone from the present House and whom they are familiar with.

Since 1971, three Speakers, Speaker Horace Maybray King (1971), Speaker Selwyn Lloyd (1976) and Speaker Betty Boothroyd (2000) retired during the tenure of the House of Commons. However, Speaker George Thomas (1983) and Speaker Bernard Weatherill (1992) retired only at the end of their tenures. For Speakers of the House of Commons since 1951, the dates of their election, party in power, party to which the Speaker belonged to at the time of election, etc., see Table I.

Miss Boothroyd, who was first elected in the contested election in 1992 and re-elected unanimously in 1997, had announced on 12 July 2000 her retirement that would become effective "immediately before the House returns from the summer recess" on 23 October 2000. While announcing her intention to relinquish the Office of Speaker, Miss Boothroyd said that there was a clear advantage in a new Speaker being elected

13. *House of Commons Deb.*, Vol. 237, c.16, 27.4.1992

14. See G.C. Malhotra: 'The First Woman Speaker of the British House of Commons', *Journal of Parliamentary Information*, Vol. XXXVIII, No. 3, September 1993, pp. 342-44

Table I
Election of Speakers of House of Commons – (1951-2000)

Sl. No.	Year of General Election	Date of Election	Reasons for Election	Presiding Officer's	Speaker Elected	Contested/Uncontested	Ruling Party	Party to which Speaker belonged at the time of election
1	2	3	4	5	6	7	8	9
1.	1951	31.10.51	New House	Sir Frederic William Metcalfe, Clerk of the House of Commons	Mr. William Shepherd Morrison	Contested	Conservative	Conservative
2.	1955	7.06.55	New House	Sir Edward Fellowes, Clerk of the House of Commons	Mr. William Shepherd Morrison	Re-elected unanimously	Conservative	Conservative
3.	1959	20.10.59	New House	Sir Edward Fellowes, Clerk of the House of Commons	Sir Harry Braustyn Hylton-Foster	Elected unanimously	Conservative	Conservative
4.	1964	27.10.64	New House	Sir Thomas George Barnett Cocks, Clerk of the House of Commons	Sir Harry Braustyn Hylton-Foster	Re-elected unanimously	Labour	Conservative

15. If the retiring Speaker is still in office, he or she will normally take the Chair during the election. If there is no Speaker in post, or able to preside at the time of the election, the practice before the early 1970s was that the Clerk of the House of Commons took the Chair. Following the review by the Procedure Committee, in 1972, it was decided that "that Member, present in the House and not being a Minister of the Crown, who has served for the longest period continuously as a Member of this House" should take the Chair.

1	2	3	4	5	6	7	8	9
5.	—	26.10.65	Death of Speaker Hylton-Foster on 2.09.1965	Sir Thomas George Barnett Cocks, Clerk of the House of Commons	Dr. Horace Maybray King	Elected unanimously	Labour	Labour
6.	1966	18.04.66	New House	Sir Thomas George Barnett Cocks, Clerk of the House of Commons	Dr. Horace Maybray King	Re-elected unanimously	Labour	Labour
7.	1970	29.06.70	New House	Sir Thomas George Barnett Cocks, Clerk of the House of Commons	Dr. Horace Maybray King	Re-elected unanimously	Labour	Labour
8.	—	12.01.71	Retirement of Speaker King	Sir Thomas George Barnett Cocks, Clerk of the House of Commons	Mr. Selwyn Lloyd	Contested	Conservative	Conservative
9.	1974 (February)	6.03.74	New House	Mr. George Russell Strauss, Father of the House	Mr. Selwyn Lloyd	Re-elected unanimously	Labour	Conservative
10	1974 (October)	22.10.74	New House	Mr. George Russell Strauss, Father of the House	Mr. Selwyn Lloyd	Re-elected unanimously	Labour	Conservative

1	2	3	4	5	6	7	8	9
11. —		3.02.76	Retirement of Speaker Lloyd	Mr. Selwyn Lloyd, Speaker of the House	Mr. George Thomas	Elected unanimously	Labour	Labour
12. 1979		9.05.79	New House	Mr. John Parker, Father of the House	Mr. George Thomas	Re-elected unanimously	Conservative	Labour
13. 1983		15.06.83	New House	Mr. James Callaghan, Father of the House	Mr. Bernard Weatherill	Elected unanimously	Conservative	Conservative
14. 1987		17.06.87	New House	Sir Bernard Richard Brain, Father of the House	Mr. Bernard Weatherill	Re-elected unanimously	Conservative	Conservative
15. 1992		27.04.92	New House	Sir Edward Heath, Father of the House	Miss Betty Boothroyd	Contested	Conservative	Labour
16. 1997		7.05.97	New House	Sir Edward Heath, Father of the House	Miss Betty Boothroyd	Re-elected unanimously	Conservative	Labour
17. —		23.10.00	Retirement of Speaker Boothroyd	Sir Edward Heath, Father of the House	Mr. Michael J. Martin	Contested	Labour	Labour

during the course of a Parliament. It ensured that all members were familiar with the qualities of potential successors. She added that her decision would give her successor a run-in before the general election¹⁶. This announcement meant that when the House would meet after the summer recess on 23 October 2000, there would be no sitting Speaker and the election of the new Speaker would be held, as provided in Standing Order No. 1 of the House of Commons, under the chairmanship of the Father of the House.

Questioning the British Election Procedure

Following the announcement of retirement by Speaker Boothroyd, a large number of members started showing interest in becoming the next Speaker of the House of Commons or was projected by others as good candidates. Some members even pleaded with the outgoing Speaker to stay on for long enough to enable the rules surrounding the Speaker's election to be changed to accommodate a field for not one or two candidates, but as many as ten or more. The Leader of the House, however, resisted the proposals about making time available for rule changes¹⁷.

The main concern appeared to be the limited opportunity for the House to consider the election process and suggest possible changes to the existing process before the election. Members also raised queries about the suitability of the existing process as contained in Standing Order No. 1 to provide them with a full and free choice of candidates. It was expressed that none of the candidates expressing interest in the post would be put to the test of his or her popularity before going forward to a full debate in the House. Consequently, a candidate with the support of just a few members of the House stood as much chance as those rated highly of being put forward in the House debate. It was also contended that the situation under the present system gets complicated as no one knows how the Chair would decide which of the candidates to call first as it is his discretion. Those called first may have a better chance of winning than those who do not catch the Chair's eye. Thus, it was felt that a candidate at No. 10 or No. 12 was unlikely to be chosen. Therefore, many members of the House of Commons expressed dissatisfaction over the present election procedure and termed it as discredited and undemocratic. In 1996, the Procedure Committee also had admitted some inherent weaknesses in the system of election

16. *House of Commons Deb.*, Vol. 353, c. 869, 12.7.2000

17. W.R. McKay, (Clerk, House of Commons, UK), *Commonwealth Newsletter*, London, 18 December 2000, p.1

of the Speaker as laid down in Standing Order No. 1, in particular the burden laid on the Father of the House to decide who was to catch his eye to move the first candidate. However, it recommended no change in the existing procedures for the election of the Speaker as, according to its view, there was no better system.

Election Process

The House met at 2.30 P.M. on 23 October 2000 to choose the new Speaker and since there was no sitting Speaker, the Father of the House, Sir Edward Heath took the Chair. After Sir Edward explained the procedure of election, veteran Labour MP, Mr. Tony Benn proposed a ballot system for the election of the Speaker and requested the Chair to allow the House to decide his proposal. According to the proposal, ballot papers would be printed for all candidates and after a debate, members would vote for their preferred candidates. Only the top two candidates would go to a run-off and there would be a division to decide the candidate with the largest number of votes to become the Speaker. The proposal was supported by many Members from both sides of the House who were advocating a free, fair, open and democratic ballot.

At a husting organized on the morning of the election day by the Labour MP, Mr. Gordon Prentice and attended by approximately 150 members, there was near unanimity to go for a ballot of the candidates.

While expressing sympathy with the anxiety shown by members about the present system, the Father of the House, said that his powers under the Standing Order did not extend to presiding over a debate and a decision on other possible methods of election. Besides, it would become very confused if an attempt to change the rules was made in the middle of the election process. However, with a view to assisting the House, Sir Edward announced, in advance, the order in which he would call members to propose candidates. He said that the list was not exhaustive. Members might catch his eye to put forward other candidates if no amendment moved by a Member whose name was on the list was carried. If any amendment was carried and the main question as amended was agreed to, no subsequent amendments could be proposed.

The Father of the House then announced the list of 12 candidates whose names had been notified to him. Sir Edward said that he had decided the order of the candidates at his discretion. He said that this had always been the case in the past but his predecessors never announced in advance the names and their placings. Rejecting the demand for a change in the election process, Sir Edward said that the

announcement of the names of candidates and their proposers and seconders would give the House far more information than it had ever had in the past which might enable it to take a decision.

Election of Michael Martin as Speaker

The actual process of election of the Speaker began at 2.58 P.M. and continued until about 9.15 P.M. Mr. Peter Snape, commending the name of Mr. Martin, proposed: "that Mr. Michael J. Martin do take the Chair of this House as Speaker." Ms. Ann Keen seconded the motion. Mr. Martin then submitted himself to the House. Thereafter, eleven amendments, one after the other proposing and seconding names of other candidates, were negatived by the House one by one. The main motion proposing the name of Mr. Martin was then put to the House, and on a division, Mr. Michael J. Martin, securing 370 votes against 8, was elected as the 156th Speaker of the House of Commons. Sir Edward Heath then left the Chair. Mr. Martin was taken out of his place and 'dragged' to the Chair as per convention by Mr. Peter Snape and Ms. Ann Keen, the proposer and seconder, respectively of his candidature.

Before resuming the Chair, the Speaker-elect, standing on the upper step, thanked the members for reposing confidence in him. He assured the House that he would try to prove himself worthy of that confidence and to maintain the high traditions of the House. Thereafter, members congratulated the Speaker-elect, at the end of which Prime Minister, Mr. Tony Blair announced Her Majesty's pleasure that this House should present their Speaker at 11.15 P.M. in the House of Peers for Her Majesty's Royal Approbation. The sitting of the House was accordingly suspended at 9.44 P.M. On resuming at 11.18 P.M., Mr. Speaker reported to the House of Commons about Her Majesty's Royal Approbation and assured his entire devotion to the service of the House. The House was then adjourned.

Speaker Michael Martin: A Brief Profile

Born on 3 July 1945, Mr. Michael John Martin joined the Labour Party in 1969. He was elected Councillor for Fairfield Ward, Glasgow in 1973 and for Balornock Ward, Glasgow in 1975. Elected to the House of Commons in 1979, he served with distinction in various House Committees. Mr. Martin was the Deputy Leader of the Labour Party from 1980 to 1983, and a member of the Speaker's Panel of Chairmen, 1987. He was also the Chairman, Scottish Grand Committee, 1987 and the Chairman of the Administrative Select Committee, 1992. Before his election as the Speaker of the House of Commons, Mr. Martin was the First Deputy Chairman of Ways and Means.

Procedure Committee of 2000-2001

Following the election of Mr. Michael Martin as Speaker and taking into consideration the issues that were raised at the time of the election, there was an enquiry by the Procedure Committee into the election procedure for the Office of the Speaker. The Procedure Committee, headed by the Conservative MP, Mr. Nicholas Winterton, in its Report, made several recommendations of far-reaching importance. As mentioned earlier, since the year 1835 when a sitting Speaker was not re-elected as Speaker of the House of Commons, no sitting Speaker has been opposed in the election to the Office. The Procedure Committee of 2000-2001 pointed out that since the middle of the 19th century, there has been a presumption that a Speaker, once elected by the House, is not subsequently challenged. The Committee felt that if it were to become accepted that a change in the composition of the House following a general election were, as a matter of course, to lead to a change in the occupancy of the Chair, there was a grave danger that the Office itself would be destabilised and in danger of becoming politicised. Equally important was that the House should not be denied the right to change its Speaker, however unlikely it may be that that right would be exercised¹⁸. The Committee, therefore, proposed that there should be no automatic ballot at the start of a new House in the circumstances where a sitting Speaker seeking re-election to the Chair had been returned to the House. Instead, a single unamendable motion should be moved, and the question put by the Presiding Member, that that person do take the Chair of this House as the Speaker. It would be open to the House *in extremis* to negative that motion¹⁹.

While discussing the procedure involving the election of the Speaker by the House, the Procedure Committee recommended replacing of the 1972 system of electing the Speaker with a ballot-based system²⁰. The Committee recommended that each candidate's nomination should receive the support of 12 other members, of whom at least three should not be members of his or her party. At a suitable interval after the nominations were closed and immediately before holding the ballot, candidates should have the opportunity to address the House in support of their candidatures. The proposers and the seconders were not to make speeches on this occasion. The Committee recommended a secret ballot and preferred

18. *Election of a Speaker*, Second Report, Procedure Committee, House of Commons, February 2001, para.75

19. *Ibid.*, para 76

20. For details of recommendations see *Election of a Speaker*, Second Report, Procedure Committee, House of Commons, February 2001

the Exhaustive Ballot as the electoral system in which a candidate receiving more than 50 per cent of the votes was elected, adding that the question of whether the ballot be secret or open should be the subject of a specific and separate decision by the House. If no candidate did so, candidates polling less than 5 per cent of the total votes cast should be eliminated after the first ballot. The House would then vote again on the reduced slate of candidates and would continue doing so until one candidate received more than half of the votes or only two candidates remained in the fray. Voters could even amend their preferences in each round when they see the outcome of the previous round. In this system, candidates who had not been eliminated would be allowed to withdraw between rounds, thus shortening the process by a few rounds. The results, including the number of votes received by each candidate, would be announced by the Presiding Member.

The Committee felt that it should be possible to complete the whole process in the course of a single sitting day. The Committee also felt that using this system, the House could continue to elect Speakers who would maintain the high traditions of their Office, in particular those of complete political impartiality and devotion to the service of the House.

The Report of the Procedure Committee has since been approved by the House of Commons on 22 March 2001. Earlier, in a separate voting on that day, the House also decided by 84 to 82 votes in favour of a secret ballot for electing the Speaker.

Election of Speaker in India

In India, whenever the Office of the Speaker of Lok Sabha falls vacant, the Deputy Speaker performs the duties of the Office till a new Speaker is elected. According to the second proviso to Article 94 of the Constitution, the sitting Speaker remains in office even after the dissolution of the Lok Sabha and until immediately before the first meeting of the new House, irrespective of the fact whether or not he has been re-elected as a member. Thus, the Speaker of a dissolved House ceases to be the Speaker the moment the new House meets. When the Offices of both the Speaker and the Deputy Speaker fall vacant, the duties of the Office of the Speaker are performed by such member of the Lok Sabha as the President of India may appoint for the purpose [Article 95(1)]. Normally, the senior-most member of the House is appointed and the person so appointed is known as the Speaker *pro tem*. He takes oath as a member before the President and later administers oath/affirmation to the newly-elected members of Lok Sabha and conducts the election of the Speaker. In contrast to the practice in the U.K.

House of Commons, the Speaker *pro tem* in India presides from the Speaker's Chair.

The procedure for electing the Speaker of Lok Sabha is enshrined in rule 7 of the *Rules of Procedure and Conduct of Business in Lok Sabha*. Rule 7(1) says that the election shall be held on such date as the President may fix, and the Secretary-General, Lok Sabha, shall send to every member notice of this date. Another feature of the Indian procedure is that the names of the candidates for the Office of the Speaker are known before the election. At any time before noon on the day preceding the date so fixed for election, any member may give notice in writing, addressed to the Secretary-General, of a motion that another member be chosen as the Speaker of the House. The notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected [rule 7(2)]. All the notices of motions which are in order are entered in the List of Business in the order in which they are received in point of time. A member in whose name a motion stands on the List of Business, unless he states that he does not wish to move the motion, moves the motion when called upon to do so. In either case, he shall confine himself to a mere statement to the effect that he moves the motion or that he does not intend to move the motion [rule 7(3)]. The motions which have been moved and duly seconded are put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the Chair, without putting later motions, declares that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House [rule 7(4)].

Election of Indian Speakers, 1952-1999

Table II lists the names of Speakers of Lok Sabha since 1952, the dates of their election, party in power, party to which a Speaker belonged to at the time of election, etc.

British and Indian systems: A Comparison

Unlike in the House of Commons, the Presiding Officer in the Lok Sabha does not call upon the proposers of a motion at his discretion. In the Lok Sabha, proposers are called upon to move the motions in the order in which they are listed in the List of Business. The proposer and seconder of a candidate also do not make any speech while proposing and seconding a candidate. The candidate also does not make a speech expressing his willingness to accept the Office.

Table II
Election of Speakers of Lok Sabha - (1952-1999)

Sl. No.	Year of General Election	Date of Election	Reasons for Election	Presiding Officer	Speaker Elected	Contested/Uncontested	Ruling Party	Party to which Speaker belonged at the time of election
1	2	3	4	5	6	7	8	9
1.	1952	15.05.52	New Lok Sabha	Sh. B. Das, Speaker <i>pro tem</i>	Sh. G.V. Mavalankar (died in office on 27 February 1956)	Contested	Congress	Congress
2.	—	8.03.56	Death of Speaker Mavalankar	Sardar Hukam Singh, Speaker <i>pro tem</i>	Sh. M.A. Ayyangar	Elected unanimously by a voice vote	Congress	Congress
3.	1957	11.05.57	New Lok Sabha	Dr. Govind Das, Speaker <i>pro tem</i>	Sh. M.A. Ayyangar	Re-elected unanimously by a voice vote	Congress	Congress
4.	1962	17.04.62	New Lok Sabha	Dr. Govind Das, Speaker <i>pro tem</i>	Sardar Hukam Singh	Elected unanimously by a voice vote	Congress	Congress
5.	1967	17.03.67	New Lok Sabha	Dr. Govind Das, Speaker <i>pro tem</i>	Dr. N. Sanjiva Reddy (resigned on 19.07.69)	Contested	Congress	Congress

1	2	3	4	5	6	7	8	9
6.	—	8.08.69	Resignation of Speaker Reddy	Sh. R.K. Khadlikar, Dy.Speaker	Dr. G.S. Dhillon	Elected unanimously by a voice vote	Congress	Congress
7.	1971	22.03.71	New Lok Sabha	Dr. Govind Das, Speaker <i>pro tem</i>	Dr. G.S. Dhillon (resigned on 1.12.75)	Re-elected unanimously	Congress	Congress
8.	—	5.01.76	Resignation of Speaker Dhillon	Shri G.G. Swell, Dy.Speaker	Sh. B.R. Bhagat	Contested	Congress	Congress
9.	1977	26.03.77	New Lok Sabha	Shri D.N. Tiwari, Speaker <i>pro tem</i>	Dr. N. Sanjiva Reddy (resigned on 13.07.77)	Elected unanimously	Janata Party	Janata Party
10.	—	21.07.77	Resignation of Speaker Reddy	Sh. Godey Murahari, Dy.Speaker	Sh. K.S. Hegde	Elected unanimously	Janata Party	Janata Party
11.	1980	22.01.80	New Lok Sabha	Sh. Jagjivan Ram, Speaker <i>pro tem</i>	Dr. Bal Ram Jakhar	Elected unanimously	Congress	Congress
12.	1985	16.01.85	New Lok Sabha	Sh. Jagjivan Ram, Speaker <i>pro tem</i>	Dr Bal Ram Jakhar	Re-elected unanimously	Congress	Congress
13.	1989	19.12.89	New Lok Sabha	Prof. N.G. Ranga, Speaker <i>pro tem</i>	Sh. Rabi Ray	Elected unanimously	Janata Dal	Janata Dal

1	2	3	4	5	6	7	8	9
14.	1991	10.7.91	New Lok Sabha	Sh. Indrajit Gupta, <i>Speaker pro tem</i>	Sh. Shivraj V. Patil	Elected unanimously	Congress	Congress
15.	1996	23.05.96	New Lok Sabha	Sh. Indrajit Gupta, <i>Speaker pro tem</i>	Sh. P.A. Sangma	Elected unanimously	BJP	Congress
16.	1998	24.03.98	New Lok Sabha	Sh. Indrajit Gupta, <i>Speaker pro tem</i>	Sh. G.M.C. Balayogi	Contested	Coalition led by BJP and supported by TDP	Telugu Desam Party (TDP)
17.	1999	22.10.99	New Lok Sabha	Sh. Indrajit Gupta, <i>Speaker pro tem</i>	Sh. G.M.C. Balayogi	Re-elected unanimously	NDA led by BJP	Telugu Desam Party

In India, unlike in UK, it is not customary for the mover and seconder to be private members. On several occasions, the motion was moved by the Prime Minister and seconded by another Minister. In fact, objection was raised to this during the election of the Speaker of the First Lok Sabha itself. While felicitating Shri G.V. Mavalankar on his election as Speaker of the First Lok Sabha, Shri Shankar Shantaram More, who also contested the election, pointed out this departure from the British practice. Referring to the British convention of proposing and seconding the names of candidates for Speakership by back benchers, Shri More said:

...by observing this convention, a sort of assurance is given to the minority that their interests will be protected and that the Speaker will deal with the minority in an impartial manner...Unfortunately, in this House, the Hon. Leader of the House thought it fit to propose your name and another Hon. Minister thought it advisable to second it. I believe that if some back benchers – and there is no dearth of back benchers on their side – had been selected for proposing your name, there would have been the proper procedure to emphasise your impartiality²¹.

During the election of the Speaker of the Fourth Lok Sabha, an Opposition member, Shri Madhu Limaye also raised objection to the sponsoring of the name of Dr. N. Sanjiva Reddy for Speakership by Ministers²². The Speaker *pro tem*, Dr. Govind Das, said that it was clear in rule 7 of the *Rules of Procedure and Conduct of Business in Lok Sabha* that any member could propose the name of another member for Speakership, adding a Minister did not mean that he was not a member of the House²³.

Once a candidate is declared elected as Speaker of Lok Sabha, he is conducted to the Chair by the Prime Minister and the Leader of the Opposition, and not by the mover and seconder as in the House of Commons. The Speaker, thereafter, conducts the proceedings as the Speaker of Lok Sabha and not as Speaker-elect and does not require recognition by any other authority as in UK where Royal Approbation is granted to the Speaker-elect.

The Speaker's election in a newly elected Lok Sabha is held only after members are administered the oath/affirmation whereas in a newly

21. *Parliamentary Deb.*, House of the People, Part II, Vol.1, No.1, c. 30, 13.5.1952

22. *Lok Sabha Deb.*, Fourth Series, Vol.1, cc. 23-24, 17.3.1967

23. *Ibid*, c. 27

elected House of Commons, members are administered oath after the Speaker is chosen. In fact, the Speaker of the House of Commons, standing upon the upper step of the Chair, takes the Oath of Allegiance only after his or her Royal Approbation, followed by other members. While the first business of a newly elected House of Commons is the election of the Speaker, in a newly elected Lok Sabha, the first business is the administration of oath/affirmation to the members-elect.

Ever since the constitution of the First Lok Sabha in 1952 till the present House, elections to the Office of the Speaker of Lok Sabha have been held 17 times. Barring four occasions, the elections have been unanimous. Interestingly, the very first election – to the office of the Speaker of the First Lok Sabha – held on 15 May 1952 was a contested one. Three motions proposing the name of Shri G.V. Mavalankar, Speaker of the Central Legislative Assembly, the Constituent Assembly (Legislative), and the Provisional Parliament – the predecessors of Lok Sabha – were moved in the House. Two motions proposing the name of another member, Shri Shankar Shantaram More were also moved. The first motion moved by the Prime Minister, Shri Jawaharlal Nehru and seconded by the Minister of Parliamentary Affairs, Shri S.N. Sinha was adopted by the House by 394 Ayes to 55 Noes²⁴.

The second contested election was held on 17 March 1967 to elect the Speaker of the Fourth Lok Sabha. There were seven motions before the House, one proposing the name of Dr. N. Sanjiva Reddy, five proposing the name of Shri T. Viswanathan and one proposing the name of Shri R.K. Khadilkar. However, only six motions were moved. The motion proposing the name of Shri Khadilkar was not moved. The motion proposing the name of Dr. Reddy, moved by the Minister of Parliamentary Affairs, Dr. Ram Subhag Singh and seconded by the Minister of State of Finance, Shri K.C. Pant was adopted, after a division, by 278 to 207 votes²⁵.

The third contested election took place on 5 January 1976 to fill the vacancy caused by the resignation of the sitting Speaker Dr. G.S. Dhillon on 1 December 1975. Three motions proposing the names of Shri B.R. Bhagat, Shri Samar Guha and Shri Jagannath Rao Joshi, respectively, were included in the List of Business dated 5 January 1976. The motion proposing the name of Shri Guha was not moved, while the two other motions were moved. The motion proposing the

24. *Parliamentary Debates*, House of the People. Part II, Vol. 1, No. 1, cc. 21-28, 13.5.1952

25. *L.S. Deb.*, Fourth Series, Vol. 1, No. 1, cc. 21-54, 13.3.1967

name of Shri Bhagat moved by Prime Minister, Smt. Indira Gandhi and seconded by the Minister of Parliamentary Affairs, Shri K. Raghuramaiah was adopted by 351 votes in favour and 60 against it²⁶.

The fourth and the last contested election was held on 24 March 1998 to elect the Speaker of the Twelfth Lok Sabha. While the motion proposing the name of Shri P.A. Sangma, Speaker of the Eleventh Lok Sabha, was negatived by the House, the motion proposing the name of Shri G.M.C. Balayogi – moved by the Prime Minister, Shri A.B. Vajpayee and seconded by the Minister of Home Affairs, Shri L.K. Advani – was adopted by a voice vote²⁷.

Five Indian Speakers, namely Shri M.A. Ayyangar, Dr. N. Sanjiva Reddy, Dr. G.S. Dhillon, Dr. Bal Ram Jakhar and Shri G.M.C. Balayogi have been chosen for a second time. While four of them were chosen in successive Lok Sabhas, Dr. Reddy was elected for a second time after a gap of 10 years of his first election. Unlike the Speakers of House of Commons, many of whom have been re-elected three times or more, no Speaker of Lok Sabha in Independent India has so far been elected to the Office of Speaker for a third time.

Only on four occasions, were elections held to the Office of Speaker during the on-going life of the Lok Sabha due to death or resignation of sitting Speakers. The election to the Office of Speaker during the tenure of the First Lok Sabha was held for a second time on 8 March 1956 following the death of the sitting Speaker Shri Mavalankar. Election was held on 8 August 1969 (Fourth Lok Sabha) and again on 26 March 1977 (Sixth Lok Sabha) due to the vacancy caused by the resignation of the sitting Speaker, Dr. N. Sanjiva Reddy. On both occasions, Dr. Reddy had resigned to contest the Presidential election. While in 1969 Dr. Reddy lost the election by a narrow margin, he was elected President of India in 1977. Election was also held on 5 January 1976 to choose a successor to Dr. G.S. Dhillon who had resigned from the Speakership to be sworn in as a Cabinet Minister.

Dr. Bal Ram Jakhar was the only Speaker of Lok Sabha who had the distinction of presiding over two successive Lok Sabhas for their full term (1980-89). The second term of Dr. N. Sanjiva Reddy as the Speaker was the shortest period (3 months, 17 days). For the period 1951-2000, Speakers of the House of Commons have, on an average, held office for a period of a little over seven years, whereas in India, the figure is

26. *L.S. Deb.*, Fifth Series, Vol. LV, No. 1, cc. 25-36, 5.1.1976

27. *L.S. Deb.*, Twelfth Series, Vol. 1, No. 1, cc. 6-7, 24.3.1998

around four years for the period 1952-1999. Among the House of Commons Speakers since 1951, Speaker Weatherill, presiding over two full Houses, had the longest tenure of a little over 9 years, whereas the tenure of Speaker Lloyd with a little over 5 years was the shortest period.

When Shri G.M.C. Balayogi was elected Speaker of the Twelfth Lok Sabha on 24 March 1998, he was the youngest member so far (46 years) to have been elected to the high Office while Shri K.S. Hegde was the oldest member (68 years) to be elected as Speaker.

There have been 13 general elections each in India since 1952 and in UK since 1951 to constitute their popular Houses. As in the case of the Lok Sabha, in the House of Commons also, elections to the Office of Speaker have been held 17 times during this period. The number of contested elections is also four in both countries for the same period. While eight Members have been chosen to the Office of the Speaker of the House of Commons since 1951, the number is 12 in the case of India since 1952.

Speakers and General Elections

In modern times, no sitting Speaker of the House of Commons has lost his seat in a general election. In contrast, in India, there are cases of Speakers losing their seats in general elections. Dr. G.S. Dhillon, the Speaker of the Fifth Lok Sabha, had resigned from the Office on 1 December 1975 and was sworn in as a Cabinet Minister. He, however, was defeated in the 1977 general elections. Shri B.R. Bhagat, who succeeded Dr. Dhillon as the Speaker of the Fifth Lok Sabha, also lost in the general elections in 1977. Dr. Bal Ram Jakhar, the Speaker of the Seventh and the Eighth Lok Sabha was defeated in the general elections held in 1989.

In many cases, even when Speakers have been elected to succeeding Lok Sabhas, their names were not proposed as candidates for the Office of the Speaker. The names of Shri M. A. Ayyangar, Shri Rabi Ray and Shri Shivraj V. Patil were not proposed as candidates for the Office of Speaker even when they had been re-elected to the next Lok Sabha. Shri P.A. Sangma was the only Speaker (Eleventh Lok Sabha) whose name was proposed by the Opposition for Speakership of the next House. Shri Sangma was, however, not re-elected in a contested election for the Office of Speakership of the Twelfth Lok Sabha.

Till the year 1996, Speakers of Lok Sabha always hailed from the ruling party. This practice was broken in 1996 when Shri P.A. Sangma,

a member of the main opposition party – Congress – was unanimously chosen as the Speaker of the House. Again, in 1998 and 1999, Shri G.M.C. Balayogi, belonging to a regional party, the Telugu Desam Party, supporting the BJP-led Government from outside, was elected as the Speaker of the Twelfth and the Thirteenth Lok Sabhas, respectively.

Unlike Speakers of the House of Commons, Indian Speakers are not made members of the other House of Parliament after they demit office. In UK, normally, a Speaker, on his retirement, is elevated to the House of Lords.

Indian Speakers and Party Politics

The British convention of re-electing the sitting Speaker unopposed has not found much favour in India for a variety of reasons. The desirability of leaving the Speaker's seat uncontested in a general election and getting him re-elected unopposed as the Speaker has been discussed in various Conferences of the Presiding Officers of Legislative Bodies in India held from time to time. There has been a strong feeling among the Presiding Officers that the seat from which the Speaker stands for re-election should not be contested. Simultaneously, they have also stressed that the Speaker should not take part in party politics.

In 1967, the Conference of Presiding Officers held in New Delhi decided to constitute a Committee to examine the whole gamut of the functioning of representative institutions in the country in the context of changes perceived to be taking place in the political climate. The Committee devoted a considerable time to issues relating to the office of the Speaker. The Committee was originally headed by the then Speaker of the Mysore Legislative Assembly, Shri B. Vaikunta Baliga. Shri V.S. Page, the then Chairman of the Maharashtra Legislative Council, was appointed as the Chairman of the Committee on the passing away of Shri Baliga in June 1968. The Page Committee considered it desirable that a convention should be established to the effect that the seat from which the Speaker stands for election or re-election to the House should not be contested in the elections. The Committee suggested that if the Speaker had functioned impartially and efficiently during his tenure of office, he should be continued as a matter of course. Before the general elections, the ruling party should try to seek a consensus among all political parties on the candidature of the sitting Speaker. Once there was a consensus based on majority decision, all parties should be debarred from putting up candidates against him and should agree to support him against any possible independent candidate. In the event of failing to reach a consensus before the election, all parties would be free to put up candidates for the Speaker's seat. The existing Speaker,

in that case, would be free to contest on a party ticket. Once re-elected as member, he must not contest or otherwise become the Chief Minister or a Minister; he should, however, be eligible for election as Speaker uncontested.

A British-type convention of 'once a Speaker, always a Speaker', is yet to be established in India and sitting Speakers have been seeking re-election on party tickets subjecting themselves to the compulsions of party-politics. Indeed, the position of the Indian Speaker is paradoxical: he has to contest election on a party ticket but is expected to conduct himself in a non-partisan manner once elected Speaker. Thereafter, he is still dependent on his party for a ticket for contesting the next election. Furthermore, the increasing presence of a large number of political parties in the House in recent years particularly has a strenuous effect on the functioning of the Office of the Speaker as the Speaker has to assure all of them of his complete neutrality and fairness and seem to be acting in all fairness all the time. This issue was discussed at the 63rd Conference of Presiding Officers of Legislative Bodies in India held in Hyderabad in May-June 2000. As decided at the Conference, the Speaker of Lok Sabha and the Chairman of the Conference of Presiding Officers of Legislative Bodies in India, Shri G.M.C. Balayogi constituted a Committee of Presiding Officers under the Chairmanship of Shri P.M. Sayeed, the Deputy Speaker of Lok Sabha, to go into all aspects of the Office of the Speaker under the prevailing political conditions. The Committee is presently looking into the matter.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

4th Workshop of Parliamentary Scholars and Parliamentarians: The 4th Workshop of Parliamentary Scholars and Parliamentarians was held at Wroxton College, Wroxton, Oxfordshire, UK from 5 to 6 August 2000. Smt. Sushma Swaraj, MP and Shri D.V.G. Shankar Rao, MP attended the Workshop from India.

The Workshop mainly held deliberations on the following subjects: (i) Legislatures in Transition; (ii) Independence in western Legislatures; (iii) The Role of Parliamentary Committees; (iv) The Westminster Model in Practice; (v) Creating a New Parliament; and (vi) The Future of Legislatures.

Conference of Presiding Officers of National Parliaments at the United Nations General Assembly: Under the auspices of the Inter-Parliamentary Union (IPU), a Conference of Presiding Officers of National Parliaments was held in New York, from 30 August to 1 September 2000 to coincide with the Millennium Session of the United Nations General Assembly. The Conference provided an opportunity to delegates to share the vision of international cooperation at the dawn of the Third Millennium and to demonstrate, together with peers, the common resolve to provide the United Nations with a parliamentary dimension.

The Indian Parliamentary Delegation to the Conference was led by the Speaker, Lok Sabha, Shri G.M.C. Balayogi. The other members of the Delegation were: the Minister for Parliamentary Affairs and Information Technology, Shri Pramod Mahajan; the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed; Sarvashri K. Yerrannaidu, Mulayam Singh Yadav, P.H. Pandian, Sharad Pawar, Alladi P. Raj Kumar, Priya Ranjan Dasgupta, Amar Singh, Buta Singh, Hannan Mollah, Ramchandra Khuntia, Dr. Raghuvansh Prasad Singh, and Maj. Gen. (Retd.) B.C. Khanduri, all members of Parliament; and the Secretary-General, Lok Sabha, Shri G.C. Malhotra, and the Secretary-General, Rajya Sabha, Shri R.C. Tripathi. Shri M. Rajagopalan Nair, Joint Secretary, Lok Sabha Secretariat was the Secretary to the Delegation.

The Conference concluded after adopting a Declaration on "The Parliamentary Vision for International Cooperation at the dawn of the Third Millennium".

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

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

The birth anniversaries of the following leaders were celebrated during the period 1 July to 30 September 2000:

Dr. Syama Prasad Mookerjee: On the occasion of the birth anniversary of Dr. Syama Prasad Mookerjee, a function was held on 6 July 2000. The Speaker, Lok Sabha, Shri G.M.C. Balayogi, the Minister of Labour, Dr. Satyanarayan Jatiya; the Minister of Petroleum and Natural Gas, Shri Ram Naik; the Minister of State (Independent charge) in the Ministry of Small Scale Industries, Agro and Rural Industries, and the Minister of State assisting the Prime Minister, in the Ministry of Personnel, Public Grievances and Pensions, Department of Atomic Energy and Department of Space, Smt. Vasundhara Raje; the Minister of State in the Ministry of Human Resource Development, Smt. Sumitra Mahajan, members of Parliament; and former members of Parliament and others paid floral tributes to Dr. Syama Prasad Mookerjee.

Lokmanya Bal Gangadhar Tilak: On the occasion of the birth anniversary of Lokmanya Bal Gangadhar Tilak, a function was held on 23 July 2000. The Speaker, Lok Sabha, Shri G.M.C. Balayogi, the Minister of Home Affairs, Shri L.K. Advani; the Minister of Petroleum and Natural Gas, Shri Ram Naik; the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla; the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed; the Minister of State in the Ministry of Power, Smt. Jayawanti Mehta; members of Parliament; and former members of Parliament and others paid floral tributes to Lokmanya Tilak.

Shri Rajiv Gandhi: On the occasion of the birth anniversary of Shri Rajiv Gandhi, a function was held on 20 August 2000. The Speaker, Lok Sabha, Shri G.M.C. Balayogi; the Minister of Home Affairs, Shri L.K. Advani; the Leader of the Opposition in the Lok Sabha, Smt. Sonia Gandhi; the Leader of the Opposition in the Rajya

Sabha, Dr. Manmohan Singh; the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed; members of Parliament and former members of Parliament; and others paid floral tributes to Shri Rajiv Gandhi.

Dadabhai Naoroji: On the occasion of the birth anniversary of Dadabhai Naoroji, a function was held on 4 September 2000. The Minister of Home Affairs, Shri L.K. Advani; the Leader of the Opposition in the Rajya Sabha, Dr. Manmohan Singh; members of Parliament; and former members of Parliament and others paid floral tributes to Dadabhai Naoroji.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

PARLIAMENTARY DELEGATIONS VISITING INDIA

Cameroon: On our invitation, an 8-member Parliamentary Delegation from Cameroon, led by the President of the National Assembly of Cameroon, Mr. Cavaye Yeguie Djibril, visited India from 20 to 26 July 2000. The Delegation called on the Speaker, Lok Sabha, Shri G.M.C. Balayogi and the Minister of Parliamentary Affairs and Information Technology, Shri Pramod Mahajan on 24 July 2000. The Speaker, Lok Sabha, Shri G.M.C. Balayogi hosted a dinner in their honour the same day. The Delegation also called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant; the President of IPU and Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla; and the Minister of External Affairs, Shri Jaswant Singh on 25 July 2000. The Delegation also had a meeting with members of Departmentally-Related Standing Committee on External Affairs.

Besides Delhi, the Delegation visited Agra and Mumbai.

Madagascar: On our invitation, a 7-member Parliamentary Delegation from Madagascar, led by the Vice-President of the National Assembly, Mr. Emmanuel Rakatozafy, visited India from 9 to 18 August 2000. The Delegation called on the Speaker, Lok Sabha, Shri G.M.C. Balayogi and the President of IPU and Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla on 10 August 2000. Dr. (Smt.) Heptulla hosted a dinner in their honour the same day. The Delegation also called on the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant; the Minister of Parliamentary Affairs and Information Technology, Shri Pramod Mahajan; the Minister of State of External Affairs, Shri Ajit Kumar Panja; and the Minister of State for Food Processing Industries, Shri Chaoba Singh on 11 August 2000.

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

Palestine: On our invitation, a 4-member Parliamentary Delegation from Palestine, led by Mr. Ahmed Qurie (Abu Ala), visited India from 17 to 20 August 2000. The Delegation called on the Speaker, Lok Sabha, Shri G.M.C. Balayogi on 17 August 2000. A lunch was hosted by the Speaker, Lok Sabha in honour of the Delegation the same day. The Delegation also called on the President of India, Shri K.R. Narayanan; the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant; the Minister of External Affairs, Shri Jaswant Singh; and the President of IPU and the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla on 18 August 2000.

Besides Delhi, the Delegation visited Agra.

INDIAN PARLIAMENTARY DELEGATION GOING ABROAD

Czech Republic: A 15-member Indian Parliamentary Delegation led by the Speaker, Lok Sabha, Shri G.M.C. Balayogi, visited the Czech Republic from 30 June to 4 July 2000. The other members of the Delegation were: Sarvashri Nikhilananda Sar, Satyavrat Chaturvedi, Gunipati Ramaiah, Ram Nath Kovind, M.J. Varkey Mattathil, C. Ramachandraiah, Dr. Laxminarayan Pandeya and Smt. Jayaben B. Thakkar, all members of Parliament and Shri G.C. Malhotra, Secretary-General, Lok Sabha. Shri P.C. Bhatt, Principal Chief Editor, Lok Sabha Secretariat, was the Secretary to the Delegation.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 July to 30 September 2000, the Bureau of Parliamentary Studies and Training (BPST) organised the following Courses/Programmes:

Orientation Programme: An Orientation Programme for members of the Maharashtra Legislature was organised from 11 to 12 August 2000. The Programme, attended by forty-seven members of the State Legislature, was inaugurated by the Speaker, Lok Sabha, Shri G.M.C. Balayogi on 11 August 2000. The Speaker, Maharashtra Legislative Assembly, Shri Arunbhai Govardhandas Gujarathi also addressed the distinguished gathering. The Secretary-General, Lok Sabha, Shri G.C. Malhotra, delivered the Welcome Address. Prof. Ram Kapse, Hony. Advisor, BPST extended a Vote of Thanks. The Minister of Petroleum and Natural Gas, Shri Ram Naik delivered the Valedictory Address on 12 August 2000. Shri Sudhir S. Mungantiwar, former Minister, Government of Maharashtra proposed a Vote of Thanks at the Valedictory Session.

Distinguished faculty members who spoke on various topics included

the former Union Minister, Shri Pranab Kumar Mukherjee on Budgetary Process; Shri G.M. Banatwalla, MP on Parliamentary Privileges; Hony. Advisor, BPST, Prof. Ram Kapse, on Questions and other Procedural Devices available to Members for raising matters on the floor of the House; and former Union Minister, Prof. Madhu Dandavate on Legislative Process.

Computer Training Programmes: The following Computer Training Programmes were organised: (i) Computer Training for members of Lok Sabha in collaboration with the National Informatics Centre (21 to 25 August 2000); and (ii) Computer Training Programme for personal staff of members (28 August to 1 September 2000).

Sixteenth Parliamentary Internship Programme for Foreign Parliamentary Officials: The Sixteenth Parliamentary Internship Programme for foreign parliamentary officials was organised from 22 September to 10 November 2000. The Programme was inaugurated by the former Speaker, Lok Sabha, Shri Rabi Ray on 26 September 2000. Twenty-three participants from eleven Afro-Asian countries, viz. one each from Ethiopia, Korea, Nepal, Philippines, Mongolia and South Africa; two each from Bangladesh and Zambia; three from Ghana; four from Sri Lanka; and six from Kyrgyzstan attended the Programme.

The Programme aimed at providing the parliamentary officials with an opportunity to exchange their experiences in their Legislatures and to acquaint themselves with the environment, culture, traditions and the working of parliamentary institutions in India.

Appreciation Courses: The following Appreciation Courses in Parliamentary Processes and Procedures were organised for Probationers/others: (i) Indian Foreign Service (10 to 14 July 2000); (ii) Senior Audit and Accounts Officers from C&AG of India; and Indian Postal Service (17 to 21 July 2000); (iii) Indian Forest Service (7 to 10 August 2000); (iv) Indian Customs and Central Excise Service; and Indian Railway Stores Service (11 to 15 September 2000).

Attachment Programme: An Attachment Programme was organised for Mr. Alex Banzi, the Principal Clerk Assistant of the National Assembly of Tanzania, from 4 to 8 September 2000 to enable him to familiarize himself with the working of the Committee on Government Assurances in particular, and the House Committee in general.

Training Courses: The following Training Courses were organised: (i) Training Course for Officers of Lok Sabha and State Legislature Secretariats to familiarize them with the working of Departmentally-Related Standing Committees. Besides three officers from the Lok

Sabha Secretariat, thirty-three officers from thirteen State Legislature Secretariats, viz. Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Himachal Pradesh, Jammu and Kashmir, Madhya Pradesh, Meghalaya, Mizoram, Nagaland, Orissa, Tripura and West Bengal attended the Programme. (ii) A similar Training Course for Editors/Assistant Editors/Hindi Assistants/Translators of the Lok Sabha and the State Legislature Secretariats was organised from 28 August to 1 September 2000. Besides fifteen Officers from the Lok Sabha Secretariat, thirty-two participants from fourteen State Legislature Secretariats, viz. Assam, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Nagaland, Orissa, Punjab, Tamil Nadu and Uttar Pradesh attended the Programme. (iii) Stenography classes in English and Hindi were organised from 28 August to 30 September 2000 for stenographers of the Lok Sabha Secretariat.

Nominations of the Lok Sabha Officers for Training: Six Officers of the Lok Sabha Secretariat were nominated to attend the short duration Training Course in Videography organised by the Asian Academy of Film and Television, Noida from 26 to 31 July 2000 and 25 September to 23 October 2000.

Study Visits: Five Study Visits were organised for participants from various leading training and educational institutions.

PRIVILEGE ISSUES

LOK SABHA

Attempt to shout slogans and throwing of papers from the Visitors' Gallery: On 9 August 2000, the Deputy Speaker, Shri P.M. Sayeed informed the House as follows:

"As the House is aware, at about 11.25 hours today, a visitor calling himself Velu Chandra, aged 74 years, son of Late Shri Chinnanan, attempted to shout slogans and threw papers from the Visitors' Gallery. The Security Officers took him into custody immediately and interrogated him. The visitor has made a statement but has not expressed regrets for his action.

I bring it to the notice of the House for such action as the House may deem fit."

Thereafter, the Minister of State in the Ministry of Parliamentary Affairs, Shri Santosh Kumar Gangwar moved the following motion which was adopted by the House:

"This House resolves that a person calling himself Velu Chandra, aged 74 years, son of late Shri Chinnanan, who attempted to shout slogans and threw papers from the Visitors' Gallery at about 11.25 hours today and whom the Security Officers took into custody immediately, has committed a grave offence and is guilty of the contempt of the House.

This House further resolves that he be let off with a stern warning on the rising of the House today."

PROCEDURAL MATTERS

LOK SABHA

Reference to the first Anniversary of India's victory in the Kargil conflict: Following a request received from the Minister of Defence, and as decided at the meeting of the Speaker with Leaders of various parties held on 23 July 2000, the Speaker, Shri G.M.C. Balayogi, on 26 July 2000, at 11.03 hrs., on behalf of the whole House, made a reference to the first anniversary of India's victory in the Kargil conflict and recalled sacrifices of the brave soldiers and airmen who laid down their lives to protect the territorial integrity of the Motherland.

Instance when members were permitted to lay their written speeches on the Table of the House: On 2 August 2000, at 21.54 hrs., during the discussion on the Bihar Reorganisation Bill, 2000, on a suggestion made by the Minister of Parliamentary Affairs, Shri Pramod Mahajan, the Speaker, Shri G.M.C. Balayogi observed that due to the long list of participants in the debate and paucity of time, he would allow members to lay their written speeches on the Table of the House. Accordingly, ten members laid their written speeches on the Table of the House.

Instance when the House was adjourned as quorum could not be made: On 4 August 2000, the House was adjourned at 13.03 hrs. to meet again at 14.00 hrs. As quorum could not be made even after ringing of the quorum bell thrice from 14.00 hrs. to 14.11 hrs., the Secretary-General, Lok Sabha, informed the members present as follows:

"There is no quorum. So the House cannot meet. We cannot start the House till there is a quorum. The Honourable Speaker has directed that the House will re-assemble at 14.30 hrs."

The House accordingly re-assembled at 14.31 hrs.

Instance when a visitor attempted to shout slogan and threw papers from the Visitors' Gallery: On 9 August 2000, before the House adjourned for the day, the Deputy Speaker, Shri P.M. Sayeed informed the House that at about 11.25 hrs. on that day, a visitor calling himself Velu Chandra, S/o late Shri Chinnanan attempted to shout slogan and threw papers from the Visitors' Gallery. The Security Officers took him into

custody immediately and interrogated him. The visitor had made a statement but had not expressed regrets for his action.

Thereafter, the following motion moved by the Minister of State in the Ministry of Parliamentary Affairs, Shri Santosh Gangwar, was adopted:

"That this House resolves that a person calling himself Velu Chandra, aged 74 years, son of late Chinnanan, who attempted to shout slogan and threw papers from the Visitors' Gallery, at about 11.25 hrs. today, and whom, the Security Officers took into custody immediately, has committed a grave offence and is guilty of contempt of the House.

The House further resolves that he be let off with stern warning on the rising of the House today."

Instance when the Chair, as a special case, allowed a member whose name was not there in the List of Business, to ask clarificatory questions: On 18 August 2000, the Deputy Speaker, Shri P.M. Sayeed, as a special case, permitted a member, Shri Mulayam Singh Yadav whose name was not included in the List of Business to ask a clarificatory question on the Calling Attention regarding the situation arising out of the reported decline in the value of Rupee in Foreign Exchange Market and steps taken by the Government in regard thereto.

Observations made by the Speaker on the situation in Jammu and Kashmir: On 21 August 2000, before the Motion under rule 184 regarding expressing anguish and deep sense of grief over incidents of killing of innocent persons in Jammu and Kashmir and urging to appoint a commission of inquiry was taken up, the Speaker, Shri G.M.C. Balayogi made some observations associating himself with the sentiments of the House and expressed concern over the prevailing situation in Jammu and Kashmir. He also appealed to the members to refrain from speeches that may lower the morale of the Armed Forces and jeopardise the delicate balance of communal harmony prevailing in the country.

Reference to Shri Vithalbhai J. Patel on the occasion of the 75th Anniversary of his assumption of office of the President of the Central Legislative Assembly: On 25 August 2000, the Speaker, Shri G.M.C. Balayogi made a reference on the occasion of the 75th anniversary of assumption of office of the Central Legislative Assembly by Shri Vithalbhai J. Patel on 24 August 1925. The Speaker, on behalf of the whole House, offered humble tributes to the memory of Shri Patel.

Instance when papers sought to be laid on the Table by the members were not treated as paper laid: During the Fourth Session of the Thirteenth Lok Sabha, the following papers sought to be laid on the Table by

members were not treated as papers laid due to reasons mentioned against each and documents were returned to the members:—

- (i) On 17 August 2000, while participating in the discussion under rule 193 regarding 'Atrocities on Linguistic and Religious Minorities in the Country', Shri Sontosh Mohan Dev, a member, sought to lay a List of statement and copies of notices showing names of persons to whom notices had been served by the office of the Superintendent of Police (B) Nagaon, Assam, directing them to leave India on the charge of being foreigners.

(The member had earlier drawn attention of the House to the subject which had already formed part of the proceedings and there was no demand for laying the documents on the Table).

- (ii) On 17 August 2000, while participating in the discussion under rule 193 regarding 'Atrocities on Linguistic and Religious Minorities in the Country', Dr. Bikram Sarkar, a member sought to lay copies of certain documents showing names of persons killed, injured and looted in Birbhoom District of West Bengal.

(The member had earlier drawn attention of the House to the subject which had already formed part of the proceedings and there was no demand for laying the documents on the Table).

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 JULY TO 30 SEPTEMBER 2000)

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

Monsoon Session of Parliament: The Monsoon Session of Parliament commenced on 24 July 2000. At the end of the session, the Lok Sabha and the Rajya Sabha were adjourned *sine die* on 25 August 2000. The two Houses were prorogued by the President on 28 August 2000.

Changes in the Union Council of Ministers: On 23 July 2000, the Union Minister of Law, Justice and Company Affairs, Shri Ram Jethmalani, resigned from the Union Council of Ministers.

On 24 July 2000, the Minister of State Independent charge of the Department of Disinvestment, Shri Arun Jaitley, was given the charge of the Office of Minister of State (Independent charge) of the Ministry of Law, Justice and Company Affairs along with Independent charge of the Ministry of Information and Broadcasting. Shri Arun Shourie assumed the charge of the Office of Minister of State Independent charge of the Department of Disinvestment. The Minister of State in the Ministry of Law, Justice and Company Affairs, Shri O. Rajagopal was given the charge of the Office of Minister of State in the Ministry of Parliamentary Affairs. On 1 September 2000, Shri Rajagopal was given additional charge of Railways.

On 29 September 2000, the Minister of State for Agriculture, Shri S.B.P.B.K. Satyanarayana Rao, resigned from Office.

On 30 September 2000, the Prime Minister, Shri Atal Bihari Vajpayee

expanded the Cabinet by inducting two Ministers of Cabinet rank and four Ministers of State. The Ministers and their portfolios are:

Cabinet Ministers: Smt. Sushma Swaraj: *Information and Broadcasting*; and Shri M. Venkaiah Naidu: *Rural Development*.

Ministers of State: Shri Satyabrata Mukherjee: *Chemicals and Fertilisers*; Shri Shripad Yasso Naik: *Agriculture*; Shri Pon Radhakrishnan: *Youth Affairs and Sports*; and Shri U.V. Krishnam Raju: *External Affairs*.

The Prime Minister also reallocated some of the portfolios. The Cabinet Minister for Chemicals and Fertilisers, Shri Suresh Prabhu was given the charge of Power. Shri Sunder Lal Patwa was given charge of the Ministry of Mines instead of Rural Development.

The following Ministers of State were given new charges: Shri Syed Shahnawaz Hussain: *Human Resource Development*; Shri V. Dhananjaya Kumar: *Textiles*; Shri G.N. Ramachandran: *Finance*; Shri R. Raja: *Health and Family Welfare*; Shri Ramesh Bais: *Information and Broadcasting*; and Smt. Rita Verma: *Rural Development*.

Death of member: On 12 August 2000, Shri Kuliang Gyatse Bhutia, a Rajya Sabha member belonging to the Sikkim Democratic Front, passed away.

Death of Minister: On 23 August 2000, the Union Minister of Power, Shri P.R. Kumaramangalam passed away. Following this, on 25 August 2000, the Prime Minister, Shri Atal Bihari Vajpayee took over the charge of the Ministry of Power.

Presidential assent for Bills relating to the creation of new States:* On 25 August 2000, the President, Shri K.R. Narayanan gave assent to the three Statehood Bills passed by Parliament for the creation of the new States of Chhattisgarh, Uttaranchal and Jharkhand.

AROUND THE STATES

ASSAM

Death of MLA: On 21 August 2000, Shri Mohini Basumatary, MLA, belonging to the People's Democratic Front, passed away.

BIHAR

Minister dismissed: On 10 July 2000, the Minister of State for

* For details, see Feature, 'Documents of Constitutional and Parliamentary Interest', pp.

Cooperation, Shri Lalit Kumar Yadav was dismissed from the Council of Ministers and was also expelled from the ruling Rashtriya Janata Dal.

GOA

Split in CLP(I): On 15 August 2000, the fifteen-member Congress Legislature Party split with five members founding a separate INC (Sheikh Hassan Group).

Death of former Speaker: On 4 September 2000, the first Speaker of the State Legislative Assembly, Shri Pandurang Purushottam Shirodhkar passed away.

GUJARAT

Resignation of MLA: On 26 August 2000, Shri Jatin Osa, MLA, belonging to the BJP, resigned from the Assembly.

HIMACHAL PRADESH

Minister declared unattached: On 14 July 2000, the Speaker of the Himachal Pradesh Legislative Assembly, Shri Gulab Singh declared the PWD Minister and Leader of the Himachal Vikas Congress, Shri Mohinder Singh, as an unattached member.

MANIPUR

Death of Minister: On 19 August 2000, the Minister of Higher Education, Shri I. Bheigyachandra Singh passed away.

PONDICHERY

By-election to the Assembly: On 2 July 2000, the Chief Minister and Congress (I) nominee, Shri P. Shanmugham was elected to the State Assembly from the Yanam constituency.

TMC split: On 20 September 2000, the Tamil Maanila Congress (TMC), a partner in the ruling Congress-led coalition, split with three of the seven MLAs forming a new group.

DEVELOPMENTS ABROAD

CANADA

Death of former Prime Minister: On 29 September 2000, former Prime Minister, Mr. Pierre Trudeau passed away.

FIJI

New Government: On 28 July 2000, a new government took office in Fiji with Mr. Laisenia Qarase as the Caretaker Prime Minister.

ISRAEL

New President: On 9 July 2000, the President of Israel, Mr. Ezer Weizman resigned from office, after facing public criticism over a money scandal.

On 31 July 2000, Mr. Moshe Katzav was elected as the new President.

JAPAN

Prime Minister re-elected: On 4 July 2000, Mr. Yoshiro Mori was re-elected as Prime Minister of Japan.

LEBANON

New Prime Minister: On 4 September 2000, Mr. Rafik-Al-Hariri was elected as the new Prime Minister.

MEXICO

New President: On 3 July 2000, Mr. Vicente Fox was elected as the new President.

MONGOLIA

Political developments: On 3 July 2000, the Mongolian People's Revolutionary Party won the parliamentary elections.

On 27 July 2000, Mr. Nambaryn Enkhbayar was elected as the new Prime Minister.

PERU

Fujimori sworn in as President: On 29 July 2000, Mr. Alberto Fujimori was sworn in as President of Peru for the third term.

SOMALIA

New President: On 26 August 2000, Mr. Abdiqassim S. Hassan was elected as President of Somalia.

SRI LANKA

Dissolution of Parliament: On 18 August 2000, President Chandrika

Kumaratunga dissolved the Parliament and fixed 10 October as the date for fresh elections.

SYRIA

New President: On 17 July 2000, Mr. Bashar-al-Assad was sworn in as President of Syria, succeeding his father, President Hafez-al-Assad who passed away on 10 June 2000.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

In his Address to members of both Houses of Parliament on 25 October 1999, the President had stated that necessary action would be initiated for the creation of the new States of Chhattisgarh, Uttaranchal and Jharkhand. Accordingly, on 25 July 2000, the Government introduced in the Lok Sabha the Madhya Pradesh Reorganisation Bill, 2000 for reconstituting the existing State of Madhya Pradesh into Madhya Pradesh and Chhattisgarh; the Uttar Pradesh Reorganisation Bill, 2000 for reconstituting the existing State of Uttar Pradesh into Uttar Pradesh and Uttaranchal; and the Bihar Reorganisation Bill, 2000 for reconstituting the existing State of Bihar into Bihar and Jharkhand. The Bills provided for the territories of the States and made the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters. The Uttar Pradesh Reorganisation Bill, 2000 also contained a clause for the continuance of the present level of ceilings on land holding, as applicable in the existing State of Uttar Pradesh, in the successor States.

The Madhya Pradesh Reorganisation Bill, 2000 was passed by the Lok Sabha on 31 July 2000 and by the Rajya Sabha on 9 August 2000. Amendments made by the Rajya Sabha in the Bill were agreed to by the Lok Sabha on 10 August, 2000. The Uttar Pradesh Reorganisation Bill, 2000 was passed by the Lok Sabha and the Rajya Sabha on 1 August and 10 August 2000, respectively.

Amendments made by the Rajya Sabha in the Bill were agreed to by the Lok Sabha on 11 August, 2000. The Bihar Reorganisation Bill, 2000 was passed by the Lok Sabha on 2 August 2000 and the Rajya Sabha on 11 August 2000. Amendments made by the Rajya Sabha in the Bill were agreed to by the Lok Sabha on 11 August 2000. All the Bills received the President's assent on 25 August 2000.

The Scheduled Castes and the Scheduled Tribes had been enjoying the facility of relaxation of qualifying marks and standard of evaluation in matters of reservation in promotion. The Supreme Court, in its judgement dated 1 October 1996 in the case of *S. Vinod Kumar Vs. Union of India*, held that such relaxations in matters of reservation in promotion were not permissible under article 16(4) of the Constitution in view of the command contained in article 335 of the Constitution. [According to clause 4 of Article 16 (which deals with equality of opportunity in matters of public employment), nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Article 335 states that the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently

with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.] The Apex Court also held that the law on the subject of relaxations of qualifying marks and standards of evaluation in matters of reservation in promotion is the one laid down by the Supreme Court in the case of *Indira Sawhney and others Vs. Union of India and others*. Para 831 of *Indira Sawhney* judgment also held such relaxations as being not permissible under article 16 (4) in view of the command contained in article 335 of the Constitution. In order to implement the judgments of the Supreme Court, such relaxations had to be withdrawn with effect from 22 July 1997.

In view of the adverse effect of the order dated 22 July 1997 on the interests of the Scheduled Castes and the Scheduled Tribes, representations had been received by the Government from several quarters, including from the members of Parliament. Considering the various representations, the Government had reviewed the position and decided to move for a constitutional amendment with a view to restoring the relaxations which were withdrawn *vide* instructions issued by the Department of Personnel and Training on 22 July 1997. The Constitution (Eighty-Second Amendment) Bill, 2000, which sought to achieve the above objects was passed by the Rajya Sabha and the Lok Sabha on 17 August and 22 August 2000, respectively. It received the President's assent on 8 September 2000.

The Constitution (Seventy-third Amendment) Act, 1992, popularly known as the Panchayati Raj Act, was brought into force with effect from 24 April 1993. The Act provided that within one year from the date of commencement of that Act, all the States should amend their local laws to bring them in conformity with the new provisions under the Constitution. This exercise was required to be completed before 23 April 1994. Subsequent to the Amendment, Article 243D provided for reservation of seats for the Scheduled Castes and the Scheduled Tribes in every Panchayat. Within the country, the State of Arunachal Pradesh was the State inhabited fully by indigenous tribal people. No Scheduled Castes existed in the State. No reservation of seats for the Scheduled Castes had thus been made in the State Legislative Assembly and no provisions existed under any law to that effect. There was also no reservation for the Scheduled Castes in the State Government services. The Bengal Eastern Frontier Regulation, 1873 and the Chin Hills Regulation, 1896 provided special protection and safeguard for the peaceful existence of the indigenous tribal people of Arunachal Pradesh. These laws prohibit the entry of any outsider in the tribal areas without an "Inner Line Permit". Only the indigenous tribal people were allowed to participate in the democratic processes. The tribal society in Arunachal Pradesh is casteless where social equality among men and women had prevailed over centuries and ages. Since no Scheduled Castes existed in the State and since the State of Arunachal Pradesh was singularly free from the caste system, it was proposed to insert a new clause (3A) in article 243M of the Constitution of India, to exempt the State of Arunachal Pradesh from the application of article 243D relating to the reservation of seats in Panchayats for the Scheduled Castes. This provided a legal and constitutional basis for the Panchayat Raj Institutions in Arunachal Pradesh in accordance with the socio-political ethos of the State. The Constitution (Eighty-third Amendment) Bill, 2000, which sought to achieve the above objects, was passed by the Rajya Sabha and the Lok Sabha on 17 August

and 22 August 2000, respectively. It received the President's assent on 8 September 2000.

We reproduce below the texts of the above Acts.

—Editor

THE MADHYA PRADESH REORGANISATION ACT, 2000

An Act to provide for the reorganisation of the existing State of Madhya Pradesh and for matters connected therewith

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

PART I

PRELIMINARY

1. *Short title:* This Act may be called the Madhya Pradesh Reorganisation Act, 2000.

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

- (a) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (b) “article” means an article of the Constitution;
- (c) “assembly constituency”, “council constituency” and “parliamentary constituency” have the same meanings as in the Representation of the People Act, 1950;
- (d) “Election Commission” means the Election Commission appointed by the President under article 324;
- (e) “existing State of Madhya Pradesh” means the State of Madhya Pradesh as existing immediately before the appointed day;
- (f) “law” includes any enactment, ordinance, regulation, order, by-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Madhya Pradesh;
- (g) “notified order” means an order published in the Official Gazette;
- (h) “population ratio”, in relation to the State of Madhya Pradesh and Chhattisgarh means the ratio of 485.7:176.2;
- (i) “sitting member”, in relation to either House of Parliament or of the Legislature of the existing State of Madhya Pradesh means

a person who immediately before the appointed day, is a member of that House;

- (j) "successor State", in relation to the existing State of Madhya Pradesh means the State of Madhya Pradesh or Chhattisgarh;
- (k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Madhya Pradesh to the State of Chhattisgarh;
- (l) "treasury" includes a sub-treasury; and
- (m) any reference to a district, tehsil or other territorial division of the existing State of Madhya Pradesh shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF MADHYA PRADESH

3. *Formation of Chhattisgarh State:* On and from the appointed day, there shall be formed a new State to be known as the State of Chhattisgarh comprising the following territories of the existing State of Madhya Pradesh, namely:—

Bastar, Bilaspur, Dantewada, Dhamtari, Durg, Janjgir-Champa, Jashpur, Kanker, Kawardha, Korba, Koriya, Mahasamund, Raigarh, Raipur, Rajnandgaon and Surguja districts,

and thereupon the said territories shall cease to form part of the existing State of Madhya Pradesh.

4. *State of Madhya Pradesh and territorial divisions thereof:* On and from the appointed day, the State of Madhya Pradesh shall comprise the territories of the existing State of Madhya Pradesh other than those specified in section 3.

5. *Amendment of the First Schedule to the Constitution:* On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

- (a) in the paragraph relating to the territories of the State of Madhya Pradesh, after the words, brackets and figures "the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959", the following shall be added, namely:—

"but excluding the territories specified in section 3 of the Madhya Pradesh Reorganisation Act, 2000.";

(b) after entry 25, the following entry shall be inserted, namely:—

“26. Chhattisgarh: The territories specified in section 3 of the Madhya Pradesh Reorganisation Act, 2000”.

6. Saving Powers of the State Government: Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Madhya Pradesh or Chhattisgarh to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

7. Amendment of the Fourth Schedule to the Constitution: On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

- (a) entries 9 to 27 shall be renumbered as entries 10 to 28 respectively;
- (b) in entry 8, for the figures “16”, the figures “11” shall be substituted;
- (c) after entry 8, the following entry shall be inserted, namely :-

“9. Chhattisgarh 5”.

8. Allocation of sitting members: (1) On and from the appointed day, the sixteen sitting members of the Council of State representing the existing State of Madhya Pradesh shall be deemed to have been elected to fill the seats allotted to the State of Madhya Pradesh and Chhattisgarh, as specified in the First Schedule to this Act.

- (2) The term of office of such sitting members shall remain unaltered.

The House of the People

9. Representation in the House of the People: On and from the appointed day, there shall be allocated 29 seats to the successor State of Madhya Pradesh, and 11 to the successor State of Chhattisgarh, in the House of the People, and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

10. Delimitation of Parliamentary and Assembly constituencies: On and from the appointed day, the Delimitation of Parliamentary and

Assembly Constituencies Order, 1976, shall stand amended as directed in the Second Schedule to this Act.

11. Provision as to sitting members: (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor States of Madhya Pradesh or Chhattisgarh, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

12. Provisions as to Legislative Assembly: (1) The number of seats as on the appointed day in the Legislative Assemblies of the States of Madhya Pradesh and Chhattisgarh shall be two hundred and thirty and ninety respectively.

(2) In the Second Schedule to the Representation of the People Act, 1950, under heading "I. States",—

(a) entries 5 to 25 shall be renumbered as entries 6 to 26 respectively;

(b) after entry 4, the following entry shall be inserted, namely:—

"1	5
5. Chhattisgarh.....	90";

(c) in entry 13, as so renumbered, for the figures "320", the figures "230" shall be substituted.

13. Allocation of sitting members: (1) Every sitting member of the Legislative Assembly of the existing State of Madhya Pradesh elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 10 stands allotted, with or without alteration of boundaries, to the State of Chhattisgarh shall, on and from that day, cease to be a member of the Legislative Assembly of Madhya Pradesh and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Chhattisgarh from that constituency so allotted.

(2) All other sitting members of the Legislative Assembly of the existing State of Madhya Pradesh shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency the extent, or the name and extent of which

are altered by virtue of the provisions of section 9 shall be deemed to have been elected to the Legislative Assembly of Madhya Pradesh by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Madhya Pradesh and Chhattisgarh shall be deemed to be duly constituted on the appointed day.

(4) The sitting member of the Legislative Assembly of the existing State of Madhya Pradesh nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Madhya Pradesh under that article.

14. Duration of Legislative Assemblies: The period of five years referred to in clause (1) of article 172, shall, in the case of Legislative Assembly of State of Madhya Pradesh and the State of Chhattisgarh be deemed to have commenced on the date on which it actually commenced in the case of Legislative Assembly of the existing State of Madhya Pradesh.

15. Speakers and Deputy Speakers: (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Madhya Pradesh shall continue to be the Speaker and Deputy Speaker respectively of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the Legislative Assembly of the successor State of Chhattisgarh shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of the Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

16. Rules of procedure: The rules of procedure and conduct of business of the Legislative Assembly of Madhya Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of the State of Chhattisgarh, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

Delimitation of constituencies

17. Delimitation of constituencies: (1) For the purpose of giving

effect to the provisions of section 12, the Election Commission shall determine in the manner hereinafter provided—

- (a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States of Madhya Pradesh and Chhattisgarh, respectively having regard to the relevant provisions of the Constitution.
- (b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and
- (c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each State referred to in clause (a) that may be necessary or expedient.

(2) In determining the matters referred to in clause (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions, namely:—

- (a) all the constituencies shall be single-member constituencies;
- (b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and
- (c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may, by order specify, being persons who are members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled as far as practicable, in accordance with provisions of sub-section (3).

(5) The Election Commission shall—

- (a) publish its proposals for the delimitation of constituencies

together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

- (b) consider all objections and suggestions which may have been received by it before the date so specified; and
- (c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

(7) The delimitation of constituencies in the States of Madhya Pradesh and Chhattisgarh shall be determined on the basis of the published figures of the census taken in the year 1971.

18. Power of the Election Commission to maintain Delimitation Orders up-to-date: (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

- (a) correct any printing mistakes in any order made under section 17 or any error arising therein from inadvertent slip or omission; and
- (b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Scheduled Castes and Scheduled Tribes

19. Amendment of the Scheduled Castes Order: On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Third Schedule.

20. Amendment of the Scheduled Tribes Order: On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Fourth Schedule.

PART IV

HIGH COURT

21. High Court of Chhattisgarh: (1) As from the appointed day, there shall be a separate High Court for the State of Chhattisgarh (hereinafter referred to as "the High Court of Chhattisgarh") and the High Court of Madhya Pradesh shall become the High Court for the State of Madhya Pradesh (hereinafter referred to as the High Court of Madhya Pradesh).

(2) The principal seat of High Court of Chhattisgarh shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Chhattisgarh may sit at such other place or places in the State of Chhattisgarh other than its principal seat as the Chief Justice may, with the approval of the Governor of Chhattisgarh, appoint.

22. Judges of Chhattisgarh High Court: (1) Such of the Judges of the High Court of Madhya Pradesh holding office immediately before the appointed day as may be determined by the President shall on that day cease to be judges of the High Court of Madhya Pradesh and become Judges of the High Court of Chhattisgarh.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Chhattisgarh shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court of Madhya Pradesh.

23. Jurisdiction of Chhattisgarh High Court: The High Court of Chhattisgarh shall have, in respect of any part of the territories included in the State of Chhattisgarh, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect to that part of the said territories by the High Court of Madhya Pradesh.

24. Special provision relating to Bar Council and advocates: (1) On and from the appointed day, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), for the words "and Madhya Pradesh", the words "Madhya Pradesh and Chhattisgarh" shall be substituted.

(2) Any person who immediately before the appointed day is an advocate on the roll of the Bar Council of the existing State of Madhya Pradesh may give his option in writing, within one year from the appointed day to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Chhattisgarh and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Chhattisgarh with effect from the date of the option so given for the purposes of the said Act and the rules made thereunder.

(3) The persons other than the advocates who are entitled immediately before the appointed day, to practise in the High Court of Madhya Pradesh or any subordinate court thereof shall, on and after the appointed day, be recognised as such persons entitled also to practise in the High Court of Chhattisgarh or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Chhattisgarh shall be regulated in accordance with the like principles as immediately before the appointed day are in force with respect to the right of audience in the High Court of Madhya Pradesh.

25. Practice and procedure in Chhattisgarh High Court: Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Madhya Pradesh shall, with the necessary modifications, apply in relation to the High Court of Chhattisgarh, and accordingly, the High Court of Chhattisgarh shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court of Madhya Pradesh.

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court of Madhya Pradesh shall, until varied or revoked by rules or orders made by the High Court of Chhattisgarh, apply with the necessary modifications in relation to practice and procedure in the High Court of Chhattisgarh as if made by that Court.

26. Custody of seal of Chhattisgarh High Court: The law in force immediately before the appointed day with respect to the custody of the seal of the High Court of Madhya Pradesh shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Chhattisgarh.

27. Form of writs and other processes: The law in force immediately

before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Madhya Pradesh shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Chhattisgarh.

28. Powers of Judges: The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judge and division courts of the High Court of Madhya Pradesh and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Chhattisgarh.

29. Procedure as to appeals to Supreme Court: The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Madhya Pradesh and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Chhattisgarh.

30. Transfer of proceedings from Madhya Pradesh High Court to Chhattisgarh High Court: (1) Except as hereinafter provided, the High Court of Madhya Pradesh shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court of Madhya Pradesh immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Chhattisgarh shall, as soon as may be after such certification, be transferred to the High Court of Chhattisgarh.

(3) Notwithstanding anything contained in sub-section (1) and (2) of this section or in section 23, but save as hereinafter provided, the High Court of Madhya Pradesh shall have, and the High Court of Chhattisgarh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Madhya Pradesh before the appointed day.

Provided that if after any such proceedings have been entertained by the High Court of Madhya Pradesh, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Chhattisgarh, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court of Madhya Pradesh—

- (a) before the appointed day, in any proceedings transferred to the High Court of Chhattisgarh by virtue of sub-section (2); or
- (b) in any proceedings with respect to which the High Court of Madhya Pradesh retains jurisdiction by virtue of sub-section (3),

shall for all purposes have effect, not only as an order of the High Court of Madhya Pradesh, but also as an order made by the High Court of Chhattisgarh.

31. *Right to appear or to act in proceedings transferred to Chhattisgarh High Court:* Any person, who, immediately before the appointed day, is an advocate entitled to practise or any other persons entitled to practise in the High Court of Madhya Pradesh and was authorised to appear in any proceedings transferred from that High Court to the High Court of Chhattisgarh under section 30, shall have the right to appear in the High Court of Chhattisgarh in relation to those proceedings.

32. *Interpretation:* For the purposes of section 30—

- (a) proceedings shall be deemed to be pending in a Court until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to the Supreme Court, applications for review, petitions for revision and petitions for writs; and
- (b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a Court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that Court or Judge.

33. *Saving:* Nothing in this Part shall affect the application to the High Court of Chhattisgarh of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

34. *Authorisation of expenditure of Chhattisgarh State:* The Governor of Madhya Pradesh may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Chhattisgarh as he deems necessary for any period not more than six

months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Chhattisgarh.

Provided that the Governor of Chhattisgarh may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Chhattisgarh for any period not extending beyond the said period of six months.

35. Reports relating to accounts of Madhya Pradesh State: (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the State of Madhya Pradesh in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor State of Madhya Pradesh and Chhattisgarh who shall cause them to be laid before the Legislature of that State.

(2) The President may by order—

- (a) declare any expenditure incurred out of the Consolidated Fund of Madhya Pradesh on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and
- (b) provide for any action to be taken on any matter arising out of the said reports.

36. Distribution of revenue: The President shall, by order, determine the share of the States of Madhya Pradesh and Chhattisgarh in the total amount payable to the existing State of Madhya Pradesh on the recommendation of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

37. Application of Part: (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the State of Madhya Pradesh immediately before the appointed day.

(2) The successor State shall be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Madhya Pradesh.

(3) The apportionment of assets and liabilities would be subject to

such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by the Central Government on the advice of the Comptroller and Auditor-General of India.

38. Land and goods: (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Madhya Pradesh shall,—

- (a) if within the transferred territory, pass to the State of Chhattisgarh; or
- (b) in any other case, remain the property of the State of Madhya Pradesh:

Provided that any land, stores, articles or other goods may be distributed otherwise than in accordance with the situation of such land, stores, articles or goods by mutual agreement between the successor States, failing which the Central Government may, on the request of any of the Governments of the successor States and after consulting both the Governments of the successor States, issue directions for the just and equitable distribution of such land, stores, articles or goods between the successor States and the land, stores articles or goods shall accordingly pass to the successor States:

Provided further that in case of the distribution, of any land, stores, articles and goods or class of goods under this sub-section located outside the existing State of Madhya Pradesh, such distribution shall be made through mutual agreement arrived at between the Governments of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the successor States, after consulting both the Governments of the successor States, issue such direction as it may deem fit for the distribution of such land, stores, articles and goods or class of goods, as the case may be, under this sub-section.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of

Departments having jurisdiction over the whole of the existing State of Madhya Pradesh shall be divided between the successor States in accordance with the mutual agreement arrived at between the Government of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the successor States, after consulting both the Governments of the successor States, issue such direction as it may deem fit for the distribution of such stores or any part of such stores, as the case may be.

(4) Any other unissued stores of any class in the existing State of Madhya Pradesh shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years prior to the appointed day, for the territories of the existing State of Madhya Pradesh included respectively in each of the successor States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

39. *Treasury and bank balances:* The total of the cash balances in all treasuries of the State of Madhya Pradesh and the credit balances of the State with Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Madhya Pradesh and Chhattisgarh according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve bank of India on the appointed day:

Provided further that if the State of Chhattisgarh has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

40. Arrears of taxes: The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

41. Right to recover loans and advances: (1) The right of the existing State of Madhya Pradesh to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

(2) The right of the existing State of Madhya Pradesh to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Madhya Pradesh.

Provided that any sum recovered in respect of any such loan or advance shall be divided between the State of Madhya Pradesh and Chhattisgarh according to the population ratio.

42. Investments and credits in certain funds: The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Madhya Pradesh as specified in the Fifth Schedule to this Act shall be apportioned in the ratio of population of the successor States:

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Madhya Pradesh shall be divided in the ratio of the area of the territories occupied by the successor States:

Provided further that the balance in the Reserve Funds in the Public Account of Madhya Pradesh created wholly out of appropriations from the Consolidated Fund of the existing State of Madhya Pradesh, to the extent the balances have not been invested outside Government account, shall not be carried forward to similar Reserve Funds in the Public Account of, successor States:

Provided also that the balances in any other Reserve Funds, excluding those specified in sub-section (2), shall be allocated between the State of Madhya Pradesh and Chhattisgarh in the ratio of population of those States.

(2) The investments of the existing State of Madhya Pradesh immediately before the appointed day in any special fund the objects of

which are confined to a local area shall belong to the State in which that area is included on the appointed day.

(3) The investments of the existing State of Madhya Pradesh immediately before the appointed day in any private, commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the cash balance investment account, shall pass to the State in which the principal seat of business of the undertaking is located.

(4) Where any body corporate constituted under a Central Act, State or Act of Provincial Act for the existing State of Madhya Pradesh or any part thereof has, by virtue of the provisions of Part II of this Act, become an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the existing State of Madhya Pradesh made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the State of Madhya Pradesh and Chhattisgarh in the same proportion in which the assets of the body corporate are divided under the provisions of this Part.

43. Assets and liabilities of State Undertaking: (1) The assets and liabilities relating to any undertaking of the existing State of Madhya Pradesh whether directly owned or through a body corporate constituted or incorporated or registered under any Central, State or Provincial Act, shall,—

- (a) if exclusively located in a successor State, pass to the successor State, and where a depreciation reserve is maintained by the existing State of Madhya Pradesh for such undertaking, the securities held in respect of investment made from that fund shall also pass to such successor State;
- (b) where any such undertaking or part thereof is located, in more than one successor State, the assets, liabilities and securities shall be divided in such manner as may be agreed upon between the successor States within a period of two years from the appointed day or in failure of such agreement as the Central Government may by order direct.

(2) An agreement entered into between the successor States, or order made by the Central Government under sub-section (1) may provide for the dissolution of the undertaking or transfer or re-employment of any employee of the undertaking to or by the successor States, subject to the provisions of section 62.

(3) An agreement entered into between the successor States, or

order made by the Central Government under sub-section (1) may also provide for the transfer of the assets and liabilities which would otherwise have passed to a successor State to any other undertaking of that successor State; and any employee of the undertaking referred to in sub-section (1), who would otherwise have been transferred to or re-employed by a successor State, may be transferred to or be re-employed by such undertaking instead of that successor State.

44. Public Debt: (1) All liabilities on account of Public Debt and Public Account of the existing State of Madhya Pradesh outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Madhya Pradesh shall continue to be the liabilities of the successor State of Madhya Pradesh.

(3) The liability on account of loans raised from any source and re-lent by the existing State of Madhya Pradesh to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The Public Debt of the existing State of Madhya Pradesh attributable to loan taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall—

- (a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or
- (b) if re-lent to the Madhya Pradesh State Electricity Board, the Madhya Pradesh State Road Transport Corporation, or the Madhya Pradesh Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the State of Madhya Pradesh and Chhattisgarh in the same proportion in which the assets of such body

corporate or institution are divided under the provisions of Part VII of this Act.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Madhya Pradesh for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Madhya Pradesh and Chhattisgarh in the same proportion in which the total public debt is divided between the two States under this section.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

45. Floating loans: All liabilities of the existing State of Madhya Pradesh of any floating loan to provide short term finance to any local body, body corporate or other institution shall be determined by mutual agreement between the successor States, failing which the Central Government shall determine such liability between the successor States in consultation with such States.

46. Refund of taxes collected in excess: The liability of the existing State of Madhya Pradesh to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Madhya Pradesh to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

47. Deposits, etc.: (1) The liability of the existing State of Madhya Pradesh in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made.

(2) The liability of the existing State of Madhya Pradesh in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment, under the terms thereof, are confined.

48. Provident fund: The liability of the existing State of Madhya Pradesh in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted.

49. Pensions: The liability of the existing State of Madhya Pradesh in respect of pensions shall pass to, or be apportioned between the successor States of Madhya Pradesh and Chhattisgarh in accordance with the provisions contained in the Sixth Schedule to this Act.

50. Contracts: (1) Where, before the appointed day, the existing State of Madhya Pradesh has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

- (a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Madhya Pradesh and Chhattisgarh, then, of that State; or
- (b) in any other case, of the State of Madhya Pradesh,

all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Madhya Pradesh, be rights or liabilities of the State of Chhattisgarh or the State of Madhya Pradesh, as the case may be:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the successor States of Madhya Pradesh and Chhattisgarh or in default of such agreement, as the Central Government may, by order, direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

- (a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and
- (b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

51. Liability in respect of actionable wrong: Where, immediately before the appointed day, the existing State of Madhya Pradesh is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

- (a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Madhya Pradesh or Chhattisgarh, be a liability of that successor State; and
- (b) in any other case, be initially a liability of the State of Madhya Pradesh, but subject to such financial adjustment as may be agreed upon between the States of Madhya Pradesh and Chhattisgarh or, in default of such agreement, as the Central Government may, by order, direct.

52. *Liability as guarantor:* Where, immediately before the appointed day, the existing State of Madhya Pradesh is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Madhya Pradesh shall—

- (a) if the area of operations of such society or persons is limited to the territories which, as from that day, are the territories of either of the States of Madhya Pradesh or Chhattisgarh, be a liability of that successor State; and
- (b) in any other case, be initially a liability of the State of Madhya Pradesh, subject to such financial adjustment as may be agreed upon between the States of Madhya Pradesh and Chhattisgarh or, in default of such agreements, as the Central Government may, by order, direct.

53. *Items in suspense:* If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

54. *Residuary provision:* The benefit or burden of any asset or liability of the existing State of Madhya Pradesh not dealt with in the foregoing provisions of this Part shall pass to the State of Madhya Pradesh in the first instance, subject to such financial adjustment as may be agreed upon between the States of Madhya Pradesh and Chhattisgarh or, in default of such agreement, as the Central Government may, by order, direct.

55. *Apportionment of assets or liabilities by agreement:* Where the successor States of Madhya Pradesh and Chhattisgarh agree that the asset, liability or benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the assets, liability or benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

56. Power of Central Government to order allocation or adjustment in certain cases: Where, by virtue of any of the provisions of this Part, any of the successor States of Madhya Pradesh and Chhattisgarh becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that property or those benefits should be transferred to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

57. Certain expenditure to be charged on Consolidated Fund: All sums payable either by the State of Madhya Pradesh or by the State of Chhattisgarh to the other States or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

58. Provisions as to Madhya Pradesh State Electricity Board, State Road Transport Corporation and State Warehousing Corporation etc.: (1) The following bodies corporate constituted for the existing State of Madhya Pradesh, namely—

- (a) the State Electricity Board constituted under the Electricity Supply Act, 1948;
- (b) the State Road Transport Corporation established under the Road Transport Corporation Act, 1950; and
- (c) the State Warehousing Corporation established under the Warehousing Corporation Act, 1962,

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section and arrangements for the functioning of such body corporates as may be mutually agreed upon between the successor States failing which to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Board or the Corporation shall include a direction that the Act under which the Board or the Corporation was constituted shall, in its application to that Board or Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Board or the Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on such date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States of Madhya Pradesh and Chhattisgarh in such manner as may be agreed upon between them within one year of the dissolution of the Board or the Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may, by order, determine:

Provided that any liabilities of the said Board relating to the unpaid dues of the coal supplied to the Board by any public sector coal company shall be provisionally apportioned between the successor organisations constituted respectively in the successor States of the existing State of Madhya Pradesh or after the date appointed for the dissolution of the Board under this sub-section in such manner as may be agreed upon between the Governments of the successor States within one month of such dissolution or if no agreement is reached, in such manner as the Central Government may, by order, determine subject to reconciliation and finalisation of the liabilities which shall be completed within three months from the date of such dissolution by the mutual agreement between the successor States or failing such agreement by the direction of the Central Government.

Provided further that an interest at the rate of two per cent, higher than the Cash Credit interest shall be paid on outstanding unpaid dues of the coal supplied to the Board by the public sector coal company till the liquidation of such dues by the concerned successor organisations constituted in the successor States on or after the date appointed for the dissolution of the Board under this sub-section.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Madhya Pradesh or, as the case may be, the Government of the State of Chhattisgarh from constituting, at any time on or after the appointed day, a State Electricity Board or a State Road Transport Corporation or a State Warehousing Corporation for the State under the provisions of the Act relating to such Board or Corporation; and if such a Board or

Corporation is so constituted in either of the States before the dissolution of the Board or the Corporation referred to in sub-section (1),—

- (a) provision may be made by order of the Central Government enabling the new Board or the new Corporation to take over from the existing Board or Corporation all or any of its undertakings, assets, rights and liabilities in that State, and
- (b) upon the dissolution of existing Board or Corporation,—
 - (i) any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board or the new Corporation instead of to that State;
 - (ii) any employee who would otherwise have been transferred to or re-employed by that State under sub-section (3), read with clause (i) of sub-section (5), shall be transferred to or re-employed by the new Board or the new Corporation instead of to or by that State.

(5) An agreement entered into between the successor States under sub-section (3) and an order made by the Central Government under that sub-section or under clause (a) of sub-section (4) may provide for the transfer or re-employment of any employee of the Board or the Corporation referred to in sub-section (1),—

- (i) to or by the successor States, in the case of an agreement under sub-section (4) or an order made under the sub-section;
- (ii) to or by the new Board or the New Corporation constituted under sub-section (4), in the case of an order made under clause (a) of that sub-section,

and, subject to the provisions of section 64, also for the terms and conditions of service applicable to such employees after such transfer or re-employment.

59. Provisions as to Madhya Pradesh State Financial Corporation:

(1) The Madhya Pradesh State Financial Corporation established under the State Financial Corporation Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may from time to time, be issued by the Central Government after consultation with the Governments of the successor States.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the

said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at anytime after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court of Madhya Pradesh as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Madhya Pradesh and Chhattisgarh from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporation Act, 1951.

60. Provisions as to certain companies: (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the companies specified in the Seventh Schedule to this Act shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government continue to function in the areas in which it was functioning immediately before that day; and the

Central Government may, after consultation with the Governments of the successor States, from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in other law.

(2) Any directions issued under sub-section (1), in respect of a company referred to in that sub-section, may include directions regarding the—

- (a) regarding the division of the interests and shares of existing State of Madhya Pradesh in the company among the successor States;
- (b) requiring the re-constitution of the Board of Directors of the company so as to give adequate representation to both the successor States.

61. *Functioning of organisation registered society or trust incorporated on behest of State Government:* (1) Notwithstanding anything contained in the foregoing provisions of this Part or any other law for the time being in force, any organisation registered society or trust, incorporated at the behest of the State Government, shall, on and from the appointed day, and until otherwise provided for in any law for the time being in force, or in any agreement between the successor States, or in any direction issued by the Central Government in consultation with the successor States, continue to function in the areas in which it was functioning immediately before that day, and the Central Government may, after consulting the Governments of the successor States, issue directions in relation to such functioning.

(2) Any directions issued under sub-section (1) may include directions regarding the —

- (i) reconstitution of the Board of Directors of the organisation, society or trust by whatever name it maybe called; or
- (ii) appointment of the Chief Executive by whatever name it may be called; or
- (iii) regulations or bye laws, by whatever name they may be called; or
- (iv) assessment and apportionment of financial support, if any, provided by the existing State of Madhya Pradesh for meeting fixed charges.

62. *General provisions as to statutory corporations:* (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provisional Act for the existing State of Madhya Pradesh or any part

thereof has, by virtue of the provisions of Part II of this Act, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, after consultation with the Governments of the successor States. until other provision is made by law in respect of the said body corporate.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

63. *Temporary provisions as to continuance of certain existing road transport permits:* (1) Notwithstanding anything contained in section 88 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Madhya Pradesh or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of Chhattisgarh or any Regional Transport Authority therein for the purpose of validating it for use in such area.

Provided that the Central Government may, after consultation with the successor State Government or Government concerned add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory.

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be.

64. *Special provisions relating to retrenchment compensation in certain cases:* Where on account of the reorganisation of the existing

state of Madhya Pradesh under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then notwithstanding anything contained in section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Provided that—

- (a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;
- (b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman is transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

65. *Special provisions as to income-tax:* Where the assets, rights and liabilities of any body corporate carrying on any business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

66. Continuance of facilities in certain State institutions: (1) The Government of State of Madhya Pradesh or Chhattisgarh, as the case may be, shall, in respect of the institutions specified in the Eighth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments within a period of one year from the appointed day or if no agreement is reached within the said period of one year, then, as may be fixed by order of the Central Government.

(2) The Central Government may, at any time within a period of one year from the appointed day, by notification in the Official Gazette, specify in the Eighth Schedule any other institution existing on the appointed day in the State of Madhya Pradesh and Chhattisgarh and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

67. Provisions relating to All-India Services: (1) In this section, the expression "State cadre"—

- (a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;
- (b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954;
- (c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Madhya Pradesh, there shall, on and from the appointed day, be two separate cadres, one for the State of Madhya Pradesh and the other for the State of Chhattisgarh in respect of each of these services.

(3) The initial strength and composition of the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said service borne on the Madhya Pradesh cadre thereof immediately before the appointed day shall be

allocated to the State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Service Act, 1951, or the rules made thereunder.

68. Provisions relating to services in Madhya Pradesh and Chhattisgarh:

(1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Madhya Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Madhya Pradesh unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Chhattisgarh:

Provided that no direction shall be issued under this section after the expiry of a period of one year from the appointed day.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

69. Provisions relating to other services: (1) Nothing in this section or section 68 shall be deemed to affect on or after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Madhya Pradesh or to the State of Chhattisgarh under section 68 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person—

(a) if he is deemed to have been allocated to any State under

section 68, shall be deemed to have been rendered in connection with the affairs of that State;

- (b) if he is deemed to have been allocated to the Union in connection with the administration of the Chhattisgarh shall be deemed to have been rendered in connection with the affairs of the Union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 68, shall not apply in relation to members of any All-India Service.

70. Provisions as to continuance of officers in same post: (1) Every person who, immediately before the appointed day is holding or discharging duties of any post or office in connection with the affairs of the existing State of Madhya Pradesh in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed on and from that day, to have been duly appointed to the post or office by the Government of, or any other appropriate authority in, that successor State:

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

71. Advisory Committees: The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

- (a) the discharge of any of its functions under this Part; and
- (b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

72. Power of Central Government to give directions: The Central Government may, give such directions to the State Government of Madhya Pradesh and the State Government of Chhattisgarh as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Governments shall comply with such directions.

73. Provisions as to State Public Service Commission: (1) The Public Service Commission for the existing State of Madhya Pradesh shall, on and from the appointed day, be the Public Service Commission for the State of Madhya Pradesh.

(2) The persons holding office immediately before the appointed day as Chairman or other member of the Public Service Commission for the existing State of Madhya Pradesh shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the Public Service Commission for the State of Madhya Pradesh.

(3) Every person who becomes Chairman or other member of the Public Service Commission for the State of Madhya Pradesh on the appointed day under sub-section (2), shall—

- (a) be entitled to receive from the Government of the State of Madhya Pradesh conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;
- (b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Madhya Pradesh Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Madhya Pradesh and Chhattisgarh, and the Governor of the State of Madhya Pradesh shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Madhya Pradesh and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Chhattisgarh.

74. Jurisdiction of the Commissions, Authorities and Tribunals:

(1) Notwithstanding anything contained in any law for the time being in force, every Commission, Authority, Tribunal, University, Board or any other body constituted under a Central Act, State Act or Provincial Act and having jurisdiction over the existing State of Madhya Pradesh shall on and from the appointed day continue to function in the successor State of Madhya Pradesh and also exercise jurisdiction as existed before the appointed day over the State of Chhattisgarh for a maximum period of two years from the appointed day or till such period as is decided by mutual agreement between the successor States—

- (i) to continue such body as a joint body for the successor States;
or

- (ii) to abolish it, on the expiry of that period, for either of the successor States; or
- (iii) to constitute a separate Commission, Authority, Tribunal, University, Board or any other body, as the case may be, for the State of Chhattisgarh,

whichever is earlier.

(2) No suit or other legal proceeding shall be instituted, in case such body is abolished under clause (ii) of sub-section (1), by any employee of such body against the termination of his appointment or for the enforcement of any service conditions or for securing absorption in alternative public employment against the Central Government or any of the successor States.

(3) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court or Tribunal or contract or agreement, any Chairman or member of any body abolished under clause (ii) of sub-section (1) shall not be entitled to any compensation for the unexpired period of his tenure.

(4) Notwithstanding anything contained in this section or any law for the time being in force, the Central Government shall, in accordance with any mutual agreement between the successor States or if there is no such agreement, after consultation with the Governments of the successor States, issue directions for the resolution of any matter relating to any body referred to in sub-section (1) and falling within the jurisdiction of any of the successor States within any period referred to in sub-section (1).

PART IX

MANAGEMENT AND DEVELOPMENT OF POWER AND WATER RESOURCES

75. *Management of power and water supply in certain cases:* (1) Where it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be, modified to the disadvantage of that area by reason of the formation of successor States. The Central Government may, after consultation with the successor States, give such directions to the State Government or other authority responsible for the maintenance, so far as practicable, of such arrangement before the appointed day.

(2) The Central Government shall within a period of three months

from the appointed day, by order, also determine the share of the successor States in the entitlement of the existing State of Madhya Pradesh to power produced by the Central Government undertakings having due regard to the likely disadvantage which might have been occasioned to any successor State as a result of modified arrangements for generation and supply of electric power.

76. Inter-State River Water Board: (1) The Central Government may, as and when it considers necessary, constitute an inter-State River Water Board, after consultation with the successor States, for the planning and development of inter-State rivers and river valleys.

(2) The Inter-State River Board constituted under sub-section (1) may be entrusted with the following functions, namely:—

- (a) to examine the requirement of funds for various projects according to the programmes laid down for such projects and to advise regarding the apportionment of the expenditure to the State participating to implement such programmes keeping in view the agreement on the sharing of costs;
- (b) to decide the sharing and withdrawal of water from the reservoirs for irrigation, power and other purposes with a view to securing better use of available water;
- (c) to determine the programmes of re-settlement of displaced persons as a result of the projects; and
- (d) to approve and supervise the planning, survey and investigation, preparation of project reports and construction of joint inter-State projects and their subsequent operation and maintenance.

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

77. Amendment of Act 37 of 1956: On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (b), for the words "Uttar Pradesh and Madhya Pradesh", the words "Uttar Pradesh, Madhya Pradesh and Chhattisgarh" shall be substituted.

78. Territorial extent of laws: The provisions of Part II of this Act shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Madhya Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be constituted as meaning the

territories within the existing State of Madhya Pradesh before the appointed day.

79. Power to adapt laws: For the purpose of facilitating the application in relation to the State of Madhya Pradesh or Chhattisgarh of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

Explanation.—In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

80. Power to construe laws: Notwithstanding that no provision or insufficient provision has been made under section 79 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Madhya Pradesh or Chhattisgarh, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

81. Power to name authorities, etc., for exercising statutory functions: The Government of the State of Chhattisgarh, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

82. Legal proceedings: Where immediately before the appointed day, the existing State of Madhya Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the State of Madhya Pradesh and Chhattisgarh under this Act, the State of Madhya Pradesh or Chhattisgarh which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Madhya Pradesh or added as a party to those proceedings, and the proceedings may continue accordingly.

83. *Transfer of pending proceedings:* (1) Every proceedings pending immediately before the appointed day before a court (including High Court), tribunal, authority or officer in any area which on that day falls within the State of Madhya Pradesh shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of Chhattisgarh State, stand transferred to the corresponding court, tribunal, authority or officer of the State of Chhattisgarh.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court of Madhya Pradesh and the decision of that High Court shall be final.

(3) In this section—

- (a) “proceeding” includes any suit, case or appeal; and
- (b) “corresponding court, tribunal, authority or officer” in the State of Chhattisgarh means—
 - (i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or
 - (ii) in case of doubt, such court, tribunal, authority, or officer in the State of Chhattisgarh, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Madhya Pradesh to be the corresponding court, tribunal, authority or officer.

84. *Right of pleaders to practise in certain cases:* Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Madhya Pradesh shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Chhattisgarh.

85. *Effect of provisions of the Act inconsistent with other laws:* The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

86. *Power to remove difficulties:* (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid, before each House of Parliament.

THE UTTAR PRADESH REORGANISATION ACT, 2000

An Act to provide for the reorganisation of the existing State of Uttar Pradesh and for matters connected therewith.

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

PART I

PRELIMINARY

1. *Short title:* This Act may be called the Uttar Pradesh Reorganisation Act, 2000.

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

- (a) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (b) “article” means an article of the Constitution;
- (c) “assembly constituency”, “council constituency” and “parliamentary constituency” have the same meanings as in the Representation of the People Act, 1950;
- (d) “Election Commission” means the Election Commission appointed by the President under article 324;
- (e) “existing State of Uttar Pradesh” means the State of Uttar Pradesh as existing immediately before the appointed day;
- (f) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Uttar Pradesh;
- (g) “notified order” means an order published in the Official Gazette;
- (h) “population ratio”, in relation to the States of Uttar Pradesh and Uttaranchal, means the ratio of 1321:70;
- (i) “sitting member”, in relation to either House of Parliament or of the Legislature of the existing State of Uttar Pradesh, means a person who immediately before the appointed day, is a member of that House;

- (j) "successor State", in relation to the existing State of Uttar Pradesh, means the State of Uttar Pradesh or Uttaranchal;
- (k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Uttar Pradesh to the State of Uttaranchal;
- (l) "treasury" includes a sub-treasury; and
- (m) any reference to a district, tehsil or other territorial division of the existing State of Uttar Pradesh shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF UTTAR PRADESH

3. *Formation of Uttaranchal State:* On and from the appointed day, there shall be formed a new State to be known as the State of Uttaranchal comprising the following territories of the existing State of Uttar Pradesh, namely:—

Pauri Garhwal, Tehri Garhwal, Uttar Kashi, Chamoli, Dehradun, Nainital, Almora, Pithoragarh, Udham Singh Nagar, Bageshwar, Champawat, Rudraprayag and Hardwar districts,

and thereupon the said territories shall cease to form part of the existing State of Uttar Pradesh.

4. *State of Uttar Pradesh and territorial divisions thereof:* On and from the appointed day, the State of Uttar Pradesh shall comprise the territories of the existing State of Uttar Pradesh other than those specified in section 3.

5. *Amendment of the First Schedule to the Constitution:* On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

- (a) in the paragraph relating to the territories of the State of Uttar Pradesh, after the words, brackets and figures "clause (a) of sub-section (1) of section 3 of the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968", the following shall be inserted, namely:—

"and the territories specified in section 3 of the Uttar Pradesh Reorganisation Act, 2000";

- (b) after entry 26, the following entry shall be inserted, namely:—

“27. Uttaranchal: The territories specified in section 3 of the Uttar Pradesh Reorganisation Act, 2000”.

6. *Saving powers of State Government:* Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Uttar Pradesh or Uttaranchal to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

PART III

REPRESENTATION IN THE LEGISLATURE

The Council of States

7. *Amendment of the Fourth Schedule to the Constitution:* On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,

(a) entries 17 to 28 shall be renumbered as entries 18 to 29 respectively;

(b) in entry 16, for the figures “34”, the figures “31” shall be substituted;

(c) after entry 16, the following entry shall be inserted, namely:—

“17. Uttaranchal 3”.

8. *Allocation of sitting members:* (1) On and from the appointed day, thirty-four sitting members of the Council of States representing the existing State of Uttar Pradesh shall be deemed to have been elected to fill the seats allotted to the States of Uttar Pradesh and Uttaranchal, as specified in the First Schedule to this Act.

(2) The term of office of such sitting members shall remain unaltered.

The House of the People

9. *Representation in the House of the People:* On and from the appointed day, there shall be allocated 80 seats to the successor State of Uttar Pradesh, and 5 to the successor State of Uttaranchal, in the House of the People, and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

10. *Delimitation of Parliamentary and Assembly Constituencies:* On and from the appointed day, the Delimitation of Parliamentary and

Assembly Constituencies Order, 1976, shall stand amended as directed in the Second Schedule to this Act.

11. Provision as to sitting members: (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor State of Uttar Pradesh or Uttaranchal, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

12. Provisions as to Legislative Assemblies: (1) The number of seats as on the appointed day in the Legislative Assemblies of the State of Uttar Pradesh and Uttaranchal shall be four hundred and three and seventy respectively.

(2) In the Second Schedule to the Representation of the People Act, 1950, under heading "I. States"—

(a) entries 25 and 26 shall be renumbered as entries 26 and 27 respectively;

(b) after entry 24, the following entry shall be inserted, namely:-

"1	5
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25. Uttaranchal.....70";

(c) in entry 26 as so renumbered, for the figures "425", the figures "403" shall be substituted.

13. Allocation of sitting members: (1) Every sitting member of the Legislative Assembly of the existing State of Uttar Pradesh elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 10 stands allotted, with or without alteration of boundaries, to the State of Uttaranchal shall, on and from that day, cease to be a member of the Legislative Assembly of Uttar Pradesh and shall be deemed to have been elected to fill a seat in the provisional Legislative Assembly of Uttaranchal from that constituency as so allotted.

(2) All other sitting members of the Legislative Assembly of the existing State of Uttar Pradesh shall continue to be members of the Legislative Assembly of that State and any such sitting member

representing a constituency the extent or the name and extent of which are altered by virtue of the provisions of section 10 shall be deemed to have been elected to the Legislative Assembly of Uttar Pradesh by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force the Legislative Assemblies of Uttar Pradesh and Uttaranchal shall be deemed to be duly constituted on the appointed day.

(4) The sitting member of the Legislative Assembly of the existing State of Uttar Pradesh nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Uttar Pradesh under that article.

14. Composition of provisional Legislative Assembly of Uttaranchal:

(1) On and from the appointed day and until the Legislative Assembly of the successor State of Uttaranchal has been duly constituted and summoned to meet for the first session under the provisions of the Constitution, a provisional Legislative Assembly of the State of Uttaranchal, consisting of the twenty-two sitting members of the Legislative Assembly and nine members of the Legislative Council of the existing State of Uttar Pradesh representing the Assembly constituencies or Council constituencies of the territories transferred by virtue of the provisions of section 3 shall be constituted.

(2) The provisional Legislative Assembly of the State of Uttaranchal shall exercise all the powers and perform all the duties conferred by the provisions of the Constitution on the Legislative Assembly of that State.

(3) The term of office of the members of the provisional Legislative Assembly of the State of Uttaranchal shall, unless the said Legislative Assembly is sooner dissolved, expire immediately before the first meeting of the Legislative Assembly of the State of Uttaranchal.

15. Duration of Legislative Assemblies: The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Uttar Pradesh, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of the existing State of Uttar Pradesh.

16. Speaker and Deputy Speaker: (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Uttar Pradesh shall continue to be the Speaker and Deputy Speaker respectively of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the provisional Legislative Assembly of the successor State of Uttaranchal shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

17. Rules of procedure: The rules of procedure and conduct of business of the Legislative Assembly of Uttar Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of Uttaranchal, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

The Legislative Council of Uttar Pradesh

18. Legislative Council of Uttar Pradesh: On and from the appointed day, there shall be ninety-nine seats in the Legislative Council of Uttar Pradesh, and in the Third Schedule to the Representation of the People Act, 1950, for the existing entry 8, the following entry shall be substituted, namely:—

“8. Uttar Pradesh.....99 36 8 8 37 10”.

19. Amendment of the Delimitation of Council Constituencies: On and from the appointed day, the Delimitation of the Council Constituencies (Uttar Pradesh) order, 1951 shall stand amended as directed in the Third Schedule.

20. Provision as to certain sitting members: (1) On and from the appointed day, the sitting members of the Legislative Council of the existing State of Uttar Pradesh specified in the Fourth Schedule to this Act shall cease to be members of that Council and shall be deemed to be the members of the provisional Legislative Assembly.

(2) On and from the appointed day, all sitting members of the Legislative Council of the existing State of Uttar Pradesh other than those referred to in sub-section (1) shall continue to be members of that Council.

(3) The term of office of the members referred to in sub-section (2) shall remain unaltered.

21. Deputy Chairman: The person who immediately before the appointed day is the Deputy Chairman of the Legislative Council of the

existing State of Uttar Pradesh shall continue to be the Deputy Chairman, on and from that day of that Council.

Delimitation of constituencies

22. Delimitation of constituencies: (1) For the purpose of giving effect to the provisions of section 12, the Election Commission shall determine in the manner hereinafter provided—

- (a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the State of Uttar Pradesh and Uttaranchal, respectively, having regard to the relevant provisions of the Constitution;
- (b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and
- (c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each State referred to in clause (a) that may be necessary or expedient.

(2) In determining the matters referred to in clauses (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions; namely:—

- (a) all the constituencies shall be single-member constituencies;
- (b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and
- (c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may by order specify, being persons who are the members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

- (4) If, owing to death or resignation, the office of an associate

member falls vacant, it shall be filled as far as practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

- (a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit. together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;
- (b) consider all objections and suggestions which may have been received by it before the date so specified; and
- (c) after considering all objection and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

23. Power of Election Commission to maintain Delimitation Orders up-to-date: (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

- (a) correct any printing mistakes in any order made under section 22 or any error arising therein from inadvertent slip or omission; and
- (b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Scheduled Castes and Scheduled Tribes

24. Amendment of the Scheduled Castes Order: On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Fifth Schedule to this Act.

25. Amendment of the Schedule Tribes Order: On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Sixth Schedule to this Act.

PART IV

HIGH COURT

26. High Court of Uttaranchal: (1) As from the appointed day, there shall be a separate High Court for the State of Uttaranchal (hereinafter referred to as "the High Court of Uttaranchal") and the High Court of Judicature at Allahabad shall become the High Court for the State of Uttar Pradesh (hereinafter referred to as the High Court at Allahabad).

(2) The principal seat of the High Court of Uttaranchal shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Uttaranchal may sit at such other place or places in the State of Uttaranchal other than its principal seat as the Chief Justice may, with the approval of the Governor of Uttaranchal, appoint.

27. Judges of Uttaranchal High Court: (1) Such of the Judges of the High Court at Allahabad holding office immediately before the appointed day as may be determined by the President shall on that day cease to be Judges of the High Court at Allahabad and become Judges of the High Court of Uttaranchal.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Uttaranchal shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court at Allahabad.

28. Jurisdiction of Uttaranchal High Court: The High Court of Uttaranchal shall have, in respect of any part of the territories included in the State of Uttaranchal, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of that part of the said territories by the High Court at Allahabad.

29. Special provision relating to Bar Council and advocates: (1) On and from the appointed day, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), for the words "and Uttar Pradesh", the words "Uttar Pradesh and Uttaranchal" shall be substituted.

(2) Any person who immediately before the appointed day is an advocate on the roll of the Bar Council of the existing State of Uttar Pradesh may give his option in writing, within one year from the appointed day to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Uttaranchal and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Uttaranchal with effect from the date of the option so given for the purposes of the said Act and the rules made thereunder.

(3) The persons other than the advocates who are entitled immediately before the appointed day, to practise in the High Court at Allahabad or any subordinate court thereof shall, on and after the appointed day, be recognised as such persons entitled also to practise in the High Court of Uttaranchal or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Uttaranchal shall be regulated in accordance with the like principles as immediately before the appointed day are in force with respect to the right of audience in the High Court at Allahabad.

30. *Practice and procedure in Uttaranchal High Court:* Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court at Allahabad shall, with the necessary modifications, apply in relation to the High Court of Uttaranchal, and accordingly, the High Court of Uttaranchal shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court at Allahabad:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court at Allahabad shall, until varied or revoked by rules or orders made by the High Court of Uttaranchal, apply with the necessary modifications in relation to practice and procedure in the High Court of Uttaranchal as if made by the Court.

31. *Custody of seal of Uttaranchal High Court:* The law in force immediately before the appointed day with respect to the custody of the seal of the High Court at Allahabad shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Uttaranchal.

32. *Form of writs and other processes:* The law in force immediately

before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court at Allahabad shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Uttaranchal.

33. Powers of Judges: The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and division courts of the High Court at Allahabad and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Uttaranchal.

34. Procedure as to appeals to Supreme Court: The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court at Allahabad and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Uttaranchal.

35. Transfer of proceedings from Allahabad High Court to Uttaranchal High Court: (1) Except as hereinafter provided, the High Court at Allahabad shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court at Allahabad immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Uttaranchal shall, as soon as may be after such certification, be transferred to the High Court of Uttaranchal.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 28, but save as hereinafter provided, the High Court at Allahabad shall have, and the High Court of Uttaranchal shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Allahabad before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court at Allahabad, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Uttaranchal, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Allahabad—

- (a) before the appointed day, in any proceedings transferred to the High Court of Uttaranchal by virtue of sub-section (2), or
- (b) in any proceedings with respect to which the High Court at Allahabad retains jurisdiction by virtue of sub-section (3),

shall for all purposes have effect, not only as an order of the High Court at Allahabad, but also as an order made by the High Court of Uttaranchal.

36. Right to appear or to act in proceedings transferred to Uttaranchal High Court: Any person who, immediately before the appointed day, is an advocate entitled to practise or any other persons entitled to practise in the High Court at Allahabad and was authorised to appear in any proceedings transferred from that High Court to the High Court of Uttaranchal under section 35, shall have the right to appear in the High Court of Uttaranchal in relations to those proceedings.

37. Interpretation: For the purposes of section 35—

- (a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceeding and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and
- (b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

38. Saving: Nothing in this Part shall affect the application to the High Court of Uttaranchal of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

39. Authorisation of expenditure of Uttaranchal State: The Governor of Uttar Pradesh may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Uttaranchal as he deems necessary for any period not more than six months

beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Uttaranchal:

Provided that the Governor of Uttaranchal may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Uttaranchal for any period not extending beyond the said period of six months.

40. Reports relating to accounts of Uttar Pradesh State: (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Uttar Pradesh in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor State of Uttar Pradesh and Uttaranchal who shall cause them to be laid before the Legislature of that State.

(2) The President may by order—

- (a) declare any expenditure incurred out of the Consolidated Fund of Uttar Pradesh on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and
- (b) provide for any action to be taken on any matter arising out of the said reports.

41. Distribution of revenue: The President shall, by order, determine the share of the States of Uttar Pradesh and Uttaranchal in its total amount payable to the existing State of Uttar Pradesh on the recommendation of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

42. Application of Part: (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the State of Uttar Pradesh immediately before the appointed day.

(2) The successor State shall be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Uttar Pradesh.

(3) The apportionment of assets and liabilities would be subject to

such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by the Central Government on the advice of the Comptroller and Auditor-General of India.

43. Land and goods: (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Uttar Pradesh shall,—

- (a) if within the transferred territory, pass to the State of Uttaranchal; or
- (b) in any other case, remain the property of the State of Uttar Pradesh:

Provided that where the Central Government is of opinion that any goods or class of goods should be distributed among the States of Uttar Pradesh and Uttaranchal, otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly:

Provided further that in case of any dispute relating to the distribution of any goods or class of goods under this sub-section the Central Government shall endeavour to settle such dispute through mutual agreement arrived at between the Governments of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the Successor States, after consulting both the Governments of the successor States, issue such direction as it may deem fit for the distribution of such goods or class of goods, as the case may be, under this sub-section.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Uttar Pradesh shall be divided between the successor States in accordance with such direction as the Central Government may, after

consultation with the Government of each successor States, think fit to issue for a just and equitable distribution of such stores.

(4) Any other unissued stores of any class in the existing State of Uttar Pradesh shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years prior to the appointed day, for the territories of the existing State of Uttar Pradesh included respectively in each of the successor States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

44. *Treasury and bank balances:* The total of the cash balances in all treasuries of the State of Uttar Pradesh and the credit balances of the State with Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Uttar Pradesh and Uttaranchal according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Uttaranchal has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

45. *Arrears of taxes:* The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

46. *Right to recover loans and advances:* (1) The right of the

existing State of Uttar Pradesh to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

(2) The right of the existing State of Uttar Pradesh to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Uttar Pradesh:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the State of Uttar Pradesh and Uttaranchal according to the population ratio.

47. Investments and credits in certain funds: The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Uttar Pradesh as specified in the Seventh Schedule shall be apportioned in the ratio of population of the successor States:

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Uttar Pradesh shall be divided in the ratio of the area of the territories occupied by the successor States:

Provided further that the balance in the Reserve Funds in the Public Account of Uttar Pradesh created wholly out of appropriations from the Consolidated Fund of the existing State of Uttar Pradesh, to the extent the balances have not been invested outside Government account, shall not be carried forward to similar Reserve Funds in the Public Account of, successor States.

(2) The investments of the existing State of Uttar Pradesh immediately before the appointed day in any special fund the objects of which are confined to a local area, shall belong to the State in which that area is included on the appointed day.

(3) The investments of the existing State of Uttar Pradesh immediately before the appointed day in any private, commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the Cash Balance Investment Account, shall pass to the State in which the principal seat of business of the undertaking is located.

(4) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Uttar Pradesh or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, the investments in, or loans or advances to, any such

body corporate by the existing State of Uttar Pradesh made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the States of Uttar Pradesh and Uttaranchal in the same proportion in which the assets of the body corporate are divided under the provisions of this Part.

48. Assets and liabilities of State Undertaking: (1) The assets and liabilities relating to any commercial or Industrial undertaking of the State of Uttar Pradesh shall pass to the State in which the undertaking is located.

(2) Where a depreciation reserve fund is maintained by the State of Uttar Pradesh for any such commercial or industrial undertaking, the securities held in respect of investments made from that fund shall pass to the State in which the undertaking is located.

49. Public Debt: (1) All liabilities on account of Public Debt and Public Account of the existing State of Uttar Pradesh outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Uttar Pradesh shall continue to be the liabilities of the successor State of Uttar Pradesh.

(3) The liability on account of loans raised from any source and re-lent by the existing State of Uttar Pradesh to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The Public Debt of the existing State of Uttar Pradesh attributable to loan taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall,—

- (a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or

- (b) if re-lent to the Uttar Pradesh Power Corporation Limited, the Uttar Pradesh Jal Vidyut Nigam Limited, the Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, the Uttar Pradesh State Road Transport Corporation, or the Uttar Pradesh Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the States of Uttar Pradesh and Uttaranchal in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Uttar Pradesh for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Uttar Pradesh and Uttaranchal in the same proportion in which the total public debt is divided between the two States under this section.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

50. *Floating Debt:* All liabilities of the State of Uttar Pradesh of any floating loan to provide short term finance to any commercial undertaking shall be liability the State in whose territories the undertaking is located.

51. *Refund of taxes collected in excess:* The liability of the existing State of Uttar Pradesh to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Uttar Pradesh to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

52. *Deposits, etc.:* (1) The liability of the existing State of Uttar Pradesh in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made.

(2) The liability of the existing State of Uttar Pradesh in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment, under the terms thereof, are confined.

53. *Provident fund:* The liability of the existing State of Uttar

Pradesh in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted.

54. Pensions: The liability of the existing State of Uttar Pradesh in respect of pensions shall pass to, or be apportioned between the successor States of Uttar Pradesh and Uttaranchal in accordance with the provisions contained in the Eighth Schedule to this Act.

55. Contracts: (1) Where, before the appointed day, the existing State of Uttar Pradesh has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

(a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Uttar Pradesh and Uttaranchal; and

(b) in any other case, of the State of Uttar Pradesh,

and all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Uttar Pradesh, be rights or liabilities of the State of Uttaranchal or the State of Uttar Pradesh, as the case may be:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the successor States of Uttar Pradesh and Uttaranchal or in default of such agreement, as the Central Government may, by order, direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

56. *Liability in respect of actionable wrong:* Where, immediately before the appointed day, the existing State of Uttar Pradesh subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

- (a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Uttar Pradesh or Uttaranchal, be a liability of that successor State; and
- (b) in any other case, be initially a liability of the State of Uttar Pradesh, but subject to such financial adjustment as may be agreed upon between the States of Uttar Pradesh and Uttaranchal or, in default of such agreement, as the Central Government may, by order, direct.

57. *Liability as guarantor:* Where, immediately before the appointed day, the existing State of Uttar Pradesh is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Uttar Pradesh shall—

- (a) if the area of operations of such society or persons is limited to the territories which, as from that day, are the territories of either of the States of Uttar Pradesh or Uttaranchal, be a liability of that successor State; and
- (b) in any other case, be initially a liability of the State of Uttar Pradesh, subject to such financial adjustment as may be agreed upon between the States of Uttar Pradesh and Uttaranchal or, in default of such agreements, as the Central Government may, by order, direct.

58. *Items in suspense:* If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

59. *Residuary provision:* The benefit or burden of any asset or liability of the existing State of Uttar Pradesh not dealt with in the foregoing provisions of this Part shall pass to the State of Uttar Pradesh in the first instance, subject to such financial adjustment as may be agreed upon between the States of Uttar Pradesh and Uttaranchal or, in default of such agreement, as the Central Government may, by order, direct.

60. *Apportionment of assets or liabilities by agreement:* Where the successor States of Uttar Pradesh and Uttaranchal agree that the asset, liability or benefit or burden of any particular asset or liability

should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the assets, liability or benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

61. *Power of Central Government to order allocation or adjustment in certain cases:* Where, by virtue of any of the provisions of this Part, any of the successor States of Uttar Pradesh and Uttaranchal becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that property or those benefits should be transferred to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

62. *Certain expenditure to be charged on Consolidated Fund:* All sums payable either by the State of Uttar Pradesh or by the State of Uttaranchal to the other States or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

63. *Provisions for Power Corporation Limited, etc.:* (1) The following bodies corporate constituted for the existing State of Uttar Pradesh, namely—

- (a) the Uttar Pradesh Power Corporation Limited, the Uttar Pradesh Jal Vidyut Nigam Limited and the Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited;
- (b) the Uttar Pradesh Electricity Regulatory Commission; and
- (c) the State Warehousing Corporation established under the Warehousing Corporation Act, 1962,

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that

day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Power Corporation Commission or Warehousing Corporation shall include a direction that the Act under which the Power Corporation Commission or Warehousing Corporation was constituted shall, in its application to that Power Corporation, Commission or Warehousing Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Power Corporation, Commission or Warehousing Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on such date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States of Uttar Pradesh and Uttaranchal in such manner as may be agreed upon between them within one year of the dissolution of the Power Corporation, Commission or Warehousing Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may, by order, determine:

Provided that any liabilities of the said Power Corporation referred to in clause (a) of sub-section (1) relating to the unpaid dues of the coal supplied to the Power Corporation by any public sector coal company shall be provisionally apportioned between the corresponding Power Corporation constituted respectively in the successor States of the existing State of Uttar Pradesh or after the date appointed for the dissolution of the Power Corporation under this sub-section in such manner as may be agreed upon between the Governments of the successor States within one month of such dissolution or if no agreement is reached, in such manner as the Central Government may, by order, determine subject to reconciliation and finalisation of the liabilities which shall be completed within three months from the date of such dissolution by the mutual agreement between the successor States or failing such agreement by the direction of the Central Government:

Provided further that an interest at the rate of two per cent, higher than the Cash Credit interest shall be paid on outstanding unpaid dues of the coal supplied to the Electricity Corporation by the public sector coal company till the liquidation of such dues by the concerned State Power Corporation constituted in the successor States on or after the date appointed for the dissolution of the Power Corporation under this sub-section.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Uttar Pradesh or, as the case may be, the Government of the State of Uttaranchal from constituting, at any time on or after the appointed day, a State Power Corporation, an Electricity Regulatory Commission or a State Warehousing Corporation for the State under the provisions of the Act relating to such Power Corporation, Commission or Warehousing Corporation; and if such a Power Corporation, Commission or Warehousing Corporation is so constituted in either of the States before the dissolution of the Power Corporation, Commission or Warehousing Corporation referred to in sub-section (1),—

- (a) provision may be made by order of the Central Government enabling the new Power Corporation, New Commission or the new Warehousing Corporation to take over from the existing Power Corporation, Commission or Warehousing Corporation all or any of its undertakings, assets, rights and liabilities in that State, and
- (b) upon the dissolution of existing Power Corporation, Commission or Warehousing Corporation,—
 - (i) any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board, new Commission or the new Warehousing Corporation instead of to that State;
 - (ii) any employee who would otherwise have been transferred to or re-employed by that State under sub-section (3), read with clause (i) of sub-section (5), shall be transferred to or re-employed by the new Power Corporation, new Commission or the new Warehousing Corporation instead of to or by that State.

(5) An agreement entered into between the successor States under sub-section (3) and an order made by the Central Government under that sub-section or under clause (a) of sub-section (4) may provide for the transfer or re-employment of any employee of the Power Corporation, Commission or Warehousing Corporation referred to in sub-section (1),—

- (i) to or by the successor States, in the case of an agreement under sub-section (2) or an order made under the sub-section;
- (ii) to or by the new Power Corporation, new Commission or the new Warehousing Corporation constituted under sub-section (4), in the case of an order made under clause (a) of that sub-section,

and, subject to the provisions of section 68, also for the terms and conditions of service applicable to such employees after such transfer or re-employment.

64. Continuanace of arrangements in regard to generation and supply of electric power and supply of water: If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it is, by virtue of the provisions of Part II, outside the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may, after consultation with the Government of each successor States wherever necessary, give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

65. Provisions as to Uttar Pradesh State Financial Corporation: (1) The Uttar Pradesh State Financial Corporation established under the State Financial Corporations Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any other law for the time being in force, be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court of Uttar Pradesh and Uttaranchal as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Uttar Pradesh and Uttaranchal from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporations Act, 1951.

66. Provisions as to certain companies: (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the companies specified in the Ninth Schedule to this Act shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day, and the Central Government may from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law.

(2) Any directions issued under sub-section (1) in respect of a company referred in that sub-section, may include directions—

- (a) regarding the division of the interests and shares of existing State of Uttar Pradesh in the Company among the successor States:
- (b) requiring the reconstitution of the Board of Directors of the Company so as to give adequate representation to all the successor States.

67. General provision as to statutory corporations: (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provisional Act for the existing State of Uttar Pradesh or any part

thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

68. *Temporary provisions as to continuance of certain existing road transport permits:* (1) Notwithstanding anything contained in section 89 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Uttar Pradesh or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of Uttaranchal or any Regional Transport Authority therein for the purpose of validating it for use in such area:

Provided that the Central Government may, after consultation with the successor State Government or Government concerned add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be:

Provided further that the provisions of this sub-section shall not be applicable where any such tolls, entrance fees or other charges of a like

nature is leviable for the use of any road or bridge which is constructed or developed for commercial purpose by the State Government, an undertaking of the State Government, a joint undertaking in which the State Government is a shareholder or a private sector.

69. *Special provisions relating to retrenchment compensation in certain cases:* Where on account of the reorganisation of the existing state of Uttar Pradesh under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then notwithstanding anything contained in section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Provided that—

- (a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;
- (b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman is transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

70. *Special provisions as to income-tax:* Where the assets, rights and liabilities of any body corporate carrying on business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in

accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

71. Continuance of facilities in certain State institutions: (1) The Government of State of Uttar Pradesh or Uttaranchal, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments before the 1st day of December, 2001 or if no agreement is reached by the said date as may be fixed by order of the Central Government.

(2) The Central Government may, at any time before the 1st day of December, 2001, by notification in the Official Gazette, specify in the Tenth Schedule referred to in sub-section (1) any other institution existing on the appointed day in the State of Uttar Pradesh and Uttaranchal and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

72. Provisions relating to All-India Services: (1) In this section, the expression "State cadre"—

- (a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;
- (b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954;
- (c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Uttar Pradesh, there shall, on and from the appointed day, be two separate cadres, one for the State of Uttar Pradesh and the other for the State of Uttaranchal in respect of each of these services.

(3) The initial strength and composition of the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said service borne on the Uttar Pradesh cadre thereof immediately before the appointed day shall be allocated to the State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Service Act, 1951, or the rules made thereunder.

73. Provisions relating to other services: (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Uttar Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Uttar Pradesh unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Uttaranchal:

Provided that every direction under this sub-section issued after the expiry of a period of one year from the appointed day shall be issued with the consultation of the Governments of the successor States.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

74. Other provisions relating to services: (1) Nothing in this section or in section 73 shall be deemed to affect on or after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have

been allocated to the State of Uttar Pradesh or to the State of Uttaranchal under section 73 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior the appointed day rendered by a person—

- (a) if he is deemed to have been allocated to any State under section 73, shall be deemed to have been rendered in connection with the affairs of that State;
- (b) if he is deemed to have been allocated to the Union in connection with the administration of the Uttaranchal shall be deemed to have been rendered in connection with the affairs of the union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 73, shall not apply in relation to members of any All-India Service.

75. Provisions as to continuance of officers in same post: (1) Every person who, immediately before the appointed day is holding or discharging duties of any post or office in connection with the affairs of the existing State of Uttar Pradesh in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed on and from that day, to have been duly appointed to the post or office by the Government of, or any other appropriate authority in, that successor State:

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

76. Advisory Committees: The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

- (a) the discharge of any of its functions under this Part; and
- (b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

77. Power of Central Government to give directions: The Central Government may, give such direction to the State Government of Uttar Pradesh and the State Government of Uttaranchal as may appear to it to be necessary for the purpose of giving effect to the foregoing

provisions of this Part and the State Government shall comply with such directions.

78. Provisions as to State Public Service Commission: (1) The Public Service Commission for the existing State of Uttar Pradesh shall, on and from the appointed day, be the Public Service Commission for the State of Uttar Pradesh.

(2) The persons holding office immediately before the appointed day as Chairman or other member of the Public Service Commission for the existing State of Uttar Pradesh shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the Public Service Commission for the State of Uttar Pradesh.

(3) Every person who becomes Chairman or other member of the Public Service Commission for the State of Uttar Pradesh on the appointed day under sub-section (2), shall—

- (a) be entitled to receive from the Government of the State of Uttar Pradesh conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;
- (b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Uttar Pradesh Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Uttar Pradesh and Uttaranchal, and the Governor of the State of Uttar Pradesh shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Uttar Pradesh and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Uttaranchal.

PART IX

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

79. Water Resources Development and its Management: (1) Notwithstanding anything contained in this Act but subject to the provisions of section 80, all right and liabilities of the existing State of Uttar Pradesh in respect of water resource projects in relation to—

- (i) Ganga and its tributaries traversing the successor States excluding the Upper Yamuna River up to Okhla; and
- (ii) Upper Yamuna River and its tributaries up to Okhla,

shall on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed, and such adjustments as may be made, by agreement entered into by the said States after consultation with the Central Government, or, if no such agreement is entered into within two years of the appointed day, then, the Central Government may, by order, determine within one year having regard to the purposes of the project:

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government.

(2) An agreement or order referred to in sub-section (1) shall, where an extension or further development of any of the projects referred to in that sub-section after the appointed day is undertaken, be the rights and liabilities of the successor States in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-section (1) and (2) shall include—

- (a) the right to receive and utilise the water available for distribution as a result of the projects; and
- (b) the right to receive and utilise the power generated as a result of the projects,

but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of the existing State of Uttar Pradesh with any person or authority other than Government.

80. Constitution and functions of the Ganga Management Board: (1) The Central Government shall constitute a Board to be called the Ganga Management Board (hereinafter referred to as the Board) for administration, construction, maintenance and operation of projects referred to in sub-section (1) of section 79 for any or for a combination of the following purposes, namely:—

- (i) Irrigation;
- (ii) rural and urban water supply;
- (iii) hydro power generation;

- (iv) navigation;
- (v) industries; and
- (vi) for any other purpose which the Central Government may, by notification in the Official Gazette, specify.

(2) The Board shall consist of—

- (a) a whole-time Chairman to be appointed by the Central Government in consultation with the successor States;
- (b) two full time members, one from each of the successor States, to be nominated by the respective State Government;
- (c) four part-time members, two from each of the successor States, to be nominated by the respective State Government;
- (d) two representatives of the Central Government to be nominated by that Government.

(3) The functions of the Board shall include—

- (a) the regulation of supply of water from the projects referred to in clause (i) of sub-section (1) of section 79 to the successor States having regard to—

- (i) any agreement entered into or arrangement made covering the Government of existing State of Uttar Pradesh and any other State or Union territory, and

- (ii) the agreement or the order referred to in sub-section (2) of section 79;

- (b) the regulation of supply of power generated at the projects referred to in clause (i) of sub-section (1) of section 79, to any Electricity Board or other authority in- charge of the distribution of power having regard to—

- (i) any agreement entered into, or arrangement made covering the Government of the existing State of Uttar Pradesh and any other State or Union territory, and

- (ii) the agreement or the order referred to in sub-section (2) of section 79;

- (c) the construction of such of the remaining on-going or new works connected with the development of the water resources projects relating to the rivers or their tributaries as the Central Government may specify by notification in the Official Gazette;

- (d) such functions as the Central Government may, after consultation with the successor States entrust to it.

81. Staff of the Management Board: (1) The Board may employ such staff, as it may consider necessary for the efficient discharge of its functions under this Act. Such staff shall at the first instance, be appointed on deputation from the successor State failing which through any other method:

Provided that every person who, immediately before the constitution of the said Board, was engaged in the construction, maintenance or operation of the works relating to the projects referred to in clause (i) of sub-section (1) of section 79 shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government, by order, directs otherwise:

Provided further that the said Board may, in consultation with the Government of the successor State or the Electricity Board concerned and with the prior approval of the Central Government, retain any such person for service under that State Government or Board.

(2) The Government of successor States shall at all times provide the necessary funds to the Board to meet all expenses (including the salaries and allowances of the staff required for the discharge of its functions and such amounts shall be apportioned between the States concerned in such proportion as the Central Government may, having regard to the benefits to each of the said States specify.

(3) The Board shall be under the control of the Central Government and shall comply with such directions, as may, from time to time, be given to it by that Government.

(4) The Board may delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(5) The Central Government may, for the purpose of enabling the Board to function efficiently, issue such directions to the State Governments concerned, or any other authority, and the State Governments, or the other authority shall comply with such directions.

82. Jurisdiction of the Board: (1) The Board shall, ordinarily exercise jurisdiction in regard to any of the projects referred to in clause (i) of sub-section (1) of section 79 over head works (barrages, dams, reservoirs, regulating structures), part of canal network and transmission lines necessary to deliver water or power to the States concerned.

(2) If any question arises as to whether the Board has jurisdiction

under sub-section (1) over any project referred thereto, the same shall be referred to the Central Government for decision thereon.

83. Power of Board to make regulations: The Board may make regulations consistent with the Act and the rules made thereunder, to provide for—

- (a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;
- (b) delegation of powers and duties of the Chairman or any officer of the Board;
- (c) the appointment and regulation of the conditions of service of the officers and other staff of the Board;
- (d) any other matter for which regulations are considered necessary by the Board.

84. Allocation of the water resources of the River Yamuna: (1) The utilisable water resources of the Yamuna River up to Okhla, as allocated, before the appointed day, to the existing State of Uttar Pradesh under the Memorandum of Undertakings, dated the 12th May, 1994 shall be further allocated between the successor States by mutual agreement within a period of two years, failing which, the Central Government shall, by order, determine the allocation of such water resource between the successor States within a further period of one year.

(2) The State of Uttaranchal shall, on the appointed day, be inducted as a member of the Upper Yamuna Board constituted for the implementation of the Memorandum of Undertaking referred to in sub-section (1).

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

85. Amendment of section 15 of Act 37 of 1956: On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (b), for the words "Uttar Pradesh and Madhya Pradesh", the words "Uttar Pradesh, Uttaranchal and Madhya Pradesh" shall be substituted.

86. Territorial extent of laws: The provisions of Part II shall not be deemed to have effected any change in the territories to which The Uttar Pradesh Imposition of Ceiling of Land Holding Act, 1961 and any other

law in force immediately before the appointed day, extends or applies, and territorial references in any such law to the State of Uttar Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Uttar Pradesh before the appointed day.

87. Power to adapt laws: For the purpose of facilitating the application in relation to the State of Uttar Pradesh or Uttaranchal of any law made before the appointed day, the appropriate Government may before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

88. Power to construe laws: Notwithstanding that no provision or insufficient provision has been made under section 87 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Uttar Pradesh or Uttaranchal, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

89. Power to name authorities, etc., for exercising statutory functions: The Government of the State of Uttaranchal, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

90. Legal proceedings: Where immediately before the appointed day, the existing State of Uttar Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the States of Uttar Pradesh and Uttaranchal under this Act, the State of Uttar Pradesh or Uttaranchal which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the

existing State of Uttar Pradesh or added as a party to those proceedings, and the proceedings may continue accordingly.

91. *Transfer of pending proceedings:* (1) Every proceedings pending immediately before the appointed day before a court (other than High Court), tribunal, authority or officer in any area which on that day falls within the State of Uttar Pradesh shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of Uttaranchal State, stand transferred to the corresponding court, tribunal, authority or officer of that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court of Allahabad and the decision of that High Court shall be final.

(3) In this section—

- (a) “proceeding” includes any suit, case or appeal; and
- (b) “corresponding court, tribunal, authority or officer” in the State of Uttaranchal means—
 - (i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or
 - (ii) in case of doubt, such court, tribunal, authority, or officer in that State, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Uttar Pradesh to be the corresponding court, tribunal, authority or officer.

92. *Right of pleaders to practise in certain cases:* Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Uttar Pradesh shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Uttaranchal.

93. *Effect of provisions of the Act inconsistent with other laws:* The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

94. *Power to remove difficulties:* (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid, before each House of Parliament.

THE BIHAR REORGANISATION ACT, 2000

An Act to provide for the reorganisation of the existing State of Bihar and for matters connected therewith.

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

PART I

PRELIMINARY

1. *Short title:* This Act may be called the Bihar Reorganisation Act, 2000.

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

- (a) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (b) “article” means an article of the Constitution;
- (c) “assembly constituency”, “council constituency” and “parliamentary constituency” have the same meanings as in the Representation of the People Act, 1950;
- (d) “Election Commission” means the Election Commission appointed by the President under article 324;
- (e) “existing State of Bihar” means the State of Bihar as existing immediately before the appointed day;
- (f) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Bihar;
- (g) “notified order” means an order published in the Official Gazette;
- (h) “population ratio”, in relation to the States of Bihar and Jharkhand, means the ratio of 645.30:218.44;
- (i) “sitting member”, in relation to either House of Parliament or of the Legislature of the existing State of Bihar, means a person who immediately before the appointed day, is a member of that House;

- (j) "successor State", in relation to the existing State of Bihar, means the State of Bihar or Jharkhand;
- (k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Bihar to the State of Jharkhand;
- (l) "treasury" includes a sub-treasury; and
- (m) any reference to a district, tehsil or other territorial division of the existing State of Bihar shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF BIHAR

3. Formation of Jharkhand State: On and from the appointed day, there shall be formed a new State to be known as the State of Jharkhand comprising the following territories of the existing State of Bihar, namely:—

Bokaro, Chatra, Deogarh, Dhanbad, Dumka, Garhwa, Giridih, Godda, Gumla, Hazaribagh, Kodarma, Lohardaga, Pakur, Palamau, Ranchi, Sahebganj, Singhbhum (East) and Singhbhum (West) districts;

and thereupon the said territories shall cease to form part of the existing State of Bihar.

4. State of Bihar and territorial divisions thereof: On and from the appointed day, the State of Bihar shall comprise the territories of the existing State of Bihar other than those specified in section 3.

5. Amendment of the First Schedule to the Constitution: On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

- (a) in the paragraph relating to the territories of the State of Bihar, the following shall be added at the end namely:—

"and the territories specified in section 3 of the Bihar Reorganisation Act, 2000";

- (b) after entry 27, the following entry shall be inserted, namely:—

"28. Jharkhand: The territories specified in section 3 of the Bihar Reorganisation Act, 2000".

6. Saving powers of State Government: Nothing in the foregoing

provisions of this Part shall be deemed to affect the power of the Government of Bihar or Jharkhand to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

PART III

REPRESENTATION IN THE LEGISLATURE

The Council of States

7. Amendment of the Fourth Schedule to the Constitution: On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,

- (a) entries 4 to 29 shall be renumbered as entries 5 to 30 respectively;
- (b) in entry 3, for the figures "22", the figures "16" shall be substituted;
- (c) after entry 3, the following entry shall be inserted, namely:—

"4. Jharkhand 6".

8. Allocation of sitting members: (1) On and from the appointed day, twenty-two sitting members of the Council of States representing the existing State of Bihar shall be deemed to have been elected to fill the seats allotted to the States of Bihar and Jharkhand, as specified in the First Schedule to this Act.

(2) The term of office of such sitting members shall remain unaltered.

The House of the People

9. Representation in the House of the People: On and from the appointed day, there shall be allocated 40 seats to the successor State of Bihar, and 14 to the successor State of Jharkhand, in the House of the People, and the First Schedule to the Representation of the People Act, 1950, under heading "I. STATES:",—

- (a) for entry 4, the following entry shall be substituted, namely:—

"4. Bihar 53 7 5 40 7..";
- (b) entries 10 to 25 shall be renumbered as entries 11 to 26 respectively;
- (c) after entry 9, the following entry shall be inserted, namely:—

"10. Jharkhand 14 1 5".

10. Delimitation of Parliamentary and Assembly Constituencies: On and from the appointed day, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall stand amended as directed in the Second Schedule to this Act.

11. Provision as to sitting members: (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor State of Bihar or Jharkhand, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

12. Provisions as to Legislative Assemblies: (1) The number of seats as on the appointed day in the Legislative Assemblies of the States of Bihar and Jharkhand shall be two hundred and forty-three and eighty-one respectively.

(2) In the Second Schedule to the Representation of the People Act, 1950, under heading "I. States"—

(a) for entry 4, the following entry shall be substituted, namely:—

"4. Bihar 318 45 29 243 39

(b) entries 11 to 27 shall be renumbered as entries 12 to 28 respectively;

(c) after entry 10, the following entry shall be inserted, namely:—

"11. Jharkhand 81 9 28".

13. Allocation of sitting members: (1) Every sitting member of the Legislative Assembly of the existing State of Bihar elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 10 stands allotted, with or without alteration of boundaries, to the State of Jharkhand shall, on and from that day, cease to be a member of the Legislative Assembly of Bihar and shall be deemed to have been elected to fill a seat in the provisional Legislative Assembly of Jharkhand from that constituency as so allotted.

(2) All other sitting members of the Legislative Assembly of the

existing State of Bihar shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency the extent or the name and extent of which are altered by virtue of the provisions of section 10 shall be deemed to have been elected to the Legislative Assembly of Bihar by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force the Legislative Assemblies of Bihar and Jharkhand shall be deemed to be duly constituted on the appointed day.

(4) The sitting member of the Legislative Assembly of the existing State of Bihar nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Bihar under that article.

14. Duration of Legislative Assemblies: The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Bihar or Jharkhand be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of the existing State of Bihar.

15. Speaker and Deputy Speaker: (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Bihar shall continue to be the Speaker and Deputy Speaker respectively of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the provisional Legislative Assembly of the successor State of Jharkhand shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

16. Rules of procedure: The rules of procedure and conduct of business of the Legislative Assembly of Bihar as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of Jharkhand, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

The Legislative Council of Bihar

17. Legislative Council of Bihar: On and from the day on which all

the members specified in the Third Schedule retire, there shall be seventy-five seats in the Legislative Council of Bihar, and in the Third Schedule to the Representation of the People Act, 1950, for the existing entry 2, the following entry shall be substituted, namely:—

“2. Bihar 75 24 6 6 27 12”.

18. Council Constituencies: On and from the appointed day, the Delimitation of the Council Constituencies (Bihar) order, 1951 shall stand amended as directed in the Fourth Schedule.

19. Provision as to sitting members: Notwithstanding anything contained in section 17, all sitting members of the Legislative Council of the existing State of Bihar, shall continue to be members of that Council till they retire on the expiration of their present term of office.

20. Chairman and Deputy Chairman: The person who immediately before the appointed day is the Chairman or Deputy Chairman of the Legislative Council of the existing State of Bihar shall continue to be the Deputy Chairman, on and from that day of that Council.

Delimitation of constituencies

21. Delimitation of constituencies: (1) For the purpose of giving effect to the provisions of section 12, the Election Commission shall determine in the manner hereinafter provided—

- (a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States of Bihar and Jharkhand, respectively, having regard to the relevant provisions of the Constitution;
- (b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and
- (c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each successor State that may be necessary or expedient.

(2) In determining the matters referred to in clauses (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions; namely:—

- (a) all the constituencies shall be single-member constituencies;
- (b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to

physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and

- (c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may by order specify, being persons who are the members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled as far as practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

- (a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;
- (b) consider all objections and suggestions which may have been received by it before the date so specified;
- (c) after considering all objection and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

(7) The delimitation of constituencies in the States of Bihar and

Jharkhand shall be determined on the basis of the published figure of the census taken in the year 1971.

22. Power of Election Commission to maintain Delimitation Orders up-to-date: (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

- (a) correct any printing mistakes in any order made under section 21 or any error arising therein from inadvertent slip or omission;
- (b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Scheduled Castes and Scheduled Tribes

23. Amendment of the Scheduled Castes Order: On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Fifth Schedule.

24. Amendment of the Scheduled Tribes Order: On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Sixth Schedule.

PART IV

HIGH COURT

25. High Court of Jharkhand: (1) On and from the appointed day, there shall be a separate High Court for the State of Jharkhand (hereinafter referred to as “the High Court of Jharkhand”) and the High Court of Patna shall become the High Court for the State of Bihar (hereinafter referred to as the High Court at Patna).

(2) The principal seat of the High Court of Jharkhand shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Jharkhand may sit at such other place or places in the State of Jharkhand other than its principal seat as the Chief Justice may, with the approval of the Governor of Jharkhand, appoint.

26. Judges of High Court: (1) Such of the Judges of the High Court at Patna holding office immediately before the appointed day as may be determined by the President shall on that day cease to be Judges of the High Court at Patna and become Judges of the High Court of Jharkhand.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Jharkhand shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court of Patna.

27. Jurisdiction of High Court: The High Court of Jharkhand shall have, in respect of any part of the territories included in the State of Jharkhand, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of that part of the said territories by the High Court at Patna.

28. Special provision relating to Bar Council and advocates: (1) On and from the appointed day, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), after the words "Jammu and Kashmir", the words "Jharkhand" shall be inserted.

(2) Any person who immediately before the appointed day is an advocate on the roll of the Bar Council of the existing State of Bihar may give his option in writing, within one year from the appointed day to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Jharkhand and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Jharkhand with effect from the date of the option so given for the purposes of the said Act and the rules made thereunder.

(3) The persons other than the advocates who are entitled immediately before the appointed day, to practise in the High Court at Patna or any subordinate court thereof shall, on and after the appointed day, be recognised as such persons entitled also to practise in the High Court of Jharkhand or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Jharkhand shall be regulated in accordance with the like principles as immediately before the appointed day are in force with respect to the right of audience in the High Court at Patna.

29. Practice and procedure in common High Court: Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court at Patna shall, with the necessary modifications, apply in relation to the High Court of Jharkhand, and accordingly, the High Court of Jharkhand shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court at Patna:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court at Patna shall, until varied or revoked by rules or orders made by the High Court of Jharkhand, apply with the necessary modifications in relation to practice and procedure in the High Court of Jharkhand as if made by that Court.

30. Custody of seal of High Court: The law in force immediately before the appointed day with respect to the custody of the seal of the High Court at Patna shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Jharkhand.

31. Form of writs and other processes: The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court at Patna shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Jharkhand.

32. Powers of Judges: The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and division courts of the High Court at Patna and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Jharkhand.

33. Procedure as to appeals to Supreme Court: The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court at Patna and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Jharkhand.

34. Transfer of proceedings from High Court at Patna to High Court of Jharkhand: (1) Except as hereinafter provided, the High Court at Patna shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court at Patna immedi-

ately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the places of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Jharkhand shall, as soon as may be after such certification, be transferred to the High Court of Jharkhand.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 27, but save as hereinafter provided, the High Court at Patna shall have, and the High Court of Jharkhand shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Patna before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court at Patna, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Jharkhand, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Patna—

- (a) before the appointed day, in any proceedings transferred to the High Court of Jharkhand by virtue of sub-section (2), or
- (b) in any proceedings with respect to which the High Court at Patna retains jurisdiction by virtue of sub-section (3) shall for all purposes have effect, not only as an order of the High Court at Patna, but also as an order made by the High Court of Jharkhand.

35. Right to appear or to act in proceedings transferred to High Court of Jharkhand: Any person who, immediately before the appointed day, is an advocate entitled to practise or an attorney entitled to act in the High Court at Patna and so authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Jharkhand under section 34, shall have the right to appear or to act, as the case may be, in the High Court of Jharkhand in relations to those proceedings.

36. Interpretation: For the purposes of section 34—

- (a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to

appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

- (b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

37. Saving: Nothing in this Part shall affect the application to the High Court of Jharkhand of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

38. Authorisation of expenditure of Jharkhand State: The Governor of Bihar may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Jharkhand as he deems necessary for any period not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Jharkhand:

Provided that the Governor of Jharkhand may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Jharkhand for any period not extending beyond the said period of six months.

39. Reports relating to accounts of Bihar State: (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Bihar in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor State of Bihar and Jharkhand who shall cause them to be laid before the Legislature of that State.

(2) The President, after considering the views of the States Legislatures of the successor states, may by order—

- (a) declare any expenditure incurred out of the Consolidated Fund of Bihar on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and

- (b) provide for any action to be taken on any matter arising out of the said reports.

40. *Distribution of revenue:* The President shall, by order, determine the share of the States of Bihar and Jharkhand in the total amount payable to the existing State of Bihar on the recommendation of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

PART VI

Apportionment of Assets and Liabilities

41. *Application of Part:* (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the existing State of Bihar immediately before the appointed day.

(2) The successor State shall be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Bihar.

(3) The apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by the Central Government on the advice of the Comptroller and Auditor-General of India.

42. *Land and goods:* (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Bihar shall,—

- (a) if within the transferred territory, pass to the State of Jharkhand;
or

- (b) in any other case, remain the property of the State of Bihar:

Provided that where the Central Government is of opinion that any goods or class of goods should be distributed between the States of Bihar and Jharkhand, otherwise that according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Bihar shall be divided as may be agreed upon between the successor States, or in default of such agreement, as the Central Government may by order direct for a just and equitable distribution of such stores.

(4) Any other unissued stores of any class in the existing State of Bihar shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years prior to the appointed day, for the territories of the existing State of Bihar included respectively in each of the successor States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

43. *Treasury and bank balances:* The total of the cash balances in all treasuries of the State of Bihar and the credit balances of the State with Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Bihar and Jharkhand according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve bank of India on the appointed day:

Provided further that if the State of Jharkhand has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

44. Arrears of taxes: The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

45. Right to recover loans and advances: (1) The right of the existing State of Bihar to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

(2) The right of the existing State of Bihar to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Bihar:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Bihar and Jharkhand according to the population ratio.

46. Investments and credits in certain funds: The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Bihar as specified in the Seventh Schedule shall be apportioned in the ratio of population of the successor States:

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Bihar shall be divided in the ratio of the area of the territories occupied by the successor States:

Provided further that the balance in the Reserve Funds in the Public Account of Bihar created wholly out of appropriations from the Consolidated Fund of the existing State of Bihar, to the extent the balances have not been invested outside Government account, shall not be carried forward to similar Reserve Funds in the Public Account of, successor States.

(2) The investments of the existing State of Bihar immediately before the appointed day in any special fund the objects of which are confined to a local area, shall belong to the State in which that area is included on the appointed day.

(3) The investments of the existing State of Bihar immediately before the appointed day in any private, commercial or industrial undertaking, in so far as such investments have not been made or are

deemed not to have been made from the cash balance investment account, shall pass to the State in which the principal seat of business of the undertaking is located.

(4) Where any body corporate constituted under a Central Act, State of Act or Provincial Act for the existing State of Bihar or any part thereof has, by virtue of the provisions of Part II, becomes an inter-State body corporate the investment in, or loans or advances to, any such body Corporate by the existing State of Bihar made before the appointed day shall, say as otherwise expressly provided by or under this Act, be divided between the States of Bihar and Jharkhand in the same proportion in which the assets of the body Corporate are divided under the provisions of this part.

47. Assets and liabilities of State Undertakings: (1) The assets and liabilities relating to any commercial or Industrial undertaking of the existing State of Bihar shall pass to the State in which the undertaking is located.

(2) Where a depreciation reserve fund is maintained by the State of Bihar for any such commercial or industrial undertaking, the securities held in respect of investments made from that fund shall pass to the State in which the undertaking is located.

48. Public Debt: (1) All liabilities on account of Public Debt and Public Account of the existing State of Bihar outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Bihar shall continue to be the liabilities of the successor State of Bihar.

(3) The liability on account of loans raised from any source and lent by the existing State of Bihar to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The Public Debt of the existing State of Bihar attributable to loan

taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall,—

- (a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or
- (b) if re-lent to the Bihar State Electricity Board, The Bihar State Road Transport Corporation, or the Bihar Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the States of Bihar and Jharkhand in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII of this Act.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Bihar for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Bihar and Jharkhand in the same proportion in which the total public debt is divided between the two States under this section.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

49. *Floating Debts:* The liabilities of the existing State of Bihar in respect of any floating loan to provide short term finance to any commercial undertaking shall be the liability of the State in whose territories are the undertaking is located.

50. *Refund of taxes collected in excess:* The liability of the existing State of Bihar to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Bihar to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

51. *Deposits, etc.:* (1) The liability of the existing State of Bihar in respect of any civil deposit or loan fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made.

(2) The liability of the existing State of Bihar in respect of any charitable or other endowment shall, as from the appointed day, be the

liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment, under the terms thereof, are confined.

52. *Provident fund:* The liability of the existing State of Bihar in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted.

53. *Pensions:* The liability of the existing State of Bihar in respect of pensions and other retirement benefits shall pass to, or be apportioned between the successor States of Bihar and Jharkhand in accordance with the provisions contained in the Eighth Schedule to this Act.

54. *Contracts:* (1) Where, before the appointed day, the existing State of Bihar has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

(a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Bihar and Jharkhand; and

(b) in any other case, of the State of Bihar,

and all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Bihar, be rights or liabilities of the State of Jharkhand or the State of Bihar, as the case may be:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the successor States of Bihar and Jharkhand or in default of such agreement, as the Central Government may, by order, direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of

this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

55. *Liability in respect of actionable wrong:* Where, immediately before the appointed day, the existing State of Bihar is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

- (a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Bihar or Jharkhand, be a liability of that successor State; and
- (b) in any other case, be initially a liability of the State of Bihar, but subject to such financial adjustment as may be agreed upon between the States of Bihar and Jharkhand or, in default of such agreement, as the Central Government may, by order, direct.

56. *Liability as guarantor:* Where, immediately before the appointed day, the existing State of Bihar is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Bihar shall—

- (a) if the area of operations of such society or persons is limited to the territories which, as from that day, are the territories of either of the States of Bihar or Jharkhand, be a liability of that successor State; and
- (b) in any other case, be initially a liability of the State of Bihar, subject to such financial adjustment as may be agreed upon between the States of Bihar and Jharkhand or, in default of such agreements, as the Central Government may, by order, direct.

57. *Items in suspense:* If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

58. *Residuary provision:* The benefit or burden of any asset or liability of the existing State of Bihar not dealt with in the foregoing provisions of this Part shall pass to the State of Bihar in the first instance, subject to such financial adjustment as may be agreed upon between the States of Bihar and Jharkhand or, in default of such agreement, as the Central Government may, by order, direct.

59. Apportionment of assets or liabilities by agreement: Where the successor States of Bihar and Jharkhand agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the assets, liability or benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

60. Power of Central Government to order allocation or adjustment in certain cases: Where, by virtue of any of the provisions of this Part, any of the successor States of Bihar and Jharkhand becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that property or those benefits should be transferred to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

61. Certain expenditure to be charged on Consolidated Fund: All sums payable either by the State of Bihar or by the State of Jharkhand to the other States or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

Provisions as to certain corporations

62. Provisions as to Bihar State Electricity Board, State Warehousing Corporation and State Board Transport Corporation: (1) The following bodies corporate constituted for the existing State of Bihar, namely—

- (a) the State Electricity Board constituted under the Electricity Supply Act, 1948;
- (b) the State Warehousing Corporation established under the Warehousing Corporation Act, 1962,
- (c) the State Road Transport Corporation established under the Road Transport Act, 1950,

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Board or the Corporation shall include a direction that the Act under which the Board or the Corporation was constituted shall, in its application to that Board or Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Board or the Corporation, referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on such date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States of Bihar and Jharkhand in such manner as may be agreed upon between them within one year of the dissolution of the Board or the Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may, by order, determine:

Provided that any liabilities of the said Board relating to the unpaid dues of the coal supplied to the Board by any public sector coal company shall be provisionally apportioned between the State Electricity Boards constituted respectively in the successor States of the existing State of Bihar or after the date appointed for the dissolution of the Board under this sub-section in such manner as may be agreed upon between the Governments of the successor States within one month of such dissolution or if no agreement is reached, in such manner as the Central Government may, by order, determine subject to reconciliation and finalisation of the liabilities which shall be completed within three months from the date of such dissolution by the mutual agreement between the successor States or failing such agreement by the direction of the Central Government:

Provided further that an interest at the rate of two per cent, higher than the Cash Credit interest shall be paid on outstanding unpaid dues of the coal supplied to the Board by the public sector coal company till the liquidation of such dues by the concerned State Electricity Board constituted in the successor States on or after the date appointed for the dissolution of the Board under this sub-section.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Bihar or, as the

case may be, the Government of the State of Jharkhand from constituting, at any time on or after the appointed day, a State Electricity Board or a State Warehousing Corporation or a Road Transport Corporation for the State under the provisions of the Act relating to such Board or Corporation; and if such a Board or Corporation is so constituted in either of the States before the dissolution of the Board or the Corporation referred to in sub-section (1),—

- (a) provision may be made by order of the Central Government enabling the new Board or the new Corporation, to take over from the existing Board or Corporation all or any of its undertakings, assets, rights and liabilities in that State, and
- (b) upon the dissolution of existing Board or Corporation,—
 - (i) any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board or the new Corporation instead of to that State;
 - (ii) any employee who would otherwise have been transferred to or re-employed by that State under sub-section (3), read with clause (i) of sub-section (5), shall be transferred to or re-employed by the new Board or the new Corporation instead of to or by that State.

(5) An agreement entered into between the successor States under sub-section (3) and an order made by the Central Government under that sub-section or under clause (a) of sub-section (4) may provide for the transfer or re-employment of any employee of the Board or the Corporation referred to in sub-section (1),—

- (i) to or by the successor States, in the case of an agreement under sub-section (4) or an order made under the sub-section;
- (ii) to or by the new Board or the new Corporation constituted under sub-section (4), in the case of an order made under clause (a) of that sub-section,

and, subject to the provisions of section 65, also for the terms and conditions of service applicable to such employees after such transfer or re-employment.

63. Continuanee of arrangements in regard to generation and supply of electric power and supply of water: If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is

likely to be modified to the disadvantage of that area by reason of the fact that it is, by virtue of the provisions of Part II, outside the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may, after consultation with the Government of each successor States wherever necessary, give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

64. Provisions as to Bihar State Financial Corporation: (1) The Bihar State Financial Corporation established under the State Financial Corporation Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court at Patna and Jharkhand as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the States of Bihar and Jharkhand from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporation Act, 1951.

65. Provisions as to certain companies: (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the companies specified in the Ninth Schedule to this Act shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day, and the Central Government may from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law.

(2) Any directions issued under sub-section (1) in respect of a company referred in that sub-section, may include directions—

- (a) regarding the division of the interests and shares of existing State of Bihar in the Company among the successor States:
- (b) requiring the reconstitution of the Board of Directors of the Company so as to give adequate representation to all the successor States.

66. General provisions as to statutory corporations: (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provisional Act for the existing State of Bihar or any part thereof has, by virtue of the provisions of Part II of this Act, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

67. Temporary provisions as to continuance of certain existing road transport permits: (1) Notwithstanding anything contained in section 88 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Bihar or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of Jharkhand or any Regional Transport Authority therein for the purpose of validating it for use in such area:

Provided that the Central Government may, after consultation with the successor State Government or Government concerned add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be.

68. Special provisions relating to retrenchment compensation in certain cases: Where on account of the reorganisation of the existing state of Bihar under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body

corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then notwithstanding anything contained in section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Provided that—

- (a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;
- (b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman is transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

69. *Special provisions as to income-tax:* Where the assets, rights and liabilities of any body corporate carrying on any business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

70. *Continuance of facilities in certain State institutions:* (1) The Government of State of Bihar or Jharkhand, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments before the 1st day of

December, 2001 if no agreement is reached by the said date as may be fixed by order of the Central Government.

(2) The Central Government may, at any time before the 1st day of December, 2001, by notification in the Official Gazette, specify in the Tenth Schedule any other institution existing on the appointed day in the State of Bihar and Jharkhand and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

71. Provisions relating to All-India Services: (1) In this section, the expression "State cadre"—

- (a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;
- (b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954; and
- (c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Bihar, there shall, on and from the appointed day, be two separate cadres, one for the State of Bihar and the other for the State of Jharkhand in respect of each of these services.

(3) The initial strength and composition of the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said service borne on the Bihar cadre thereof immediately before the appointed day shall be allocated to the State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Service Act, 1951, or the rules made thereunder.

72. Provisions relating to services in Bihar and Jharkhand: (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Bihar shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Bihar unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Jharkhand:

Provided that no direction shall be issued under this section after the expiry of a period of one year from the appointed day.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

73. Other provisions relating to services: (1) Nothing in this section or section 72 shall be deemed to affect on or after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Bihar or to the State of Jharkhand under section 72 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior the appointed day rendered by a person—

- (a) if he is deemed to have been allocated to any State under section 72, shall be deemed to have been rendered in connection with the affairs of that State;
- (b) if he is deemed to have been allocated to the Union in connection with the administration of the Jharkhand shall be deemed to have been rendered in connection with the affairs of the union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 72, shall not apply in relation to members of any All-India Service.

74. Provisions as to continuance of officers in same post: (1) Every person who, immediately before the appointed day is holding or discharging duties of any post or office in connection with the affairs of the existing State of Bihar in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed on and from that day, to have been duly appointed to the post or office by the Government of, or any other appropriate authority in, that successor State:

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

75. Advisory Committees: The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

- (a) the discharge of any of its functions under this Part; and
- (b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

76. Power of Central Government to give directions: The Central Government may, give such direction to the State Government of Bihar and the State Government of Jharkhand as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Governments shall comply with such directions.

77. Provisions as to State Public Service Commission: (1) The Public Service Commission for the existing State of Bihar shall, on and from the appointed day, be the Public Service Commission for the State of Bihar.

(2) The persons holding office immediately before the appointed day as Chairman or other member of the public Service Commission for the existing State of Bihar shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the public Service Commission for the State of Bihar.

(3) Every person who becomes Chairman or other member of the

Public Service Commission for the State of Bihar on the appointed day under sub-section (2), shall—

- (a) be entitled to receive from the Government of the State of Bihar conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;
- (b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Bihar Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Bihar and Jharkhand, and the Governor of the State of Bihar shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Bihar and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Jharkhand.

PART IX

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

78. *Water Resources Development and its Management:* (1) Notwithstanding anything contained in this Act but subject to the provisions of section 79, all right and liabilities of the existing State of Bihar in relation to water resource projects in relation to—

- (i) Ganga and its tributaries; and
- (ii) Sone and its tributaries;

shall on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed, and subject to such adjustments as may be made, by agreement entered into by the said States after consultation with the Central Government, or, if no such agreement is entered into within two years of the appointed day, then, the Central Government may, by order, determine within one year having regard to the purposes of the project:

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government.

(2) An agreement or order referred to in sub-section (1) shall, where an extension or further development of any of the projects referred to in that sub-section after the appointed day is undertaken, be the rights and liabilities of the successor States in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-section (1) and (2) shall include,—

- (a) the right to receive and utilise the water available for distribution as a result of the projects; and
- (b) the right to receive and utilise the power generated as a result of the projects,

but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of the existing State of Bihar with any person or authority other than Government.

79. Constitution and functions of Management Board: (1) The Central Government shall constitute a Board to be called the Ganga and Sone Management Board (hereinafter referred to as the Board) for administration, construction, maintenance and operation of projects referred to in sub-section (1) of section 78 for any or for a combination of the following purposes, namely:—

- (i) Irrigation;
- (ii) Rural and Urban water Supply;
- (iii) Hydro Power generation;
- (iv) Navigation;
- (v) Industries; and
- (vi) for any other purpose which the Central Government may, by notification in the Official Gazette, specify.

(2) The Board shall consist of—

- (a) a whole-time Chairman and two whole-time members to be appointed by the Central Government;
- (b) a representative each of the Government of the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh to be nominated by the respective Government;
- (c) two representatives of the Central Government to be nominated by that Government.

(3) The functions of the Board shall included—

- (a) the regulation of supply of water from the projects referred to in clause (i) of sub-section (1) of section 78 to the successor States having regard to—
 - (i) any agreement entered into or arrangement made covering the Government of existing State of Bihar and the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh, and
 - (ii) the agreement or the order referred to in sub-section (2) of section 78;
- (b) the regulation of supply of power generated at the projects referred to in sub-section (1) of section 78, to any Electricity Board or other authority incharge of the distribution of power having regard to—
 - (i) any agreement entered into, or arrangement made covering the Government of the existing State of Bihar and the States of Uttar Pradesh, Bihar Jharkhand and Madhya Pradesh, and
 - (ii) the agreement or the order referred to in sub-section (2) of section 78;
- (c) the examination of the requirement of funds for various projects in terms of the programme laid down for such projects and to advise the apportionment of the expenditure to the participating States keeping in view the agreement on the sharing of costs;
- (d) to decide the withdrawal of water from the reservoirs during the construction period for irrigation and power purposes with a view to securing better use of available water;
- (e) the responsibility of devising programme of resettlement for persons displaced as a result of Irrigation Projects;
- (f) construction of such of the remaining or new works connected with the development of the water resource project relating to the rivers or their tributaries as the Central Government may specify by notification in the Official Gazette; and
- (g) such other functions as the Central Government may after consultation with the Government of the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh entrust to it.

80. Staff of the Management Board: (1) The Board may employ such staff, as it may consider necessary for the efficient discharge of its functions under this Act:

Provided that every person who, immediately before the constitution of the said Board, was engaged in the construction, maintenance or operation of the works relating to the projects referred to in sub-section (1) of section 78 shall continue to be so employed under the Board in

connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government, by order, directs otherwise:

Provided further that the said Board may, in consultation with the State Government or the Electricity Board concerned and with the prior approval of the Central Government, retain any such person for service under that State Government or Board.

(2) The Government of the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh shall at all times provide the necessary funds to the Board to meet all expenses (including the salaries and allowances of the staff) required for the discharge of its functions and such amounts shall be apportioned among the States concerned in such proportion as the Central Government may, having regard to the benefits to each of the said States specify.

(3) The Board shall be under the control of the Central Government and shall comply with such directions, as may, from time to time, be given to it by that Government.

(4) The Board may, with the approval of the Central Government delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(5) The Central Government may, for the purpose of enabling the Board to function efficiently, issue such directions to the State Governments concerned, or any other authority, and the State Governments, or the other authority shall comply with such directions.

81. Jurisdiction of the Board: (1) The Board shall, ordinarily exercise jurisdiction in regard do to any of the projects referred to in clause (i) of sub-section (1) of section 78 over head works (barrages, dams, reservoirs, regulating constructions), part of canal network and transmission lines necessary to deliver water or power to the States concerned.

(2) If any question arises as to whether the Board has jurisdiction under sub-section (1) over any project referred thereto, the same shall be referred to the Central Government for decision thereon.

82. Power to make regulations: The Board may, with the prior approval of the Central Government by notification in the Official Gazette, make regulations consistent with this Act and orders made thereunder, to provide for—

- (a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;
- (b) delegation of powers and duties of the Chairman or any officer of the Board;
- (c) the appointment and regulation of the conditions of service of the officers and other staff of the Board;
- (d) any other matter for which regulations are considered necessary by the Board.

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

83. Amendment of Act 37 of 1956: On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (c), for the words "Bihar", the words "Bihar and Jharkhand" shall be substituted.

84. Territorial extent of laws: The provisions of Part II of this Act shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day, extends or applies, and territorial references in any such law to the State of Bihar shall, until otherwise provided by a competent Legislature or other competent authority be constituted as meaning the territories within the existing State of Bihar before the appointed day.

85. Power to adapt laws: For the purpose of facilitating the application in relation to the State of Bihar or Jharkhand of any law made before the appointed day, the appropriate Government may before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

86. Power to construe laws: Notwithstanding that no provision or insufficient provision has been made under section 85 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of

facilitating its application in relation to the State of Bihar or Jharkhand, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

87. Power to name authorities, etc., for exercising statutory functions: The Government of the State of Jharkhand, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

88. Legal proceedings: Where immediately before the appointed day, the existing State of Bihar is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the State of Bihar and Jharkhand under this Act, the State of Bihar or Jharkhand which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Bihar or added as a party to those proceedings, and the proceedings may continue accordingly.

89. Transfer of pending proceedings: (1) Every proceedings pending immediately before the appointed day before a court (other than the High Court), tribunal, authority or officer in any area which on that day falls within the State of Bihar shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of Jharkhand State, stand transferred to the corresponding court, tribunal, authority or officer of that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court at Patna and the decision of that High Court shall be final.

(3) In this section—

- (a) "proceeding" includes any suit, case or appeal; and
- (b) "corresponding court, tribunal, authority or officer" in the State of Jharkhand means—
 - (i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or
 - (ii) in case of doubt, such court, tribunal, authority, or officer in the State, as may be determined after the appointed day by

the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Bihar to be the corresponding court, tribunal, authority or officer.

90. *Right of pleaders to practise in certain cases:* Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Bihar shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Jharkhand.

91. *Effect of provisions of the Act inconsistent with other laws:* The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

92. *Power to remove difficulties:* (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid, before each House of Parliament.

THE CONSTITUTION (EIGHTY-SECOND AMENDMENT) ACT, 2000

An Act further to amend the Constitution of India

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

1. *Short title:* This Act may be called the Constitution (Eighty-second Amendment) Act, 2000.

2. *Amendment of article 335:* In Article 335 of the Constitution, the following proviso shall be inserted at the end, namely:—

“Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matter of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”.

THE CONSTITUTION (EIGHTY-THIRD AMENDMENT) ACT, 2000*An Act further to amend the Constitution of India*

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

1. *Short title:* This Act may be called the Constitution (Eighty-third Amendment) Act, 2000.

2. *Amendment of article 243M:* In Article 243M of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh.”.

SESSIONAL REVIEW

THIRTEENTH LOK SABHA

FOURTH SESSION

The Fourth Session of the Thirteenth Lok Sabha, which commenced on 24 July 2000, was adjourned *sine die* on 25 August 2000. The House was later prorogued on 28 August 2000. During the Session, the House held 22 sittings. A resume of some of the important discussions held and other business transacted during the period 24 July to 25 August 2000 is given below:

A. DISCUSSIONS/ STATEMENTS

Statement by the Minister of Civil Aviation regarding Accident of Alliance Air Boeing-737 Aircraft at Patna: Making a Statement in the House on 25 July 2000, the Minister of Civil Aviation, Shri Sharad Yadav said that on 17 July 2000, an Alliance Air Boeing-737 aircraft operating a scheduled flight CD-7412 on Sector Calcutta-Lucknow-Delhi, under the command of Capt. M.S. Sohanpal took off from Calcutta at 06.51 hrs. in the morning. There were in all 52 passengers and 6 crew-members on board the aircraft. The flight was uneventful till it reached near the Patna Airport where it crashed at about 7.35 hrs. Only six passengers on board survived the crash. Forty-six passengers and six crew-members lost their lives. As a result of the crash, five persons on the ground were also killed, and five others were injured.

The Minister said that immediately on hearing the news, he, along with the Minister of Health, Dr. C.P. Thakur, the Director-General of Civil Aviation (DGCA), Chairman and Managing Director, Indian Airlines, Managing Director, Alliance Air, Chairman, Airports Authority of India, and other senior officers rushed to Patna to take stock of the situation and supervise the relief operations.

Control rooms were set up immediately at Calcutta, Patna, Lucknow and Delhi Airports for providing all assistance and information to the relatives. The relatives of the passengers and crew members on board the ill-fated aircraft were informed immediately. Relief flights were also

started from Calcutta and Delhi, carrying relatives of passengers and crew-members, apart from doctors and officials of the DGCA, Indian Airlines, etc. Rescue and relief operations were carried out immediately and prompt medical help was provided to the injured in close coordination with the State Government.

The Minister informed the House that the dead bodies of all the persons who lost their lives in the unfortunate accident had been recovered. Indian Airlines and the local administration had made all arrangements for orderly identification of the dead bodies and their carriage to their respective destinations. An amount of Rs. 7.50 lakh was provided to the next kin of each deceased passenger above 12 years of age, and Rs. 3.75 lakh for deceased passengers who were below 12 years of age. Similarly, Rs. 1.50 lakh was provided to each of the injured passengers. Similar amounts were also provided to the persons on the ground who were killed or injured due to the accident, apart from suitable payment for damage to their property.

The Commander of the aircraft, Capt. Sohanpal and the Co-Pilot Capt. A.S. Bagga were experienced pilots. There was no reported snag in the aircraft when it was released for flight at Calcutta. The black boxes of the ill-fated aircraft had been recovered. The Air Traffic Control (ATC) tapes, log books of the ATC units and safety services and aircraft maintenance records had also been collected. Immediately after the accident, the DGCA appointed Shri P. Shaw, Regional Controller of Air Safety, Calcutta, as Inspector of Accidents under Rule 71 of the Aircraft Rules, 1937, to commence the investigation. Keeping in view the seriousness of the accident and the large number of lives lost, Government had decided to institute a court of inquiry and had accordingly requested the Hon'ble Chief Justice of Patna High Court to nominate a sitting Judge to conduct the Inquiry under Rule 75 of the Aircraft Rules, 1937.

Statement by the Prime Minister regarding the statements made by the former Union Minister of Law, Justice and Company Affairs with regard to the Hon'ble Chief Justice of India and the Attorney General: On 28 July 2000, the Prime Minister, Shri Atal Bihari Vajpayee, making a Statement in the House, said that certain statements had been made by the former Union Minister of Law, Justice and Company Affairs, Shri Ram Jethmalani with regard to the Hon'ble Chief Justice of India and the Attorney General of India. The Government did not share the views of Shri Ram Jethmalani with regard to the subject matter on which he had spoken. The Government believed in promoting a harmonious relationship among the different wings of the State. Without going

into the question of the correctness of any possible view involved in the issues on which Shri Jethmalani corresponded with the Hon'ble Chief Justice of India, the Prime Minister was of the opinion that even the difference of opinion between the Hon'ble Chief Justice and the Law Minister should not create any imbalance in the harmonious relationship. Thus, in order to ensure that this harmonious relationship was not only maintained but strengthened, the Prime Minister had asked Shri Jethmalani to resign.

Statement made by the Minister of Health and Family Welfare regarding reported outbreak of Leptospirosis in Maharashtra and Gujarat: Making a Statement in the House on 3 August 2000, the Minister of Health and Family Welfare, Dr. C.P. Thakur said that medical practitioners from the North-West of Mumbai and adjacent area from the Thane District (Malad-Virar) as well as from Central part of Thane District (Kalyan), had reported an increase in cases of fever with a typical feature like bleeding and hepato-renal failure with involvement of lungs and high mortality. Based on the available symptoms, the practitioners from Mumbai suspected Leptospirosis. To meet the crisis, a meeting of officers from the Health Services, Medical Education and Research and Municipal Corporations was convened in the Directorate of Health Services, Mumbai on 29 July 2000. The possibilities considered for increased fever cases were Leptospirosis, Dengue Fever and P. falciparum. The State level rapid response team, along with a team from the National Institute of Virology, Pune carried out investigations. For conformation of Leptospirosis and investigating the outbreak, a team from the Indian Council of Medical Research also reached Mumbai.

Specific treatment with anti-microbials was effective if started early in the course for those affected by Leptospirosis. Penicillin, cephalosporins, doxycycline and erythromycin were all effective. Preventive measures included elimination or minimization of human contact with contaminated water, soil or vegetation. Proper protective clothing such as boots and gloves were recommended in areas where risk is perceived to be high. The Central Government was closely monitoring the situation. All Central assistance required and considered necessary would be provided to the State Government, the Minister added.

Statement made by the Prime Minister regarding recent massacre in various places in Jammu and Kashmir: On 4 August 2000, the Prime Minister, Shri Atal Bihari Vajpayee, in a Statement in the House, said that his visit to Pahalgam and Srinagar was to study the situation arising out of the massacre in various places in Jammu and Kashmir

and of the Amarnath pilgrims at Pahalgam during 1 and 2 August 2000. The visit was also intended to assure the people of the State that the entire nation stood by them at this hour and to share their grief over the inhuman behaviour of the terrorists against innocent people belonging to the State as well as many from other parts of the country on pilgrimage to Amarnath. The briefing which was given to him by the Chief of the Unified Command in Kashmir and Security Forces made it clear that the perpetrators of these heinous crimes were foreigners. Arms and ammunition recovered from them clearly established their links with the Pakistan-based Lashkar-e-Toiba. Delegations of local population as well as pilgrims had met him and spoken to him about the difficulties they were facing in the wake of the killings. The Prime Minister assured the people of Jammu and Kashmir and the nation that the Government would not yield before terrorism. While the fight against terrorism would be continued, India would not give up its efforts for restoration of peace in Kashmir. Shri Vajpayee said that he had made it clear in Srinagar that the dialogue with the *Hizbul Mujahideen* was a part of this effort. Other groups which had chosen the path of violence should also realise that the people of Jammu and Kashmir wanted peace in the State. It was futile for them to continue on the path of violence. They should come forward for talks with the Government for the redressal of their grievances, the Prime Minister added.

Statement made by the Minister of Home Affairs regarding situation in Jammu and Kashmir: Making a Statement on 9 August 2000, the Minister of Home Affairs, Shri L.K. Advani said that on 24 July 2000, the *Hizbul Mujahideen* had announced a unilateral ceasefire and publicly expressed a willingness to initiate talks with the Government of India. The Government of India responded positively to the offer. The people of Jammu and Kashmir enthusiastically welcomed the development. The subsequent announcement by the *Hizbul Mujahideen* that the ceasefire had been withdrawn naturally came as a deep disappointment to all those who were looking forward to the return of peace to Jammu and Kashmir. The nature, location, context and content of the announcement by the *Hizbul Mujahideen* leader, Syed Salahuddin could leave no doubt in anybody's mind that it was Pakistan which had sabotaged the prospects of peace in the State. The *Hizbul Mujahideen* leader had said that his organisation had withdrawn from the proposed talks because of India's unwillingness to invite Pakistan as the third participant in the talks. Indeed, all statements from Islamabad since 24 July 2000 made it obvious that the ceasefire did not fit in with Pakistan's design of continuously promoting terrorism in Jammu and Kashmir.

On another plane, from the beginning, the response of the *Hurriyat* leadership to the *Hizbul* initiative was not just cold, they even labelled it as a 'hasty' move. It seemed that the *Hurriyat* leadership was acting under pressure from Pakistan. They certainly did not act in the interest of Jammu and Kashmir and thus compromised the well being of the people of the State.

The Minister further said that in the days and months to come, India would not deviate from its chosen course of talks with all those in Kashmir who eschew the path of terror and violence. At the same time, the Government would continue its battle against all those who chose to stick to the path of violence and terror. India would persist with its policy of firmness and flexibility. Indian security forces were ready to face the challenge and threat of renewed militancy in the State of Jammu and Kashmir, the Minister added.

Discussion under rule 193 on Disinvestment of Public Sector Undertakings: Initiating the discussion on 10 August 2000, Shri Basu Deb Acharia of Communist Party of India (M) said that the concept of Public Sector was adopted in the wake of the Industrial Policy Resolutions of 1948 and 1956. The Public Sector Undertakings (PSUs) had contributed towards the economic independence of our country. The disinvestment and the outright sale of the PSUs at throw away prices were against the national interests. Opposing the disinvestment of shares of profitable companies, he demanded that a White Paper should be published and no decision should be taken without taking Parliament into confidence.

Intervening in the discussion*, the Minister of State in the Ministry of Information and Broadcasting and the Minister in State of the Ministry of Law, Justice and Company Affairs, Shri Arun Jaitley said that the disinvestment in the country had started during the Interim Budget which was presented by the Chandra Shekhar Government. The process found a mention in the Congress Budget also. The policy of the Vajpayee Government in this regard was clear. It would retain the Public Sector where the presence of the Public Sector was required in the overall interest of the national economy. He further clarified that the object of

* Those who took part in the discussion were: Sarvashri Mani Shankar Aiyar, Tarit Baran Topdar, Kirit Somaiya, Sudarsana E.M. Natchiappan, Prakash Paranjpe, Vijayendra Pal Singh Badnore, T.M. Selvaganapathi, Rupchand Pal, Mohan Rawale, Dr. Nitish Sengupta, Dr. Bolla Bulli Ramaiah and Kunwar Akhilesh Singh

the disinvestment process was to make sure that the tax-payers money was utilized for the best possible purpose.

Taking part in the discussion, Dr. Raghuvansh Prasad Singh of Rashtriya Janata Dal said that the Government should work for the betterment of the country. The RJD could not support their policy of disinvestment.

Shri P.H. Pandian of All India Anna Dravida Munnetra Kazhagam said that in the process of disinvestment the wealth of the nation had been converted into corporate wealth.

Shri G.M. Banatwalla of Muslim League Kerala State Committee emphasized the need to exercise due caution while implementing any policy of disinvestment.

Shri Haribhau Shankar Mahale of Janata Dal (Secular) said that the Government should keep the interest of the nation uppermost while, going in for disinvestment.

The Minister of State in the Ministry of Planning, Minister of State in the Ministry of Statistics and Programme Implementation, Minister of State in the Department of Administrative Reforms and Public Grievances of the Ministry of Personnel, Public Grievances and Pensions, and Minister of State in the Department of Disinvestment, Shri Arun Shourie replied to the discussion and said that there was a continuity in Government policy in so far as disinvestment was concerned. The main direction of the Economic Policy had continued in one way. The policies had been modified and built up on the basis of experience and there were only minor modifications. The Committee on the Disinvestment of Shares in Public Sector Enterprises was set up in 1993. The second bunch of Public Sector Enterprises had been referred to the Disinvestment Department. The process of re-constituting the Disinvestment Commission had also begun. The National Renewal Fund was set up and approved by the House. Till 1997, ten per cent of its funds had been used for re-training. The rest of the funds had been used for the Voluntary Retirement Scheme (VRS). He assured the House that there were four to five recognized ways of valuing the companies and of their assets and these would be used appropriately. Every single decision in respect of disinvestment was taken by the Cabinet Committee on Disinvestment which was presided over by the Prime Minister himself. The Disinvestment Commission had recommended strategic sale in 37 cases and minority sales in 5 cases. But in practice, strategic sale had taken place only in one case and in 39 cases, they had sold minority shares.

LEGISLATIVE BUSINESS

The Constitution (Eighty-eighth) Amendment Bill, 1999:* Moving the motion on 22 August 2000, the Minister of State in the Ministry of Small Scale Industries, Agro and Rural Industries, Minister of State in the Department of Personnel and Training, Department of Pensions and Pensioners Welfare of the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Departments of Atomic Energy and Space, Shrimati Vasundhara Raje said that the proposed amendments in the Bill sought to incorporate a proviso to article 335 of the Constitution in order to enable the State to provide concessions to members of the Scheduled Castes and Scheduled Tribes in promotions to services or posts under the Central or State Governments by allowing relaxations in qualifying marks and standards of evaluation. Such concessions were available to the members of Scheduled Castes and Scheduled Tribes until the issue of an Office Memorandum dated 22 July 1997 by the Department of Personnel and Training. The concessions were withdrawn from this date following the judgment of the Supreme Court in the case of *S. Vinod Kumar Vs. Union of India*. The National Commission for Scheduled Castes and Scheduled Tribes was consulted in the matter and they had welcomed the proposed amendment. The Departmentally-related Parliamentary Standing Committee on Home Affairs, in its Sixty-sixth report, had expressed agreement with the provisions of the Bill and had recommended passing of the Bill in the present form. As the Committee had made its recommendations after in-depth examination of the Bill, the Minister requested the House to pass the Bill unanimously.

Participating in the discussion**, Kumari Mayawati of Bahujan Samaj Party said that the provisions for reservation should be kept in the Ninth Schedule of the Constitution and the Government should also enact some laws for implementing reservation.

Dr. Raghuvaran Prasad Singh of Rashtriya Janata Dal said that the Government should come out with a comprehensive Bill in this regard and reservations provided for in the Constitution should be given to deserving cases.

* The Bill, as passed by the Rajya Sabha, was laid on the Table of the Lok Sabha on 18 August 2000

** Others who took part in the discussion were: Sarvashri Thawar Chand Gehlot, Bajju Ban Riyan, K.H. Muniyappa, Ananda Mohan Biswas, Manikrao Hodlya Gavit, Amar Roy Pradhan, Pravin Rashtrapal, Ramdas Athawale, Sardar Buta Singh, Dr. Manda Jagannath, Dr. (Shrimati) Anita Arya, Dr. V. Saroja, Shrimati Jas Kaur Meena and Shrimati Santosh Chowdhary

Intervening in the discussion, the Minister of Communications, Shri Ram Vilas Paswan said that the Government should be credited for doing away with the ceiling of 50 per cent in so far as reservation was concerned and restarting the special drive for recruitment against reserved posts.

Supporting the Bill, Shri G.M. Banatwalla of Muslim League Kerala State Committee said that the reservation policy should be implemented all over the country.

Shri P.H. Pandian of All India Anna Dravida Munnetra Kazhagam requested the Prime Minister to give an assurance to the House that the rights and privileges of Scheduled Castes and Scheduled Tribes would be protected.

Shri Haribhau Shankar Mahale of Janata Dal (Secular) suggested that reservation should be 25 per cent.

Replying to the discussion, the Minister of State in the Ministry of Small Scale Industries, Agro and Rural Industries, Minister of State in the Department of Personnel and Training, Department of Pensions and Pensioners Welfare of the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Departments of Atomic Energy and Space, Shrimati Vasundhara Raje said that the Bill reflected the resolve of the Government to take all necessary action to further the welfare of Scheduled Castes and Scheduled Tribes. She clarified that all the relaxations which were withdrawn in pursuance of the Supreme Court judgment in the S. Vinod Kumar case would be restored once the Bill was passed.

The Bill was passed.

The Constitution (Eighty-sixth) Amendment Bill, 1999:* The Bill was moved on 22 August 2000 by the Minister of State in the Ministry of Rural Development, Shri A. Raja. As per the Objects and Reasons of the Bill, [the tribal society in Arunachal Pradesh is casteless where social equality among men and women had prevailed over centuries and ages. Since no Scheduled Castes existed in the State and since the State of Arunachal Pradesh was singularly free from the caste system, the Bill proposed to insert a new clause (3A) in article 243M of the Constitution of India, to exempt the State of Arunachal Pradesh from

* The Bill, as passed by the Rajya Sabha, was laid on the Table of the Lok Sabha on 18 August 2000

[Extract from the 'objects and Reasons' of the Bill]

the application of article 243D relating to the reservation of seats in Panchayats for the Scheduled Castes. This provided a legal and constitutional basis for the Panchayat Raj Institutions in Arunachal Pradesh in accordance with the socio-political ethos of the State].

The Bill was passed.

*The Madhya Pradesh Reorganisation Bill, * 2000:* Moving the motion for consideration of the Bill on 31 July 2000, the Minister for Home Affairs, Shri L.K. Advani said that the Government would implement the resolution passed by the Government of Madhya Pradesh in 1994 for creation of a separate State, namely 'Chhattisgarh' which would comprise 16 districts and would have more than one-third of the population of Madhya Pradesh. About 78 lakhs *Banwasi*, Scheduled Castes and Scheduled tribes would form a part of this area, he added.

Shri Indrajit Gupta of Communist Party of India supported the Bill.**

Dr. Raghuvansh Prasad Singh of Rashtriya Janata Dal said that the Government should take care of the feelings and interests of the *Adivasis*.

Shri Haribhau Shankar Mahale of Janata Dal (Secular) said that with the implementation of the various provisions of this Bill, quite a large number of primitive tribes would be displaced and scattered. He demanded that more and more funds should be provided for the reformation of primitive tribes.

Replying to the discussion, the Minister of Home Affairs, Shri L.K. Advani said that with the formation of the new State, difficulties would arise. However, they would be removed over time.

The motion was adopted and the Bill was passed.

*The Uttar Pradesh Reorganisation Bill***:* The Minister of Home Affairs, Shri L.K. Advani moved the motion for consideration of the Bill on 1 August 2000.

Shri Indrajit Gupta of Communist Party of India supported the idea of smaller States which he felt would facilitate greater access for the common people to the administration.

* The Bill was introduced in the Lok Sabha on 25 July 2000

** Others who took part in the discussion were: Sarvashri Shyamacharan Shukla, Punnu Lal Mohale, Bajju Ban Riyan, P.R. Khunte, Ramji Lal Suman, Basu Deb Acharia, Rupchand Pal, Chandra Pratap Singh, Sunder Lal Tiwari, Tarachand Sahu, Satyavrat Chaturvedi, Kunwar Akhilesh Singh and Dr. Charan Das Mahant

*** The Bill was introduced in the Lok Sabha on 25 July 2000

Participating in the discussion,* Kumari Mayawati of Bahujan Samaj Party said that the people of Uttaranchal had been demanding since long for creation of a separate State for the development of this area. The controversy regarding Udham Singh Nagar and Haridwar should be resolved in a democratic way. The policy of reservation in Government service for Scheduled Castes and Scheduled Tribes should be implemented in this State also.

The motion for consideration of the Bill was adopted and Clauses were adopted and the Bill was passed.

*The Bihar Reorganisation Bill**2000:* On 25 July 2000, the Minister of Home Affairs, Shri L.K. Advani moved the motion for leave to introduce the Bill to provide for the reorganisation of the existing State of Bihar and for matters connected therewith.

Participating in the discussion*** on 25 July 2000, Dr. Raghubansh Prasad Singh of Rashtriya Janata Dal said that the Bill was passed by the Bihar Legislative Assembly along with a demand for an economic package for the State. He urged the Minister of Home Affairs to implement the Resolution adopted by the State Assembly in toto.

During the discussion, the Minister of Home Affairs drew the attention of the House to the fact that the Government had set up a unit in the Planning Commission under the direct charge of the Deputy Chairman, Planning Commission, to deal exclusively with matters relating to the development of the rest of Bihar, consequent upon the formation of the State of Jharkhand.

Supporting the Bill, Kumari Mayawati of Bahujan Samaj Party on 2 August 2000, said that the proposed Jharkhand State was also a

* Others who took part in the discussion were: Sarvashri N.D. Tiwari, Ramji Lal Suman, Basu Deb Acharia, Jitendra Prasada, P.A. Sangma, Manabendra Shah, Ajit Singh, Chandra Vijay Singh, Sudip Bandyopadhyay, Harpal Singh Sathi, Shri Prakash Jaiswal, Zora Singh Mann, Jagmeet Singh Barar, Sansuma Khunggur Bwiswmuthiary, Ramdas Athawale, Saiduzzama, Swami Chinmayanand and Maj. Gen. (Retd.) B.C. Khanduri

** The Bill was introduced in the Lok Sabha on 25 July 2000

*** Others who took part in the discussion were: Sarvashri Thomas Hansda, Ram Tahal Chaudhary, Brij Mohan Ram, Nagmani, Bir Singh Mahto, Ravindra Kumar Pandey, Salkhan Murmu, Bikram Keshari Deo, Joachim Baxla, Ramjiwan Singh, Subodh Roy, Kariya Munda, Trilochan Kanungo, Prasanna Acharya, Padmanava Behera, Ramji Lal Suman, K. P. Singh Deo, Basu Deb Acharia, Rupchand Pal, Prabhunath Singh, Devendra Prasad Yadav, Raghunath Jha, Priya Ranjan Dasmuni, Bhartruhari Mahtab, Rajo Singh, Jagdambi Prasad Yadav, Sansuma Khunggur Bwiswmuthiary, Ramdas Athawale, Bhan Singh Bhaura, Dr. M.P. Jaiswal, Dr. Nitish Sengupta, Prof. Dukha Bagat, Shrimati Hema Gamang, Shrimati Abha Mahto, Shrimati Kanti Singh, and Shrimati Renu Kumari

backward one. The Scheduled Castes should be provided reservation in Parliament and the Legislative Assembly as per the present census.

Shri Haribhau Shankar Mahale of Janata Dal (Secular) said that more seats should be reserved in the State of Jharkhand for tribal and backward classes.

Replying to the discussion, the Minister of Home Affairs, Shri L.K. Advani said that the Union Government would give its utmost cooperation in removing the financial problems of the new State.

The Bill was passed.

The Motor Vehicle (Amendment) Bill, 2000:* Moving the Bill for consideration on 25 July 2000, the Minister for Surface Transport, Shri Rajnath Singh said that the need to amend the Motor Vehicle Act, 1994 arose due to the crisis relating to increasing pollution and certain safety aspects. Through this amendment, among other things, the use of Liquefied Petroleum Gas (LPG) in the vehicles would be facilitated.

Intervening in the discussion** on 26 July 2000, the Minister of Petroleum and Natural Gas, Shri Ram Naik said that the permission to use LPG as fuel in vehicles was an important and historical step. Shri G.M. Banatwalla of Muslim League Kerala State Committee said that mere legislation would not be sufficient to achieve the objectives mentioned in the Bill. Greater attention should be paid towards maintenance of national highways, safety aspect of the roads, etc.

Replying to the discussion, the Minister of Surface Transport, Shri Rajnath Singh said that necessary provision would be made so that light vehicles might not use high-capacity charge and carry over-load. He also requested the State Governments to improve the condition of the State Roadways.

The motion was adopted and the Bill was passed.

*The Cable Television Network Regulation (Amendment) Bill***, 2000:* Moving the Bill for consideration, the Minister of State in the Ministry of Information and Broadcasting and Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Arun Jaitley said on 11 August 2000, that a large number of foreign satellite channels had been down-

* The Bill was introduced in the Lok Sabha on 4 May 2000

** Others who took part in the discussion were: Sarvashri Satyavrat Chaturvedi, Anadi Sahu, Sunil Khan, Rajiv Pratap Rudy, Chandra Bhushan Singh, Ramdas Athawale, Sunder Lal Tiwari, Raashid Alvi, and Maj. Gen. (Retd.) B.C. Khanduri

*** The Bill was introduced in the Lok Sabha on 3 August 2000

linked into the country, and they had been free-to-air channels. No decoder was required in such cases. There was a complete exemption to the cable operator to show that programme and transmit it further without any consequence, irrespective of whether the Indian programme code or advertising code had been complied with in that programming or not. Now, India's programme code and broadcasting code would be applicable to all kinds of channels, whether they were pay-channels, encrypted-channels or they were free to air channels.

Replying to the discussion*, the Minister of State in the Ministry of Information and Broadcasting and Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Arun Jaitley, said that the object of the amendment was to enforce and implement a broadcasting discipline on the cable operators so that the kind and quality of programmes which would reach the human mind, which would reach the mind of the children, would not affect ethics, morality and decency.

The motion was adopted and the Bill was passed.

C. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of the President of Syria, Hafez-Al-Assad; a sitting member and Union Minister for Power, Shri P.R. Kumaramangalam; Shri Rajesh Pilot, sitting member; and Sarvashri Laisram Jogeshwar Singh, Dalbir Singh, Krishnan Manoharan, Durga Chand, S. Nijalingappa, J.B. Muthyal Rao, N.K. Shejwalker, Shrimati Ansuyabai Borkar and Shrimati Akbar Jahan Abdullah, all former members.

During the Session, obituary references were also made on the untimely death of several persons in the tragedy caused by torrential rains in various parts of the country, particularly in Maharashtra, Gujarat, Rajasthan and Andhra Pradesh.

Further obituary references were made on the loss of several lives in the mishap when the Calcutta-Patna-Lucknow-Delhi Alliance Air Boeing CD-7412 crashed at Chitkohra near Patna on 16 July 2000.

Obituary references were also made on the tragedy in which about 100 persons were massacred and several injured in series of attacks by terrorists in various areas of Jammu and Kashmir on 1 and 2 August 2000.

* Others who took part in the discussion were: Sarvashri E.M. Sudarsana Natchiappan, Rupchand Pal, Thawar Chand Gehlot, Pawan Kumar Bansal and Kunwar Akhilesh Singh

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

RAJYA SABHA

ONE HUNDRED AND NINETIETH SESSION*

The Rajya Sabha, which met for its One Hundred and Ninetieth Session on 24 July 2000, was adjourned *sine die* on 25 August 2000. The House was prorogued by the President on 28 August 2000.

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

A. DISCUSSIONS / STATEMENTS

Statement by the Prime Minister regarding Shri Ram Jethmalani, former Union Minister for Law, Justice and Company Affairs: On 28 July 2000, the Prime Minister, Shri Atal Bihari Vajpayee said that the Government did not share the views of Shri Ram Jethmalani with regard to the Hon'ble Chief Justice of India and the Attorney-General of India. Without going into the question of the correctness of any possible view involved in the issues on which Shri Jethmalani corresponded with the Hon'ble Chief Justice of India, Shri Vajpayee was of the opinion that even the difference of opinion between the Hon'ble Chief Justice of India and the Law Minister should not create any imbalance in the harmonious relationship.

Intervening in the discussion, the Minister of State (Independent charge) of the Ministry of Law, Justice and Company Affairs, Shri Arun Jaitley said that the Attorney-General is an independent Constitutional authority whose duty is to advise the Government of India. There were terms of appointment which, *inter alia*, enabled law officers of the Government, to advise or, to appear in a private matter, if prior permission of the Law Ministry was sought. He said that the Attorney-General, Shri Soli Sorabji was right when he sought the permission of the Government of India in relation to a counter-guarantee of the Government for a private power project in Andhra Pradesh. The Government had granted him the permission on 21 May 1999 and there was no violation of any convention or precedent.

Replying to the points raised by members, the Prime Minister said

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

that when he found Shri Jethmalani's views creating a wide rift between the Executive and the Judiciary, he had asked him to resign. He said that the charge levelled by Shri Jethmalani that there was complacency in pursuing the Bofors case was not correct. The delay was because of administrative and legal reasons. In regard to publication of some secret or confidential documents, the Government had constituted a Committee to enquire into the matter as to how and by whom the papers were leaked. He said that the Attorney General's opinion on the M.S. Shoes case that there was further need for investigation in view of the leakage of the file containing notes and orders of the Minister and their reproduction by M.S. Shoes in the litigation against the Government was under investigation. Shri Vajpayee assured that any action in the matter would be taken after taking the House into confidence.

Statement by the Prime Minister on the massacre in various places in Jammu and Kashmir : The Prime Minister, Shri Atal Bihari Vajpayee made Statements in this regard on 4 and 7 August 2000. On 4 August 2000, the Prime Minister said that he had visited Pahalgam and Srinagar on 3 August 2000 to study the situation arising out of the massacre in various places in Jammu and Kashmir and also of pilgrims at Pahalgam. The visit was intended to assure the people of the State that the entire nation stood by them to share their grief over the inhuman behaviour of the terrorists against innocent people belonging to the State and other parts of the country on pilgrimage to *Amarnath*. He said that the arms and ammunition recovered from the perpetrators of the crime established their links with Pakistan based *Lashkar-e-Toiba*. He added that while the fight against terrorism would be continued, India would not give up efforts for restoration of peace in Jammu and Kashmir.

Replying to the points raised by members, the Prime Minister said that the Government would have to go deep into the issue in order to understand as to why such a massacre took place even after negotiations with the *Hizbul Mujahideen* had been resumed. Arrangements had been made for providing compensation, by the State Government as well as from the Prime Minister's Relief Fund to those killed in Jammu and Kashmir. Shri Vajpayee observed that the Government had pursued good neighbourly relations in the region. Even in the face of extreme provocation by Pakistan, India had showed exemplary tolerance, patience and restraint. The Government was committed to protecting India's national interests and preserving national unity, he added.

Statement by Minister on the Alliance Air Boeing-737 Aircraft accident at Patna : On 24 July 2000, the Minister of Civil Aviation, Shri Sharad Yadav informed the House that an Alliance Air Boeing-737 aircraft operating

a scheduled flight CD-7412 on Sector Calcutta-Patna-Lucknow-Delhi had crashed near Patna Airport on 17 July 2000 at about 07.35 hrs. He said that there were in all fifty-two passengers and six crew members on board the aircraft out of which only six passengers had survived the crash, while forty six passengers and six crew members had lost their lives. Five persons on the ground had also been killed and five others injured. He said that control rooms had been set up immediately at the Airports in Calcutta, Patna, Lucknow and Delhi for providing all assistance and information to the relatives. Relief flights had also been sent from Calcutta and Delhi, carrying relatives of passengers and crew members, apart from doctors and officials of the Directorate General of Civil Aviation (DGCA), Indian Airlines, etc. Prompt medical help had been provided to the injured in close coordination with the State Government. Dead bodies of all those who lost their lives in the accident had been recovered. The Indian Airlines and the local administration had made all arrangements for orderly identification of the dead bodies and their carriage to the respective destinations. An amount of Rs. 7.50 lakh would be provided to the next of kin of each deceased passenger of more than 12 years of age, and Rs. 3.75 lakh for deceased passengers of less than 12 years of age. Similarly, Rs. 1.50 lakh would be provided to each of the injured passengers. Similar amounts would also be provided to the persons on ground who were killed or injured in the accident, apart from suitable payment for damage to their property.

The Minister said that the Commander of the Aircraft, Capt. Sohanpal and the Co-pilot, Capt. A.S. Bagga were experienced pilots. There had been no reported snag in the aircraft when it was released for flight at Calcutta. The black boxes of the ill-fated aircraft had been recovered. The Air Traffic Control (ATC) tapes, log books of the ATC units and safety services and aircraft maintenance records had also been collected. Immediately after the accident, the DGCA had appointed Shri P. Shaw, Regional Controller of Air Safety, Calcutta, as Inspector of Accidents under Rule 71 of the Aircraft Rules, 1937, to commence the investigation. Keeping in view the seriousness of the accident and the large number of lives lost, the Government had decided to institute a Court of Inquiry and had accordingly requested the Chief Justice of the Patna High Court to nominate a sitting Judge to conduct the Inquiry under Rule 75 of the Aircraft Rules, 1937.

Replying to the points raised by members, the Minister agreed on the need for an expansion of the country's air fleet. Regarding the action taken on the inquiry reports of the previous air-crashes, he said that the Government had implemented 250 recommendations out of 303 made

by the earlier 12 commissions. The Aviation Administration of USA and the International Civil Aviation Organisation had found the current maintenance and safety audit system in India of a high grade.

Statement by Minister on reported Leptospirosis outbreak in Maharashtra and Gujarat: On 3 August 2000, the Minister of Health and Family Welfare, Dr. C.P. Thakur said that medical practitioners from North-West of Mumbai and adjacent areas from Thane district (Malad-Virar) as well as from the central part of Thane district (Kalyan) had reported an increase in the number of cases of patients having fever with typical features like bleeding and hepato-renal failure with involvement of lungs and high mortality. These medical practitioners had suspected that these could be cases of Leptospirosis.

The Minister said that to meet the crisis, a meeting of Officers from the Health Services, Medical Education and Research and Municipal Corporations had been convened in the Directorate of Health Services, Mumbai on 29 July 2000. Technical guidelines for laboratory investigations and treatment had been given all over the State. Medical teams had been formed to assess the extent of the outbreak; a State-level rapid response team along with a team from the National Institute of Virology, Pune had already carried out investigations. For confirmation of Leptospirosis and investigating the outbreak, a team from the Indian Council of Medical Research had also reached Mumbai. The Minister said that specific treatment with anti-microbials was effective if started early in the course of the illness. Diagnosis was based on serological tests and isolation of leptospirosis from blood and urine samples. The Central Government was seized of the matter and was closely monitoring the situation. All Central assistance required and considered necessary would be provided to the State Government, he concluded.

Death of precious wildlife in various parts of the country including Zoos and Wildlife Sanctuaries, and action taken by the Government in regard thereto : On 28 July 2000, Shri Suresh Pachouri, Indian National Congress called the attention of the Minister of Environment and Forests to the death of precious wildlife in various parts of the country, including zoos and wildlife sanctuaries, and the action taken by the Government in that regard.

Replying to the Calling Attention, the Minister of Environment and Forests, Shri T.R. Baalu said that in regard to the death of twelve tigers at the Nandankanan zoo, a number of significant inadequacies had been identified and the State Government had been requested to take mitigative measures. Overcrowding of animals, inappropriate housing, poor standards of sanitation and hygiene, inadequate expertise in the field of

health care of zoo animals and inadequate level of funding had jointly contributed to these deaths.

Regarding the deaths of lions in the Gir forests, *cheetahs* in Ranthambhore and peacocks at Morena, he said that except for one lion that was electrocuted, the death of the other lions was because of natural causes. Some of the *cheetahs* in Ranthambhore had been killed by dogs in the fringe areas of the Park, while two were suffering from tuberculosis. A number of peacocks in Morena district had died due to consumption of *bajra* seed which had been treated with pesticides.

As regards the number of wild animal deaths in sanctuaries, the Minister said that approximately 140 tigers, 700 panthers, 450 elephants, 15 lions and 127 rhinoceros had been killed by poachers in the last five years. He expressed concern at the negative impact of disturbances in the habitat of the tiger population and the inadequate prey base which had resulted in a tendency on the part of tigers and other cats to increasingly look towards livestock to meet their food requirements leading to man and animal conflict. The Ministry was in the process of finalising a proposal for an exclusive agency to investigate wild life crimes. The Ministry was also trying to ensure increased allocations to State Governments, expeditious flow of funds, strengthening of protection-infrastructure, creation of a specialized agency for monitoring and collection of intelligence data on poaching and seeking international cooperation for curbing trans-border trade.

Replying to the points raised by members on 31 July 2000, the Minister ruled out food poisoning and administration of wrong medicines as the cause of the death of tigers at the Nandankanan zoo. Regarding creation of more zoos, he said that proper action would be taken only after the Committee which had been set up for the purpose had given a comprehensive report within three months. Stating that the tiger population had not depleted, he pointed out that the Government had taken action to deal with poachers by way of intensive patrolling of sensitive areas and arresting of offenders. The Central Government had provided assistance to the State Governments for protection of wild animals, mitigating human-wild animal conflict and for development works in the fringe villages under various schemes, the Minister added.

Further relaxation in jute packaging order and its adverse effects on jute farmers, workers and the industry in general : On 21 August 2000, Shri Santosh Bagrodia, Indian National Congress, called the attention of the Minister of Textiles to the further relaxation in jute packaging order and its adverse effects on jute farmers, workers and the industry in general.

Replying to the Calling Attention, the Minister of Textiles, Shri Kashiram Rana assured the House that the Government had been taking various measures in the past not only to protect but also to facilitate the growth of the jute sector. The Jute Corporation of India (JCI), established in 1971, implemented the Government's Minimum Support Price Policy. With the emergence of plastic as an alternative packing material in the 1980s, the Government enacted the Jute Packaging Materials Act, 1987 providing for compulsory use of jute in packaging of certain commodities. Orders issued under the Act on 1 July 1999 and modified on 31 March 2000 provided for packaging 90 per cent of foodgrains and sugar and 15 per cent of urea in jute bags. The validity of the order since then had been extended up to 30 September 2000. The Government intended to issue a new order before 30 September 2000 after considering various factors like the size of the jute crop, the expected quantity of production of foodgrains and sugar, etc. The Government's main concern was to ensure that the initiatives benefited and the jute farmers.

Replying to the points raised by members, the Minister said that the Jute Packaging Material Act enacted to protect the jute sector and the jute growers had been upheld by the Supreme Court. The Government had taken several steps for improving the financial position of the jute growers. It had been increasing the Minimum Support Price (MSP) every year, which had gone up from Rs. 285 in 1987-88 to Rs. 785 in 1999-2000. It had opened 177 purchase centers and the JCI always tried to maintain the MSP whenever prices came down. The Government had given a bank guarantee of Rs. 35 crore to the JCI for facilitating jute procurement. It had covered the jute sector under the Technology Upgradation Scheme for improving the quality and lowering down the cost of production of the gunnysacks. It would conduct a survey in the jute sector for setting up a Technology Mission on the pattern of the Cotton Technology Mission. The Central Government had lowered down the rates of excise duty on the jute products. It would also see as to which areas in the North-East had the potential for jute production.

Short Duration Discussion on Disinvestment Policy. A Short Duration Discussion on the Disinvestment Policy took place on 27 and 31 July and 1 August 2000. Initiating the discussion on 27 July 2000, Shri J. Chitharanjan, Communist Party of India said that in the past several decades a massive investment, nearly Rs. 2,00,000 crore, had been made in the public sector. It had made immense contribution to the development of the nation and the development of the economy. He said that the Government's policy regarding disinvestments and selling of Public Sector Undertakings to private parties was neither in the interest of the workers nor in the interest of the people as a whole. The

lifting of the ban on imports had affected the small scale industries and the agricultural sector also. He suggested a review of not only the question of disinvestments, but the question of new economic reforms.

Taking part in the discussion* on 1 August 2000, the Leader of the D.M.K, Shri S. Viduthalai Virumbi said that the National Renewal Fund (NRF) had been constituted for retraining, redeployment and Voluntary Retirement Scheme (VRS). He said that the entire NRF was being spent only on VRS and not for retraining or for redeployment of the workers. He called for some percentage of the NRF to be apportioned for retraining and redeployment of the workers. Consultation with the labour unions was essential for the successful implementation of the disinvestment policy. He hoped that the Government would not take any action which was against the interests of the workers because the National Democratic Alliance (NDA) was committed to the welfare of the labourers.

Intervening in the discussion, the Minister of State (Independent Charge) of the Ministry of Law, Justice and Company Affairs, Shri Arun Jaitley said that the object of disinvestment was the revival and strengthening of a unit and saving of the jobs. Government already had the experience of minority disinvestment in 39 companies. In relation to each public sector unit, the object of the Government was to see that the unit survived. There were units in the strategic sector, which were not going to be privatized or disinvested. The object of the disinvestment process was to try and introduce professional management into a particular unit, bring in more investment into the units and to make it more competitive.

Replying to the discussion, the Minister of State in the Department of Disinvestment, Shri Arun Shourie said on 1 August 2000 that one of the crucial components of the Government's Disinvestment Policy was the revival of firms, either on the advice of the Board of Industrial and Financial Reconstruction (BIFR) or on the advice of the Disinvestment Commission. Firms that could not be revived had to be closed down. The guidelines for the classification of the public sector units into strategic and non-strategic units had been published by the Government on 6 March 1999. The Government would consider the issue as to whether the industrial sector required the presence of the public sector as a countervailing force to prevent concentration of powers in private hands.

* Others who took part in the discussion were : Sarvashri Ramdas Agarwal, Pranab Mukherjee, Dipankar Mukherjee, Kapil Sibal, Ravi Shankar Prasad, C. Ramachandraiah, Balwant Singh Ramoowalia, R.P. Goenka, Sanjay Nirupam, N.K. Premachandran, Gandhi Azad, Ramachandra Khuntia and Prem Chand Gupta

It would also consider whether the industrial sector required a proper regulatory mechanism to protect the consumers' interests if the public sector's presence became less dominant in that sphere. In regard to proper valuation, he assured that the assets, in every case would be valued by different methods. The Minister also assured that the decisions taken on workers' interests would be entirely transparent.

B. LEGISLATIVE BUSINESS

*The Chemical Weapons Convention Bill, 2000**: Moving the motion for consideration of the Bill on 26 July 2000, the Minister of Chemicals and Fertilisers, Shri Suresh Prabhu said that the Bill sought to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and to provide for matters connected therewith or incidental thereto. [For ensuring proper implementation of the Convention, the Bill proposed to make it mandatory for the persons engaged in activity relevant for the purpose of the Convention to register themselves with a registration authority.]

Participating in the debate, Dr. Raja Ramanna said that the Bill needed to be ratified by all the countries for complete effectiveness. With the existing technology, chemical weapons could prove to be more fatal than nuclear weapons. A universal control needed to be ensured.

Replying to the debate, the Minister said that the Bill was intended to give proper legislative support to the Convention which had taken into consideration the apprehension that chemical weapons could have the potential of destroying the entire human race.

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

*The Madhya Pradesh Reorganisation Bill, 2000***: Moving the motion for consideration of the Bill on 9 August 2000, the Minister of Home Affairs, Shri L.K. Advani, said that development in the Hindi speaking States like Uttar Pradesh, Madhya Pradesh and Bihar had been imbalanced which led to demands for creation of new States in the country. The Government had decided to support creation of only that new State in regard to which the local people had made a demand and the concerned

* The Bill was introduced in Rajya Sabha on 15 May 2000
[Extracts from the Objects and Reasons of the Bill]

** The Bill, as passed by the Lok Sabha, was laid on the Table on 1 August 2000.

State Legislature had passed a Resolution favouring such demand.[This Bill aimed at reconstituting the existing State of Madhya Pradesh into two separate States. The Bill also provided for the territories of the two States and made the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters.]

Replying to the debate*, the Minister said that there had been complete consensus on the creation of the State of Chhattisgarh and he added that to ensure equitable distribution of services, a provision for setting up an Advisory Board by the Central Government for division of services had been made in the Bill.

*The Uttar Pradesh Reorganisation Bill, 2000*** : Moving the motion for consideration of the Bill on 10 August 2000, the Minister of Home Affairs, Shri L.K. Advani said that the creation of a State by itself opened up possibilities for exploiting the fullest potential of that region. [This Bill aimed at reconstituting the existing State of Uttar Pradesh into two separate States. The Bill provided for the territories of the two States and made the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters. The Bill also contained a clause for continuance of the present level of ceilings on land holding, as applicable in the existing State of Uttar Pradesh, in the successor States.]

Replying to the debate***, the Minister said that the people of Uttar Pradesh had faced practical difficulties which led to the demand for a separate State emerging slowly as a mass movement and then gaining

* Others who took part in the discussion were: Sarvashri Arjun Singh, Vikram Verma, Khagen Das, Suresh Pachouri, Solipeta Ramachandra Reddy, Lakkhiram Agarwal, C.P. Thirunavukkarasu, Vijay J. Darda, H.K. Javare Gowda, J. Chitharanjan, Bhagatram Manhar, R. Margabandu, Satish Pradhan, Kailash Joshi, Jhumuk Lal Bhendia, Dillip Singh Judev, Surendra Kumar Singh, Balkavi Bairagi, Abdul Gaiyur Qureshi, Prof. Ram Gopal Yadav and Ven'ble Dhammaviriyo

[Extract from the 'Objects and Reasons' of the Bill]

** The Bill, as passed by the Lok Sabha was laid on the Table on 2 August 2000. [Extract from the 'Objects and Reasons' of the Bill]

*** Others who took part in the discussion were: Sarvashri Lachhman Singh, Manohar Kant Dhyani, Ram Muni Reddy Sirigireddy, Rama Shanker Kaushik, T.N. Chaturvedi, Gaya Singh, N. Thalavai Sundaram, Akhilesh Das, Balwant Singh Ramoowalia, Rajeev Shukla, Sangh Priya Gautam, Shankar Roy Chowdhury, Gandhi Azad, R.N. Arya, Kuldip Nayyar, Sardar Balwinder Singh Bhundar, Sardar Gurcharan Singh Tohra, Khan Ghufuran Zahidi, Shrimati Sarla Maheshwari and Shrimati Saroj Dubey

support of the whole State. Regarding Udham Singh Nagar, he said the inhabitants would form a significant and dynamic minority. Haridwar had been included in the new State because as an area of fares, it could not be separated from Rishikesh. The right of delimitation would be given to the Election Commission and the constituencies would be framed as per the population of Scheduled Castes and Scheduled Tribes in those constituencies. The Motion for consideration of the Bill, and Clauses etc. were adopted and the Bill, as amended, was passed the same day.

*The Bihar Reorganisation Bill, 2000**: Moving the motion for consideration of the Bill on 10 August 2000, the Minister of Home Affairs, Shri L.K. Advani said that the proposed Bill sought to reconstitute the existing State of Bihar into two separate States. The State would be called Jharkhand. [The Bill provided for the territories of the two States and made the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters. The Government had set up a Unit in the Planning Commission under the direct charge of the Deputy Chairman, Planning Commission to deal exclusively with matters relating to the development of the rest of Bihar consequent upon the formation of the State of Jharkhand.]

Replying to the debate**, the Minister noted the sense of anxiety about royalty and revenue which would go to Jharkhand instead to Bihar. Regarding a financial package for Bihar, he said that the Unit set up in the Planning Commission would *inter alia* ensure adequate devolution of funds from the Centre.

Regarding the Oriya speaking areas of Saraikila and Kharasavan which had been included in Bihar in 1948, he said that the problem had to be resolved by the Government of the new State of Jharkhand and the Orissa Government. The Central Government would provide all possible assistance in this regard.

* The Bill, as passed by the Lok Sabha was laid on the Table on 4 August 2000. [Extract from the 'Objects and Reasons' of the Bill]

** Others who participated in the discussion were: Sarvashri Parmeshwar Kumar Agarwalla, Ranganath Misra, Satish Pradhan, C. Ramachandraiah, S.S. Ahluwalia, Ranjan Prasad Yadav, Dara Singh Chauhan, Shatrughan Sinha, R. Margabandu, Nagendra Nath Ojha, Ramachandra Khuntia, Balwant Singh Ramoowalia, B.J. Panda, R.K. Anand, Rajiv Ranjan Singh, Birabhadra Singh, S. Viduthalai Virumbi, Manoj Bhattacharya, Maulana Obaidullah Khan Azmi, Dr. Faguni Ram, Dr. A.R. Kidwai, Dr. M.N. Das, Shrimati Chandra Kala Pandey and Miss Frida Topno

The Motion for consideration of the Bill, and Clauses etc. were adopted and the Bill was passed on 11 August 2000.

*The Constitution (Eighty-eighth Amendment) Bill, 1999**: Moving the motion for the consideration of the Bill on 17 August 2000, the Minister of State in the Department of Personnel and Training and the Department of Pensions and Pensioners' Welfare in the Ministry of Personnel, Public Grievances and Pensions, Shrimati Vasundhara Raje said that the Bill sought to enable the State to overcome the adverse effect of the Office Memorandum dated 22 July 1997 when the relaxations to Scheduled Castes and Scheduled Tribes were withdrawn by an order of the Department of Personnel and Training issued in pursuance of the Supreme Court judgment and to restore the position as existed prior to that date. The proposed amendment to the Constitution would enable the Government to enlarge the scope of promotions of Scheduled Castes and Scheduled Tribes against the posts reserved for them.

Replying to the debate**, the Minister said that the National Commission for Scheduled Castes and Scheduled Tribes had been consulted on all major policy matters concerning reservation. The Bill sought to fulfill the aspirations of the Scheduled Castes and Scheduled Tribes in getting accelerated promotions.

The Motion for consideration of the Bill, and Clauses etc. were adopted and the Bill, as amended, was passed the same day.

*The Constitution (Eighty-sixth Amendment) Bill, 1999****: Moving the motion for consideration of the Bill on 17 August 2000, the Minister of State in the Ministry of Rural Development, Shri A. Raja said that the Bill sought to exempt the State of Arunachal Pradesh from the application of article 243D relating to the reservation of seats in Panchayats for the Scheduled Castes.

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

* The Bill was introduced in the Rajya Sabha on 23 December 1999

** Others who took part in the discussion were: Sarvashri Ram Nath Kovind, Khagen Das, C.P. Thirunavukkarasu, R. Margabandu, Moolchand Meena, Gandhi Azad, K.B. Krishna Murthy, Shankar Roy Chowdhury, Eduardo Faleiro, Sangh Priya Gautam, H.K. Javare Gowda, Mirza Abdul Rashid, Prof. Ram Deo Bhandary, Dr. Faguni Ram, Dr. Alladi P. Rajkumar, Dr.(Ms.) P. Selvi Das and Shrimati Jamana Devi Barupal

*** The Bill was introduced in the Rajya Sabha on 17 December 1999

The Passport (Entry into India) Amendment Bill, 2000*: Moving the motion for consideration of the Bill on 21 August 2000, the Minister of State in the Ministry of Home Affairs, Shri Chennamaneni Vidya Sagar Rao said that the Bill sought to incorporate three amendments in the existing Passport (Entry into India) Act, 1920, to provide for deterrent punishment to those who violated the Act. [The amendments have been incorporated due to problems faced by the border States from Pakistan, Bangladesh and Myanmar by illegal migration, clandestine activities, such as, smuggling of arms, ammunition and narcotics, and movement of persons having links with terrorists and terrorist organisations.]

Replying to the debate**, the Minister said that the Bill provided for deterrent punishment, for those who entered into India illegally. The proposed amendments strictly related to only those who entered into India without valid travel documents.

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

The Cable Television Networks (Regulation) Amendment Bill, 2000***: Moving the motion for consideration of the Bill on 21 August 2000, the Minister of State (Independent charge) of the Ministry of Information and Broadcasting, Shri Arun Jaitley said that the Bill sought to make a few amendments in the original Act which was intended to regulate the Cable Television Network System within India. He said that the broadcasting code and the advertisement code would be applicable to all channels operated by the cable operators. To implement the Act, certain officers would be notified by the Central Government. The District Magistrate of every District, the Sub-Divisional Magistrate and the Commissioner of Police of every area would also be the authorized officers to implement the provisions of the Act. In consonance with Section 8 of the Act, the Bill provided for every cable operator to telecast at least two terrestrial channels and one regional language channel of the Doordarshan on the prime band.

* The Bill was introduced in the Rajya Sabha on 11 August 2000

** Others who took part in the discussion were: Sarvashri Santosh Bagrodia, B.P. Singhal, S. Viduthalai Virumbi, Lachhman Singh, V.V. Raghavan, N. Thalavai Sundaram, Satish Pradhan, Balwant Singh Ramoowalia, Jibon Roy, H.K. Javare Gowda and Ven'ble Dhammaviriyo

[Extract from the 'Objects and Reasons' of the Bill]

*** The Bill, as passed by the Lok Sabha, was laid on the Table on 17 August 2000.

Replying to the debate*, the Minister said that the advertising code and the broadcasting code framed under the Act were wide enough to take care of the quality of programmes. Concluding, he said that once the Act was put into implementation, the compliance of the codes by all channels, including the 'freedom to air' channels, would also be possible.

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

*The State Financial Corporations (Amendment) Bill***, 2000: Moving the motion for consideration of the Bill on 21 August 2000, the Minister of State in the Ministry of Finance, Shri Balasaheb Vikhe Patil said that with the changing business environment, the State Financial Corporations (SFCs) had started facing a number of problems relating to organisational structure, management, resource mobilisation, operational efficiency and overall financial help. The Bill sought to enable the SFCs to enhance the ability to respond to the needs of the changing financial system by enlarging their shareholder base and provide them with a greater functional autonomy and operational flexibility. The strengthening of the SFCs would go a long way in the promotion and development of small and medium scale industries in the country.

Replying to the debate***, the Minister said that the Bill aimed at providing timely and sufficient loans to small industries in rural areas, and it would certainly curb the problem of unemployment to a certain extent through self employment.

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

*The Workmen's Compensation (Amendment) Bill*****, 2000: Moving the motion for consideration of the Bill Provided for enhancement in the amount of compensation payable under the Workmen's Compensation Act. [In the case of undue delay of compensation, the employer is also liable for payment of interest and penalty up to fifty per cent of the amount of compensation. At present, interest is payable to the workman

* Others who took part in the discussion were: Sarvashri Suresh Pachouri, Ravi Shankar Prasad, Ramachandra Khuntia, V.P. Duraisamy, H.K. Javare Gowda, V. V. Raghavan, N. Thalavai Sundaram, Satish Pradhan, S. Viduthalai Virumbi, M.P. Abdussamad Samadani, Kuldip Nayyar, N.K. Premachandran, Sangh Priya Gautam, Prem Chand Gupta, Prof. (Shrimati) Bharati Ray, Shrimati Kum Kum Rai and Shrimati Shabana Azmi

** The Bill, as passed by the Lok Sabha, was laid on the Table on 10 August 2000

*** Others who took part in the discussion were: Sarvashri K. Rahman Khan, S. Viduthalai Virumbi, N. Thalavai Sundaram, Prof. R.B.S. Varma, Ven'ble Dhammaviriyo and Shrimati Sarla Maheshwari

****The Bill was introduced in the Rajya Sabha on 1 August 2000.

or dependants and the penalty is being credited to the State Government. The Bill proposed to amend section 4A(3A) of the Workmen's Compensation Act, 1923 so as to make the penalty also payable to the workman dependants.]

Replying to the debate*, the Minister said that provisions had been made to ensure greater compensation to younger people. The proposed amendments would be applicable for a period of two years till the Second Labour Commission submitted its report on amendments to be made in the Act for updating and upgrading it.

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

C. QUESTION HOUR

During the Session, 8,623 notices of questions (7,943 Starred and 680 Unstarred) were received. Out of these, 460 Questions were admitted as Starred and 3,565 as Unstarred. The total number of notices of questions received in Hindi was 1800. Out of the eight Short Notice Questions received, one was admitted.

Daily Average of Questions: For all the days, the lists of Starred Questions contained 20 Questions. On an average, 3.30 Questions were orally answered per sitting. The maximum number of Questions orally answered on a particular day was 5 on 28 and 31 July and 10 August 2000. The minimum number of Questions orally answered was 1 on 27 July 2000. For all the days, the list of Unstarred Questions contained 155 questions each.

Half-an-Hour Discussions: Twelve notices of Half-an-Hour Discussion were received and none was admitted.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of the former President of Syria, Hafez-Al-Assad, Union Minister of Power and sitting Lok Sabha member, P.R. Kumaramangalam; eminent Gandhian and veteran freedom fighter, Shri S. Nijalingappa, Shri K.G. Bhutia, sitting member; and Prof. Ajit Kumar Sharma and Shri Narayanrao Krishnarao Shejwalkar, both former members. Members stood in silence as a mark of respect to the deceased.

* Others who took part in the discussion were : Sarvashri Ranganath Misra, B.P. Apte, C.O. Poullose, Ka.Ra. Subbian, R. Margabandu, H.K. Javare Gowda, Ramachandra Khuntia, Gandhi Azad, N.K. Premachandran, Satish Pradhan, Khan Ghufuran Zahidi, and Shrimati Saroj Dubey
[Extract from the 'Objects and Reasons' of the Bill]

STATE LEGISLATURES

ASSAM LEGISLATIVE ASSEMBLY*

The Tenth Assam Legislative Assembly, which commenced its Twelfth Session on 1 September 2000, was adjourned *sine die* on 7 September 2000. The House was prorogued on 11 September 2000. There were six sittings in all.

Legislative business: During the Session, the following Bills were introduced and considered and subsequently passed by the House: (i) The Assam Forest (Removal and Storage of Forest Produce) Regulation Bill, 2000; (ii) The Assam Excise Bill, 2000; (iii) The Assam Bhoodan (Amendment) Bill, 2000; (iv) The Assam Panchayat (Amendment) Bill, 2000; (v) The Assam Taxation (on Luxuries) (Amendment) Bill, 2000; and (vi) The Assam Contingency Fund (Amendment) Bill, 2000. In addition, the Assam Appropriation (No. III) Bill, 2000 was also passed by the House.

Financial business: The Chief Minister, Shri Prafulla Kumar Mahanta who was also the Minister-in-Charge, Finance, presented the List of Supplementary Demands for Grants and Supplementary Appropriation for 2000-2001. These were voted and passed. The Chief Minister, also moved the Assam Appropriation (No. III) Bill, 2000 which was considered and passed.

Obituary references: During the Session, obituary references were made on the passing away of the former Speaker of the Assam Legislative Assembly, Shri Debesh Chandra Chakravorty; former Deputy Speaker of the Legislative Assembly, Shri Lambeswar Sonowal; Union Minister Shri P.R. Kumarmangalam; former Union Minister Shri Rajesh Pilot; former Ministers of the Government of Assam, Shri Lakhyadhar Choudhury, Shri Zahirul Islam, Dr. Tarinimohan Baruah, Dr. Lutfur Rahman, and Shri Debendra Nath Hazarika; former members of Parliament, Shri Dhruba Narayan Barua, and Shri Ajit Kumar Sarma; and sitting member of the Legislative Assembly, Shri Mohini Basumatary. Obituary references were also made on the passing away of the President, Bodo Sahitya Sabha, Shri Bineswar Brahma; former President, Assam Sahitya Sabha and novelist; and Shri Hitesh Deka; President, Assam Jamiyat Ulema-E-Hind, Shri Kutub-a-Alam Maoulana Ahmed Ali; and noted musician Shri Kalyanji

* Material contributed by the Assam Legislative Assembly Secretariat

GOA LEGISLATIVE ASSEMBLY SECRETARIAT*

The Third Goa Legislative Assembly, which commenced its Second Session on 26 June 2000, was adjourned *sine die* on 26 July 2000. There were twenty-three sittings in all.

Legislative business: During the Session the following Bills were passed by the House: (i) The Goa Appropriation Bill, 2000; (ii) The Goa Appropriation (No. 2) Bill, 2000; (iii) The Goa Appropriation (No. 3) Bill, 2000; (iv) The Goa Appropriation (No. 4) Bill, 2000; (v) The Goa Appropriation (No. 5) Bill, 2000; (vi) The Goa Appropriation (No. 6) Bill, 2000; (vii) the Goa Tax on Luxuries (Hotels and Lodging Houses) Amendment Bill, 2000; (viii) The Goa Sales Tax (Amendment) Bill, 2000; (ix) The Goa Tax on Entry of Goods Bill, 2000; (x) The Goa Rural Improvement Welfare Cess Bill, 2000; (xi) The Goa Cess on Fluid Milk (Control) Bill, 2000; (xii) The Maharashtra Cooperative Societies (Goa Amendment) Bill, 2000; (xiii) The Goa School Education (Amendment) Bill, 2000; (xiv) The Goa Prohibition of Smoking and spitting (Amendment) Bill, 2000; (xv) The Goa Non-biodegradable Garbage (Control) (Amendment) Bill, 2000; (xvi) The Goa Salaries and Allowances of Ministers (Amendments) Bill, 2000; (xvii) The Goa Salaries and Allowances of Speaker and Deputy Speaker (Amendment) Bill, 2000; (xviii) The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2000; (xix) The Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Bill, 2000; (xx) The Goa, Daman and Diu Administration of Evacuee Property (Amendment) Bill, 2000; and (xxi) The Goa, Daman and Diu Marine Fishing Regulation (Amendment) Bill, 2000.

Financial business: The general discussion on Demands for Grants for the year 2000-2001, was held on 27 and 28 June 2000. Demand-wise discussion commenced on 29 June and concluded on 25 July 2000. All the demands were passed on the same day. The first batch of the Supplementary Demands for Grants for the year 2000-2001 and Demands for Excess Grants for the years 1987-88, 1989-90, 1990-91 and 1992-93 were also discussed and passed on 26 July 2000. The connected Appropriation Bills were also passed on the same day.

Obituary references: During the Session, obituary references were made on passing away of Shri P.L. Deshpande, a renowned litterateur, Dr. S.R. Keni, a great dramatist, and victims of the plane crash at Patna on 17 July 2000.

* Material contributed by the Goa Legislative Assembly Secretariat

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Ninth Himachal Pradesh Legislative Assembly, which commenced its Ninth Session on 17 August 2000, was adjourned on 22 August 2000. The House was prorogued on the same day. There were four sittings in all.

Legislative business: During the Session, the following Bills were passed by the House: (i) The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Bill, 2000; (ii) The Himachal Pradesh Municipal (Amendment) Bill, 2000; (iii) The Himachal Pradesh General Sales Tax (Second Amendment) Bill, 2000; and (iv) The Himachal Pradesh Entertainment Duty (Amendment) Bill, 2000.

Obituary references: During the Session, obituary references were made on the passing away of former Union Minister, Shri Rajesh Pilot; and three former members of the Legislative Assembly, Shri Durga Chand, Shri Chatro Ram and Shri Chunni Lal.

KARNATAKA LEGISLATIVE ASSEMBLY**

The Eleventh Karnataka Legislative Assembly, which commenced its Second Session on 23 October 2000, was adjourned on 31 October 2000. The House which re-assembled on 7 November 2000, was adjourned *sine die* on 25 November 2000. There were twenty sittings in all.

Legislative business: During the Session, fifteen Bills were passed by the house.

Financial business: During the Session, the Supplementary Estimates for the year 2000-2001 (First Instalments) were passed.

Obituary references: During the Session, obituary references were made on the passing away of the former Chief Minister of Karnataka, Shri S. Nijalingappa, some former members of the State Legislative Assembly and other personalities.

KARNATAKA LEGISLATIVE COUNCIL***

The Karnataka Legislative Council, which commenced its Ninety-third Session on 23 October 2000, was adjourned *sine die* on 25 November 2000. There were twenty sittings in all.

* Material contributed by the Himachal Pradesh Legislative Assembly Secretariat

** Material contributed by the Karnataka Legislative Assembly Secretariat

*** Material contributed by the Karnataka Legislative Council Secretariat

Legislative business: During the Session, sixteen Bills received from the Legislative Assembly and four Bills of the Legislative Council were passed by the House.

Obituary references: During the Session, obituary references were made on the passing away of some important personalities.

NAGALAND LEGISLATIVE ASSEMBLY*

The Ninth Nagaland Legislative Assembly, which commenced its Eighth Session on 12 September 2000, was adjourned *sine die* on 14 September 2000. There were two sittings.

Legislative business: During the Session, the following Bills were passed by the House: (i) The Nagaland Registration of Tourist Trade Bill, 2000; (ii) The Nagaland Town and Country Planning (Amendment) Bill, 2000 and (iii) The Nagaland Passengers and Goods Taxation (Amendment) Bill, 2000.

Obituary references: During the Session, obituary references were made on the passing away of Union Minister, Shri P.R. Kumarmangalam and former Union Minister, Shri Rajesh Pilot.

ORISSA LEGISLATIVE ASSEMBLY**

The Twelfth Orissa Legislative Assembly, which commenced its Second Session on 28 June 2000, was adjourned *sine die* on 2 August 2000. The House was prorogued on 8 August 2000. There were twenty-seven sittings in all.

Legislative business: During the Session, the following six Bills were passed by the House: (i) The Orissa Entry Tax (Amendment) Bill, 2000; (ii) The Orissa State Tax on Professions, Trades, Callings and Employment Bill 2000; (iii) The Bihar and Orissa Excise (Orissa Amendment) Bill, 2000; (iv) The Orissa Sales Tax (Amendment) Bill, 2000; (v) The Orissa Appropriation Bill, 2000; and (vi) The Western Orissa Development Council Bill, 2000.

Financial business: On 28 June 2000, the Finance Minister presented the Annual Financial Statement of Expenditure for the year 2000-2001. Fifteen Demands on the Budget were discussed and Grants were made

* Material contributed by the Nagaland Legislative Assembly Secretariat

** Material contributed by the Orissa Legislative Assembly Secretariats

and the rest of the Demands were guillotined. The relevant Appropriation Bill was also passed.

Obituary References: During the Session, obituary references were made on the passing away of the former Governor of Manipur and former Leader of the Opposition in the Orissa Legislative Assembly and former Union Minister, Shri Chintamani Panigrahi; former Minister of State, Shri Krushna Charan Patnaik, former members of the Assembly, Sarvashri Jadev Majhi, Fakir Charan Das, Radha Mohan Mishra, Kunja Behari Naik, Bharat Chandra Hota and Trinath Samantara. Obituary references were also made on the death of Sarvashri Shyam Sundar Barik, Maheshwar Bohra, Surendra Kumar Pant and Ramesh Chander Sethy of the Indian Armed Forces.

TRIPURA LEGISLATIVE ASSEMBLY*

The Eighth Tripura Legislative Assembly, which commenced its Seventh Session on 7 July 2000, was adjourned *sine die* on 20 July 2000. There were ten sittings in all.

Legislative business: During the Session, the following Bills were passed by the House: (i) The Tripura Public Demand Recovery Bill, 2000; (ii) The Tripura Shops and Establishments (3rd Amendment) Bill, 2000; (iii) The Tripura Security Bill, 2000; (iv) The Tripura Sales Tax (9th Amendment) Bill, 2000; (v) The Salary, Allowances and Pension of Members of the Legislative Assembly (Tripura) (14th Amendment) Bill, 2000; and (vi) The Tripura Protection of Interests of Depositors (in Financial Establishments) Bill, 2000.

Financial business: On 7 July 2000, the Finance Minister presented the Budget Estimates for the year 2000-2001. The General Discussion on the Budget were held on 13, 14 and 17 July 2000. The Demands for Grants in the Budget were passed on 18 and 19 July 2000.

Obituary references: During the Session, obituary references were made on the passing away of former Union Minister and sitting member of the Lok Sabha, Shri Rajesh Pilot; sitting member of the Lok Sabha and CPI leader, Smt. Geeta Mukherjee, and former member of Parliament and eminent freedom fighter, Begum Akbor Jehan. Obituary references were also made on the passing away of Shri Rakhal Bhowmik, Inspector, B.S.F., who was killed in Jammu and Kashmir by extremists.

* Material contributed by the Tripura Legislative Assembly Secretariat

WEST BENGAL LEGISLATIVE ASSEMBLY*

The Twelfth West Bengal Legislative Assembly, which commenced its Ninth Session on 2 March 2000, was adjourned *sine die* on 1 August 2000. In between, the House stood adjourned from 1 April to 22 June 2000 for pre-voting Budget scrutiny by the concerned Departmentally-Related Standing Committees. The House was prorogued on 2 August 2000. There were forty-five sittings in all.

Address by the Governor: On 2 March 2000, the Governor of West Bengal, Shri Viren J. Shah addressed the House. The Motion of Thanks to the Governor for his Address was moved on the same day and was discussed on 4, 6, 7, and 8 March 2000 and was subsequently adopted on 8 March 2000.

Legislative business: During the Session, thirty-one Bills were passed by the House. Some of the important Bills which were passed by the House were: (i) The West Bengal Prohibition of Ragging in Educational Institution Bill, 2000; (ii) The West Bengal University of Technology Bill, 2000; and (iii) The West Bengal Maritime Board Bill, 2000.

Financial business: On 22 March 2000, the Finance Minister, Dr. Asim kumar Dasgupta presented the Budget for the year 2000-2001. The General Discussion on the Budget which was initiated on 23 March 2000 continued till 28 March 2000. The Supplementary Demands for Grants for the year 1999-2000 were presented on 27 March 2000 and were passed on 30 March 2000. The West Bengal Appropriation Bill, 2000 and the West Bengal Appropriation (Vote on Account) Bill, 2000 were also introduced and later passed on 31 March 2000. The remaining Demands for Grants were guillotined on 26 July 2000. On 27 July 2000, the Appropriation (No. 2) Bill, 2000 was introduced and passed.

Obituary references: During the Session, obituary references were made on the passing away of the former President of India, Dr. Shanker Dayal Sharma; sitting members of the Lok Sabha and CPI Leader, Smt. Geeta Mukherjee; former ministers of the State of West Bengal, Shri Rabin Mukherjee, Shri Benoy Krishna Chowdhury and Shri Bidyut Ganguly; some former members of the State Legislative Assembly; the victims of the plane crash at Patna on the 17 July 2000; and some other leading personalities. The House also paid tributes to the Kargil martyrs on the eve of Kargil Day by observing silence in their memory.

* Material contributed by the West Bengal Legislative Assembly Secretariat

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTIONED DURING THE FIFTH SESSION OF THE THIRTEENTH LOK SABHA

1. PERIOD OF THE SESSION	20 November to 22 December 2000	
2. NUMBER OF SITTINGS HELD		25
3. TOTAL NUMBER OF SITTING HOURS	112 Hours and 45 minutes	
4. NUMBER OF DIVISIONS HELD		3
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session		18
(ii) Introduced		20
(iii) Laid on the Table as passed by the Rajya Sabha		6
(iv) Reported by Joint Committee		1
(v) Reported by Standing Committee		4
(vi) Referred to Departmentally-Related Standing Committee by Speaker/Chairman, Rajya Sabha		3
(vii) Discussed		17
(viii) Passed		17
(ix) Pending at the end of the Session		27
6. PRIVATE MEMBERS' BILLS		
(i) Pending at the commencement of the Session		144
(ii) Introduced		6
(iii) Discussed		2
(iv) Withdrawn		1
(v) Part-discussed		1
(vi) Removed from the Register of pending bills		5
(vii) Pending at the end of the Session		149
7. NUMBER OF DISCUSSIONS UNDER RULE 184		
(i) Notices received		483
(ii) Admitted		87
(iii) Discussed	1 (negatived)	
8. NUMBER OF MATTERS RAISED UNDER RULE 377		188
9. NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	190 Matters by 245 members	
10. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)		
(i) Notices received		181
(ii) Admitted		2
(iii) Discussions held		2
11. NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling Attention of Matters of Urgent Public Importance)	5 (4 raised and 1 Laid on the Table)	

12. STATEMENTS MADE BY MINISTERS UNDER RULE 372	8
13. STATUTORY RESOLUTIONS	
(i) Notices received	17
(ii) Admitted	4
(iii) Moved	4
(iv) Adopted	1
(v) Negatived	2
(vi) Withdrawn	1
14. GOVERNMENT RESOLUTIONS	
(i) Notices received	4
(ii) Admitted	4
(iii) Moved	1
(iv) Adopted	1
15. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	5
(ii) Admitted	5
(iii) Discussed	3
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	2
(vii) Part-discussed	1
16. GOVERNMENT MOTIONS	
(i) Notices received	4
(ii) Admitted	3
(iii) Discussed	Nil
17. NUMBER OF ADJOURNMENT MOTIONS	
(i) Total No. of Notices received	155
(ii) Brought before the House	25
(iii) Admitted	1
(iv) Discussed	1 (Negatived)
(v) Barred in view of Adjournment Motion admitted on the subject	4
(vi) Consent withheld by Speaker outside the House	49
18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	18,659
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED	1,497 on 20.12.2000
20. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	500
(ii) Unstarred	5,455
(iii) Short Notice Questions	2 (Replies Laid on the Table)
(iv) Half-an-hour discussions	2
21. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	5
22. PETITIONS PRESENTED	3
23. NUMBER OF NEW MEMBERS SWORN IN AND THE DATE ON WHICH SWORN IN	1 (Smt. Rama Pilot, 20.11.2000)

24. NUMBER OF PRIVILEGE MOTIONS

(i) Notices received	10
(ii) Brought before the House	Nil
(iii) Consent withheld by Speaker	Nil
(iv) Observation made by Speaker	Nil

25. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 September to 31 December 2000	No. of Reports presented
---------	-----------------------	--	--------------------------

1	2	3	4
i)	Business Advisory Committee	4	4
ii)	Committee on Absence of Members	1	1
iii)	Committee on Public Undertakings	1	4
		3 (Action taken states)	
iv)	Committee on Papers Laid on the Table	2	2
v)	Committee on Petitions	6	2
vi)	Committee on Private Members Bills and Resolutions	3	3
vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	5	5
viii)	Committee on Privileges	—	—
ix)	Committee on Government Assurances	—	—
x)	Committee on Subordinate Legislation	2	2
xi)	Estimates Committee	4	—
xii)	General Purposes Committee	—	—
xiii)	House Committee	—	—
	a) Accommodation Sub-Committee		
	b) Sub-Committee on Amenities		
xiv)	Public Accounts Committee	7	8
xv)	Railway Convention Committee	—	—
xvi)	Rules Committee	—	—

JOINT/SELECT COMMITTEES

i)	Joint Committee on Offices of Profit	2	1
ii)	Joint Committee on Central Vigilance Commission Bill, 1999	1	1

STANDING COMMITTEES

i)	Committee on Agriculture	—	—
ii)	Committee on Communications	—	—
iii)	Committee on Defence	—	—
iv)	Committee on Energy Sub Committee	—	—
v)	Committee on External Affairs	—	—
vi)	Committee on Finance	5	2
vii)	Committee on Food, Civil Supplies and Public Distribution	4	3

viii)	Committee on Labour and Welfare	—	—
ix)	Committee on Petroleum and Chemicals	8	4
x)	Committee on Railways	3	3
xi)	Committee on Urban and Rural Development	5	1
xii)	Committee on the Empowerment of Women	7	1 (Action Taken Report)
xiii)	Committee on Information Technology	13	1

APPENDIX II

**STATEMENT SHOWING THE WORK TRANSACTED
DURING THE ONE HUNDRED AND NINETIETH
SESSION OF THE RAJYA SABHA**

1. PERIOD OF THE SESSION	24 July 2000 to 25 August 2000
2. NUMBER OF SITTINGS HELD	22
3. TOTAL NUMBER OF SITTINGS HOURS	105 Hours & 02 minutes
4. NUMBER OF DIVISIONS HELD	12
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	48
(ii) Introduced	6
(iii) Laid on the Table as passed by the Lok Sabha	14
(iv) Returned by the Lok Sabha with any amendment	1
(v) Referred to Select Committee by the Rajya Sabha	Nil
(vi) Referred to Joint Committee by the Rajya Sabha	Nil
(vii) Referred to the Departmentally- related Standing Committees	1
(viii) Reported by Select Committee	1
(ix) Reported by Joint Committee	1
(x) Reported by the Departmentally- related Standing Committees	9
(xi) Discussed	28
(xii) Passed	27*
(xiii) Withdrawn	1
(xiv) Negatived	Nil
(xv) Part-discussed	Nil
(xvi) Returned by the Rajya Sabha without any recommendation	4
(xvii) Discussion postponed	1
(xviii) Pending at the end of the Session	40

* Includes 4 Money Bills returned by the Rajya Sabha to the Lok Sabha without any amendment

6. PRIVATE MEMBERS' BILLS

(i) Pending at the commencement of the Session	84
(ii) Introduced	18
(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	Nil
(vii) Withdrawn	1
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	101

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

(i) Notices received	69
(ii) Admitted	10 (on two subjects)
(iii) Discussions held	2

**NUMBER OF STATEMENTS MADE UNDER RULE 180
(Calling attention to Matters of Urgent Public Importance)**

8. STATEMENTS MADE BY MINISTERS	4
9. HALF-AN-HOUR DISCUSSIONS HELD	Nil

10. STATUTORY RESOLUTIONS

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

11. GOVERNMENT RESOLUTIONS

(i) Notices received	3
(ii) Admitted	3
(iii) Moved	Nil
(iv) Adopted	Nil

12. PRIVATE MEMBERS' RESOLUTIONS

(i) Received	8
(ii) Admitted	8
(iii) Discussed	2
(iv) Withdrawn	2
(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	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil

14. PRIVATE MEMBERS' MOTIONS

(i) Received	80
(ii) Admitted	76
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(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

1,380

18. TOTAL NUMBER OF VISITORS

338

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED126
(on 10.8.2000)**20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE**239
(on 10.8.2000)

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i)Starred	460
(ii)Unstarred	3,565
(iii)Short Notice Questions	1

22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES Nil

23. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE 4

24. PETITIONS PRESENTED Nil

25. WORKING OF PARLIAMENTARY COMMITTEES

Sl No.	Name of the Committee	No. of meetings held during the period 1 July to 30 September 2000	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	5	Nil
ii)	Committee on Subordinate Legislation	4	Nil
iii)	Committee on Petitions	4	1
iv)	Committee on Privileges	2	Nil
v)	Committee on Rules	Nil	Nil
vi)	Committee on Government Assurances	4	1
vii)	Committee on Papers Laid on the Table	3	Nil
viii)	General Purposes Committee	1	Nil
ix)	House Committee	1	Nil
DEPARTMENT-RELATED COMMITTEES:			
x)	Commerce	Nil	Nil
xi)	Home Affairs	7	5
xii)	Human Resource Development	9	1
xiii)	Industry	9	1
xiv)	Science and Technology, Environment and Forests	3	Nil
xv)	Transport and Tourism	6	1
OTHER COMMITTEES			
xvi)	Ethics Committee	1	Nil
xvii)	Committee on Provision of Computers to the Members of Rajya Sabha	Nil	Nil
xviii)	Committee on members of Parliament Local Area Development Scheme	Nil	Nil
xix)	Joint Parliamentary Committee on the functioning of Wakf Boards	3	Nil
xx)	Joint Committee on Patents (Second Amendment) Bill, 1999	7	Nil

26. NAME OF NEW MEMBERS SWORN IN WITH DATES

S.No.	Name of Members	Party	Date
1	2	3	4
1.	Shri N.K. Premachandran	Rashtriya Samajwadi Party	24.7.2000
2.	Shri V.V. Raghavan	Communist Party of India	-do-
3.	Shri M.P. Abdussamad Samadani	Muslim League	-do-

27. OBITUARY REFERENCES

S. No.	Name	Sitting member/ Ex-member/dignitary
1.	Shri Hafiz-Al-Assad	President of Syria
2.	Shri S. Nijalingappa	Eminent Gandhian and veteran freedom fighter
3.	Prof. Ajit Kumar Sharma	Ex-member
4.	Shri Narayanrao Krishnarao Shejwalkar	-do-
5.	Shri K.G. Bhutia	Sitting member
6.	Shri P.R. Kumaramangalam	and Union Minister of Power

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES
DURING THE PERIOD 1 JULY TO 30 SEPTEMBER 2000

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.	9.8.2000 to 17.9.2000	29	12	12	821(46)	(34)	121(1)
Arunachal Pradesh L.A.**	—	—	—	—	—	—	—
Assam L.A.**	—	—	—	—	—	—	—
Bihar L.A.	23.6.2000 to 22.7.2000	22	5	—	(2,336)	(607)	(114)
Bihar L.C.	29.6.2000 to 22.7.2000	18	5	—	1,423(1,328)	(26)	526(468)
Delhi L.A.	2.8.2000 to 2.8.2000	1	—	—	—	—	—
Goa L.A.	—	—	—	—	—	—	—
Gujarat L.A.	28.9.2000 to 3.10.2000	2	3	—	578(163)	264(182)	17(4)
Haryana L.A.	5.8.2000 to 6.8.2000	2	5	—	314(249)	5(3)	—
Himachal Pradesh L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—
Karnataka L.A.	—	—	—	—	—	—	—
Karnataka L.C.	—	—	—	—	—	—	—
Kerala L.A.	—	—	—	—	—	—	—
Madhya Pradesh L.A.	17.7.2000 to 11.8.2000	19	9	—	4,974(3,223)	2,834(2,761)	2(1)

Maharashtra L.A.**	—	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—	—
Manipur L.A.**	13.3.2000 to 23.3.2000	7	2	2	57(46)	—	—	—
Meghalaya L.A.*	—	—	—	—	—	—	—	—
Mizoram L.A.	—	—	—	—	—	—	—	—
Nagaland L.A.	12.9.2000 to 14.9.2000	2	3	3	11(11)	—	—	—
Orissa L.A.	—	—	—	—	—	—	—	—
Punjab L.A.	4.9.2000 to 7.9.2000	4	4	—	93(72)	19(13)	—	—
Rajasthan L.A.	—	—	—	—	—	—	—	—
Sikkim L.A.	—	—	—	—	—	—	—	—
Tamil Nadu L.A.	—	—	—	—	1,336(161)	(831)	—	—
Tripura L.A.(a)	7.7.2000 to 20.7.2000	10	7	7	571(406)	97(162)	(1)	(1)
	29.9.2000 to 3.10.2000	2	4	4	124(124)	15(15)	(1)	(1)
Uttar Pradesh L.A.	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.	—	—	—	—	—	—	—	—
West Bengal L.A.	—	—	—	—	—	—	—	—
UNION TERRITORIES								
Pondicherry L.A.*	—	—	—	—	—	—	—	—

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

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

(a) Two Sessions (7th & 8th were held in Tripura Legislative Assembly

APPENDIX III (Contd.)
COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED
DURING THE PERIOD 1 JULY TO 30 SEPTEMBER 2000

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Business Advisory Committee																	
Committee on Govt. Assurances		2	—	—	—												
Committee on Petitions			—	—	—												
Committee on Private Members Bills and Resolutions																	
Committee on Privileges					—												
Committee on Public Undertakings						5(7)	4	9(1)	8	—	—	—					
Committee on Subordinate Legislation																	
Committee on the Welfare of SC and ST																	
Estimates Committee																	
General Purposes Committee																	
House/Accommodation Committee																	
Library Committee												2					
Public Accounts Committee													7(1)				
Rules Committee																	
Joint Select Committee																	6(a)
Other Committees																	—
STATES																	
Andhra Pradesh L.A.	4	2	—	—	—												
Assam Pradesh L.A."	—	—	—	—	—												

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Assam L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar L.A.	2(2)	13	41	—	1	—	30	26	49	2	—	8	17	—	—	99(b)
Bihar L.C.	3(2)	34	16(1)	9(1)	7(4)	—	10	+	—	15(3)	10	+	—	—	—	43(8)(c)
Delhi L.A.	—	4	—	—	1	2	2	—	—	—	4	—	—	—	2(d)	2(d)
Goa L.A.	—	1	2	—	—	4	1	—	1	—	1	—	4	4	1	1(e)
Gujarat L.A.	2(2)	4	1	1(1)	2	8	3	7	2	—	2	1	10	2	—	17(f)
Haryana L.A.	1(1)	14	—	—	8	26	13	17	16	—	14	2	22	12	—	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	—	10	9	—	10(1)	12	12	9	10(1)	—	11	10	12	—	—	36(g)
Karnataka L.C.	—	11	16	—	8	12	9	9	10	—	11	10	12	7	—	44(h)
Kerala L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh L.A.	4(3)	6	3(5)	2(2)	6	4(6)	4(1)	1	3	—	1	4	6(8)	—	—	8(3)(i)
Maharashtra L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A.	1	1	1	—	—	2	—	1	2	—	1	—	2	—	—	—
Meghalaya L.A.	—	12	4	—	—	9	—	5	6	—	2	5	5	—	—	5(j)
Mizoram L.A.	1	2	—	—	—	3	4	—	4	1	—	3	5	2	—	—
Nagaland L.A.	1	—	—	—	1	2	—	—	1(3)	—	—	—	2	—	—	—
Orissa L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab L.A.	1(1)	11	12	—	13	20	12	13	28	—	1	10	21	—	—	15(k)

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.	—	—	—	—	—	—	—	—	13	—	—	—	13	—	—	—
Tamil Nadu L.A.	—	11	15	—	—	6	10	—	17	—	3	—	7	—	—	7(L)
Tripura L.A.	4(4)	1(1)	1(1)	—	—	2(2)	—	2	5(1)	—	2	1	4	1	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY																
Pondicherry L.A.	—	11	1	—	—	—	—	—	31	—	—	—	32	—	—	—

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

** Information not received from the State/Union territories

+ It is a joint committee so information is already included in Bihar Legislative Assembly

Notes:

- Committee on Welfare of Women and Children—4 sittings; and committee on Welfare of Minorities—2 sittings
- Internal Resources Committee—10 sittings; Nivedan Committee—9 sittings; Women and Child Development committee—31 sittings; and Question and Call Attention Committee—49 sittings
- Question and Call Attention Committee—13(4) sittings; Nivedan Committee—12(3) sittings; Implementation Committee—10 sittings; and Committee on District Board Panchayati Raj—8(1) sittings
- Committee on Papers Laid on the Table—2 sittings
- Budget Committee—1 sitting
- Committee on Welfare of Socially and Educationally Backward Classes—4 sittings; Committees on Panchayati Raj—9 sittings; Committee on Papers Laid on the Table—2 sittings; and Committee on Absence of members—2 sittings
- Backward Classes and Minorities Committees—17 sittings; Committee on Women and Children Welfare—10 sittings; and Committee on Papers Laid on the Table—9 sittings

- (h) Backward Classes and Minorities Committees—17 sittings; Women and Children Welfare—10 sittings; and Committee on Papers Laid on the Table—9; Committee to Review the Existing Purchase policy of the Government—4; and Committee on mis-appropriation of funds in Water Supply in Chickmagalur City—4 sittings
- (i) Committee to examine the papers tabled in the House—3(1) sittings; Committee on welfare of Women and Children—3(1); and Committee on Question Reference—2(1) sittings
- (j) Committee on Empowerment of women—5
- (k) Committee on Papers Laid to be Laid on the Table—13; and Committee of the House to Enquire into recruitment of teachers by the Previous Government—2
- (l) Papers laid on the Table Committee—7 sittings

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 2000

Sl. No.	Title of the Bill	Date of assent by the President
1	2	3
1.	The Insecticides (Amendment) Bill, 2000	5.8.2000
2.	The Indian Companies (Foreign Interest) and the Companies (Temporary Restrictions on Dividends) Repeal Bill, 2000	11.8.2000
3.	The Cotton Cloth (Repeal) Bill, 2000	11.8.2000
4.	The Iron and Steel Companies (Amalgamation and Takeover Laws) Repeal Bill, 2000	11.8.2000
5.	The Motor Vehicles (Amendment) Bill, 2000	11.8.2000
6.	The Madhya Pradesh Reorganisation Bill, 2000	25.8.2000
7.	The Uttar Pradesh Reorganisation Bill, 2000	25.8.2000
8.	The Bihar Reorganisation Bill, 2000	25.8.2000
9.	The Army and Air Force (Disposal of Private Property) Amendment Bill, 2000	25.8.2000
10.	The Indian Power Alcohol (Repeal) Bill, 2000	25.8.2000
11.	The All India Institute of Medical Sciences (Amendment) Bill, 2000	25.8.2000
12.	The Chemical Weapons Convention Bill, 2000	26.8.2000
13.	The Border Security Force (Amendment) Bill, 2000	1.9.2000
14.	The Cable Television Networks (Regulation) Amendment Bill, 2000	1.9.2000
15.	The Semiconductor Integrated Circuits Layout Design Bill, 2000	4.9.2000
16.	The Rehabilitation Council of India (Amendment) Bill, 2000	4.9.2000
17.	The State Financial Corporations (Amendment) Bill, 2000	5.9.2000
18.	The Appropriation (No. 3) Bill, 2000	8.9.2000
19.	The Appropriation (No. 4) Bill, 2000	8.9.2000
20.	*The Constitution (Eighty-second Amendment) Bill, 2000	8.9.2000

* The Bill was introduced in the Rajya Sabha as the Constitution (Eighty-eighth Amendment) Bill, 2000. The Short title of the Bill was changed by the Rajya Sabha through an amendment to Clause 1.

- | | |
|---|----------|
| 21. ●The Constitution (Eighty-third Amendment) Bill, 2000 | 8.9.2000 |
| 22. The Appropriation (Railways) No. 3 Bill, 2000 | 8.9.2000 |
| 23. The Appropriation (Railways) No. 4 Bill, 2000 | 8.9.2000 |

● The Bill was introduced in the Rajya Sabha as the Constitution (Eighty-sixth Amendment) Bill, 2000. The Short Title of the Bill was changed by the Rajya Sabha through an amendment to Clause 1.

APPENDIX V
LIST OF BILLS PASSED BY THE
LEGISLATURES OF THE STATES AND THE
UNION TERRITORIES DURING THE PERIOD

1 JULY TO 30 SEPTEMBER 2000

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Fire Service (Amendment) Bill, 2000
- *2. The Andhra Pradesh Money Lenders Bill, 2000
- *3. The Andhra Pradesh Pawn Brokers Bill, 2000
4. The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Bill, 2000
5. The Andhra Pradesh Civil Courts (Amendment) Bill, 2000
6. The Andhra Pradesh Panchayat Raj (Third Amendment) Bill, 2000
7. The Hyderabad Municipal Corporations (Amendment) Bill, 2000
- *8. The Indian Electricity (Andhra Pradesh Amendment) Bill, 2000
9. The Andhra Pradesh Municipal Laws (Third Amendment) Bill, 2000
10. The Andhra Pradesh School Education (Community Participation) (Amendment) Bill, 2000
11. The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications (Amendment) Bill, 2000
12. The Andhra Pradesh Appropriation (No. 5) Bill, 2000

BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Appropriation Bill (No. 3), 2000
2. The Indian Road Tax (Bihar Amendment) Bill, 2000
3. The Bihar Appropriation Bill (No. 4), 2000
4. The Bihar State Cold Storage Regulation (Amendment) Bill, 2000
5. The Bihar Special Protection Force Bill, 2000

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Vishesh Surakhsha Dal Vidheyak, 2000
2. The Bhartiya Pathkar (Bihar Sanshodhan) Vidheyak, 2000
3. The Bihar Rajya Cold Storage Vineyam (Sanshodhan) Vidheyak, 2000
4. The Bihar Viniyog (Sankhya 3) Vidheyak, 2000
5. The Bihar Viniyog (Sankhya 4) Vidheyak, 2000

GOA LEGISLATIVE ASSEMBLY

1. The Goa Salaries and Allowances of Ministers (Amendment) Bill, 2000
2. The Goa Appropriation Bill, 2000
3. The Goa Appropriation (No. 2) Bill, 2000
4. The Goa Appropriation (No. 3.) Bill, 2000
5. The Goa Appropriation (No. 4) Bill, 2000
6. The Goa Appropriation (No. 5) Bill, 2000
7. The Goa Appropriation (No. 6) Bill, 2000
- *8. The Goa, Daman and Diu Mundkars (Protection from Eviction) Amendment Bill, 2000
- *9. The Goa Daman and Diu Administration of Evacuee Property (Amendment) Bill, 2000
10. The Maharashtra Co-operative Societies (Goa Amendment) Bill, 2000
11. The Goa Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 2000
12. The Goa Sales Tax (Amendment) Bill, 2000
13. The Goa School Education (Amendment) Bill, 2000
- *14. The Goa, Daman and Diu Marine Fishing Regulation (Amendment) Bill, 2000
15. The Goa Tax on Entry of Goods Bill, 2000
16. The Goa Rural Improvement and Welfare Cess Bill, 2000
17. The Goa Cess on Fluid Milk (Control) Bill, 2000
18. The Goa Prohibition of Smoking and Spitting (Amendment) Bill, 2000
19. The Goa Non-biodegradable Garbage (Control) (Amendment) Bill, 2000
20. The Goa Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Bill, 2000
21. The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2000

GUJARAT LEGISLATIVE ASSEMBLY

1. The Gujarat Khar Lands (Repeal) Bill, 2000
2. The Gujarat State Guarantees (Second Amendment) Bill, 2000
3. The Gujarat (Second Supplementary) Appropriation Bill, 2000

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana Panchayati Raj (Second Amendment) Bill, 2000
2. The Haryana Municipal Corporation (Second Amendment) Bill, 2000
3. The Haryana Municipal (Second Amendment) Bill, 2000
4. The Haryana General Sales Tax (Second Amendment) Bill, 2000
5. The Haryana Local Area Development Tax Bill, 2000

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. Madhya Pradesh Bhu-Rajasva Sanhita (Dwitiya Sanshodhan) Vidheyak, 2000
2. Madhya Pradesh Aashaskiya Shikshan Sanstha (Aadhyapakon tatha Anya Karmachariyon ke vetanon ka Sandaya (Sandhodhan) Vidheyak, 2000
3. Madhya Pradesh Aabkari (Dwitiya Sanshodhan) Vidheyak, 2000
4. Madhya Pradesh Mahakaleshwar Mandir (Sanshodhan) Vidheyak, 2000
5. Madhya Pradesh Viniyog (No. 3) Vidheyak, 2000
6. Madhya Pradesh Sahakari Krishi aur Gramin Vikas Bank (Sanshodhan) Vidheyak, 2000
7. Madhya Pradesh Nagar Palika Vidhi (Dwitiya Sanshodhan) Vidheyak, 2000
8. Madhya Pradesh Jila Yojana Samiti (Sanshodhan) Vidheyak, 2000
- *9. Madhya Pradesh Sarvanik Upkramon ke Karmachariyon ka Lok Seva mein Sanviliyan Pratishedha Vidheyak, 2000

MANIPUR LEGISLATIVE ASSEMBLY

1. The Manipur Appropriation (No. 1) Bill, 2000
2. The Manipur Appropriation (No. 2) Bill, 2000

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Registration of Tourist Trade Bill, 2000
2. The Nagaland Town and Country Planning (Amendment) Bill, 2000
3. The Nagaland Passengers and Goods Taxation (Amendment), Bill, 2000

PUNJAB LEGISLATIVE ASSEMBLY

- *1. The Punjab Social Security (Amendment) Bill, 2000
- *2. The Punjab Good Conduct Prisoners (Temporary Release) Amendment Bill, 2000
- *3. The Punjab State Legislature Members (Pension and Medical Facilities Regulation) Amendment Bill, 2000
- *4. The Punjab Dairy Development Board Bill, 2000

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Public Demand Recovery Bill, 2000
2. The Tripura Shops and Establishments (Third Amendment) Bill, 2000
3. The Tripura Security Bill, 2000
4. The Tripura Sales Tax (Ninth Amendment) Bill, 2000
5. The Salary, Allowances and Pension of Members of the Legislative Assembly (Tripura) (Fourteenth Amendment) Bill, 2000
6. The Tripura Protection of Interests of Depositors (in Financial Establishments) Bill, 2000
7. The Tripura Appropriation Bill, 2000

* Awaiting assent

APPENDIX VI

ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD
1 JULY TO 30 SEPTEMBER 2000

Sl. No.	Subject	Date of Promulgation	Date on which laid Before the House	Date of Cessation	Remarks
UNION GOVERNMENT					
1.	The Indian Councils of World Affairs Ordinance, 2000	1.9.2000	—	—	—
2.	The National Bank for Agriculture and Rural Development (Amendment) Ordinance, 2000	26.9.2000	—	—	—
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The A.P. Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2000	17.7.2000	10.9.2000	—	Replaced by Legislation
2.	The Indian Electricity (Andhra Pradesh Amendment) Ordinance, 2000	31.7.2000	10.9.2000	—	-do-

		31.7.2000	10.9.2000	—	Replaced by Legislation
3.	The A.P. Panchayat Raj (Third Amendment) Ordinance, 2000		HARYANA		
1.	The Haryana Panchayat Raj (Second Amendment), Ordinance, 2000	7.4.2000	5.9.2000	5.9.2000	-do-
2.	The Haryana Municipal (Second Amendment) Ordinance, 2000	11.4.2000	5.9.2000	5.9.2000	-do-
3.	The Haryana Municipal Corporation (Second Amendment) Ordinance, 2000	11.4.2000	5.9.2000	5.9.2000	-do-
4.	The Haryana General Sales Tax (Third Amendment) Ordinance, 2000	26.4.2000	5.9.2000	5.9.2000	-do-
5.	The Haryana Municipal (Third Amendment) Ordinance, 2000	3.5.2000	5.9.2000	5.9.2000	-do-
6.	The Haryana Municipal Corporation (Third Amendment) Ordinance, 2000	3.5.2000	5.9.2000	5.9.2000	-do-
7.	The Haryana Local Area Development Tax Ordinance, 2000	5.5.2000	5.9.2000	5.9.2000	-do-

1.	Madhya Pradesh Shikshan Sanstha (Adhyapakon Tatha Karmachariyon Anya Ke Vetanon Ka Sandaya Sanshodhan Adhyadesh, 2000	13.4.2000	MADHYA PRADESH		—	Replaced by Legislation
			18.7.2000			
1.	The Punjab Dairy Development Board Ordinance, 2000	17.7.2000	PUNJAB		—	Replaced by Legislation
			5.9.2000			
1.	The Registration (Tamil Nadu Second Amendment) Ordinance, 2000	21.7.2000	TAMIL NADU		—	—
			—			
2.	The Tamil Nadu General Sales Tax (Eighth Amendment) Ordinance, 2000	25.7.2000	—		—	—
3.	The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Ordinance, 2000	7.8.2000	—		—	—
4.	The Tamil Nadu Urban Local Bodies (Suspension of Operation) Ordinance, 2000	23.8.2000	—		—	—

5.	The Tamil Nadu Panchayats (Sixth Amendment) Ordinance, 2000	22.9.2000	—	—
6.	The Tamil Nadu Town and Country Planning (Amendment) Ordinance, 2000	26.9.2000	—	—

APPENDIX VII
A. PARTY POSITION IN LOK SABHA (AS ON 20 FEBRUARY 2001)

Sl. No.	Seats	INC	AIADMK	SP	CPI(M)	CPI	CPIM(L)	RJD	RSP	BSP	AIM	MUL	KOM	FLD	KC	SJP(R)	AIFB	TDP	BJP	JD(U)	SAD	BUD	AITC	JD(Sa mata)
Andhra Pradesh	42	5									1							29	7					
Arunachal Pradesh	2	2																	2					
Assam	14	10				1													23	5				10
Bihar	54	4		1				7											2					
Goa	2																		20					
Gujarat	26	5																	5					
Haryana	10																		3					
Himachal Pradesh	4																		2					
Jammu & Kashmir	6																		7	1				1
Karnataka	28	18																	2					
Kerala	20	8		8							2	1							29					
Madhya Pradesh	40	11																	13					
Maharashtra	48	10																						
Manipur	2																							
Meghalaya	2	1																						
Mizoram	1																							
Nagaland	1	1																						
Orissa	21	2																	9					
Punjab	13	8				1													1		2			
Rajasthan	25	9																	16					
Sikkim	1																							
Tamil Nadu	39	2	10		1														3					
Tripura	2			2																				
Uttar Pradesh	85	9		28*					14					2		1			29					
West Bengal	42	3			21	1			3								2		2					1
Nominates	2																		1					
UNION TERRITORIES																								
Andaman & Nicobar Islands	1																		1					
Chandigarh	1	1																						
Dadra & Nagar Haveli	1																							
Daman and Diu	1	1																						
The NCT of Delhi	7																		7					
Lakshadweep	1	1																						
Pondicherry	1	1																						
Total	545	112	10	26*	33	2	1	7	3	14	1	2	1	2	1	1	2	29	182	6	2	10	9	12

* Includes one member (Kunwar Sarv Raj Singh) expelled from Samajwadi Party and sitting separately w.e.f. 6.2.2001

Abbreviations used in respect of parties represented in the Lok Sabha:

BJP	Bharatiya Janata Party
INC	Indian National Congress
CPI(M)	Communist Party of India (M)
TDP	Telugu Desam Party
SP	Samajwadi Party
SS	Shiv Sena
BSP	Bahujan Samaj Party
DMK	Dravida Munnetra Kazhagam
JD(Samata)	Janata Dal (Samata)
AIADMK	All India Anna Dravida Munnetra Kazhagam
BJD	Biju Janata Dal
AITC	All India Trinamool Congress
NCP	Nationalist Congress Party
RJD	Rashtriya Janata Dal
JD(U)	Janata Dal (United)
INLD	Indian National Lok Dal
PMK	Pattali Makkal Katchi
MDMK	Marumalarchi Dravida Munnetra Kazhagam
J&KNC	Jammu and Kashmir National Conference
LJSP	Lok Jan Shakti Party
RSP	Revolutionary Socialist Party
CPI	Community Party of India
ABLTG	Akhil Bharatiya Loktantrik Congress
AIFB	All India Forward Bloc
MUL	Muslim League Kerala State Committee
RLD	Rashtriya Lok Dal
SAD	Shiromani Akali Dal
AIMEIM	All India Majlis-e-Ittehadul Muslimmeen
BMM	Bharipa Bahujan Mahasangh
CPI(ML)	Communist Party of India (M-L) Liberation
HVC	Himechal Vikas Congress

JD(S)	Janata Dal (Secular)
KC	Kerala Congress
KCM	Kerala Congress (M)
MSCP	Manipur State Congress Party
MGRAADMK	MGR Anna Dravida Munnetra Kazhagam
PWP	Peasants and Workers Party of India
SAD(M)	Shiromani Akali Dal (S.S. Mann)
SDF	Sikkim Democratic Front
SJP(R)	Samajwadi Janata Party (Rashtriya)

**B. PARTY POSITION IN RAJYA SABHA
(AS ON 12 OCTOBER 2000)**

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

Madhya Pradesh L.A. (30.9.2000)	321	—	1	118	—	—	191 ^(M)	9	319 ^o	1
Maharashtra L.A.**	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—	—	—	—
Manipur L.A. (30.7.2000)	60	11	—	6	—	—	43 ^(M)	1	60	—
Meghalaya L.A. (1.10.2000)	60	15	—	—	—	—	45 ^o	—	60 ^o	—
Mizoram L.A. (1.10.2000)	40	6	—	—	—	—	33 ^(M)	1	40	—
Nagaland L.A. (1.10.2000)	60	52	—	—	—	—	—	8	60	—
Orissa L.A.**	—	—	—	—	—	—	—	—	—	—
Punjab L.A. (1.10.2000)	117	14	—	18	—	—	78 ^(M)	5	117	—
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—
Sikkim L.A. (1.10.2000)	32	—	—	—	—	—	32 ^(M)	—	32	—
Tamil Nadu L.A. (1.10.2000)	235	—	—	2	2	8	217 ^(M)	1	230 ^o	5
Tripura L.A. (1.10.2000)	59	13	—	—	37	1	6 ^(M)	2	58	1
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.*	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES										
Pondicherry L.A. (1.10.2000)	33	9	1	—	—	1	20 ^(M)	1	32 ^o	1

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