

# THE JOURNAL OF PARLIAMMENTARY INFORMATION

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**VOLUME XXXIII, No. 3**

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

*Editor* : DR. SUBHASH C. KASHYAP

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

The Editor would welcome articles on constitutional, parliamentary and legal subjects for publication in the *Journal*. A modest, token honorarium is payable for articles etc. accepted for publication in the *Journal*. The articles should be type-written on only one side of the paper.

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## EDITORIAL NOTE

It is a truism that in a parliamentary democracy opposition is as important and essential as the ruling party. Both are engaged in the common task of serving the nation. Existence and effectiveness of the Opposition, in fact, accords greater legitimacy and strength to the Government. Total absence of Opposition could even make parliamentary polity dysfunctional. The first article in this issue is on the "Role and Position of the Leader of the Opposition". The author, Professor Madhu Dandavate, is the eminent parliamentarian and leader on the Opposition benches. He opines that of all the functions of the Leader of the Opposition, the most important one is "to coordinate the activities of the members of the Opposition". Whatever be the shortcomings in the functioning of the Government, "the Opposition has to project them in a short time and see that they are removed completely or modified partly. That is the task of the Opposition which should not be considered unpatriotic or undemocratic". Professor Dandavate advocates a 'certain rhythm' and 'beautiful balance' between the Opposition and the ruling party, which "really gives strength, credibility and viability to the experiment of parliamentary democracy".

In the second article on "the Charm of Parliamentary Debates", Shrimati Kanak Mukherjee, M.P. recalls her experience of the debates in Rajya Sabha. According to her "the true image of the Parliament is created through the debates", since they echo the voice of the people. In a note of caution, she says "the House is not an ordinary mass gathering to be addressed by a political leader, but a prestigious place of high dignity and honour where only the selected few of the country exchange their views and opinions, express the wishes of the people to promote their democratic rights as promised by the Constitution, and ultimately to bring social changes for better life of the people". In conclusion, Shrimati Mukherjee makes the point that since the impact of the parliamentary debates on the nation is immense, "it is surely the progressively rising standard of debates in the House that can advance the cause of democracy envisaged by our Constitution".

On 25 July this year Shri R. Venkataraman was administered the oath of the office of the President of the largest democracy on earth. The successful holding of the ninth Presidential election was yet another landmark in the

annals of our polity. The last article in this issue of the *Journal* on "Presidential Election 1987" outlines the law as well as practice relating to the conduct of election to the office of the President and narrates every significant event in the ninth Presidential election starting from appointment of the Returning Officer till the declaration of the result.

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

We extend our heartiest felicitations to Sarvashri Mohinder Singh Chatha and Kulvir Singh Malik on their election as Speaker and Deputy Speaker respectively of Haryana Legislative Assembly. We also congratulate Shri Hakim Habibullah on his election as Chairman of the Jammu and Kashmir Legislative Council.

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

—*Subhash C. Kashvan*

## ROLE AND POSITION OF THE LEADER OF THE OPPOSITION\*

MADHU DANDAVATE

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The entire nature of parliamentary set-up is such that unless there is a balance between the treasury benches and the Opposition, there can be no effective functioning of parliamentary democracy and that is why in a country like United Kingdom even the recognised Opposition is called 'His Majesty's Opposition'. One must not, however, conclude that His Majesty's Opposition is more loyal than the King. The connotation behind calling Opposition as His Majesty's Opposition is that those who lead the Opposition are as important as those who rule the country. From that point of view a beautiful balance between the Opposition and the ruling party really gives strength, credibility and viability to the experiment of parliamentary democracy.

According to our accepted norms, every Opposition group leader is not considered as a recognised Opposition Leader. Of course, the rules are slightly different in different legislatures, but normally, whatever be the quorum of the House, for instance 50, that would be the minimum requisite for gaining recognition, as a recognised Opposition party and the leader of such a party would be considered as official Leader of the Opposition who will have the Cabinet status and all the facilities which a Minister gets. The idea is that he should be able to keep in touch with the people, he should have all facilities and he should be able to perform his duty as effectively as the Prime Minister of the country or a Chief Minister of a State. The most important function of the Leader of the Opposition is not only to seek consensus but to co-ordinate the activities of the members of the Opposition. For instance, if the Opposition has to offer an enlightened opposition to the policies of the ruling party, then it is very necessary for the Leader of the Opposition to see that adequate responsibilities are put on such members of the Opposition who are specialised in a particular activity, like external affairs, financial matters, parliamentary

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\*Adapted from the talk by the author to the probationers of Indian Police Service, under the auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat, on 21 April 1987.



devices through which peoples' issues can be focused in the Parliament, so that the Opposition really gets a sharper edge in the legislatures.

One of the important functions of the Opposition and the Leader of the Opposition is to see that a very significant principle of parliamentary life and parliamentary institution, that is complete separation of judiciary, executive and legislature, is fully ensured. In the parliamentary life itself, there are threats to the separation; sometimes the functioning of the executive creates a threat to this and sometimes even the judiciary might encroach upon the legislature and thereby the meaningful separation of judicial and legislative powers might be retarded and hurt. It is the Leader of the Opposition who has to be watchful. For instance, he has also to take cognizance of the fact that the Presiding Officer, despite being the highest authority in the House, has to function within the ambit of certain rules which are prescribed by the Rules of Procedure and the Leader of the Opposition as well as the Leader of the House have to assist him in maintaining the dignity of the House as well as the separate identity of the legislature vis-a-vis the executive and the judiciary. The following few instances would indicate how that independence is maintained and wherever it is lacking how the vigilant Opposition has been able to drive home the urge to keep up these three identities quite separate. Fortunately, in our country, the Presiding Officers have invariably received the co-operation of the leader of the House and the leaders of the Opposition in preserving the independent identity of legislature and its dignity and honour. In the old days once the Rajya Sabha, *i.e.* the Upper House of Parliament, had passed a Bill, 'Special Marriages Bill', but one member, Shri N.C. Chatterjee who belonged to the Lower House, *i.e.* the Lok Sabha, made a speech in Madras and criticising that Bill he said, "It is a pack of urchins that have adopted this Bill". He had referred to members of Rajya Sabha as "pack of urchins", and it amounted to casting aspersions on the members of Rajya Sabha. A question of privilege was, therefore, raised in the Rajya Sabha against Shri N.C. Chatterjee and the Secretary-General of the Rajya Sabha sent a notice of that privilege to the former. The Speaker, Shri G.V. Mavalankar, informed the Lok Sabha that he had received a counter-privilege notice from Shri N.C. Chatterjee asserting that he belonged to the Lok Sabha and he had nothing to do with the Rajya Sabha, but the Rajya Sabha had the temerity to bring the privilege against him in the Upper House, of which he was not a member and that itself constituted a breach of privilege. The Prime Minister, Pandit Jawaharlal Nehru, then got up in the House and said that he could not understand the behaviour of Shri N.C. Chatterjee whose counter-privilege was meaningless. Speaker Mavalankar firmly told the Prime Minister that so long as he continued to be the Speaker of Lok Sabha, he would never allow a member of his House to be subjected to the jurisdiction of the other House. He asked the Prime Minister to take his seat and restrain himself. He had the courage to tell the highest executive of the Government that so far as the conduct of Lok

Sabha was concerned, he was the master and he had to protect the dignity and autonomy of that House and he would never allow his member to be subjected to the jurisdiction of the other House. After that ruling, when the Presiding Officers from all over the country met at Madras, they accepted the convention that if any privilege motion was brought in any House against a member who was not a member of that House, it should be passed on to the Presiding Officer of that particular House and if he deemed it fit, only then it should be taken up. On a number of occasions this ruling has to be kept in mind and the Leader of the Opposition has to remember all the precedents. He must have a computerised memory. He must be able to quote various precedents, just as a man appearing in a court of law very often remembers a number of past judgments and tries to interpret every event in terms of some of the old judgments of the Supreme Court, because according to the concept of democracy, Supreme Court's judgment is the law of the land. Just as he remembers all precedents in defence of his case, the Leader and members of the Opposition have to keep in touch with all the past precedents so that they can quote them at the right moment, and see that even the Presiding authority functions in a manner in keeping with the dignity of the House.

In the pre-independence days, when the Public Safety Bill which concerned the liberties of the citizens was being discussed in the Central Legislative Assembly, the Speaker actually performed the task which legitimately ought to have been performed by the Leader of the Opposition. The debate on the Bill had begun a few days ago. Prior to that Shri Bhagat Singh had dropped in the very same Assembly a fake bomb to create a stir and draw the attention of the Assembly to what the country felt about that particular Bill. At one particular stage when the debate was in progress, it was not the Opposition leader who pointed out to the Speaker the harm that might be caused by the debate on the Public Safety Bill, but it was the Presiding Officer, Shri Vithalbhai Patel, who got up and said that he had applied his mind to the debate that was going on on the Bill and he took cognizance of the fact that in the Meerut Conspiracy Case, patriots were being tried and their fate would be determined in that case. The issues that were involved in the Meerut Conspiracy Case were the very same issues which were involved in the particular debate that was going on in the Assembly and he did not want the debate to affect the proceedings of that particular court in which the fate of the patriots might be affected and, therefore, in his own right, he declared discussion on that particular subject as adjourned *sine die*.

Another classic example when the Leader of the House as well as the Leader of the Opposition completely stood by the Speaker was in the House of Commons in U.K. in 1642. Charles I had issued warrants of arrest in that year against five members of the House of Commons because they were supposed to be guilty of treason. The rumour went round the

House of Commons that the King was likely to enter the Parliament along with his troops. So the House of Commons asked those five members to leave the premises so that there was no violence in the House. As expected, Charles I came along with the security guards and straightaway went to the podium of the dais of the Speaker and said: "Hon. Speaker, I have come to grab those five members of this House of Commons. Will you kindly locate and hand them over to me?" In an upright manner, the Speaker stood up and said: "Your Majesty, I have no eyes to see and I have no ears to hear, I see with the eyes of this House, I hear with the ears of this House, I am the servant of this House and therefore, Your Majesty, I cannot oblige you."

This action of the Speaker was backed up by the Leader of the Opposition and the Leader of the House. The King left humiliated and while he was leaving the House, the members of the House—the Treasury benches as well as the Opposition members shouted so that the King could hear, "Your Majesty, Breach of privilege, Breach of Privilege." That was the courage shown by the Leader of the Opposition, the Leader of the House and the Speaker who guarded the dignity of the House.

These are the functions to be carried out by the Leader of the Opposition, the Leader of the House and the Speaker in cooperation because the dignity of the House has to be the common obligation and responsibility of the three dignitaries.

There is one more aspect which may be referred to in this connection. Generally it is not the ruling party members who are expected to perform their duty more effectively in matters of privileges. It is left to the Opposition and particularly the Leader of the Opposition to take cognizance of that. There are certain privileges and powers of the Parliament. The privileges of the House as a whole and the privileges of the Parliament are to be jealously guarded by everyone, but the major responsibility falls on the Opposition, particularly the Leader of the Opposition.

The privilege of a House and its breach is one of the most significant phenomena in a Parliament and the Opposition leaders have to safeguard privileges of Parliament and its members. It has certain economic consequences. A layman might feel that it is only some sort of procedural-wrangling when members' rights had been violated. But it is not so. Very often, out of a breach of privilege, certain economic consequences can take place. Therefore, the Leader of the Opposition has to be ever vigilant and alert to see that such a breach of privilege does not take place. I will give you a concrete instance. In the 5th Lok Sabha, 1971-76, once I wanted to examine as to what were the recommendations of the Monopolies and Restrictive Trade Practices (MRTP) Commission regarding a particular monopoly house of an industrialist. So, I went to the Library and found that for years together, the reports which had been submitted by the

M RTP Commission had not been laid on the Table of the House and no action taken reports had been placed before the Parliament. Naturally no discussion took place, and therefore those monopolists went scot free and their nefarious activities could not be checked. So, I raised a question of privilege against the then Law Minister and my notice of privilege was that section 62 of the MRTP Act made it obligatory and mandatory on the Ministry concerned that whenever the MRTP Commission's Report was submitted to the Government, it must be laid on the Table of the House along with the action taken report within six months of its submission, so that if anybody demanded a discussion he could have it. Once a paper is laid on the Table of the House of the Parliament it does not remain a private document but it can be quoted *in toto* by the Press and, therefore, it becomes a public property; it is no more the property of the Government, that is the concept. The Law Minister got up and said, no doubt, according to section 62 the Report should be laid on the Table of the House within six months of its submission. But his interpretation and contention was that it was not obligatory or mandatory. Thereupon I asked him to seek a legal opinion. The Minister consulted the Attorney-General and on the third day he came before the House saying that the Attorney-General justified what I had said. He, therefore, gave unqualified apologies to the House for the breach on his part of section 62 of the MRTP Act. He assured that in future all such provisions, like section 62, would be adhered to and reports would be placed on the Table along with action taken report. Its economic consequence was that whatever was recommended in the Report could be implemented. That is the concrete economic gain. For instance, if certain aberration in tariff structure is pointed out by the Tariff Commission but if its report is not laid on the Table and not implemented, in that case, the industrialists or others who are responsible for certain malpractices will go scot free and, therefore, that aberration cannot be checked. But, if the Tariff Commission's report comes before the House and action taken report thereon is presented then actual implementation is ensured. That is the effective part of the parliamentary life and it is the Leader of the Opposition and members of the Opposition who have to safeguard that. They have to zealously guard against violation of legal and constitutional provisions.

There are some provisions of the Constitution which have become matters of controversy today. By and large, a citizen can always go to the Court and seek remedy when the Government or an authority violates the provisions of the Constitution. But, there are one or two articles which have been insulated from the courts of law, for instance article 74 of the Constitution, which has recently become a very controversial article, says, "There shall be a Council of Ministers with Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice." And, clause (2) of this article says that "The question whether any, and if so what, advice was tendered by

Ministers to the President shall not be inquired into in any court." At present the controversy is going on, whether only court cannot enquire whether the Council of Ministers have not given advice and not given the information as required by article 78, or whether that failure cannot be enquired into by Parliament as well. My contention is and many feel that there is no bar on inquiry by Parliament. Since the Constitution is silent on inquiry by Parliament, I believe, Parliament has a right to enquire into the violation of this particular article either by the Council of Ministers or by the Prime Minister. Sometimes even the President does not follow the Cabinet advice, in that case also that is a breach, and that can also be discussed under article 74 because it only bars the court and not the Parliament. It is a well-established convention that silence is half consent, and, so also about the Constitution which is silent on inquiry by Parliament. The silence of the Constitution on certain issues means they are permissible unless bar on them is specifically mentioned and, therefore, they are also controversial matters. Therefore, the Leader of the Opposition will have to keep this in mind whenever any such constitutional crisis or controversy arises. It is the duty of the Leader of the Opposition to bring forward certain measures. I had, for instance, suggested that let a House Committee enquire into whether there were any violations of articles 74 and 78 and formulate concrete rules to see that provisions of articles 74 and 78 were effectively implemented and nobody, including the Prime Minister, violated them. What I have been pointing out is that a Leader and members of the Opposition have to be greatly conscious.

There is one more responsibility of the Leader of the Opposition. Whereas various committees are headed by ruling party members, it has been an accepted convention for years that so far as the Public Accounts Committee is concerned, which functions as a watch-dog on the finances of the Government of India, it has been headed by an Opposition Leader. The Chairmanship of this Committee would be rotated among the Opposition parties only. There is a certain rationale why the Leader of the Opposition is put on the Public Accounts Committee. The reason is it is a searching job where sometimes one has to examine very critically even the functioning of the Government and it is better if such a Committee is headed by someone from the Opposition, be he the Opposition Leader or any other leader belonging to an Opposition party. Now this is an accepted convention. In fact, once in a humorous way I told a leader of the ruling party, who had almost headed all important committees, to please head the Public Accounts Committee as well. He felt as if he was honoured. Anyway what I mean is that the Public Accounts Committee is deliberately put in charge of a person from the Opposition because he has to perform a searching job of monitoring the entire system which can be done more effectively by one who is not committed to the establishment. In such searching analysis of the finances one must not be a partisan of the establishment and that is why the convention has developed that an

Opposition leader should be there on the Public Accounts Committee, and that particular aspect is very scrupulously maintained.

Lastly only one point may be referred to. As far as relationship between the Leader of the Opposition and the Leader of the House is concerned, there has to be a certain balance and mutual trust between the two and it should not be forgotten that one who leads the Opposition is the opponent of the Government and the treasury benches. He is not the enemy of the country.

It would be pertinent here to mention an interesting anecdote. When Pandit Jawahar Lal Nehru was the Prime Minister of the country, on one occasion one of the leaders of the Opposition and a very popular one, Shri Shyama Prasad Mukherjee was making a very strong criticism on Preventive Detention law. He was known for sarcasm, humour and biting criticism. Someone from the treasury benches said that he was opposing the Preventive Detention Act even in an unstable condition of the country because he was not prepared to face the truth. Immediately Shri Mukherjee said, "How can I face the truth, I am facing the treasury benches." Such a sharp repartee is also necessary and it has to be taken with the sense of humour. Nobody feels hurt. Real humour in the Parliament must be such that it will hit but not hurt; it will not cast personal aspersions on anyone. Coming back to the occasion when Shri Mukherjee was speaking, probably the Prime Minister did not hear him properly and made a very strong comment, a bitter one. After sometime when Shri Mukherjee was already on his legs with the permission of the Speaker, Shri Nehru got up and sought Speaker's permission to intervene. He said that he had passed some strong remarks against Shri Shyama Prasad Mukherjee, but on a second thought he felt that he ought not to have passed those remarks. He gave his unqualified apologies to the House for those remarks and requested the Speaker to expunge them from the proceedings. Shri Shyama Prasad Mukherjee said, "Mr. Prime Minister that the thought came to your mind that you did not use the proper language itself is sufficient for me. I do not accept your apologies and Mr. Speaker, Sir, do not accept his apologies." It was a battle of courtesies and on both the sides dignity was maintained. That is how the beauty of parliamentary democracy flourishes. There has to be a certain rhythm and a response between the Opposition and the ruling party. Once Mr. Disraeli said that the task of the Opposition was to oppose. The Opposition does not go on finding what is good in the Government policy, for that there are enough members on the treasury benches, but whatever are the shortfalls, the Opposition has to project them in a short time and see that they are probably removed completely or modified partly. That is the task of the opposition which should not be considered unpatriotic or undemocratic. It is only in a totalitarian system, where the ruling party is identified with the nation and the state, any opposition is treated as inimical to the country. The Opposition as well as

the ruling party have to be equally patriotic. The Prime Ministership may belong to one party and the Opposition leadership may belong to some other party, but the country belongs to all. That has to be the basis of parliamentary democracy and in that particular tenor and context, the entire Parliament—the Opposition and the ruling party and also the Speaker and the Leader of the House—have to function. If that balance is maintained, there is a smooth functioning of democracy. To the extent there is crisis in this relationship, to that extent there is a crisis in the system.

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## THE CHARM OF PARLIAMENTARY DEBATES

KANAK MUKHERJEE

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It is a pleasure to write a few lines about my experience of the debates in the Upper House of the Parliament. As a member of the Rajya Sabha for two successive terms since 1978 and as a member of the panel of Vice-Chairmen for last two successive terms I have observed and enjoyed some interesting features regarding the debates in the House, which may be of interest to the readers.

Parliament is the embodiment of Indian democracy. And the most attractive part of the Parliament is its debates. Many of the top most political leaders of the country are assembled here. Here in the House is reflected the great political, intellectual and cultural heritage of our great nation. And the true image of the Parliament is created through the debates. Debates on constitutional matters, on Budget, economic and defence policies, on various social, political and cultural subjects and on Bills comprise the main contribution of the members of Parliament as the representatives of the people. Actually, the success of an MP depends on how far he can echo the voice of the people he represents. Thus the member of Parliament serves the purpose of link between the people and the Government.

The master-minds of the experienced and able MPs attract the entire House and create new interests, no matter whether they speak for or against the Government. It is the performance of the MPs through debates that upholds the tradition, dignity and prestige of the House. With their different political stands and views, they make the sittings of the House lively and memorable through their debating abilities. Many of the veteran parliamentarians of various political shades have left their imprint in our parliamentary annals through their excellence in debates. Their speeches are often quoted as proverbs.

Successful parliamentarians are remembered through ages along with geniuses of other walks of life, like scientists, creative writers, artists. But no one is born an expert parliamentarian. One has to develop the requisite qualities through perseverance and earnestness. One has to continuously



nurture the art of deliberation and study the subject matter. It is both what you speak and how you speak that matter. Surely, you cannot convince others unless you yourself are thoroughly convinced. And for that one has to do his or her homework and devote necessary time and energy.

But, very few MPs take this task of parliamentary debate seriously. Most of them happen to be *ex tempore* speakers. It is needless to mention that now when the political controversies are becoming more and more acute outside, the debates inside the House also tend to be hot and bitter. The political atmosphere outside is mainly responsible for this situation. All I want to say is that during the long period of 40 years of Independence, our parliamentary democracy should have attained much more maturity than what it has today.

Oratory in parliamentary debates is a much cherished virtue which has to be acquired by the learned members of the Parliament through continuous and sustained process of self education and development. The House is not an ordinary mass gathering to be addressed by a political leader, but a prestigious place of high dignity and honour where only the selected few of the country exchange their views and opinions, express the wishes of the people to promote their democratic rights as promised by the Constitution, and ultimately to bring social changes for better life of the people.

Somehow I have developed a strong liking for the House. When I sit there, I remember Shakespeare that all the world's stage, and all the men and women merely players. In the House, some members are always vocal, some are quiet observers or back-benchers. Some are shy, some are over-enthusiastic; some are always attentive and some are more eager to listen to their own voices only and do not find time to remain in the House to hear others. Some are always jolly and humorous and some are always in the fighting mood and suffer from intolerance. Of course, there are some very powerful speakers who can keep the House spell-bound. And altogether we find in the House what we may call Geoffrey Chaucer's 'God's Plenty', and we enjoy their company.

Sometimes the debates in the House make us sit whole night. We, absorbed in the controversial debates, take dinner in the Parliament canteen hosted by the Hon'ble Minister, and wake through the night to go back home in the morning. I remember with pleasure some such occasions when we had to sit throughout the night over some irreconcilable controversies, like on certain constitutional amendments, ESMA, Muslim Women's Rights Bill and each time no agreement could be reached and only the majority votes could end the debates. But again, it is also very interesting to note how all the different political parties could unite together to support

certain Bills like those relating to prohibition of dowry, indecent representation of women, amendment of the penal code to check atrocities on women.

Of course, the House is dynamic, subject to continuous change through years. It reminds us of Tennyson's famous lines, "For men may come and men may go but I go on for ever." So, our battle in the House remains incomplete, and the mantle falls upon the successor. Again, the successor can continue the battle through debates.

We have to remember that the impact of the parliamentary debates on the nation is immense—for present and for future. And, it is surely the progressively rising standard of debates in the House that can advance the cause of democracy envisaged by our Constitution.

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## PRESIDENTIAL ELECTION 1987

SUBHASH C. KASHYAP

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The eighth President of India, Shri R. Venkataraman took the oath of office on 25 July 1987 at an impressive ceremony in the Central Hall of Parliament House. He was elected to preside over the largest democracy on earth through a process of election spread over a period of 37 days, viz. 10 June to 16 July 1987.

The Presidential election held in July 1987 was the ninth such election to the office of the President of India. In the first and the second elections held on 2 May 1952 and 6 May 1957, Dr. Rajendra Prasad was elected as the President. In the subsequent election polls held on 7 May 1962, 6 May 1967, 16 August 1969, 17 August 1974, 21 July 1977 and 12 July 1982, Dr. S. Radhakrishnan, Dr. Zakir Husain, Shri V.V. Giri, Shri Fakhruddin Ali Ahmed, Dr. N. Sanjiva Reddy and Giani Zail Singh respectively were elected to the office of President of India. The elections in 1969 and 1977 were caused by the demise respectively of Dr. Zakir Husain and Shri Fakhruddin Ali Ahmed in office. In other cases, the elections were held a little before the President in office completed his 5-year term. The first President Dr. Rajendra Prasad has been the only person to be elected for two terms and Dr. N. Sanjiva Reddy the only one to be elected uncontested.

*Constitutional provisions:* Article 52 of the Constitution provides that there shall be a President of India and in accordance with the provisions of article 54, the President shall be elected by the members of an electoral college consisting of—

- (a) the elected members of both Houses of Parliament; and
- (b) the elected members of the Legislative Assemblies of the States.

The nominated members of both the Houses of Parliament and the Legislative Assemblies of the States are not entitled to vote in the Presidential election.

Article 55 provides that as far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the

**President:** the election shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting shall be by secret ballot. The article also provides that for the purpose of securing uniformity among the States *inter se* as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:

- (a) Every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of elected members of the Assembly.
- (b) If, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in (a) above shall be further increased by one.

*Illustration*

Total population of Andhra Pradesh :	43,502,708
Total No. of elected members in the Assembly :	294
No. of votes for each :	$\frac{43,502,708}{1000 \times 294}$ = 147.96 or = 148

- (c) Each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assembly of the States under (a) and (b) above by the total number of elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.

The total number of members in the electoral college for the 1987 Presidential election was 4,695 as detailed below:

(a) Rajya Sabha	233
(b) Lok Sabha	543
(c) State Assemblies	3,919
Total	4,695

The value of the vote of each member of Parliament (both Rajya Sabha and Lok Sabha) was 702. The value of the vote of each member of the State Legislative Assembly differed from State to State *vide* Appendix depending on the strength of the Assembly and the population of the State as per 1971 census. The lowest value was in respect of Sikkim (7) and the highest in Uttar Pradesh (208). Table 1 shows the value of vote of each elector.

TABLE 1

STATEMENT SHOWING THE PARTICULARS REGARDING POPULATION, THE NUMBER OF VOTES OF EACH ELECTOR AT THE PRESIDENTIAL ELECTION, 1967 FOR THE PURPOSES OF ARTICLE 55(2) OF THE CONSTITUTION.

Name of State	No. of Assembly Seats (Elected)	1971 census population	of a member of Leg- islative Assembly	Value of votes
				Total votes for the State
1. Andhra Pradesh	294	43,502,708	148	$148 \times 294 = 43,512$
2. Arunachal Pradesh	30	467,511	16	$16 \times 30 = 480$
3. Assam	126	14,625,152	116	$116 \times 126 = 14,616$
4. Bihar	324	56,353,369	174	$174 \times 324 = 56,376$
5. Goa	28	795,120	28	$28 \times 28 = 784$
6. Gujarat	182	26,697,475	147	$147 \times 182 = 26,754$
7. Haryana	90	10,036,808	112	$112 \times 90 = 10,080$
8. Himachal Pradesh	68	3,460,434	51	$51 \times 68 = 3,468$
9. Jammu & Kashmir	76	6,300,000	83	$83 \times 76 = 6,308$
10. Karnataka	224	29,299,014	131	$131 \times 224 = 29,344$
11. Kerala	140	21,347,375	152	$152 \times 140 = 21,280$
12. Madhya Pradesh	320	41,654,119	130	$130 \times 320 = 41,600$
13. Maharashtra	288	50,412,235	175	$175 \times 288 = 50,400$
14. Manipur	60	1,072,753	18	$18 \times 60 = 1,080$
15. Meghalaya	60	1,011,699	17	$17 \times 60 = 1,020$
16. Mizoram	40	332,390	8	$8 \times 40 = 320$
17. Nagaland	60	516,449	9	$9 \times 60 = 540$
18. Orissa	147	21,944,615	149	$149 \times 147 = 21,903$
19. Punjab	117	13,551,060	116	$116 \times 117 = 13,572$
20. Rajasthan	200	25,765,806	129	$129 \times 200 = 25,800$
21. Sikkim	32	209,843	7	$7 \times 32 = 224$
22. Tamil Nadu	234	41,199,168	176	$176 \times 234 = 41,184$
23. Tripura	60	1,556,342	26	$26 \times 60 = 1,560$
24. Uttar Pradesh	425	88,341,144	208	$208 \times 425 = 88,400$
25. West Bengal	294	44,312,011	151	$151 \times 294 = 44,394$
				Total value = 544,999
(a) Value of votes per member of Parliament = $\frac{544,999}{766} = 702,318 = 702$				
(b) Total value of votes for members of Parliament = $702 \times 776 =$				<u>544,752</u>
				Grand Total = 1,089,751

Article 58 of the Constitution lays down that no person shall be eligible for election as President unless he (a) is a citizen of India; (b) has completed the age of thirty-five years; and (c) is qualified for election as a member of the House of the People. A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments. But a person shall not be deemed to hold any office of profit by reason only that he is President or Vice-President of the Union or the Governor of any State or is a Minister either for the Union or for any State. Dr. S. Radhakrishnan and Dr. Zakir Husain contested the election to the office of President of India in 1962 and 1967 respectively without resigning from the office of Vice-President of India. However, notwithstanding the constitutional provisions, Shri V.V. Giri who was then the Vice-President and Dr. N. Sanjiva Reddy who was the Speaker of Lok Sabha resigned their respective offices before filing their nomination papers for election to the office of President in 1969. Dr. N. Sanjiva Reddy did not resign his seat in Lok Sabha. Similarly in 1977, Dr. N. Sanjiva Reddy resigned from the office of the Speaker before a nomination proposing him as a candidate was filed. Vice-President, Shri R. Venkataraman, who contested and won the Presidential Election, 1987 did not resign the office of Vice-President till he assumed the office of President of India on 25 July 1987.

Article 62(1) provides that an election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of that term. Article 56(1) provides that the President shall hold office for a term of five years from the date on which he enters upon his office, with a proviso that the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

*The Election Statute:* The Presidential and Vice-Presidential Elections Act, 1952 and the rules framed thereunder regulate all matters relating to or connected with the election to the offices of President and Vice-President of India. The Act of 1952 was amended in 1974 to make certain changes therein in the light of the experience gained during the elections held earlier. Similarly, the Presidential and Vice-Presidential Election Rules 1952, were also revised in 1974. The main requirements of the Act are:

- (i) a nomination paper for election to the office of President of India should be completed in the prescribed form,\* subscribed by the candidate as assenting to the nomination and also by at least ten electors as proposers and at least ten electors as seconders. No elector can subscribe, whether as proposer or seconder, more than one nomination paper at the same election;

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\*Printed Nomination Forms can be obtained from the Returning Officer. However, a nomination in a form privately prepared by a candidate is also valid provided it is in the form prescribed in the Rules as in force at the time of the election.

- (ii) each nomination paper should be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the parliamentary constituency in which the candidate is registered as an elector; and
- (iii) a candidate cannot be deemed to be duly nominated for election unless he deposits or causes to be deposited a sum of Rs. 2,500 in cash with the Returning Officer at the time of filing the nomination paper or in the Reserve Bank of India or in a Government Treasury in which case the receipt has to be enclosed with the nomination paper.

This security deposit is forfeited if the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the number of votes necessary to secure return of a candidate at such election. In other cases the deposit is returned to the candidate.

*Process and procedure of election:* For each Presidential election, the Election Commission, in consultation with the Government of India, appoints a Returning Officer having his office in New Delhi. By convention, which is well established, the Secretary-General, Lok Sabha or the Secretary-General, Rajya Sabha, as the case may be, is appointed, in rotation, as the Returning Officer to conduct such an election. In 1987, it was the turn of Secretary-General of Lok Sabha. An officer from the same Secretariat is appointed as the Assistant Returning Officer at the Centre. Secretaries of the Legislative Assemblies of all the States are appointed as Assistant Returning Officers because members of the State Legislative Assemblies normally cast their votes in their respective State capitals.

Since the outgoing President, Giani Zail Singh, was to complete his five-year term on 24 July 1987, it was necessary that the process of the Presidential election should be completed and the results declared in time so that the new President could take over on 25 July 1987.

Under section 4 of the Presidential and Vice-Presidential Elections Act, the Election Commission issues a notification for election to the office of President, on, or as soon as convenient after, the sixtieth day before the expiration of the term of office of the outgoing President. In the case of an election to fill a vacancy in the office of the President occurring by reason of his death, resignation or removal or otherwise, the Commission issues the notification as soon as may be after the occurrence of the vacancy.

The process of election was started on 5 June 1987 when the Election Commission, after obtaining the consent of the Speaker of the Lok Sabha issued a notification appointing Secretary-General, Lok Sabha, as the Returning Officer for the Presidential election. A notification appointing Shri N.N. Mehra, Joint Secretary, Lok Sabha Secretariat and Secretaries of the Legislative Assemblies of all the States as Assistant Returning Officers was also issued on the same date. On 10 June 1987, the Election Commission

issued another notification fixing 24 June 1987 as the last date for receiving nominations, 25 June 1987 as the date for scrutiny of nominations, 27 June 1987 as the last date for withdrawal of candidatures and 13 July 1987 as the date on which a poll, if necessary, would be taken. On the same day, the Returning Officer issued a Public Notice of the intended election in the prescribed form to the effect that:

- (i) nomination papers should be delivered by a candidate or any one of his proposers or seconders in Room No. 18, Parliament House, New Delhi, between 11 a.m. to 3 p.m. on any day (other than a public holiday not later than the 24th June 1987);
- (ii) each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the parliamentary constituency in which the candidate is registered as an elector;
- (iii) every candidate shall deposit or cause to be deposited a sum of Rs. 2,500/-. This amount may be deposited in cash with the Returning Officer at the time of presentation of the nomination paper or deposited earlier in the Reserve Bank of India or in a Government Treasury (Under the Account Head "843—Civil Deposits—Deposits in connection with Elections—Deposits made by candidates for Presidential/Vice-Presidential elections"), and in the latter case a receipt showing that the said deposit of the sum has been so made, is required to be enclosed with the nomination paper;
- (iv) forms of nomination papers may be obtained from the designated office at times aforesaid;
- (v) the nomination papers, other than those rejected under sub-section (4) of section 5B of the Act, will be taken up for scrutiny at the said office in Parliament House in New Delhi on 25th June 1987 at 11 a.m.;
- (vi) the notice of withdrawal of candidature may be delivered by a candidate, or any of his proposers or seconders who has been authorised in this behalf in writing by the candidate, to the Returning Officer before three o'clock in the afternoon of 27th June 1987; and
- (vii) in the event of the election being contested, the poll will be taken on the 13th July 1987 between the hours specified by the Election Commission at the places of polling fixed under the rules.

The notification issued by the Election Commission and the public notice issued by the Returning Officer were published in the extraordinary issues of the *Gazette of India* and the *Gazettes of all States* on 10 June 1987 in the languages specified by the Election Commission. Copies of the public notice were sent in advance to All India Radio, Doordarshan (TV) and various news agencies *et cetera* for publication, broadcast or telecast on 10 June 1987.



*Filing of nomination papers:* With the issuance of the public notice, requests for nomination forms started pouring in from all parts of the country. Interested persons started collecting nomination papers either personally from the office of the Returning Officer or through post. Some persons sent their "applications" giving their bio-data and arguments supporting their suitability for the "job". Still others enclosed their proposed programme of action or manifesto and emphasized their qualifications—academic and others. The first nomination paper was filed at 12.35 p.m. on 10 June 1987 and the last at 3 p.m. on 24 June 1987 just before the time fixed for receiving nomination papers expired. A record number of 78 nomination papers were filed by 62 candidates, out of which as many as 42 nomination papers were filed on the last day itself. While one candidate filed as many as 4 nomination papers—the maximum permissible under section 5B(6) of the Presidential and Vice-Presidential Elections Act—3 nomination papers each were filed on behalf of 5 candidates including Shri R. Venkataraman and Shri V.R. Krishna Iyer—the two main contesting candidates—and 2 nomination papers each on behalf of 3 candidates. The name of Shri R. Venkataraman, who was the Vice-President of India and a nominee of the ruling Congress(I) party, was proposed and seconded by several Union Ministers and Chief Ministers including Shri Rajiv Gandhi, Prime Minister; Shri Buta Singh, Home Minister; Shri Narasimha Rao, Minister of Human Resource Development; Shri N.D. Tewari, Minister of External Affairs; Shri K.C. Pant, Minister of Defence; Shri Vir Bahadur Singh, Chief Minister of Uttar Pradesh; Shri Haridev Joshi, Chief Minister of Rajasthan; Shri Bindeshwari Dube, Chief Minister of Bihar; Dr. Farooq Abdullah, Chief Minister of Jammu and Kashmir and Shri Lal Denga, Chief Minister of Mizoram.

The proposers and seconders of Shri V.R. Krishna Iyer, a former Judge of the Supreme Court, were some prominent leaders of Opposition parties and Chief Ministers of some Opposition-ruled States. These included: Shri P. Upendra, MP (Telugu Desam); Shri K.P. Unnikrishnan, MP; Shri Indrajit Gupta, MPCPI; Shri M.S. Gurupadaswami, MP (Janata); Shri B.S. Ramuwalia, MP (Shiromani Akali Dal—Barnala); Shri N.T. Rama Rao, Chief Minister of Andhra Pradesh and Shri Ramakrishna Hegde, Chief Minister of Karnataka. The third candidature, that of Shri Mithilesh Kumar, was proposed and seconded by 20 electors from Bihar—all members of the State Legislative Assembly. None of the remaining nomination papers had the requisite number of proposers or seconders. There is no provision for receiving nomination papers by post as these nomination papers cannot be deemed to have been delivered to the Returning Officer as required under section 5B(1) of the Presidential and Vice-Presidential Elections Act. Even then, 12 nominations were received by post—four of those after the expiry of the last date for receipt of nomination papers. These too, did not have any proposer or seconder. As many as 18 candidates made the security deposit of Rs. 2,500 in cash with the Returning Officer.

One of the candidates, who filed four nomination papers without any

proposers or seconders but deposited Rs. 2,500 came to file his nomination papers with a Crown on his head. Another candidate appeared barefoot before the Returning Officer, to do so. Yet another candidate, a medical practitioner, came to file his nomination papers with several medals displayed on his chest.

*Scrutiny of nomination papers:* The scrutiny of nomination papers filed was held at 11 a.m. on 25 June 1987 in the chamber of the Returning Officer. The scrutiny proceedings lasted nearly six long hours. 21 nomination papers already rejected at the time of their presentation on the ground that they were not accompanied by a certified copy of the entry in the electoral roll of the parliamentary constituency in which the candidate was registered as an elector, were not taken up for scrutiny. Thus, only 57 nomination papers filed for 41 candidates were taken to scrutiny. At the time of scrutiny, the candidates, one proposer or one seconder of each candidate and one other person duly authorised in writing by each candidate, but no other person, were entitled to be present. While 28 candidates were present in person, 6 candidates were represented by their authorised representatives or proposers/seconders. The Returning Officer examined the nomination papers one by one in the order of Serial No. assigned to each and decided all objections made to the nomination paper. After scrutiny, 50 nomination papers filed for 38 candidates were rejected mainly on the ground that they did not have the requisite number of proposers or seconders. Security deposit of Rs. 2,500 had also not been made by 15 candidates. Three nomination papers each of Shri R. Venkataraman and Shri V.R. Krishna Iyer and one nomination paper of Shri Mithilesh Kumar were found to be in order and accepted. When the nomination paper of Shri Mithilesh Kumar was taken up for scrutiny, one of the proposers to the nomination paper of Shri Venkataraman raised five objections. Three of these objections which were on law points were, after hearing arguments, overruled by the Returning Officer. The remaining two objections as to the genuineness of the signatures of some of the proposers/seconders on the nomination form were contested by the candidate who asserted that the signatures were genuine and offered to submit an affidavit to that effect by 2 p.m. the next day. Since the candidate asked for time upto 2 p.m. to rebut the objections by filing an affidavit and the objector also wanted time to produce evidence in support of his contentions, the Returning Officer allowed time upto 2 p.m. on 26 June 1987 and adjourned the scrutiny proceedings on this nomination paper till that hour. When the proceedings were resumed on 26 June 1987 the person objecting was unable to produce any proof in support of points raised by him and submitted that he had nothing to add to what he had already stated. On the other hand, the candidate submitted an affidavit affirming that the signatures of all the MLAs on his nomination paper as proposers and seconders were genuine as they had signed in his presence. In view of this, the Returning Officer held the nomination paper to be valid and accepted it. Thus, the stage was set for a triangular contest for the Presidency. By 3 p.m. on 27 June 1987 when the time for withdrawal

expired, none of the three candidates withdrew his candidature. Thereupon, a list of contesting candidates was issued by the Returning Officer and its copies displayed on the notice boards. The list was published in the *Gazette of India Extraordinary*: Copies of the list of contesting candidates were also sent to the Assistant Returning Officers in the 25 States of the Indian Union for publication in the Gazette of the State concerned and for display on the notice board outside the room of each Assistant Returning Officer.

*The Polling:* The poll for the election was taken on 13 July 1987 from 10 a.m. to 5 p.m. in Parliament House and in the premises in each State in which the Legislative Assembly of that State meets for the transaction of business. The number of elected MPs who formed part of the electoral college was 776 but at the time of poll there were 6 vacancies, 48 had been permitted by the Election Commission to vote in the State capitals and one was under detention. Thus, the number of MPs entitled to vote at Parliament House came to 721. Two MLAs—one from Andhra Pradesh and another from Haryana—had been permitted by the Election Commission to vote at New Delhi. Thus, the actual number of electors eligible to vote at Parliament House was 723.

On the polling day, Parliament House witnessed a long queue of members of Parliament who had lined up in front of the polling room about an hour before the commencement of poll. Before the polling commenced, the Returning Officer demonstrated the empty ballot box to all those present, including the two authorized representatives of Shri R. Venkataraman and Shri V.R. Krishna Iyer. The ballot box was thereafter sealed in their presence. At 10 a.m. sharp the polling commenced. The first to vote were the Prime Minister, Shri Rajiv Gandhi and the Speaker, Dr. Bal Ram Jakhari. The polling was very brisk in the first two hours when nearly 80 per cent of the electors had cast their votes. It slowed down after 12 noon. As many as 345 electors had exercised their votes in the first hour itself. In the second hour, 252 electors voted and in the third hour the number came down to 74. Five electors, who were not keeping good health, came in wheel-chairs and were assisted in casting their votes.

The arrangements made in the polling room consisted of six tables for issue of ballot papers. A fixed number of electors was assigned to each table. There were six compartments for recording votes by electors. The entry into the room was well regulated to avoid unnecessary crowding. Outside the room there was an information booth where polling officers assisted the electors in knowing their elector numbers and the tables from which they were to get their ballot papers. For the guidance and benefit of electors, information about the procedure for voting was given through CCTV monitors. Similarly, the progress of voting was flashed on CCTV monitors after every half-an-hour. The polling closed at 5 p.m. The total number of electors who exercised their votes was 707. Immediately after the close of poll, the ballot box was sealed in the presence of the representatives of the candidates. Representative of one of the candidates

also affixed his seal on the ballot box. The following documents were also sealed in separate covers as required by law:

- (i) a copy of the list of electors marked by the polling officers and bearing the signatures of the electors in token of ballot papers having been issued to them;
- (ii) the counterfoils of ballot papers issued; and
- (iii) unused ballot papers.

The Returning Officer signed a statement giving particulars of ballot papers received, ballot papers unused and ballot papers issued to voters and sealed it. Five electors—one MP and 4 MLAs—who were under detention, exercised their votes through postal ballots.

Polling was simultaneously held in all the 25 State capitals where members of the Legislative Assemblies and 48 members of Parliament exercised their votes. A few hours after the close of poll, the polled ballot boxes from the State capitals started arriving in New Delhi. From as many as 7 States, ballot boxes were flown to New Delhi on 13 July itself and from the remaining States on 14 July 1987. The first ballot box arrived from the State of Punjab at 9 p.m. on 13 July and the last from the State of Arunachal Pradesh in the mid-night of 14 July 1987. All these ballot boxes were brought to Parliament House under tight police security. Of the five postal ballot papers, one was received on 13 July and remaining four thereafter.

*Counting of Votes:* Counting of votes was taken up at 11.30 a.m. on 16 July 1987. The representatives of two of the three contesting candidates were present. Before the commencement of counting, the Returning Officer read out the provisions of section 22 of the Presidential and Vice-Presidential Elections Act regarding maintenance of secrecy of voting to all those present. Thereafter, the polled ballot boxes received from States were opened one by one in alphabetical order. The first ballot box to be opened was from the State of Andhra Pradesh. All the ballot papers were taken out of the ballot box arranged in packets of ten each and their number tallied with the number of ballot papers as entered in the Ballot Paper Account signed and sent in a sealed cover by the Assistant Returning Officer concerned. Thereafter the ballot papers were scrutinised and arranged in separate parcels for the candidates according to first preference recorded for each candidate. The ballot papers to be rejected were placed before the Returning Officer who recorded his decision mentioning ground(s) for rejection on each ballot paper. After counting of the valid ballot papers the results were worked out by multiplying the number of ballot papers marked in favour of each candidate by the value of votes allotted for each ballot paper.

When ballot box of a State was opened, the ballot papers of MPs who had voted in the State capital and whose colour was different from the one used by MLAs were kept apart, to be counted later along with the ballot papers of members of Parliament. When the ballot box of Parliament was

opened, these ballot papers as also a postal ballot paper of a member of Parliament who was under detention were mixed with the ballot papers taken out of the ballot box of Parliament before counting. Likewise, the postal ballot papers of 4 detained MLAs of Punjab were taken out from the packets and mixed in the ballot papers of Punjab, when the ballot box of that State was opened. This was done with a view to maintain secrecy of their votes. Out of the two MLAs who had obtained prior permission of the Election Commission to vote at Parliament House, only one MLA from Haryana cast his vote. With a view to maintain secrecy of voting, the ballot box of the State of Haryana was opened last of all so that the ballot paper of the aforesaid MLA could be mixed and counted along with other ballot papers of that State. The ballot box of Parliament was also opened simultaneously to take out the said ballot papers.

The progress of counting was flashed on the closed circuit TV system. As many as 80 CCTV monitors had been installed in the premises of Parliament House and Parliament House Annexe. In the Central Hall of Parliament House, progress of counting was flashed on a big screen for the information of members of Parliament, Press, mediemen and others.

Out of a total 4,403 ballot papers, 71 ballot papers representing 13,907 votes were found to be invalid and were rejected. Out of 4,332 valid ballot papers representing 10,23,921 votes, Shri R. Venkataraman secured 2,886 votes of the value of 7,40,148, Shri V.R. Krishna Iyer 1,439 votes of the value of 2,81,550 and Shri Mithilesh Kumar 7 votes of the value of 2,223.

*Declaration of result:* Since the Presidential election is in accordance with the system of proportional representation and every elector has only one vote, the quota sufficient to secure the return of a candidate was arrived at by adding the votes credited to the three candidates, dividing the total by two and then adding one to the quotient disregarding any remainder  $\frac{10,23,961}{2} + 1 = 5,11,981$  At 6 p.m. on 16 July 1987, Shri R.

Venkataraman was declared elected to the office of the President of India. The declaration was read out to the Press and others by the Returning Officer in Parliament House from a specially erected platform. Copies of the declaration in Hindi and English and return of election in the prescribed form were signed by the Returning Officer and sent immediately to the Election Commission. A copy of declaration of result was also sent to the Ministry of Law and Justice, Government of India on the same day.

After the declaration of results, the Ballot Papers were sealed. Similarly the Ballot Paper Accounts of Parliament and State Legislative Assemblies were sealed. The ballot boxes and sealed packets containing election papers were returned to the Election Commission under proper police escort. These cannot be opened except under the order of the Supreme Court which is the authority having jurisdiction to try an election petition calling in question an election to the office of the President.

## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCES AND SYMPOSIA

**77th Inter-Parliamentary Conference:** The 77th Inter-Parliamentary Conference was held in Managua (Nicaragua) from 27 April to 2 May 1987. The Indian Parliamentary Delegation to the Conference was led by Shri Shivrāj V. Patil, Minister of State in the Department of Defence Production and Supplies in the Ministry of Defence and consisted of Sarvashri Digvijay Singh, Kamal Nath, M. Vincent, Satyendra Narayan Sinha, S.M. Guraddi, Veershetty Moglappa Kushnoor, all members of Parliament. Shrimati K.K. Chopra, Additional Secretary, Rajya Sabha was Secretary to the Delegation.

The Conference discussed and adopted resolutions on the following subjects:

1. The contribution of Parliaments to the world campaign for the holding of a peace conference on the Middle East, the implementation of the decisions of the UN Security Council on Lebanon and support to the international efforts to stop the Iran-Iraq war and their consequences for peace in the area, in the Mediterranean basin and in the world.
2. The contribution of Parliaments to:
  - (a) the achievement of fair international trade in all its aspects, including trade in agricultural products;
  - (b) the elimination of tariff and other barriers; and
  - (c) a better understanding of the socio-economic impact of protectionism, in particular, on the developing countries.

The following supplementary item of the Agenda was also discussed and resolution adopted:

“The contribution of Parliaments to the achievement of aims of peace in Central America”

Besides, the Conference devoted a little more than three sittings to the General Debate on the political, economic and social situation of the world.

During the Conference period, meetings of the Executive Committee, Inter-Parliamentary Council and Standing Study Committees of the Inter-Parliamentary Union were also held.

A meeting of Women Parliamentarians held in Managua on 26 April 1987, expressed the hope that more women parliamentarians would attend the Inter-Parliamentary Conference. The delegates exchanged information about the situation in their respective countries and their experiences regarding "the participation of women in political and parliamentary life and in the decision-making process". They expressed the hope that an Inter-Parliamentary Symposium would be organised in 1988 on the theme "Political and Legal Measures to Eliminate Discrimination Against Women, in All Countries of the World".

*Conference of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes of Parliament and State Legislatures.* The fourth Conference of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes of Parliament and State Legislatures in India was held in New Delhi on 3, 4 and 5 April 1987. The Conference was inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 3 April 1987. The inaugural address was followed by an address by Shri K.D. Sultanpuri, Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes of Parliament and Chairman of the Conference. The Conference was attended by 19 Chairmen of such Committees from State Legislatures.

The Conference discussed matters pertaining to the following aspects of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes:

1. Scope, functions and powers of the Committee.
2. Action on recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes.
3. Implementations of recommendations of Committee.
4. Need to have only one list of Scheduled Castes and Scheduled Tribes which shall be made applicable throughout India.
5. Economic upliftment of Scheduled Castes/Scheduled Tribes.
6. Employment of Scheduled Castes/Scheduled Tribes as per quota.
7. Special Component Plan and Tribal Sub-Plan.
8. Educational facilities for Scheduled Castes and Scheduled Tribes.
9. Benefits of reservations etc. to Scheduled Castes/Scheduled Tribes on change of religion.
10. Nomination of Scheduled Caste/Scheduled Tribe persons as Chairman or on Board of Directors in the State Corporations/Boards by State Governments.

**23rd Death Anniversary of Shri Jawaharlal Nehru:** A meeting on the occasion of 23rd Death Anniversary of Shri Jawaharlal Nehru, first Prime Minister of India, was held under the auspices of the Indian Parliamentary Group on 27 May 1987 at Parliament House Annexe, New Delhi. Dr. Bal Ram Jakhar, Speaker, Lok Sabha presided. Shri Narayan Datt Tiwari, Minister of External Affairs addressed the gathering on 'Nehru as External Affairs Minister in Parliament'.

**PARLIAMENTARY DELEGATIONS FROM INDIA**

**Canada:** On the invitation of the Speaker, House of Commons, Canada, an Indian parliamentary Delegation led by Shri B. Shankaranand, Minister of Water Resources visited Canada from 8 to 16 June 1987. Besides the leader, the Delegation consisted of Dr. Thambi Durai, Deputy Speaker, Lok Sabha and Deputy Leader, Shrimati Meira Kumar, Sarvashri Anil Basu, K.P. Singh Deo, Bhagatram Manhar and Atal Bihari Vajpayee, all members of Parliament. Dr. Banmali Tandon, Director, Lok Sabha Secretariat was Secretary to the Delegation.

**Cyprus:** On the invitation of the House of Representatives of the Republic of Cyprus, an Indian parliamentary Delegation led by Shri R. Prabhu, Minister of State in the Department of Fertilizers in the Ministry of Agriculture visited Cyprus from 15 to 20 May 1987. Besides the leader, the Delegation consisted of Dr. Manoj Pandey, Sarvashri R. Annanambi, Kamalendu Bhattacharjee, D.B. Chandre Gowda and Bholanath Sen, all members of Parliament. Shri R.C. Bhardwaj, Deputy Director (BPST and Protocol), Lok Sabha Secretariat was Secretary to the Delegation.

**Nepal:** On the invitation of the Chairman of the Rashtriya Panchayat of Nepal, an Indian parliamentary Delegation led by Shri Chintamani Panigrahi, Minister of State in the Ministry of Home Affairs visited Nepal from 27 May to 1 June 1987. Besides the leader, the Delegation consisted of Dr. K.G. Adiyodi, Dr. Ratnakar Pandey, Sarvashri Chintamani Jena, J. Chokka Rao, Bezawada Papi Reddy, and Jerlie E. Tariang, all members of Parliament. Shri J.P. Singh, Joint Secretary, Rajya Sabha Secretariat was Secretary to the Delegation.

**PARLIAMENTARY DELEGATIONS TO INDIA**

**Colombia:** In response to an invitation from the Parliament of India, a 13-member Colombian parliamentary Delegation led by His Excellency Dr. Jorge Cristo Sahium, Vice-President of the Senate visited India from 2 to 9 May 1987. The delegates were accompanied by their wives. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 6 May 1987 who hosted a banquet in their honour on the same day. The delegates called on Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha on 8 May 1987. A meeting between the delegates and members of



our Parliament was held on the same day. Besides Delhi, the delegates visited Agra and Srinagar.

**Republic of Korea:** In response to an invitation from the Parliament of India, a 6-member parliamentary Delegation from the Republic of Korea (South Korea) led by His Excellency Mr. Joong-Dong Kwon, MP, former Minister of Labour and Head of Delegation of the Korean-Indian Parliamentarians' Friendship Association visited India from 7 to 12 April 1987. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri Narayan Datt Tiwari, Minister of External Affairs on 8 April 1987. Dr. Jakhar hosted a banquet in their honour on the same day. A meeting between the visiting delegates and members of our Parliament was also held on that day. The Delegation called on Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs, Food and Civil Supplies on 9 April 1987. Besides Delhi, the delegates visited Agra.

**Mongolia:** In response to an invitation from the Parliament of India, a Mongolian parliamentary Delegation led by His Excellency Mr. Bat-Ochirin-Altangerel, Chairman of the Great People's Khural visited India from 16 to 22 April 1987. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri H.K.L. Bhagat, Minister of Parliamentary Affairs, Food and Civil Supplies on 16 April 1987 and Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha on 20 April 1987. The Speaker, Lok Sabha hosted a banquet in their honour on 16 April 1987. A meeting between the visiting delegates and members of our Parliament was held on 21 April 1987. Besides Delhi, the delegates visited Agra and Jaipur.

**Switzerland:** In response to an invitation from the Parliament of India, His Excellency Mr. Jean-Jacques Cevey, President of the National Council and Mr. Jean-Marc Sauvant, Secretary-General of the Federal Assembly of Switzerland visited India from 3 to 7 April 1987. They called on Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha and Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 3 April 1987, and the Prime Minister on 6 April 1987. A meeting between the visiting President of the National Council of Switzerland and members of our Parliament was held on 6 April 1987. The Speaker, Lok Sabha hosted a lunch in their honour on the same day. Besides Delhi, they visited Khajuraho and Agra.

#### BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 April to 30 June 1987, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat:

**Appreciation Course for Officers/Probationers of All India and Central Services:** Four Appreciation Courses on parliamentary processes and

procedures were organised by the Bureau, viz., Fifth and Sixth Appreciation Courses for Probationers of Indian Police Service—20 to 24 April 1987, and 27 April to 1 May 1987 respectively; Third Appreciation Course for Officers of Public Enterprises—11 to 16 May 1987; Fifth Appreciation Course for Indian Economic Service Probationers—19 to 25 May 1987; Second Appreciation Course for (i) Audit Officers and (ii) Probationers of Indian Postal Service—1 to 5 June 1987; Second Appreciation Course for Probationers of Indian Railways Service of Signal Engineering—8 to 12 June 1987; and Tenth Appreciation Course for Section/Desk Officers in the Ministries/Departments of Government of India—22 to 26 June 1987.

*Attachment Programme for participants from Afro-Asian and Pacific countries in the International Training Programme on 'Audit of Receipts':* This Programme initiated by the Office of the Comptroller and Auditor-General of India for participants from Afro-Asian and Pacific countries in the International Training Programme on 'Audit of Receipts' was conducted by the Bureau from 4 to 5 May 1987. The Programme, which was attended by 29 participants, was inaugurated by Shri B.R. Bhagat, MP. It was intended to acquaint the participants with the Indian parliamentary system.

*Attachment Programme for Commonwealth Fellows under the Commonwealth Fellowship Foundation Scheme:* The programme was organised by the Bureau from 18 to 19 May 1987. It was inaugurated by Shri Inderjit Gupta, MP. Fourteen participants from various Commonwealth countries attended the Programme. It was intended to acquaint the participants with the Indian parliamentary system.

*Attachment Programme for an Officer of Himachal Pradesh Vidhan Sabha Secretariat:* At the request of the Himachal Pradesh Vidhan Sabha Secretariat, the Bureau organised an Attachment Programme for Shri Ajit Singh, Documentation Officer, Himachal Pradesh Vidhan Sabha Secretariat from 4 to 12 May 1987, to enable him to study the working of various units, in particular the Documentation Wing, of the Library, Reference, Research and Information Service of the Lok Sabha Secretariat.

*Study Visits:* At the request of various training institutions, the Bureau organised six Study Visits for, among others, (i) Probationers of Indian Telecommunication Service; (ii) District and Sessions Judges, Senior Superintendents of Police and Defence Personnel Officers; and (iii) Deputy Commissioners of Sales Tax and Senior Sales Tax Officers.

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## PRIVILEGE ISSUES

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### LOK SABHA

*Alleged misleading of the House by a Minister:* On 6 April 1987, the Speaker (Dr. B.R. Jakhar) observed that he had received several notices of privilege under rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha as well as under Direction 115 in regard to the statements made by the Minister of State for Finance on the question of engaging the services of a foreign agency, namely, Fairfax Group, of the United States. He added that he had also received several notices under rules 184 and 193 demanding a discussion on the subject and/or on the statement made by the Prime Minister in the House on 3 April.

The Speaker further observed that earlier in response to the notices received under rule 193 from Professor Madhu Dandavate and Sarvashri S. Jaipal Reddy and Ram Bahadur Singh on 24 March 1987, he had allowed a discussion on the subject on 31 March 1987 because he strongly felt that such a discussion could not be barred and Parliament was entitled to know the full facts in the possession of Government. In reply to the discussion, the Minister of State for Finance had clarified the position and had tried to answer the various points raised by members.

Dr. Jakhar noted that subsequently the newspapers published reports of an interview purported to have been given by the President of the Fairfax Group. On 3 April 1987, Sarvashri Jaipal Reddy and E. Ayyappu Reddy gave notices under Direction 115 pointing out that there had been discrepancies in the Minister's statement read in conjunction with the aforesaid interview. He added that he had also received notices of privilege from Professor Madhu Dandavate and Shri Madhav Reddy on the same subject. He referred all those notices to the Minister of State for Finance for comments, who in his reply dated 3 April 1987, pointed out that the only basis for the allegation was a news item published in a daily newspaper purported to be a statement of a foreign national. The Speaker further noted that the Minister had stated that whatever he had said in reply to the debate in the House was based on the information and on the records available with the Government and there was no attempt or intention on his part to conceal the facts or to mislead the House.

The Speaker observed that every Minister was a member of Parliament, was part of Parliament and responsible to the House. Once he had made a statement on the floor of the House it was presumed that the same was made with full sense of responsibility and was to be accepted as such unless incontrovertible evidence to the contrary was brought before the House. He found that in the instant case the Minister's statement was sought to be controverted only on the basis of certain statements by certain individuals as published in the newspapers. In the absence of any authentic evidence, he said he had to rely on the Minister's statement on the floor of the House. There was nothing to prove that the Minister had made an incorrect statement or one deliberately to mislead the House. As such, he ruled out all notices of breach of privilege on the subject.

Dr. Jakhar added that so far as notices under Direction 115 received from Sarvashri Jaipal Reddy and E. Ayyappu Reddy were concerned, the Minister of State for Finance his reiterated in his letter of 6 April 1987 that whatever he had said in the House on 31 March 1987, was based on the information available with the Government in the Finance Ministry.

The Speaker recalled that the Prime Minister had made a statement in the House on 3 April 1987, announcing the appointment of a sitting Judge of the Supreme Court to go into the entire affair with a view to set all controversies at rest. After the Prime Minister's statement, several members stood up and wanted some clarifications. He observed he had pointed out that in the light of the specific provisions of rule 372, he could not allow any question to be raised. However, several members from both sides of the House continued to speak without his permission. He strongly deprecated the tendency on the part of the members to stand up in groups and impede the orderly conduct of business. In such a situation, the observations of the members could not be recorded. While there was no question of expunction on his part of any portion of the members' speeches, except what was unparliamentary, he reiterated that in such situations, nothing that was spoken without his permission could form part of the record of the House. He once again clarified the position and sought members' cooperation in the matter.

After the Prime Minister's statement, he noted, he had again received a notice of privilege under rule 222 from Shri Bhattam Sriramamurthy. He had also received notices under rule 184 from Shri Somnath Chatterjee and 25 other members seeking to discuss the issue. Notices under rule 193 had also been received from Shri Amal Datta, Shri Madhav Reddy, Professor Madhu Dandavate and nine other members.

Dr. Jakhar further noted that the points raised by the members in those notices were—(a) by appointing a Judge to inquire into the matter, a discussion on the subject in the House was intended to be barred; and (b) instead of instituting an enquiry by a sitting Judge of the Supreme Court, a parliamentary committee be asked to go into the entire affair.

The Speaker reiterated what he had earlier said that the House was fully entitled to discuss all matters of public importance involving ministerial responsibility to the House. He, therefore, ruled that notices under rules 184 and 193 for discussion on the Prime Minister's statement were both admissible. He left it to the House to have a full discussion on the Prime Minister's statement either under rule 184 or under rule 193. He added that the discussion could be held rightaway, if the House so desired. But before the discussion started, if the Government desired to further clarify the statement made on 3 April, they might do so.

*Alleged misleading of the House by a Minister:* On 21 April 1987, the Speaker (Dr. B.R. Jakhar) observed that on 9 April 1987, Professor Madhu Dandavate had given notice of a question of privilege against Shri Brahma Dutt, Minister of State for Finance, for allegedly misleading the House deliberately while replying to the discussion on the question of engaging the Fairfax Group of the United States by the Ministry of Finance on 31 March 1987. Professor Dandavate had objected to the following statement made by the Minister of State for Finance:

"An allegation has been made that some cases had been withdrawn. In the history of this country, one case was withdrawn in 1979..... A person calling himself a newspaper proprietor who is also having some other business, had floated a bogus firm and the Income Tax Officers had prosecuted that bogus firm. CBI had also filed a case of forgery against the firm. But what happened? He filed a petition before the Income Tax Settlement Commission and he was granted immunity by the Commission but the CBI said that the immunity could be granted in relation to tax evasion but not in relation to forgery. But it is our misfortune that you had appointed such a person as the Solicitor General—I am referring to 1979..... During that period he gave this opinion that the immunity was in relation to Income Tax evasion as well as in relation to the criminal case of forgery.".....

The Speaker further observed that Professor Dandavate had enclosed a copy each of two statements purported to have been issued by two former Solicitors General, namely Sarvashri Soli J. Sorabjee on 6 April 1987 and S.N. Kacker on 7 April 1987. Both had been marked "To whomsoever it may concern" and duly authenticated by Professor Dandavate. Shri Sorabjee had categorically stated that he did not give any advice whatsoever of any kind in the above matter. Shri Kacker too had stated that it was not correct at all that he had ever given any opinion recommending any immunity from the charge of forgery in connection with income tax settlement or any other matter.

Dr. Jakhar noted that on the strength of the above affirmations, Professor Dandavate had contended that Shri Brahma Dutt, the Minister of State for

Finance had made baseless allegations against the Solicitors General during the tenure of Governments headed by Shri Morarji Desai and Chaudhary Charan Singh.

The Speaker added that he had called for the comments of the Minister of State for Finance in the matter, who had stated *inter alia* as follows:

"Shri Dandavate has tried to prove that I was wrong with the facts. He has based his arguments on the copies of two letters from Shri S. Sorabji and from Shri S.N. Kacker who were holding the post of Solicitor-General in 1979.

It is apparent from my reply that I had referred to one person as Solicitor-General.....

On 7.4.1975, ITO Bombay made a complaint against Shri R.N. Goenka, some of his firms and some other individuals. On the basis of this complaint, CBI registered a case on 21st April, 1975 u/s 120-B, r/w 420, 466, 468, 471, 477-A, IPC and 420 r/w section 5(II) L.P.C. and 420, 466, 468, 471, 477-A IPC and section 5(2) r/w section 5(1)(D) of the P.C. Act. It was alleged that Shri Goenka and his firm entered into a criminal conspiracy around April 1971 and floated a firm under the name and style of 'Express Traders', by antedating partnership deed and committing forgery in the records of Income-Tax Departments and the Stamp Office of Maharashtra to indicate that the firm came into existence on 1.10.1970. The motive was that this firm suffered a loss of about Rs. 85,62,665/- and the loss was sought to be set off against the benefit made by other firms of Shri R.N. Goenka.

Before filing the complaint by the CBI, ITO of Sector 22 (Central Range-2 Bombay) had filed a complaint in the court of Additional Chief Metropolitan Magistrate—XIX Bombay against Shri R.N. Goenka and others u/s 277, 278 Income Tax Act (case No. 140/S of 1974).

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One of the accused, a firm M/s. Express Traders, filed a petition before the Settlement Commission for the settlement of the Income Tax cases. In this they requested immunities from the Settlement Commission u/s 245-H of the I.T. Act, 1961. While the case was posted for appearance of the accused, the Settlement Commission issued orders dated 3.12.1977 staying the proceedings going on in the court of Additional Chief Metropolitan Magistrate, Bombay in both the CBI charge-sheet and the complaint filed by the ITO. Settlement Commission on 27.2.1978 accepted the offer of settlement and granted immunity to Shri Goenka and some others u/s 245-H of I.T. Act.

The order of Settlement Commission was examined in consultation with the legal advisers of CBI. They were of the opinion that the Commission was not competent to grant immunity in the CBI case.

On 9.5.1978, opinion of the Ministry of Law was sought which was sent to the then Solicitor General of India, Shri S.N. Kacker, on 8.9.1978.

Shri Kacker gave his opinion in two letters, first dated 6th October, 1978 and second dated 12th December, 1978. Shri Kacker held that the Commission was competent to grant the immunity in respect of Income-tax as well as all other Central Acts including IPC and no further action could be taken in respect of those matters in any court of law.

On the opinion of the Solicitor General, the Ministry of Law advised DP&T to concede the defence and not to agitate into the matter.....CBI had to concede and the Additional CMM discharged the accused on 7th March, 1979."

The Speaker further noted that the Minister of State for Finance had enclosed authenticated copies of Shri Kacker's opinion dated 6 October and 12 December, 1978. Dr. Jakhar then quoted from the opinions given by Shri S.N. Kacker. In his opinion dated 6 October 1978, Shri Kacker had stated *inter alia* that he did not agree with the objections taken by the CBI that no immunity under Section 245-H could be granted in respect of prosecutions which had been initiated before proceedings under Chapter XIX-A had been commenced. Shri Kacker was also of the view that paragraph 9.9, when properly construed, purported to grant a complete immunity in respect of all prosecutions whether under Income Tax Act or under Indian Penal Code or under any other Central law for the time being in force. In his opinion dated 12 December 1978, Shri Kacker further stated that the direction or order granting immunity made by the Settlement Commission would apply to the CBI cases also.

On a perusal of the records produced by the Minister, particularly the detailed and categorical answers given by Shri S.N. Kacker on 6 October 1978 and 12 December 1978, the Speaker said he found that the statement purported to have been issued by Shri Kacker on 7 April 1987, and relied upon by Professor Madhu Dandavate appeared to contradict the opinion given by Shri Kacker in October and December 1978 on a reference made to him in that regard. Reference to the statement purported to have been issued by Shri Sorabjee on 6 April 1987, was not relevant as his opinion was never sought by the Government in the matter, he added.

In view of the above, the Speaker felt that the notice of question of privilege lacked factual basis. He added that in that connection, certain

other allegations made by Professor Dandavate during his speech in the House had been categorically refuted by the Minister in his reply. In the circumstances, the Speaker considered that the member should have checked up the facts carefully by writing to the Minister if necessary, rather than seeking to raise the issue as one of privilege on the basis of newspaper reports.

While ruling out the question of privilege, he urged upon the members to refrain from raising privilege issues unless they were sure of the facts.

Immediately after the ruling, several members sought to discuss the Speaker's ruling in the House. The Speaker thereupon observed that the Speaker's rulings could not be questioned except on a substantive motion. A member who protested against the ruling of the Speaker committed contempt of the House and the Speaker. The Speaker's decision was equally binding, whether given in the House or on a departmental file. He was not bound to give reasons for his decisions. Members could not criticise directly or indirectly, inside or outside the House, any ruling given, opinion expressed or statement made by the Speaker.

*Alleged misleading of the House by a Member:* On 27 April 1987, the Speaker (Dr. B.R. Jakhar) observed that on 15 April 1987, Shri H.N. Nanje Gowda, Shrimati B. Basavarajeswari and Dr. G.S. Rajnans had given a joint notice of question of privilege against Professor Madhu Dandavate for allegedly misleading the House wilfully on 17 November 1983, while participating in the discussion on "the need for Electoral Reforms with special reference to Defections" under rule 193 of the Rules of Procedure and Conduct of Business in Lok Sabha.

The Speaker further observed that in their notice, the members had stated *inter alia* that Professor Dandavate had told the House when he referred to the so called "Moily tape" episode, that money was sent from Delhi and also that the Karnataka Chief Minister was in possession of the finger prints on the bundles of currency notes.

Referring to the above statement, the members had further stated that the Desai Commission which went into the inquiry had since held that what was told in the Lok Sabha by Professor Dandavate was not correct. The members had alleged that just to create an impression in the public, Professor Dandavate had wilfully and purposely misled the House on 17 November 1983.

The Speaker said he had gone through the Report submitted by the Desai Commission. Para 8 of the Report *inter alia* referred to statement of Professor Dandavate on the floor of Parliament that finger impressions on the bundles of Rs. 2 lakh currency notes had been taken and they were in possession of the Chief Minister of Karnataka. It said that Hon'ble Chief Minister did not have the finger prints alleged to have been taken from the



The Deputy Speaker further observed that even before the notice of a resolution for removal of the Speaker was received by the Secretary-General, as required under rule 200 of the Rules of Procedure, it had been widely and repeatedly mentioned in the Press that such a notice was being given. After the notice was given on 30 March 1987, a member stated on the floor of the House that he took the responsibility of saying that he had given that information to the Press.

To take the privilege issue first, Shri Thambi Durai noted that he had looked into the matter in depth. He informed the House that giving of advance publicity to notices for raising matters in the House was in contravention of rule 334 A of the Rules of Procedure and Conduct of Business in Lok Sabha, that "A notice shall not be given publicity by any member or other person until it has been admitted by the Speaker and circulated to members."

The Deputy Speaker further noted that the rule was thus quite clear and what had been done was a violation of the rule. Successive Speakers had ruled that it was a breach of propriety to give advance publicity to notices which were yet to come up before Parliament for consideration.

The Deputy Speaker referred to a similar case in 1975 when premature publicity was given to a notice of motion for removal of the Speaker by a newspaper. When a member sought to raise the matter in the House, the Speaker had *inter alia* observed that "procedure should be followed correctly and in spirit. I respect the Constitution. I respect the rules. But I also expect that the liberty should not be converted into a licence." Shri Thambi Durai noted that in view of the unconditional apology tendered by the Editor of the *United News of India*, the matter was treated as closed.

In view of the wide publicity that had been given in the instant case, the Deputy Speaker reminded the members that the rules and well-established conventions of the House applied to all sides of the House equally. They bound not only the Presiding Officers themselves but also every member on every side of the House. Neither the members of the ruling party could violate them with impunity simply because they were in majority, nor could the Opposition members flout them because they were in the Opposition. The Deputy Speaker, therefore, held that the extensive and repeated publicity given to the notice for removal of Speaker not only after it had been received by the Secretary-General but even before that, was most unfortunate and deplorable. Matters concerning day-to-day functioning of the House were best settled through well-settled parliamentary channels rather than through the columns of the Press. He, therefore, urged upon all sections of the House to cooperate with the Chair in the observance of the rules and well-established conventions of the House. He also urged upon the Press to refrain from giving publicity to notices in clear contravention of the rules.

currency notes as was clear from the letter received from the Chief Minister's Secretariat. It further said that Shri Byre Gowda also had admitted that the currency notes were handled by many persons and it was impossible to get finger prints and no finger prints had been taken.

As regards the amount having been drawn from the Sadar Bazar Branch of the State Bank of India, Delhi, the Speaker referred to the findings of the Commission on page 43 of its report, which stated that according to Shri C. Byre Gowda, as one of the bundles of currency notes contained account slip of the State Bank of India, Sadar Bazar, Delhi, he thought that the amount had come from New Delhi. But the Manager of the State Bank of India, Sadar Bazar, Delhi, had in his letter dated 15 April 1986 stated that he was unable to say that the said bundle was issued from their Bank to any of the account holders on 14 September 1983 or subsequently. He had also written to say that the Congress(I) Party and the Janata Party had no accounts in that Bank. Therefore, it was not possible to trace the source from which the amount (M.O.1) came to Bangalore, the Commission said.

The Speaker noted that on being called for his comments, Professor Madhu Dandavate had *inter alia* stated that in his observations in the Lok Sabha on 17 November 1983, he had relied on the information given to him by his colleagues in Karnataka. However, Desai Commission appointed by the Karnataka Government had clearly stated that there was no evidence of the Chief Minister possessing those finger impressions.

The Speaker further noted that Professor Dandavate had stated that under such circumstances in the highest parliamentary tradition he unhesitatingly offered his regrets for his observations in the House on 17 November 1983 and assured him that he had no intention to mislead the House.

In view of the regrets expressed by Professor Dandavate the Speaker withheld his consent to the raising of the matter in the House as a question of privilege.

*Giving advance publicity to a notice by the Press:* On 15 April 1987, when the House took up the motion for leave to move the resolution regarding removal of the Speaker given notice of by Shri Somnath Chatterjee and 14 other members on 30 March 1987, the Deputy Speaker (Shri Thambi Durai) observed that the notice had been extensively reported in the newspapers of 31 March 1987. He added that the same day, *i.e.* on 31 March 1987, three members, *viz.* Sarvashri Ram Singh Yadav, Pratap Bhanu Sharma and Shanta Ram Naik, gave notices of question of breach of privilege under rule 222 against *The Times of India, Hindustan Times, Indian Express* and *The Statesman* for giving advance publicity to the notice of motion for removal of Speaker in their issues of that date. The matter was sought to be raised by the members in the House on 31 March itself and again on 1 April 1987.

The Deputy Speaker felt that so far as the question of breach of privilege was concerned, according to well established parliamentary practice, usage and convention, it was improper, although not technically a breach of privilege or contempt of the House, to give, for any reason, premature publicity in the Press to notices of motions, etc. Breaches of rules, conventions and practices were not regarded as breaches of privilege. He noted that breaches of rules and propriety might invite the censure of the House on a proper motion or displeasure of the Speaker but could not be allowed to be raised as breaches of privilege or contempt of the House. He, therefore, did not give his consent to Sarvashri Ram Singh Yadav, Pratap Bhanu Sharma and Shantaram Naik to raise the matter as one of privilege.

## FOREIGN COUNTRIES

### AUSTRALIA

#### HOUSE OF REPRESENTATIVES

*Circulation of the report of a Standing Committee before its presentation to the House:* On 22 May 1985, Mr. Sinclair, a member sought to raise a question of privilege and stated<sup>1</sup> as follows:

"The honourable member for Grayndler (Mr. Leo McLeay) disclosed in the course of his remarks that a final draft of the report of the Standing Committee on Expenditure which is under consideration by this House was submitted to a counsel who apparently had been briefed at an earlier stage by the Committee. Under the laws of our privilege any paper that is to be presented to the Parliament must be presented to the Parliament first. If it is submitted without the approval of the Committee to any outside person it is a breach of privilege of this place. I suggest to you, Madam Deputy Speaker, that that report, being submitted to an outside counsel should now be considered by you as a matter of parliamentary privilege and referred to the Privileges Committee, wherein it can be examined and considered as a matter which is not in accordance with the practice of this place and a proper censure registered on the person concerned."

The Deputy Speaker (Mrs. Joan Child) then observed<sup>2</sup> as follows:

"In accordance with the practice in these matters, I will give consideration to the issues raised by the right honourable member and advise the House of my decision in due course."

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1. *House of Representatives (Australia) Deb.*, 22 May 1985, p. 2,964.

2. *Ibid.*

On 23 May 1985, the Speaker (Mr. Henry Alfred Jenkins) observed<sup>3</sup> as follows:

"During debate on the motion to take note of the report presented yesterday by the House of Representatives Standing Committee on Expenditure on the Aboriginal Development Commission the Leader of the National Party of Australasia (Mr. Sinclair) raised as a matter of privilege the provision of the draft report of the Committee to counsel who had been briefed at an earlier stage by the Committee.

The unauthorised or premature disclosure or publication of Committee evidence, documents, proceedings or reports is a breach of Standing Order 340, and is a traditional category of contempt. I refer to House of Representatives Practice, pages 660-61; and *May's Parliamentary Practice* Volume 20, pages 153-54. On 9 April, 1985, following a request from the Chairman of the Committee, I approved the appointment of a specialist adviser to assist the Committee in respect of evidence taken in the 33rd parliament concerning the Aboriginal Development Commission. The purpose of the engagement of Mr. J. Coombs, QC, the adviser selected by the Committee, was to examine material collected in the course of the Committee's inquiry into the Aboriginal Development Commission and to:

- (a) assess the quality of the material;
- (b) evaluate the material and indicate whether, if proven, the allegations made therein would indicate criminal conduct on the part of any persons; and
- (c) make recommendations as to the possible referral of all or any of the allegations to an investigating authority and, if so, to which authority.

The question that must be addressed in considering the complaint raised by the Leader of the National Party is whether or not the action of the Chairman of the Committee in making the draft report available to Mr. Coombs constitutes an act of unauthorised or improper publication. Clearly there is no difficulty in the disclosure to Mr. Coombs of the material collected in the course of the Committee's inquiry into the Aboriginal Development Commission, as, by the terms of his

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3. *Ibid.*, 23 May 1985, p. 3,080.

engagement, he was a consultant to the Committee for the very purpose of examining this material.

I turn now to the substance of the matter raised by the Leader of the National Party, that is, making available to Mr. Coombs of a copy of the draft report. The Chairman of the Committee freely advised the House that he had circulated a copy of the draft report to Mr. Coombs. It would appear that, in making the circulation, the Chairman believed that he was acting within the terms of Mr. Coomb's engagement to assist the Committee. I am not in a position to judge the belief of the Chairman in this respect. However, it is hard to imagine that the Chairman would have freely revealed that he had sent the draft report to Mr. Coombs if he believed that he was acting in contravention of the Standing Order.

In summary, the unauthorised disclosure of Committee evidence or reports of a Committee which have not been reported to the House is a contempt. However, there does not appear to be a precedent paralleling the matter now before the House. In these circumstances, if the House wishes to pursue the matter further, I am prepared to allow a motion to have precedence."

Mr. Sinclair then stated<sup>4</sup> as follows:

"Mr. Speaker, I think in the circumstances, having just dealt with a valedictory motion for the Clerk of the House, we are all a bit overwhelmed by the nature of the responsibilities we bear. It is very easy in this place to play politics. I feel quite strongly that no chairman of a parliamentary committee should act without the authority of the committee. I am concerned that the Standing Orders should be complied with in any committee proceedings if our committee system is to survive.

I think all of us in this place are conscious that the Senate has developed a Committee system—a system which has somewhat usurped that in this place. No one here would want to see this place in any way playing second fiddle to the other Chamber. In those circumstances, it would be easy for me to refer this matter to the Standing Committee on Privileges. I am loath to do so because I believe that the Chairman of the Standing Committee on Expenditure acted in good faith. I think, however, that every member of this place would want it to be put on notice that we on this side of the House do not believe that any member of the

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4. *Ibid.*, p.3,681.

Government should act without in any way consulting with the members of his Committee. In a divided Committee, particularly one divided on a resolution of a Committee's proceedings which we on this side of the House feel very strongly needs to be pursued further, I think it is even less appropriate that the matter be considered the way it is. Therefore, I would not propose at this stage to refer it to the Privileges Committee. I believe it is important that the honourable member for Grayndler (Mr. Leo McLeay) and every other Chairman of a Committee of this place act in accordance with Standing Orders and in particular they ensure that the Standing Orders are complied with."

Mr. Leo McLeay, a member and Chairman of the Standing Committee on Expenditure then stated<sup>5</sup> as follows:

"Thank you, Mr. Speaker, for your indulgence. I also thank the Leader of the National Party (Mr. Sinclair) for his remarks. When the Leader of the National Party raised what he felt was a matter of privilege, I assured the House last night that I was of the firm opinion, as I still am, that Mr. Coombs was in the employ of the Standing Committee on Expenditure. As Chairman, in preparing my draft report for the Committee, I had the right and the entitlement to speak to him—as one would speak to any other Committee staff member—on my views, which I did.

I accept the remarks of the Leader of the National Party. I too would do my utmost to see that no one breached the Standing Orders. As Chairman of the Committee, I assure the House that it would not cross my mind to do that, purposely or not purposely. I thank the Leader of the National Party for his understanding in this matter, and I thank the House."

SENATE

*Premature disclosure of and misrepresentation regarding an amendment to a Bill by a departmental officer:* On 23 April 1985, Mr. Janine Haines, a member, sought to raise a question of privilege and stated<sup>6</sup> as follows :

"I raise a matter of privilege pursuant to Standing Order 118. Recently amendments were prepared for moving in the Senate in respect of the Supported Accommodation Assistance Bill. These amendments were prepared purely for the purpose of

5. *Ibid.*

6. *Senate (Australia) Deb.*, 23 April 1985, pp. 1390-91.

the proceedings in the Senate and were not disclosed except to honourable Senators, and only to some honourable Senators, for the purpose of discussion of the forthcoming proceedings. It appears that a departmental officer has improperly discussed the amendments with interest groups, has misrepresented the nature of the amendments and has caused those interest groups to approach honourable Senators on the basis of the misrepresentation.

I received a telephone call prior to Question Time from a worker in a non-government organisation with regard to an amendment which she alleged I was moving to this legislation. I was rather puzzled because, as the conversation ensued, she was clearly referring to an amendment foreshadowed by another honourable Senator during the debate last night, although I had in fact prepared an amendment to that amendment. Although I had prepared an amendment to that amendment, I was puzzled as to how she could have known about the amendment I had prepared, as it had had fairly limited circulation at that stage. Some time later, near the end of Question Time, I received a note from a member of Senator Chipp's staff who had been contacted by welfare organisation representatives saying that they had been told by a departmental officer that Senator Haines, on behalf of the Australian Democrats, had an amendment which the department did not like.

Since then, my office in South Australia has been inundated with phone calls from representatives of organisations concerned that a Democrat amendment is to be introduced with the apparent intention, deliberate or otherwise, to hold up or destroy the Supported Accommodation Assistance Programme legislation. Apart from the fact that the amendment I prepared this morning could not do any of those things, I am concerned about suggestions that it could. Similar calls have gone to Senator Chipp's office in Melbourne and to his office here and, I understand, to Senator Grimes' office here. None of the callers appears to know what is in the alleged amendment but are acting on information that has come, directly or indirectly, as I understand it from the departmental officer concerned that the amendment would, in fact, damage the Supported Accommodation Assistance Bill and, therefore, funding to non-government organisations.

As you are aware, Mr. President, there are sound authorities for the proposition that the protection which applies to proceedings in either House under Section 49 of the Constitution also extend to the preparation of and dealing with documents which are

prepared wholly for the purpose of those proceedings. Therefore, it would be open to the Senate to treat as a contempt improper dealings with such a document, for example, an amendment which has been prepared for moving in the Senate. Therefore, I move:

'That the following matter be referred to the Committee of Privileges—The improper disclosure and misrepresentation by a departmental officer of an amendment prepared for moving in the Senate.

In moving the motion, I indicate that, should the matter be referred to the Committee, I will provide the Committee with whatever further details of the incident I have outlined it requires."

The motion was adopted by the House.

The Committee of Privileges, in their Ninth Report presented to the House on 16 September 1985, reported *inter alia* as follows :

- (i) "...It was resolved that Senator Haines be asked to provide written information relating to the Committee's terms of reference."
- (ii) "In the Committee's view, Appendices A<sup>7</sup> and B<sup>8</sup> set out fully the circumstances of the case, and the Committee makes no comment

7. Appendix A contained extracts from the *Senate Hansard*, 23 April 1985, pp. 1390-91.

8. Appendix B contained Committee's letter to Senator Haines and her response thereto together with an enclosure. Senator Haines' letter read *inter alia* as follows:

"You may recall that the Senate was debating the Supported Accommodation Assistance Bill on April 22nd. Although I was on the Speakers' List, the Senate adjourned before I was able to speak. The only non-Government Speaker on the Bill that day was Senator Messner.

Part of Senator Messner's speech was devoted to discussing a proposed Opposition amendment, the aim, of which was to have guidelines treated as regulations and hence made subject to parliamentary scrutiny.

While I could see some merit in this proposal, I felt that there had already been long delays in establishing the guidelines. Furthermore, the possibility of the already determined guidelines being subject to disallowance was going to cause, or was likely to cause, additional delays because State Governments and non-Government organisations were also involved. As a result, I indicated privately to both Senator Messner and Senator Grimes that I would be recommending to my Party colleagues that we amend Senator Messner's amendment so that the requirement for parliamentary scrutiny affected future guideline changes only. The draft of my amendment was not available until the morning of April 23rd. It was not distributed to anyone other than Senator Messner's office.

It was with some surprise, therefore, that I took a phone call from a woman who said she represented a Youth Housing Group in Canberra and who expressed concern at my (i.e. the Democrat's) amendment to the SAAP guidelines' status. The bells were ringing for Question Time so I pointed out her mistake and thought no more about it. Later in the afternoon one of Senator Chipp's staff expressed concern that Don's offices in Parliament House and Melbourne were receiving calls from people affected by SAAP who were worried about the 'Democrats' amendment' (*sic*).



on them. The Committee regards it as unfortunate that the present situation has arisen and emphasizes that officers who receive information in the course of their employment have an obligation to treat it in accordance with their responsibility as public servants."

- (iii) "The Committee considers, however, that further action is not appropriate and therefore *recommends* to the Senate that the matter be not further pursued."

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(footnote contd. from pre-page)

Further probing indicated that the information about the alleged amendment came from someone named Carolyn in the Department of Community Services who had rung one or more organisations to suggest that people lobby the Democrats to stop us from going ahead with the amendment. (At least one phone call had also been received by Senator Grimes' office in Parliament House. Eminently sensible as usual Netta Burns expressed lack of knowledge of the matter and suggested I be contacted—something which few callers had thought to do!)

By this stage I was extremely angry indeed. Clearly one of two things had happened: either a well-meaning Departmental Officer had misheard the previous night's debate (although how anyone can confuse me with Tony Messner I can't understand), or somehow a copy of my own amendment (which had not even been alluded to in the Parliament) had 'leaked'.

Since every caller was quite adamant that the amendment she/he was concerned about was a Democrat one, the second of those possibilities seemed the more likely. Debate on the Bill was not due that day and I was advised that the only way to clear the matter up was to refer it to your Committee. This I did.

Subsequent inquiries elicited the identity of the officer who had delivered to me a letter indicating that it had not been her intention to mislead anyone and I enclose a copy of her letter."

The enclosure to the letter read *inter alia* as follows:

"I am writing to you regarding the matter of privilege which you raised in connection with the Supported Accommodation Assistance Bill 1985 in the Senate on 23 April 1985.

\* \* \* \* \*

In this context, on the morning of Tuesday 23 April 1985, I discussed with two non-government organisations publicly known matters relating to the progress of the SAAP Bill through Parliament. The discussions related to the effect of the Liberal Party amendment proposed (and defeated) in the House of Representatives on the previous Friday. We also discussed what might happen to the Liberal Party amendment in the Senate, to be debated that day. The position taken by the Australian Democrats would clearly be important to any interested person. I suggested that if the organisations wanted clarification of the Australian Democrats' position they should ask you, as the spokesperson on welfare matters.

\* \* \* \* \*

I was not aware of any Australian Democrat amendment until just after Question Time on the same day (2 p.m.) when Rae Porter of Shelter informed me about the conversation she had had with you. She told me that you had said that you wanted the SAAP guidelines to be subject to parliamentary scrutiny as regulation but were willing to let them go through now.

I spoke to no other organisation until approximately 4 p.m. when I spoke to Ian Corr of ACOSS. I believe in that conversation I referred only to the Liberal Party amendment.

You have my sincere assurance that I did not seek at any time to hinder your role as Senator. I would be happy to discuss these matters further with you at any time."

On 16 September 1985, Mr. B.K. Childs, Chairman of the Committee of Privileges while moving 'that the Report be adopted' stated<sup>9</sup> as follows:

"The question which is the subject of the Committee's report was referred by the Senate, on the motion of Senator Haines, on 23 April 1985. The report includes, at appendices A and B, details of the case. The Committee has concluded that it is unfortunate that the situation arose and reminds officers of the Australian Public Service that they have an obligation to treat information received in the course of their employment in accordance with their responsibility as public servants. The Committee considers, however, that further action is not appropriate and therefore recommends to the Senate that the matter be not further pursued."

The debate on the motion was adjourned and taken up on 18 September 1985 when the motion was adopted<sup>10</sup> by the House.

UNITED KINGDOM

HOUSE OF COMMONS

*Alleged premature disclosure of the draft report of a Parliamentary Committee by a newspaper:* On 12 March 1985, the Speaker (Mr. Bernard Weatherill) observed<sup>11</sup> as follows :

"I have received a complaint from the hon. and learned Member for Fylde (Sir E. Gardner), Chairman of the Home Affairs Select Committee, about a report in *The Times* on 6 March which purports to give an account of a draft report that has been circulated to members and staff of that Committee, and was strictly limited to them. I am satisfied that the hon. and learned Gentleman's complaint is entitled to precedence and accordingly, if he tables a motion relating to it, it will stand as first business tomorrow."

On 13 March 1985, Sir Edward Gardner, Stated<sup>12</sup> as follows:

"I beg to move,

That the report in the *Times* newspaper of 6th March concerning the draft report of the Chairman of the Home Affairs Committee

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9. *Senate (Australia) Deb.*, 16 September 1985, p. 576.

10. *Ibid.*, 18 September 1985, p. 715.

11. *House of Commons Deb.*, 12 March 1985, c. 147.

12. *Ibid.*, 13 March 1985, c. 319.

on the Special Branches of the police be referred to the Committee of Privileges.

The motion arises from an item in the *Times* diary on 6 March concerning the draft report of the Chairman of the Select Committee on Home Affairs on the special branches of the police. On Wednesday 20 February copies of the draft report were issued to the 11 members of the Committee and to no one else. The draft report on this highly sensitive and difficult subject has yet to be considered by the Committee.

On Wednesday 6 March, a summary of the draft report appeared under the heading "Special Clearance" in the *Times* diary. I submit that I need hardly satisfy the House that the article is a disclosure of the draft report, because the article itself admits that the report has been 'leaked to the Diary'. I submit that this disclosure is a clear and serious breach of the rules governing Select Committees.

The article appears to have been intended to embarrass and influence the Committee in its consideration of the draft report. Some might say that it was an attempt to set the cat among the pigeons. I am not suggesting for one moment that the members of the Home Affairs Committee individually or collectively are not strong enough to resist tactics of this kind, but the fact remains that what has been put at risk is something very important—the trust that ought to exist between members of a Committee of this kind.....I submit that the article flouts contemptuously the rules of the House regarding the publication of a draft report by a Select Committee.

For those reasons, the matter should be referred to the Committee of Privileges."

After some discussion the motion was adopted by the House.

The newspaper report captioned 'Special clearance' read *inter alia* as follows :

"Even the Tory majority on the Commons Home Affairs Committee which has been investigating the investigators are going to be embarrassed by the draft report on their inquiries. They have been trying to decide whether the Special Branch is 'a threat to civil liberties' or whether such allegations are 'groundless mythology'. The draft request (an obvious misprint for report'), leaked to the Diary, manages to exonerate the Special Branches on all counts. It does not uphold—indeed it barely mentions — a single criticism of any Special Branch activity made to the Committee by the National Council for Civil Liberties, the Association of Metropolitan Authorities, the former Devon and

Cornwall chief constable, John Alderson, and others. And it makes only one recommendation—a minor change in the wording of the definition of ‘subversive’. Its inevitable conclusion is that the claims were indeed ‘groundless myths’. The Committee, whose Labour members publicly suspected a white-wash before their work began, was due to convene today for what was bound to be a stormy meeting to discuss the report. The meeting has been put off, however: it clashes with the second reading of the phone-tapping bill.”

The Committee of Privileges, in their First Report, presented to the House on 27 March 1985, reported *inter alia* as follows :

- (i) “The Memorandum<sup>13</sup> from the Clerk of the House sets out the rule of the House which applies to cases where the proceedings or papers of select committees are published before being reported to the House. The rule was explicitly stated in the Resolution of the House of 21st April 1837 :

‘That the evidence taken by any Select Committee of this House, and the documents presented to such Committee, and which have not been reported to the House, ought not to be published by any Member of such Committee or by any other person’.

- (ii) Five Cases involving premature disclosure of the proceedings or papers of select Committees have been referred to Committees of Privileges in the last twenty-five years. One of these, relating to the Select Committee on Science and Technology, 1967-68, concerned the disclosure to a newspaper of evidence taken in private. The others all concerned the disclosure of the contents of draft Reports, although in one of these cases—that relating to the Select Committee on Race Relations and Immigration, 1977-78—the matter was not published until after the Committee had agreed to its report.
- (iii) The cases most relevant to the present complaint are those where the disclosure was made before a Committee had considered the Chairman’s draft Report and where, therefore, such premature publicity might have affected—or indeed may have been intended to affect—the deliberations of the committee in seeking to reach agreement on its report. As the Clerk points out in his Memorandum the very purpose of the invariable practice of Committees deliberating in private, and of the Resolution of 1837, is presumably to enable Members of a committee to consider matters freely, informally and in confidence in a way that would not be possible if their deliberations were to be published, and that prior publicity given to the details of a draft Report, to which the Chairman was

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13. For Memorandum see *Privileges Digest*, April 1987, p. 37.

seeking to persuade his fellow Members to agree, makes such agreement more difficult.

- (iv) Previous Committees of Privileges have concluded that such interference with the work of select committees, and contravention of the Resolution of 1837, constitutes a contempt of the House and is damaging to the work of Parliament.
- (v) Previous Committees of Privileges have not found it easy to investigate complaints of this kind. Contempt may clearly be established, but the discovery of the person who has committed the contempt by the premature disclosure of information to the newspapers is another matter. In only one case in recent years has a Member freely admitted that he was responsible for the disclosure (case relating to the Select Committee on Science and Technology, 1967-68). In all the other cases no one admitted responsibility, even though in two cases (relating to the Select Committee on a Wealth Tax, 1974-75, and to the Select Committee on Race Relations and Immigration, 1977-78) the Chairman of the Committee of Privileges sought, by letters addressed to all Members of those committees, to elicit information about the means by which the disclosure had been made to the newspapers concerned. Editors and journalists have also been asked to disclose the sources of their information but in each case they have, in accordance with the tenets of their profession, refused (although, in one case—that relating to the Select Committee on a Wealth Tax, 1974-75—they stated that the committee's staff were not involved).
- (vi) In the absence of knowledge of the original perpetrator of the disclosure, previous Committees of Privileges (with one exception) have not been willing to recommend imposing any penalty on Editors or journalists for the publicity of that disclosure. They have confined themselves to condemning, sometimes in strong terms, such contempts of the House on the part of both the original discloser and the journalists.
- (vii) The exception was in the case relating to the Select Committee on a Wealth Tax, 1974-75. The Committee found that the premature publication of the details of a draft Report by the *Economist* had caused damage to Parliament (it may be significant that that Committee was unable to agree on a Report) and was a contempt. It recommended that should it later be discovered who was responsible for divulging the contents of the draft Report, the House should deal with them with the utmost severity. It also found that the Editor and reporter of the *Economist* had acted irresponsibly and it recommended that they should both be excluded from the precincts of the House for six months. The Committee also considered that it would have been appropriate to fine the *Economist* had the law so permitted, and it recommended legislation to make

such fines possible in the future. The House, however, rejected the idea of excluding the journalists by a vote of 64 to 55. Legislation to permit fines for those guilty of breaches of privilege has not been introduced.

- (viii) Your Committee concludes that the publication complained of did disclose the contents of the draft Report and that it was improperly disclosed to the *Times* by a person or persons unknown in contravention of the Resolution of 1837. In accordance with the findings of the Committee of Privileges in the case relating to the *Economist* and the Select Committee on a Wealth Tax, 1974-75, which Your Committee believes was closely similar to the present complaint, it also concludes that the premature publication was also potentially damaging in its effect on the deliberations of the Home Affairs Committee. It was therefore a serious contempt of the House.
- (ix) However, Your Committee, in the light of the experience summarised above of previous Committees of Privileges in similar cases, does not believe there would be benefit from seeking further evidence in an attempt to identify those responsible for this contempt. In the light of the precedents, the journalist is unlikely to reveal his sources. No one from the Committee has admitted responsibility.
- (x) Your Committee therefore recommends that no action now be taken in relation to the present specific complaint. However it would be wrong to suggest that such defiance of the rules and privileges of this House—which are well-known to all who work here—can be lightly dismissed or regarded as unimportant. Your Committee condemns all those responsible for the contempt — both the original source of the disclosure and the journalist who gave it publicity. If the person who originally made the disclosure should be discovered, the House should proceed against that person with appropriate severity.
- (xi) Finally Your Committee wishes to comment on the personal conduct of the person who is most at fault. Whoever made the original disclosure has acted dishonourably not only by disregarding the rules of the House but also in relation to the Members of the Home Affairs Committee. Trust and good faith between Members is essential to the working of committees, and indeed to the House itself. Those who betray confidences betray that trust.
- (xii) Although it cannot recommend further action in respect of the matter immediately before it, Your Committee believes that the House would not wish the problem to be left there. Your Committee is aware that condemnation of premature disclosure in the past—however strongly worded—has not deterred further

contempts of this kind. The cases referred to in the Clerk's Memorandum are some of those that have occurred, but other disclosures have not been referred to the Committee of Privileges. The experience of previous Committees has also illustrated the difficulties of discovering offenders against the Resolution of 1837 and the near impossibility of enforcing those rules; this was made very clear by the decision of the House in the *Economist* case. And in the debate on 13 March, a number of Members, from both sides of the House, expressed concern about the way in which cases of this kind have been handled.

- (xiii) In the light of this experience, and following the complaint on which it has now reported, Your Committee proposes to examine further the laws of privileges and the rules of the House as relating to the proceedings of select committees meeting in private, the procedures for considering complaints regarding breach of these privileges and rules, and the powers and practices of select committees in respect of those who commit such breaches. Your Committee will report further on these questions.
- (xiv) Your Committee has also considered the premature disclosures of its own deliberations, in *The Times* newspaper of 22 March, and the conclusions in the present Report apply with equal force in this case.

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

## PROCEDURAL MATTERS

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### LOK SABHA

***Aspersions on armed forces:*** On 24 April 1987, while participating in the discussion on Demands for Grants in respect of the Ministry of Defence, Shri Bhadreshwar Tanti cast certain aspersions on the armed forces. On objection being taken, the Deputy Speaker ordered expunction of the remarks.

***Admissibility of Short Duration Discussion:*** On 27 April 1987, when the short duration discussion under rule 193 of the Rules of Procedure and Conduct of Business in Lok Sabha regarding 'farming guidelines to ensure smooth functioning of democratic institutions' was taken up for consideration, a member (Shri K.P. Unnikrishnan) submitted that the discussion violated the conditions relating to admissibility of motions as laid down in rule 186 inasmuch as the matter sought to be raised was neither definite nor of recent occurrence. Thereupon, the Speaker, overruling the objection observed: "...rule 186 pertains to substantive Motions...it is rule 193 which relates to short discussions".

***Discussion on functioning of President's Secretariat:*** On 30 April 1987, immediately after the Question Hour, a member (Shri P. Kolandaivelu) referred to the recent Supreme Court judgement containing certain observations regarding the functioning of President's Secretariat. The Speaker, thereupon, observed that the President's Secretariat could not be discussed in the House.

***Quoting Press reports containing allegatory remarks:*** On 7 May 1987 during the short duration discussion, when Shri S. Jaipal Reddy started quoting from the *Illustrated Weekly* containing certain allegations made by Shri Kalpnath Rai, a former Union Minister against another former Minister, Shri Vishwanath Pratap Singh, the Deputy Speaker observed that the member could not make allegations without prior notice. Thereupon, Shri K.P. Unnikrishnan, on a point of order, submitted that the member was entitled to quote from a journal. The Deputy Speaker held that even for quoting the Press reports containing allegations, a member was required to give prior notice duly substantiating the charges proposed to be made by him. He accordingly expunged the reported remarks even though based on the Press reports.



**Adjournment of House for few hours on request from members:** On 30 July 1987, during the Question Hour, some members referred to the news regarding attempt on the Prime Minister's life during his visit to Sri Lanka and demanded full information from the Government. Minister of Defence, Shri K.C. Pant stated that a Sri Lankan sailor had hit Prime Minister, Shri Rajiv Gandhi with his rifle butt when he was inspecting a guard of honour before his departure for India. Thereupon, the members requested for adjournment of the House. Minister of Water Resources, Shri B. Shankaranand also requested for adjournment of the House as a gesture of condemnation and to enable members to go to airport to receive the Prime Minister. The Deputy Speaker then adjourned the House till 1500 hours, which was later extended by him upto 1600 hours. When the House reassembled at 1600 hours, the Speaker condemned the incident and wished the Prime Minister long life. Later, Minister of State for Home Affairs, Shri P. Chidambaram made a detailed statement regarding the incident.

## STATE LEGISLATURES

### UTTAR PRADESH VIDHAN SABHA\*

**Question of propriety:** On 1 July 1987, a member (Shri Ravindra Nath Tiwari), while referring to article 246 of the Constitution raised\*\* a question of propriety with reference to certain items of that day's List of Business, which related to Uttar Pradesh Zila Parishad (Short Term Arrangements) (Amendment) Act, and said discussion on those items should be held only after the copies of the two judgments of the High Court relating to the elections to and taxation of Autonomous Bodies had been supplied to the members. The Speaker, after hearing the Minister for Parliamentary Affairs, said\*\* that the judgments of the High Court were public documents and anybody could obtain their copies. He ruled that as per decision of the House the Bill was to be discussed that day, since there was no question of propriety in it.

**Lapse of pending statements on prorogation of Session:** On 3 July 1987, a member (Shri Ravindra Nath Tiwari) raised\*\* a question of propriety and said that the Speaker had directed the Government to make a supplementary statement on the statement given on 1 April 1986 regarding Urban Land Ceiling Directorate, but the same could not be made because the House was adjourned *sine die* on 2 April 1986. The matter was raised under rule 300 of the Rules of Procedure in the next Session and 9 September 1986 was fixed for the purpose. The House also adjourned that day before the item relating to the above statement could be taken up and it remained pending. The member added that the Government had not come up so far with the statement in the first or second Session of 1987.

\* Material contributed by the Uttar Pradesh Vidhan Sabha Sachivalaya.

\*\* Original in Hindi.

After hearing Shri Rajendra Kumar Gupta and the Minister for Parliamentary Affairs, the Deputy Speaker said that he would announce his decision after going through the records.

On 8 July 1987, the Deputy Speaker giving his ruling said\* that according to rule 18 of the Rules of Procedure, all pending notices, statements and discussions stood lapsed on prorogation of the Session of the House. Therefore, the statement which was to be given on 9 September 1986, but remained pending because of the adjournment of the House, lapsed on prorogation of the House. He added that reviving of the lapsed statement would amount to violation of the rules. He ruled that the plea of Shri Rajendra Kumar Gupta, that the said statement should not be taken as lapsed under the proviso of rule 18 (a), could not be acceded to. In view of the circumstances, he disallowed the said notice given under rule 300. He, however, added that members, if they still desired, might again give notice of the matter under the relevant rule and after receipt of such a notice it would be considered according to rules.

*Moving of demands for grants for a Ministry by another Minister:* On 10 July 1987, when the Minister of State for Hill Development rose to move a motion for demands for grants relating to Department of Industries, a member (Shri Vijay Singh Rana) raised\* a point of order about the propriety of moving of Budget proposals pertaining to Department of Industries by Minister of State for Hill Development, when the concerned Minister was present in the House. There were interruptions in the House when the Minister of State for Industry left the House during the speech of Shri Rajendra Kumar Gupta. The Speaker, thereupon ruled\* that any Minister having been authorised by the Chief Minister could move demands for grants and any other Minister could move demands for grants in the event of the concerned Minister having fallen ill in the House.

*Notice of no-confidence motion:* On 14 July 1987, the Speaker informed\* that a member (Shri Ravindra Nath Tiwari) had that day given a notice to move a motion of no-confidence in the Council of Ministers. However, Shri Tiwari on a point of order stated that he did not want to move the motion that day and that the matters of propriety should be taken up first by suspending the relevant rules. The Minister of Parliamentary Affairs, thereupon, stated\* that since the motion had become the property of the House, that should therefore be taken up first. Shri Tiwari also said that since he had given a notice of no-confidence motion against the Speaker and the Deputy Speaker which would be taken up after 14 days, hence the motion of no-confidence in the Council of Ministers given notice of, might also be taken up later on.

Rejecting the member's contention, the Speaker noted\* that since the notice of the motion had already been received, he was bound to take up that matter after the Question Hour was over. Then, he read the motion

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\* Original in Hindi.

and asked members in favour of leave being granted to rise in their places. Amidst interruptions the required number of members not having stood up in favour of the motion, the Speaker informed that the leave to move was not granted.

*Moving of no-confidence motion against Speaker, Deputy Speaker:* On 17 July 1987, the Speaker informed\* the House that Shri Ravindra Nath Tiwari had given a notice for moving a no-confidence motion against the Deputy Speaker on 9 July 1987. The Speaker added that Shri Tiwari had also given notice of such a motion against the Speaker on 14 July 1987.

The Speaker observed\* that under article 179 (c) of the Constitution and Rule 270 of the Rules of Procedure, a resolution to remove the Speaker or Deputy Speaker could be moved, but a no-confidence motion or a resolution could not be moved against them. He added that a no-confidence motion could be moved only against the Council of Ministers under rule 275. He ruled that since both the motions did not appear to be in order, they were not admitted.

*Personal explanations by Ministers who had resigned:* On 21 July 1987, a member (Shri Kalyan Singh) invited\* attention of the Deputy Speaker to a demand for asking three Ministers who had tendered resignation from the Council of Ministers to give personal explanations under rule 276 and requested that the concerned former Ministers might be asked to give personal explanations.

The Minister for Parliamentary Affairs and the Leader of Opposition also expressed\* their views on the point raised by Shri Kalyan Singh. Thereafter, the Deputy Speaker giving his ruling on the matter, stated\* that under rule 276 of the Rules of Procedure, the ex-Ministers had the right to give their statements, but any such statement could be made under the said rule only when a copy of the written statement or a synopsis thereof had been made available one day in advance to the Speaker and the Leader of the House. He informed that the two ex-Ministers, Sarvashri Surendra Singh and Zafar Ali who had sought permission to make their statements on that very day, could make their statements next day in accordance with the said rule.

## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 April to 30 June 1987)

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### INDIA

#### DEVELOPMENTS AT THE CENTRE

**Resignation of Defence Minister:** Defence Minister Shri V.P. Singh submitted his resignation from the Union Cabinet on 12 April. President Giani Zail Singh, on the advice of Prime Minister Shri Rajiv Gandhi, accepted his resignation.<sup>1</sup>

**New Defence Minister:** Minister of Steel and Mines, Shri K.C. Pant was appointed the new Defence Minister in place of Shri V.P. Singh on 12 April. Energy Minister Shri Vasant Sathe was given additional charge of the Ministry of Steel and Mines.<sup>2</sup>

**New leader of Rajya Sabha:** Prime Minister Shri Rajiv Gandhi nominated External Affairs Minister Shri Narayan Datt Tiwari as leader of the Rajya Sabha on 12 April in place of Shri V.P. Singh who had resigned as Defence Minister.<sup>3</sup>

**Resignation by MP:** Congress(I) MP from Rohtak Constituency in Haryana, Shri Hardwari Lal resigned his seat in the Lok Sabha on 21 April.<sup>4</sup>

**Resignation of Minister:** Programme Implementation Minister, Shri A.B.A. Ghani Khan Choudhury resigned from the Union Cabinet on 4 May following strictures against him by the Public Accounts Committee of Parliament for showing "undue consideration" to a Bombay firm in allocating Railway land when he was the Union Railway Minister. Prime Minister, Shri Rajiv Gandhi took over the charge of the Ministry of Programme Implementation while Minister of State for Planning, Shri Sukh Ram was given additional charge of Programme Implementation as a Minister of State.<sup>5</sup>

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1. *Statesman and Hindustan Times*, 13 April 1987.

2. *Indian Express*, 13 April 1987.

3. *Times of India*, 13 April 1987.

4. *Free Press Journal*, 22 April 1987.

5. *Hindustan Times and Hindu*, 5 May 1987.

**Resignation of MP:** Nagaland Chief Minister, Shri Hokishe Sema resigned his Rajya Sabha membership on 4 May, following his election to the State Assembly.<sup>6</sup>

**Death of MP:** Shri M.P. Kaushik, member of Rajya Sabha from Haryana, died of heart attack on 21 May.<sup>7</sup>

**Ninth Presidential Poll:** Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was appointed Returning Officer for the ninth presidential election to be held on 13 July, according to a Notification issued by the Election Commission on 5 June. Shri N.N. Mehra, Joint Secretary, Lok Sabha Secretariat and Secretaries of the Legislative Assemblies of all the States were appointed as Assistant Returning Officers, according to another Notification issued on the same day.<sup>8</sup>

**Election to Lok Sabha:** Lok Dal(B) nominee Shri Hardwari Lal was elected to Lok Sabha from Rohtak constituency by defeating his nearest rival, Professor Sher Singh of Congress(I) on 19 June.<sup>9</sup>

**Death of MP:** World renowned ornithologist and member of Rajya Sabha, Dr. Salim Moizuddin Abdul Ali passed away on 20 June.<sup>10</sup>

**Biennial elections to Rajya Sabha:** All the 6 ruling Left Front candidates from West Bengal—5 of CPI(M) and one of RSP were declared elected on 23 June, in the biennial elections to the Rajya Sabha. Those elected were Sarvashri Samar Mukherjee, Dipen Ghosh, Roman Poddar, Ram Narayan Goswami and Sunil Basu Roy (all CPI—M) and Tridib Chowdhury (RSP), former Nagaland Chief Minister Shri S.C. Jamir of Congress(I) was also declared elected to the Rajya Sabha from Nagaland.<sup>11</sup>

## AROUND THE STATES

### ANDHRA PRADESH

**Resignation by Minister:** Education Minister Shri G. Muddu Krishnama Naidu resigned from the Cabinet on 8 April, owning "moral responsibility" for the leakage of a question paper of the State school public examination.<sup>12</sup>

**Disqualification of MLA:** State Assembly Speaker Shri G. Narayana Rao disqualified an independent MLA from Adilabad, Shri C. Ramachandra Reddy, from the membership of the House on 7 May, for contesting Zila Praja Parishad elections as a Congress(I) nominee.<sup>13</sup>

6. *Hindustan Times*, 5 May 1987.

7. *Indian Express*, 22 May 1987.

8. *Election Commission Notifications*, 5 June 1987.

9. *Telegraph*, 20 June 1987.

10. *Indian Express*, 21 June 1987.

11. *Hindu*, 24 June 1987.

12. *Times of India*, 9 April 1987.

13. *Hindu*, 8 May 1987.

## ASSAM

**Resignation of Ministers:** Agriculture Minister, Shri Nilamani Das and Minister of State for Civil supplies, Shri Moidul Islam Bora, resigned from the Ministry on 16 June on the advice of the Chief Minister.<sup>14</sup>

## HARYANA

**General election results:** Lok Dal(B)-BJP alliance led by Shri Devi Lal gained three-fourth majority in the elections held for 87 seats to the 90-member State Assembly on 17 June. The final party position as on 20 June was—Lok Dal(B)—59, BJP—15, Congress(I)—5, CPI(M)—1, CPI—1 and Independents — 6. Elections to 3 seats were countermanded due to death of 3 independent candidates in Fatehabad, Karnal and Jundla Constituencies. Prominent among the losers were Chief Minister Shri Bansi Lal and eleven of his Cabinet Colleagues and the Speaker and the Deputy Speaker of the State Assembly. Among the prominent leaders elected were Shri Devi Lal and Kumari Sushma Swaraj.<sup>15</sup>

**Resignation of Chief Minister:** Chief Minister Shri Bansi Lal submitted his resignation on 19 June following Congress(I)'s defeat in the Assembly elections.<sup>16</sup>

**New Ministry:** A 6-member Lok Dal(B)-BJP Ministry headed by Shri Devi Lal was sworn in at New Delhi on 20 June. The others who were administered the oath of office and secrecy by Governor Shri S.M.H. Burney were Sarvashri Banarasi Das Gupta (Finance), Virendra Singh (Power and Irrigation), Suraj Bhan (Revenue), K.R. Punia (Development and Panchayat) and Dr. Sampat Singh (Industry).<sup>17</sup>

**Pro-tem Speaker:** Shri Hira Nand Arya was appointed pro-tem Speaker of the Vidhan Sabha on 30 June.<sup>18</sup>

## JAMMU AND KASHMIR

**Resignation of Council Chairman:** Chairman of the Legislative Council, Shri M.K. Tiku resigned from his post on 8 April, because National Conference (Khalida), the party which elected him Chairman had been reduced to a minority in the House.<sup>19</sup>

**New Chairman of Legislative Council:** Shri Hakim Habibullah who had been nominated to the State Legislative Council on 3 April, was unanimously elected as its Chairman on 10 April.<sup>20</sup>

14. *Telegraph*, 18 June 1987.

15. *Hindustan Times*, 20 and 21 June 1987.

16. *Statesman*, 20 June 1987.

17. *Telegraph*; and *Hindustan Times*, 21 June 1987.

18. *Telegraph*, 1 July 1987.

19. *Hindustan Times*, 9 April 1987.

20. *Indian Express*, 4 April 1987; and *Statesman*, 11 April 1987.

**Anti-Defection Bill:** The State Assembly passed a Bill seeking amendment of the State's Constitution on 10 April, thereby banning defection of members of the State Legislature from one party to another.<sup>21</sup>

**Election results:** Shri Ghulam Rasool Mir of National Conference (Farook) was declared elected to the State Assembly from Bandipore constituency on 13 April, defeating his nearest rival Shri Nizam-ul-Din Bhat of People's Conference. Shri Qamar Ali of National Conference (Farook) was declared elected to the State Assembly from Kargil constituency defeating his only independent rival, Shri Kachoo Ali Mohammad on 12 June. On 13 June, Congress(I) candidate Shri Tsering Samphal was elected to the State Assembly from Leh constituency raising the combined strength of the Congress(I)—National Conference (Farook) alliance in the 76-member House to 66.<sup>22</sup>

**Elections to Legislative Council:** All the 15 vacant seats of the State Legislative Council went unopposed to the National Conference (Farook)-Congress(I) alliance as 5 of the total 20 candidates who had filed nominations, withdrew from the contest. Seven of the elected members belonged to Congress(I) while the rest were from National Conference (Farook).<sup>23</sup>

**Nominations to Legislative Council:** Governor, Shri Jagmohan nominated one member on 3 April and 3 each on 11 April, 23 June and 30 June, to the Legislative Council.<sup>24</sup>

#### KARNATAKA

**Cabinet reshuffle:** Chief Minister Shri Rama Krishna Hegde reshuffled his Ministry on 26 April, by inducting 12 new Cabinet Ministers and 12 Ministers of State and dropping 4 Cabinet Ministers thereby raising its strength from 15 to 35.

The following is the List of Ministers and their portfolios.

#### *Cabinet Ministers:*

Shri Rama Krishna Hegde: *Cabinet Affairs, Personnel and Administrative Reforms, Finance (excluding National Savings Scheme), Ecology and Environment and Science and Technology;* Shri B. Rachaiah: *Health and Family Welfare;* Shri Abdual Nazir Sab: *Rural Development and Panchayati Raj, Wakf and Haj Committee;* Shri S.R. Bommai: *Revenue (excluding Muzrai), Planning and Institutional Finance and Statistics;* Shri H.D. Deve Gowda: *Public Works, Command Area Development, Electricity, Hydro-Electric Projects, Ports and Inland Water Transport;* Shri J.H. Patel:

21. *Telegraph*, 11 April 1987.

22. *Times of India*, 14 April 1987, 13 June 1987; *free press Journal*, 14 June 1987

23. *Hindu*, 23 June 1987; and *Telegraph*, 24 June 1987.

24. *Indian Express*, 4 April 1987; *Telegraph*, 12 April 1987; *Times of India*, 24 June 1987; and *Indian Express*, 1 July 1987.

*Commerce and Industries (excluding Small Scale Industries, Sericulture, Mines and Geology and Dasara Exhibition); Shri A. Laxmisagar: Law and Parliamentary Affairs; Shri R.L. Jalappa: Home (excluding Prisons, Excise, Home Guards and Civil Defence and matters pertaining to Cinematographic Act); Shri Basavannappa: Social Welfare (excluding Labour); Shri Chandra-sekhar: Housing and Urban Development (excluding Bangalore Development Authority, Bangalore Metropolitan Regional Development Authority); Shri R.P. Potdar: Industrial Cooperatives; Shri M. Raghupathy: Ports and Inland Water Transport; Shri M.P. Prakash: Information, Tourism and Youth Services, Government Flying Training School, Bharat Scouts and Guides, Matters relating to Cinematographic Act, Dasara Exhibition, Bangalore Development Authority and Bangalore Metropolitan Regional Development Authority; Shri Jeevraj Alva: Higher Education and Printing, Stationery and Publications; Shri P.G.R. Sindhia: Transport; Shri R.V. Deshpande: Agriculture and Horticulture (excluding Dryland Development); Shri B.A. Jivijaya: Small Scale Industries; Shri Siddaramaiah: Veterinary and Animal Husbandry; Shri K.M. Muniyappa: Sericulture; Shri S.K. Kanta: Labour; and Shri H. Ekanthaiah: Cooperation.*

*Ministers of State:*

*Shri Veeranna: Finance, Small Savings and Prisons; Shri Basavaraj Patil Anwari: Food and Civil Supplies; Shri R.C. Jigajinagi: Mines and Geology; Shri D.B. Inamdar: Excise; Shri K.B. Mallappa: Regulated Markets and Dryland Development; Shri G.S. Bagalkot: Forests; Shri Y.K. Ramaiah: Horticulture, Shri Laxminarasimhaiah: Power; Shri K. Amarnath Shetty: Religious and Charitable Endowments; Shri B. Somsekhar: Primary and Secondary Education; Shri B.L. Shankar: Youth Services and Sports; Shri K. Krishnamurthy: Minor and Lift Irrigation; Shri Mohammed Moinuddin: Housing; and Shrimati Shivkanta Chature: Women and Children's Welfare.<sup>25</sup>*

**KERALA**

*Expansion of Cabinet:* Chief Minister Shri E.K. Nayanar inducted 14 more Ministers into the State Cabinet on 2 April, raising its strength to 19. The new Ministers were: Shrimati K.R. Gowri, Sarvashri T.K. Ramakrishnan, V.J. Thankappan, T. Sivadasa Menon, T.K. Hamsa and V. Vishwanatha Menon [all CPI(M)], E. Chandrasekharan Nair, P.K. Raghavan and V.V. Raghavan (CPI), M.P. Veerendra Kumar (Janata), K. Sankaranarayana Pillai [Congress(S)], K. Pankajakshan(SSP) and A. Neelalohithadasan Nadar (Lok Dal)<sup>26</sup>.

25. *Hindu*, 27 April 1987; and *Deccan Herald*, 28 April 1987.

26. *Indian Express* and *Telegraph*, 3 April 1987.



Allocation of portfolios: On 3 April, Chief Minister Shri E.K. Nayanar *announced the allocation of portfolios as follows:*

*Chief Minister Shri E.K. Nayanar: General Administration, Home, Planning and Elections; Shrimati K.R. Gowri: Industry and Excise; Shri T.K. Ramakrishnan: Cooperation, Fisheries and Culture; Shri V. Viswanatha Menon: Finance and Taxes; Shri T. Sivadasa Menon: Electricity and Social Development; Shri T.K. Hamsa: Public Works and Wakf Board; Shri V.J. Thankappan: Local Administration; Shri Lonappan Nambadan: Housing; Shri P.S. Sreenivasan: Revenue and Tourism; Shri E. Chandrasekharan Nair: Food and Civil Supplies and Animal Husbandry; Shri P.K. Raghavan: Harijan Welfare; Shri V.V. Raghavan: Agriculture; Shri K. Chandrasekharan: Education and Law; Shri M.P. Virendra Kumar: Forest and Wild Life; Shri A.C. Shanmughadas: Health; Shri K. Sankaranarayana Pillai: Transport; Shri Baby John: Irrigation, Water Supply and Sanitation; Shri K. Pankajakshan: Labour; Shri A. Neelalohithadasan Nadar: Sports and Youth Affairs; Railways and Telecommunications.<sup>27</sup>*

**Resignation by Minister:** Forest and Wildlife Minister, Shri M.P. Veerendra Kumar of Janata Party resigned from his post on 4 April in the wake of growing dissatisfaction in the Janata Legislature Party over his choice as the party's second nominee in the Nayanar Ministry.<sup>28</sup>

**New Minister:** Janata Party MLA Shri N.M. Joseph was sworn in as a Minister in the Nayanar Ministry on 14 April. He replaced Shri M.P. Veerendra Kumar who had resigned earlier.<sup>29</sup>

**Election results:** The Left and Democratic Front won both the Assembly seats in the elections from Kottayam and Vamanapuram constituencies held on 2 June. In Kottayam, Minister for Cooperation and Fisheries, Shri T.K. Ramakrishnan of CPI(M) defeated his Congress(I) rival, Shri T. Radhakrishnan. In Vamanapuram Shri K. Krishna Nair of CPI(M) defeated his nearest Congress(I) rival, Shri N. Peethambara Kurup.<sup>30</sup>

#### MADHYA PRADESH

**Death of MLA:** BJP MLA Shri Gangarain Bandil from Lakar East constituency passed away on 2 June.<sup>31</sup>

#### MEGHALAYA

**Resignation by Minister:** Home Minister, Shri D.D. Lapang resigned from the Cabinet on 21 June in the wake of police firing and violent clashes in Shillong.<sup>32</sup>

27. *Hindustan Times*, 4 April 1987.

28. *Statesman*, 5 April 1987.

29. *Hindu*, 15 April 1987.

30. *Hindu* 4 June 1987.

31. *Indian Express*, 4 June 1987.

32. *Hindu*, 22 June 1987.

## NAGALAND

*Chief Minister elected:* Chief Minister, Shri Hokishe Sema was declared elected to the State Assembly from Dimapur constituency in the by-election held on 23 April.<sup>33</sup>

## PUNJAB

*Disqualification of MLAs:* On 1 May, Legislative Assembly Speaker Shri Surjit Singh Minhas disqualified 11 breakaway Akali Dal legislators including former Chief Minister Shri Prakash Singh Badal following the Punjab and Haryana High Court judgment upholding the validity of the Constitution (Fifty-second Amendment) Act, pertaining to anti-defection law. Apart from Shri Badal, those disqualified were Sarvashri Balwinder Singh Bhinder, Gurdev Singh Badal, Sukhdev Singh Dhindsa, Narinder Singh, Inderjit Singh, Kuldip Singh Wadhala, Mohinder Singh Brar, Sujjan Singh, Talib Singh Sandhu and Prem Singh Lalpura.

On 5 May, the Speaker disqualified 11 more MLAs belonging to Akali Dal(B) on the ground of defying the party whip for the election of the Speaker on 2 June. Those disqualified were Sarvashri Arjan Singh Litt, Bachittar Singh, Davinder Singh Garcha, Hardayal Singh Rajla, Jagdev Singh Sandhu, Jasmel Singh, Kirpa Singh Libra, Satwant Singh Mohi, Sukhdev Singh Libra, Tara Singh and Dr. Rattan Singh.<sup>34</sup>

## RAJASTHAN

*Death of MLA:* BJP MLA from Khetri, Shri Mala Ram, passed away on 22 May.<sup>35</sup>

## TAMIL NADU

*Death of MLA:* CPI(M) MLA Shri V.P. Chintan passed away in Soviet Union on 8 May.<sup>36</sup>

## UTTAR PRADESH

*MLA's election set aside :* Allahabad High Court set aside the election of Shri Ramandni Verma (Lok Dal) to the State Assembly from Umrail constituency on 14 May.<sup>37</sup>

## WEST BENGAL

*Allocation of portfolios:* On 2 April, Chief Minister Shri Jyoti Basu allocated some portfolios as follows:

Chief Minister Shri Jyoti Basu: *Home*; Shri Benoy Chowdhury: *Land and Land Reforms, Panchayat and Community Development*; Shri Budhadev

33. *Statesman*, 25 April 1987.

34. *Statesman*, 2 and 6 May 1987.

35. *Times of India*, 23 May 1987.

36. *Hindu*, 10 May 1987.

37. *Indian Express*, 15 May 1987.

**Bhattacharya: Information and Culture; Shri Ashim Dasgupta: Local Government, Urban Development and Finance, Development and Planning; Shri Prabir Sengupta: Urban and Rural Water Supply, Shri Prasanta Sur: Health and Family Welfare, Relief and Rehabilitation; Shri Jatin Chakraborty: Public Works Department; Shri Debabrata Bandopadhyaya: Irrigation and Water-ways; and Shri Biswanath Chowdhury, Jail and Social Welfare.**<sup>38</sup>

**Election of Speaker and Deputy Speaker:** Shri Hashim Abdul Halim of CPI(M) was unanimously re-elected Speaker of the State Assembly on 6 May. Shri Anil Mukherjee of Forward Bloc was elected the new Deputy Speaker also on that day.<sup>39</sup>

## UNION TERRITORIES

### DELHI

**Re-election of Mayor:** Shri Mahinder Singh Saathi and Shrimati Anjana Kanwar, both of Congress(I) were re-elected as Mayor and Deputy Mayor of Delhi respectively, on 6 April.<sup>40</sup>

## DEVELOPMENTS ABROAD

### AFGHANISTAN

**New Deputy Prime Minister:** Mr. Abdul Hamid Mohtat was appointed as the Deputy Prime Minister on 9 June.<sup>41</sup>

### BARBADOS

**New Prime Minister:** Consequent upon the death of Prime Minister Mr. Erol Barrow on 1 June, Deputy Prime Minister Mr. Erskine Sandiford was sworn in as the new Prime Minister by Governor-General Sir Hugh Springeer.<sup>42</sup>

### CHINA

**New Ministers:** Mr. Ruan Chongwu was replaced as Public Security Minister by Mr. Wang Fang on 11 April. Mr. Li Tieying was appointed Minister in charge of the State Commission for Restructuring the Economic System.<sup>43</sup>

### EGYPT

**Election results:** The ruling National Democratic Party of President Hosni Mubarak secured 75 per cent of the votes cast in the general elections held

38. *Telegraph*, 3 April 1987.

39. *Telegraph*, 7 May 1987.

40. *Statesman*, 7 April 1987.

41. *Statesman*, 11 June 1987.

42. *Times of India*, 3 June 1987.

43. *Hindu*, 12 April 1987.

on 6 April. The Socialist Labour Party and its ally Moslem Brotherhood got 15 per cent of the votes.<sup>44</sup>

FINLAND

*New Prime Minister:* On 30 April, Mr. Harri Holkeri was sworn in as head of Finland's new four-party Government replacing outgoing Premier Mr. Kalevi Sorsa who, however, remained as Foreign Minister.<sup>45</sup>

HONG KONG

*New Governor:* Sir David Wilson was sworn in as Governor on 9 April.<sup>46</sup>

HUNGARY

*New Prime Minister and President:* In a major top-level reshuffle, Mr. Karoly Gros was appointed as Prime Minister succeeding Mr. Gyorgy Lazer and Mr. Karoly Nemeth was appointed as President replacing Mr. Pal Loso Nezi, by the Hungarian National Assembly on 25 June.<sup>47</sup>

IRAN

*Re-election of Speaker:* Mr. Ali Akbar Hashmi Rafsanjani was re-elected as the Speaker of Parliament on 14 June.<sup>48</sup>

LEBANON

*Death of Prime Minister:* Prime Minister Mr. Rashid Karami was killed on 1 June when a bomb exploded aboard the military helicopter in which he was travelling.<sup>49</sup>

*Acting Prime Minister:* Education Minister Mr. Salim-al-Hoss was appointed interim Prime Minister on 2 June, following the assassination of Mr. Rashid Karami.<sup>50</sup>

*Resignation of Speaker:* Parliament Speaker Mr. Hussein Hussein resigned on 5 June.<sup>51</sup>

MALAYSIA

*Removal of Ministers:* Three Cabinet Ministers and four Deputy Ministers were dropped from the Cabinet by Prime Minister, Mr. Mahathir

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44. *Hindu*, 9 April 1987.

45. *Indian Express*, 1 May 1987.

46. *Free press Journal*, 10 April 1987.

47. *Statesman*, 26 June 1987.

48. *Statesman*, 16 June 1987.

49. *Hindustan Times*, 2 June 1987.

50. *Hindustan Times*, 3 June 1987.

51. *Hindu*, 6 June 1987.

Mohammad on 30 April. Those dropped included Defence Minister Mr. Abdullah Badawi, Welfare Services Minister, Mr. Saharir Samad and a Minister in the Prime Minister's Office, Mr. Abdul Ajile Ahmad. Two other Cabinet Ministers—Mr. Rais Yatim, incharge of Foreign Affairs and Mr. Razaleigh Hamzah, Trade and Industry Minister—had tendered their resignations on 29 April.<sup>52</sup>

#### MALTA

*New Prime Minister:* Nationalist Party Leader Mr. Eddie French-Adami was sworn in as Prime Minister on 12 May, ending 16 years of Socialist rule in the country.<sup>53</sup>

#### PAKISTAN

*Resignation of Minister:* Local Bodies Minister, Mr. Anwar Aziz Choudhary resigned from the Cabinet on 2 June, after a federal anti-corruption committee indicted him for misuse of public funds.<sup>54</sup>

#### PERU

*New Prime Minister:* President Mr. Alan Garcia named Senator Mr. Guillermo Larco as Prime Minister on 27 June. Mr. Larco replaced Mr. Luis Alva Castro who had resigned alongwith the rest of the Cabinet on 23 June.<sup>55</sup>

#### REPUBLIC OF KOREA

*New Prime Minister:* Mr. Lee Han-Kiy was appointed the new Prime Minister in place of Mr. Lho Yong who had resigned alongwith his Cabinet on 26 May owning political and moral responsibility for the death of a student in police custody in January this year.<sup>56</sup>

#### UNITED KINGDOM

*General election results:* Conservative Party led by Prime Minister Mrs. Margaret Thatcher won for the third successive term in the general election held on 11 June, to the 650-member House of Commons. The final results were as follows: Conservative Party—397; Labour Party—209; SDP—Liberal Alliance—23; Scottish National—2; Plaid Cymru—2; Official Unionist—11; Democratic Unionist—3; Popular Unionist—1; Social Democratic and Labour—1; and Sinn Fein—1.<sup>57</sup>

*New Cabinet:* Prime Minister, Mrs. Margaret Thatcher named a new Cabinet of 21 Members on 13 June. Prominent among the new Ministers

52. *Hindustan Times*, 1 May 1987.

53. *Statesman*, 14 May 1987.

54. *Indian Express*, 3 June 1987.

55. *Hindu*, 24 June 1987; and *Hindustan Times*, 28 June 1987.

56. *Statesman*, 27 May 1987.

57. *Free Press Journal*, 13 June 1987.

were : Mr. Douglas Hurd (Home); Mr. George Younger (Defence); Mr. Nigel Lawson (Chancellor of the Exchequer); and Mr. Lalit Parkinson (Energy).<sup>58</sup>

#### USSR

*Removal of Defence Minister:* Defence Minister Mr. Sergei Solokov and Chief of Air Defence, Marshall Kukonin were removed from their posts after a politburo meeting criticised them for the deep intrusion of Soviet air space by a West German plane on 28 May. Mr. Dimitri Yazov was later appointed the new Defence Minister.<sup>59</sup>

#### VIETNAM

*New President and Prime Minister:* Mr. Sham Hung, the second-ranking Communist Party official, was named new Premier and fellow veteran revolutionary Mr. Vo Chi Cong was made President replacing Mr. Phan Van Dong and Mr. Truong Chinh, respectively, on 18 June.<sup>60</sup>

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58. *Telegraph*, 15 June 1987.

59. *Indian Express*, 31 May 1987.

60. *Telegraph*, 19 June 1987.

## DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

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The Goa, Daman and Diu Reorganisation Bill, 1987 and the Constitution (Fifty-sixth Amendment) Bill, 1987 establishing the State of Goa and constituting a separate Union Territory of Daman and Diu were passed by Lok Sabha and Rajya Sabha in 11 and 12 May 1987 respectively and received President's assent on 23 May 1987. The Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987 enhancing the emoluments of the Governors was passed by Lok Sabha and Rajya Sabha on 5 and 11 May 1987 respectively and received President's assent on 23 May 1987.

We reproduce here the texts of these Acts.

*Editor*

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### THE GOA, DAMAN AND DIU REORGANISATION ACT, 1987

*An Act to provide for the reorganisation of the Union Territory of Goa, Daman and Diu and for matters connected therewith*

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

#### PART I

#### PRELIMINARY

1. *Short title*—This Act may be called the Goa, Daman and Diu Reorganisation Act, 1987.
2. *Definition*— In this Act, unless the context otherwise requires,—
  - (a) 'Administrator' means the administrator appointed by the President under article 239;
  - (b) 'appointed day' means the day which the Central Government may, by notification, appoint;
  - (c) 'article' means an article of the Constitution;
  - (d) 'assembly constituency' and 'parliamentary constituency' have the same meanings as in the Representation of the People Act, 1950;

(e) 'Election Commission' means the Election Commission appointed by the President under article 324;

(f) 'existing Union territory' means the Union territory of Goa, Daman and Diu as existing immediately before the appointed day;

(g) '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 any part of the existing Union territory;

(h) 'notification' means a notification published in the Official Gazette;

(i) 'population ratio', in relation to the State of Goa and the Union, means the ratio of 42:3.25;

(j) 'sitting member', in relation to the House of the People or of the Legislative Assembly of the existing Union territory, means a person who, immediately before the appointed day, is a member of that House or that Assembly;

(k) 'treasury' includes a sub-treasury.

## PART II

### REORGANISATION OF THE UNION TERRITORY OF GOA, DAMAN AND DIU

3. *Formation of State of Goa*—On and from the appointed day, there shall be formed a new State to be known as the State of Goa comprising the territories which immediately before that day were comprised in the Goa district of the existing Union territory.

4. *Formation of Union territory of Daman and Diu*—On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Daman and Diu comprising the territories which, immediately before that day, were comprised in the Daman and Diu districts of the existing Union territory.

5. *Amendment of the First Schedule to the Constitution*—On and from the appointed day, in the First Schedule to the Constitution,—

(a) under the heading 'I. THE STATES', after entry 24, the following entry shall be inserted, namely:—

"25. Goa	The territories specified in section 3 of the Goa, Daman and Diu Reorganisation Act, 1987."
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(b) under the heading "II. THE UNION TERRITORIES", for entry 5, the following entry shall be substituted, namely:—

"5. Daman and Diu	The territories specified in section 4 of the Goa, Daman and Diu Reorganisation Act, 1987."
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**PART III****REPRESENTATION IN THE LEGISLATURES***The Council of States*

**6. 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 26 shall be renumbered as entries 5 to 27 respectively;

(b) after entry 3, the following entry shall be inserted, namely:—  
“4. Goa . . . . . 1”;

(c) for the figures “232”, the figures “233” shall be substituted.

**7. Election to fill the seat allotted to the State of Goa**—As soon as may be after the appointed day, election shall be held to fill the seat allotted in the Council of States to the State of Goa.

*The House of the People*

**8. Allocation of seats in the House of the People**—On and from the appointed day, there shall be allotted two seats to the State of Goa, and one seat to the Union Territory of Daman and Diu 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.

**9. Parliamentary constituency of the Union territory of Daman and Diu**—The whole of the Union territory of Daman and Diu shall form one parliamentary constituency to be called the Daman and Diu parliamentary constituency and as soon as may be after the appointed day, election shall be held to the House of the people to elect a representative from that constituency, as if the seat of the member elected to the House of the People from that constituency has become vacant and the provisions of section 149 of the Representation of the People Act, 1951 shall, so far as may be, apply in relation to such election.

**10. Parliamentary constituencies**—On and from the appointed day,—

(a) the Panaji parliamentary constituency, excluding the Daman and Diu assembly constituencies, and the Mormugao parliamentary constituency in the existing Union territory shall be deemed to be the parliamentary constituencies of the State of Goa and accordingly, in Part A of Schedule XXVI to the Delimitation of Parliamentary and

Assembly Constituencies Order, 1976, for the figures and words "12-Cumbarjua, 13-Santo Andre, 29-Daman and 30-Diu", the figures and words "12- Cumbarjua and 13-Santo Andre" shall be substituted;

(b) the Daman and Diu assembly constituencies in the existing Union territory shall be deemed to comprise the parliamentary constituency of the Union territory of Daman and Diu.

11. *Provisions as to sitting members*—(1) The sitting member of the House of the People representing the Panaji parliamentary constituency which, on the appointed day, by virtue of the provisions of clause (a) of section 10 stands altered and becomes a parliamentary constituency of the State of Goa shall, as from that day, be deemed to have been duly elected to that House by that constituency as so altered.

(2) The sitting member of the House of the People representing the Mormugao parliamentary constituency which, on the appointed day, by virtue of the provisions of clause (a) of section 10 becomes a parliamentary constituency of the State of Goa shall, as from that day, be deemed to have been duly elected to that House by that constituency in that state.

#### *The Legislative Assembly*

12. *Provisions as to Legislative Assembly*—On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Goa to be filled by persons, chosen by direct election from assembly constituencies shall be forty and the Second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly.

13. *Provisional Legislative Assembly*—(1) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the State of Goa), on and from the appointed day and until the Legislative Assembly of that State has been duly constituted and summoned to meet for the first session, there shall be a provisional Legislative Assembly which shall consist of,—

(a) members elected by the territorial constituencies of the Legislative Assembly of the existing Union territory, other than those members elected by the territorial constituencies of Daman and Diu; and

(b) members nominated to that Assembly.

(2) The period of five years referred to in clause (1) of article 172 shall, in the case of provisional Legislative Assembly referred to in sub-section (1), be deemed to have commenced on the date on which the duration of the Legislative Assembly of the existing Union territory commenced under section 5 of the Government of Union Territories Act, 1963.

(3) For so long as the provisional Legislative Assembly constituted under this section is in existence,—

(a) it shall be deemed to be the Legislative Assembly of the State of Goa duly constituted under the Constitution and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution; and

(b) the members thereof, referred to in clause (a) of sub-section (1), shall be deemed to be the members of the Legislative Assembly of the State of Goa duly elected under the Constitution.

**14. Amendment of Delimitations Order**—In Part B of Schedule XXVI to the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, the headings “DAMAN DISTRICT” and “DIU DISTRICT” and entries thereunder shall be omitted.

**15. Speaker of the provisional Legislative Assembly**—The person who immediately before the appointed day is the Speaker of the Legislative Assembly of the existing Union territory shall, on and from that day, be the Speaker of the provisional Legislative Assembly.

**16. Rules of procedure**—The rules of procedure and conduct of business of the Legislative Assembly of the existing Union territory, 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 provisional Legislative Assembly referred to in section 13; subject to such modifications and adaptations as may be made therein by the Speaker thereof.

#### *Delimitation of constituencies*

**17. Delimitation of constituencies**—(1) The Election Commission shall in the manner herein provided, distribute, whether before or after the appointed day, the seats assigned to the Legislative Assembly of the State of Goa under section 12 to single-member territorial constituencies and delimit them having regard to the provisions of the Constitution and to the following provisions, namely:—

(a) 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 convenience to the public; and

(b) 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.

(2) For the purpose of assisting it in the performance of its functions under sub-section (1), the Election Commission shall associate with itself as associate members,—

(a) the sitting members of the House of the People referred to in section 11; and

(b) such six of the members of the Legislative Assembly of the existing Union territory or, as the case may be, the provisional Legislative Assembly referred to in section 13 as the Speaker thereof may nominate:

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

(3) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled if practicable, in accordance with the provisions of sub-section (2).

(4) 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 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.

(5) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory or, as the case may be, the provisional Legislative Assembly referred to in section 13.

**18. 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 17 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 are or is 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 Legislative Assembly of the existing Union territory, the provisional

Legislative Assembly referred to in section 13 or the Legislative Assembly of the State of Goa, as the case may be.

**19. Amendment of Scheduled Castes and Scheduled Tribes Orders—** On and from the appointed day,—

(a) the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 shall stand amended as directed in the First Schedule and the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968, shall stand repealed;

(b) the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 shall stand amended as directed in the Second Schedule and the Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968, shall stand repealed.

## PART IV

### HIGH COURT

**20. Common High Court for Maharashtra, Goa, Dadra and Nagar Haveli and Daman and Diu—**(1) On and from the appointed day—

(a) there shall be a common High Court for the States of Maharashtra and Goa, and for the Union territories of Dadra and Nagar Haveli and Daman and Diu, to be called the High Court of Bombay (hereinafter referred to as the common High Court);

(b) the Judges of the High Court of Bombay (hereinafter referred to as the existing High Court), holding office immediately before that day shall, unless they have elected otherwise, become, on that day, the Judges of the common High Court.

(2) The expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Maharashtra and Goa and the Union in such proportion as the President may, by order, determine.

(3) On and from the appointed day, the common High Court shall have, in respect of the territories comprised in the States of Maharashtra and Goa and the Union territories of Dadra and Nagar Haveli and Daman and Diu, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of those territories by the High Court of Bombay.

**21. Provision as to advocates—**(1) On and from the appointed day,—

(a) in the Advocates Act, 1961, in section 3 in sub-section (1), for clause (ccc), the following clause shall be substituted, namely:—

“(ccc) for the States of Maharashtra and Goa and the Union territories of Dadra and Nagar Haveli and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa;”;

(b) the Bar Council of Maharashtra shall be deemed to be the Bar Council of Maharashtra and Goa with the Advocate-General of the State of Goa also as an *ex officio* member.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the existing High Court shall be entitled to practise as an advocate in the common High Court.

(3) All persons who, immediately before the appointed day, are advocates on the roll of the Bar Council of Maharashtra, shall, as from that day, become advocates on the roll of the Bar Council of Maharashtra and Goa.

(4) The right of audience in the common High Court 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 existing High Court:

Provided that as between the Advocates-General of the States of Maharashtra and Goa, the right of audience shall be determined with reference to their dates of enrolment as advocates.

**22. Practice and Procedure in the 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 existing High Court shall, with the necessary modifications, apply in relation to the common High Court.

**23. Custody of seal of the common High Court**—The law in force immediately before the appointed day with respect to the custody of the seal of the existing High Court shall, with the necessary modifications, apply with respect to the custody of the seal of the common High Court.

**24. 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 existing High Court shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

**25. Powers of Judges**—The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the existing High Court and with respect to all matters, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

**26. Principal seat and other places of sitting of the common High Court**—(1) The principal seat of the common High Court shall be at the same place at which the principal seat of the existing High Court is located immediately before the appointed day.

(2) The President may, by notified order, provide for the establishment of a permanent bench or benches of the common High Court at one or more places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith:

Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the common High Court, and the Governor of the State in which the bench or benches is or are proposed to be established.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places within the territories to which the jurisdiction of that High Court extends as the Chief Justice of that High Court may, with the approval of the Governor of the State or the Administrator of the Union territory concerned, appoint.

*27. 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 existing High Court and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.

*28. Transfer of proceedings to the common High Court*—(1) All proceedings pending in the existing High Court immediately before the appointed day shall, from such day, stand transferred to the common High Court.

(2) Every proceeding transferred under sub-section (1) shall be disposed of by the common High Court as if such proceeding was entertained by that High Court.

*29. Interpretation, etc.*—(1) For the purposes of section 28,—

(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; 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.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the existing High Court and was authorised

to appear or to act in any proceedings transferred from that High Court to the common High Court under section 28 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.

30. *Saving*—Nothing in this Part shall affect the application to the common High Court 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 Legislative or other authority having power to make such provision

## PART V

### AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

31. *Authorisation of expenditure pending its sanction by the Legislature*—(1) The President may, at any time before the appointed day, authorise by order such expenditure from the Consolidated Fund of the State of Goa as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State of Goa:

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

(2) The President or, as the case may be, the Governor of Goa shall make separate orders under sub-section (1) in respect of periods falling in different financial years.

(3) The President may, at any time, before or after the appointed day, authorise by order such expenditure from the Consolidated Fund of India as he deems necessary for a period of not more than six months beginning with the appointed day for the administration of the affairs of the Union territory of Daman and Diu pending the sanction of such expenditure by Parliament.

32. *Reports relating to the accounts of the existing Union territory*—(1) The reports of the Comptroller and Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union territory in respect of any period prior to the appointed day, shall be submitted to the Governor of the State of Goa and the President who shall cause them to be laid before the Legislative Assembly of that State or the House of the People, as the case may be.

(2) The Governor may, by order,—

(a) declare any expenditure incurred out of the Consolidated Fund of the existing Union territory on any service in respect of any period



prior to the appointed day during the financial year 1987-88 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 report 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.

**33. Distribution of revenues**—The president shall, by order, determine the grants-in-aid of the revenues of the State of Goa and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) Order, 1985 in such manner as he thinks fit.

## PART VI

### ASSETS AND LIABILITIES

**34. Definition**—In this Part “Union purpose” means the purposes of Government relating to any of the matters mentioned in List I in the Seventh Schedule to the Constitution.

**35. Land and goods**—(1) Subject to the other provisions of this Part, all land and all stores, articles and other goods held immediately before the appointed day, by the Union for the purposes of the governance of the existing Union territory, shall, on and from that day, pass to the State of Goa, unless any such land, stores, articles or goods are situated in the districts of Daman and Diu of the existing Union territory or are held for Union purposes:

Provided that where the Central Government is of the opinion that any goods or class of goods should be distributed 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.

(2) The stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall be retained by the Union if such institution, workshop, undertaking or work is situated in the districts of Daman and Diu of the existing Union territory.

(3) In this section, the expression “land” includes immovable property of every kind and any rights in or over such property.

**36. Cash balances**—The total of the cash balances in all treasuries, the Reserve Bank of India, the State Bank of India and any nationalised bank, of the existing Union territory immediately before the appointed day shall

be divided between the State of Goa and the Union 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 balance in the books of the Reserve Bank of India.

*Explanation*—In this section, "balance" includes a debit balance.

37. *Arrears of taxes*—(1) The right to recover arrears of any tax or duty (including arrears of land revenue) on any property situated in the district of Goa of the existing Union territory shall belong to the State of Goa.

(2) The right to recover arrears of any tax or duty, other than tax or duty specified in sub-section (1), shall belong to the State of Goa if the place of assessment of that tax or duty is included in the district of Goa of the existing Union territory.

38. *Right to recover loans and advances*—The right to recover any loans or advances made by the Union before the appointed day to any local body, society, agriculturist or other person in the district of Goa of the existing Union territory shall belong to the State of Goa:

Provided that the right to recover loans or advances of pay and travelling allowance to a Government servant made before the appointed day by the Administrator shall pass to the State of Goa if such Government servant is allotted to the State.

39. *Investments in, and loans, etc., to certain corporate bodies*—Where any body corporate constituted under a Central Act or a State Act for the existing Union territory, 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 by the Union made before the appointed day shall be divided between the State of Goa and the Union in such manner as may be agreed between them before the expiration of one year from the appointed day, or in default of such agreement in such manner as the Central Government may, by order, direct.

40. *Assets and Liabilities of State undertakings*—The assets and liabilities relating to any commercial undertaking of the existing Union territory shall,—

(a) if the undertaking is located in the district of Goa of the existing Union territory, pass to the State of Goa;

(b) if the undertaking is located in the district of Goa, as well as the districts of Daman and Diu, of the existing Union territory, be divided in such manner as may be agreed upon between the State of Goa and the Union before the expiration of one year from the appointed day, or in default of such agreement, as the Central Government may, by order, direct.

**41. Refund of taxes collected in excess**—The liability of the Union to refund—

(a) any tax or duty on property, including land revenue collected in excess shall go to the State of Goa if the property is situated in the district of Goa of the existing Union territory;

(b) any other tax or duty collected in excess shall go to the State of Goa if the place of assessment of that tax or duty is included in the district of Goa of the existing Union territory.

**42. Certain deposits**—The liability of the Union in respect of any civil deposit or local fund shall, on and from the appointed day, be the liability of the State of Goa, if the deposit has been made in the district of Goa of the existing Union territory.

**43. Provident fund**—(1) The liability of the Union in respect of the provident fund account of a Government servant employed in connection with the administration of the existing Union territory and in service on the appointed day shall, on and from that day, be the liability of the State of Goa if that Government servant is permanently allotted to that State.

(2) The liability of the Union in respect of the provident fund account of a Government servant employed in connection with the administration of the existing Union territory who has retired from service before the appointed day shall be the liability of the State of Goa in the first instance and shall be adjusted between the State of Goa and the Union according to the population ratio.

**44. Pensions granted by the Administrator, etc.**—(1) Subject to the adjustments mentioned in sub-section (4), the State of Goa shall, in respect of pensions granted before the appointed day by the Administrator, pay the pensions drawn in the treasuries in the Goa district of the existing Union territory.

(2) Subject to the adjustments mentioned in sub-section (4), the liability in respect of pensions of Government servants employed in connection with the affairs of the existing Union territory who retire or proceed on leave preparatory to retirement before the appointed day but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Goa.

(3) The liability of the Union in respect of pensions granted before the appointed day by the Administrator and drawn in any treasury outside the existing Union territory shall be the liability of the State of Goa subject to adjustments to be made in accordance with sub-section (4), as if such pensions had been drawn in the treasuries referred to in sub-section (1).

(4) In respect of the period commencing on the appointed day and ending on the 31st day of March, 1988, and in respect of each subsequent financial year, the total payments made by the State of Goa in respect of

pensions referred to in sub-section (1) and sub-section (2) shall be apportioned between the State of Goa and the Union in the population ratio.

(5) The liability in respect of the pension of any Government servant employed immediately before the appointed day in connection with the affairs of the existing Union territory and retiring on or after that day, shall be that of the State of Goa or the Union, as the case may be, but the portion of the pension in respect of the period of service of any such Government servant before the appointed day shall be apportioned between the State of Goa and the Union in the population ratio.

(6) Any reference in this section to a pension shall be construed as including a reference to the commuted value of the pension.

45. *Contracts*—(1) Where before the appointed day, the union has made any contract in the exercise of its executive power for any purpose of the existing Union territory that contract shall be deemed to have been made in the exercise of the executive power of the State of Goa.—

(a) if the purposes of the contract are, on and from the appointed day, exclusively purposes of the state; and

(b) if, the purposes of the contract are, on and from that day, not exclusively purposes of any area in the districts of Daman and Diu of the existing Union territory,

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 Union, be rights or liabilities of the State of Goa:

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 adjustments as may be agreed upon between the State of Goa and the Union 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.

46. *Liability in respect of actionable wrong*—Where, immediately before the appointed day, the Union in connection with the governance of the

existing Union territory is subject to any liability in respect of an actionable wrong, other than breach of contract, that liability shall,—

(a) if the cause of action arose wholly within the district of Goa of the existing Union territory, be a liability of the State of Goa; and

(b) in any other case, be initially a liability of the State of Goa but subject to such financial adjustments as may be agreed upon between the State of Goa and the Union, or in default of such agreement, as the Central Government may, by order, direct.

**47. *Liability as guarantor of cooperative societies***—Where, immediately before the appointed day, the Union in connection with the governance of the existing Union territory is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the Union shall be a liability of the State of Goa—

(a) if the area of the operations of such society or person is limited to the territories in the district of Goa of the existing Union territory; and

(b) if the area of the operations of such society or person extends to the whole of the existing Union territory:

Provided that in any such case as is referred to in clause (b), the initial allocation of liabilities under this section shall be subject to such financial adjustments as may be agreed upon between the State of Goa and the Union or in default of such agreement as the Central Government may, by order, direct.

**48. *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.

**49. *Residuary provision***—The benefit or burden of any assets or liabilities of the Union in connection with the governance of the existing Union territory not dealt with in the foregoing provisions of this Part shall be retained by the Union for the purposes of the governance of the Union territory of Daman and Diu.

**50. *Apportionment of assets or liabilities by agreement***—Where the State of Goa and the Union 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 benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

**51. *Power of Central Government to order allocation or adjustment in certain cases***—Where, by virtue of any of the provisions of this Part, the Union becomes entitled to any property or obtains any benefits or the State of Goa 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 the State of Goa that it is just and equitable that that property or those benefits should be transferred to, or shared with, the State of Goa or that a contribution towards that liability should be made by the Union the said property or benefits shall be allocated in such manner, or the Union shall make to the State of Goa such contribution in respect thereof, as the Central Government may, after consultation with the Government of the State of Goa by order determine.

## PART VII

### PROVISIONS AS TO ARRANGEMENTS, CORPORATIONS AND INTER-STATE AGREEMENTS

52. *Continuance of certain arrangements*—Where any arrangement in regard to the supply of electric power or the supply of water for any area in the districts of Daman and Diu of the existing Union territory or in regard to the execution of any project for such supply from an area included in the State of Goa by the provisions of Part II exists, such arrangement will be continued, unless terminated by agreement, between the State of Goa and the Union in accordance with such terms and conditions as may be mutually agreed upon by the State Government of Goa and the Union within a period of one year from the appointed day, and, where no such agreement is arrived at within such period, the Central Government may give such directions as it deems fit to that State Government or the authority concerned for the continuance, so far as is practicable, of the previous arrangement.

53. *Provision as to co-operative banks*—Notwithstanding anything contained in section 22 of the Banking Regulation Act, 1949, where by virtue of the provisions of Part II, a co-operative bank is newly formed on the appointed day or within three months thereof in the State of Goa or the Union territory of Daman and Diu, it may commence and conduct banking business without obtaining a licence under that section from the Reserve Bank of India, until it is granted such a licence or until it is informed by the Reserve Bank of India that such a licence cannot be granted to it:

Provided that such bank applies to the Reserve Bank of India for such a licence within a period of three months from the date of formation of the Bank.

54. *General provisions as to statutory corporations*—(1) Where any body corporate constituted under any Central Act, State Act or Provincial Act for the existing Union territory 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 direction issued by the Central Government under sub-section (1) in respect of any such body corporate may 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.

**55. *Temporary provisions as to continuance of certain existing road transport permits***—(1) Notwithstanding anything contained in section 63 of the Motor Vehicles Act, 1939, a permit granted in the existing Union territory shall, if such permit was immediately before the appointed day, valid and effective in any area therein, be deemed to continue to be valid and effective in that area up to the 31st day of March, 1988, 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 any State or Regional Transport Authority for the purpose of validating it for use in such area:

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

(2) No toll, entrance fees or other charges of a like nature shall be levied for a period up to and inclusive of the 31st day of March, 1988, in respect of any transport vehicle for its operations in either the State of Goa or the Union territory of Daman and Diu 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 within the existing Union territory:

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

**56. *Special provision relating to retrenchment compensation in certain cases***—Where, by virtue of the provisions of Part II, 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 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 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; and

(b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman 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.

**57. Special provision 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.

**58. Continuance of existing facilities in certain institutions**—On and from the appointed day, the Government of Goa shall, in respect of the technical institutions located in the State of Goa continue to provide facilities to the persons resident in the territories comprising the Union territory of Daman and Diu which shall not in any respect be less favourable than those which were being provided to them immediately before that day upon such terms and conditions (including those relating to any contribution or payment to be made for the provisions of such facilities) as may be agreed upon between the State of Goa and the Union before the 1st day of April, 1988, or if no such agreement is reached by the said date, as may be fixed by the order of the Central Government.

## PART VIII

### PROVISIONS AS TO SERVICES

**59. 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) The strength and composition of the State Cadre of Goa shall, on and from the appointed day, be such as is determined by the Central Government in consultation with the State Government.

(3) The members of each of the said Services borne on the Union territories cadre immediately before the appointed day shall continue to be in the cadre of the same service of the Union territory in which they stand allocated before the appointed day.

(4) Nothing in this section shall be deemed to effect the operation, on or after the appointed day, of the All India Services Act, 1951, or the rules made thereunder, in relation to the State cadres of the said services and in relation to the members of those services borne on the said cadres.

60. *Provisions relating to other services*—(1) Every person employed in connection with the affairs of the Union territory or the State of Goa and serving immediately before the appointed day, in the district of Goa of the existing Union territory shall, on and from that day,—

(a) continue to serve in connection with the affairs of the State of Goa; and

(b) be deemed to be provisionally allotted to serve in connection with the affairs of the said State:

Provided that nothing in clause (b) shall apply to a person whom the provisions of section 59 apply or to a person on deputation from any State.

(2) As soon as may be after the appointed day, the Central Government shall by general or special order determine whether every person referred to in clause (b) of sub-section (1) shall be finally allotted for service in the State of Goa or under the Union in connection with the affairs of the Union territory of Daman and Diu 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 the State of Goa or the Union shall, if he is not already serving therein or thereunder be made available for serving in that State or under the Union from such date as may be agreed upon between the State of Goa and the Union or in default of such agreement as may be determined by the Central Government.

(4) As soon as may be after the Central Government passes orders finally allotting an employee in terms of sub-section (2), the State of Goa of the Union shall take steps to integrate him into the services under its control in accordance with such special or general orders or instructions as may be issued by the Central Government from time to time in this behalf.

(5) The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

(a) the division of the services between the State of Goa and the Union; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such person:

Provided that notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed by the competent authority on matters arising out of the division and integration of services under this Act, on the expiry of three months from the date of publication or service, whichever is earlier, of such order:

Provided further that, notwithstanding anything contained in the preceding proviso, the Central Government may suo moto or otherwise and for reasons to be recorded, reopen any matter and pass such orders thereon, as may appear to it to be appropriate if it is satisfied that it is necessary so to do, in order to prevent any miscarriage of justice to any affected employee.

(6) Nothing in this section 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 the determination of the conditions of service of persons serving in connection with the affairs of the State of Goa or the Union:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

(7) All service prior to the appointed day rendered by a person allotted under sub-section (2) in connection with the affairs of the existing Union territory shall for purposes of the rules regarding his conditions of service, be deemed to have been rendered in connection with the affairs of the State or the Union to which he is finally allotted.

(8) The provisions of this section other than clause (a) of sub-section (1) shall not apply in relation to any person to whom the provisions of section 59 apply.

**61. Provisions as to continuance of officers in the same posts**—Every person who immediately before the appointed day is holding or discharging the duties of any post or office in connection with the affairs of the existing Union territory shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed on the same terms and conditions of appointment and on the same tenure to that post or office by the Government of, or the other appropriate authority, in the State of Goa or of the Union, as the case may be:

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

**62. Powers of Central Government to give directions**—The Central Government may give such directions to the State Government as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the said Government shall comply with such directions.

## PART IX

### LEGAL AND MISCELLANEOUS PROVISIONS

**63. Amendment of certain articles**—On and from the appointed day,—

(a) in article 81, in clause (1), in sub-clause (a), for the words “five hundred and twenty-five members”, the words “five hundred and thirty members” shall be substituted;

(b) in article 210, in clause (2), in the second proviso, for the words “Arunachal Pradesh and Mizoram”, the words “Arunachal Pradesh, Goa and Mizoram” shall be substituted;

(c) in article 239A, in clause (1), for the words “for any of the Union territories of Goa, Daman and Diu and Pondicherry”, the words “for the Union territory of Pondicherry” shall be substituted;

(d) in article 239B, in clause (1), for the words, brackets, figures and letter “a Union territory referred to in clause (1) of article 239(A)”, the words “the Union territory of Pondicherry” shall be substituted;

(e) in article 240, in clause (1),—

(i) for entry (d), the following entry shall be substituted, namely:—

“(d) Daman and Diu;”;

(ii) in the provisos, for the words “Goa, Daman and Diu or Pondicherry”, the word “Pondicherry” shall be substituted.

**64. Amendment of Act 37 of 1956**—On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, for clause (d), the following clause shall be substituted, namely:—

“(d) the Western Zone, comprising the States of Goa, Gujarat and Maharashtra and the Union territories of Dadra and Nagar Haveli and Daman and Diu; and”.

65. *Amendment of Act 20 of 1963*—On and from the appointed day, in the Government of Union Territories Act, 1963,—

(a) throughout the Act, for the words “a Union territory”, “any Union territory” or “every Union territory”, wherever they occur, the words “the Union territory” shall be substituted;

(b) in section 2, in sub-section (1), for clause (h), the following clause shall be substituted, namely:—

“(h) “Union territory” means the Union territory of Pondicherry.”;

(c) in section 3,—

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assembly of the Union territory.”;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything in sub-section (4), the reservation of seats for the Scheduled Castes in the Legislative Assembly of the Union territory shall cease to have effect on the same date on which the reservation of seats for the Scheduled Castes in the House of People shall cease to have effect under article 334:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of the Union territory until the dissolution of the then existing Assembly.”.

66. *Territorial extent of laws*—The provisions of Part II 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 the territorial references in any such law to the existing Union territory shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within the existing Union territory before the appointed day.

67. *Power to adapt laws*—For the purpose of facilitating the application in relation to the State of Goa or the Union territory of Daman and Diu of any law made before the appointed day, the appropriate Government may, within 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 in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law,

- (i) in its application to the State of Goa, the State Government, and
- (ii) in its application to the Union territory of Daman and Diu, the Central Government.

**68. Power to construe laws**—Notwithstanding that no provision or insufficient provision has been made under section 67 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 Goa, or the Union territory of Daman and Diu construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

**69. Provisions as to continuance of courts, etc.**—All courts and tribunals and all authorities discharging lawful functions throughout the existing Union territory or any part thereof immediately before the appointed day shall unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent Legislature or other competent authority, continue to exercise their respective functions.

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

**71. 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 three years from the appointed day.

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

**72. Power to make rules**—(1) The Central Government may, by notification, make rules to give effect to the provisions to this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so,

however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

## **THE FIRST SCHEDULE**

[See section 19(a)]

### **PART I**

#### **AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950**

**In the Constitution (Scheduled Castes) Order, 1950,—**

(1) in paragraph 2, for the figures "XXI", the figures "XXII" shall be substituted;

(2) in the Schedule, after Part XXI, the following Part shall be inserted, namely:—

#### **"PART XXII.—GOA**

1. Bhangi (Hadi)
2. Chambhar
3. Mahar
4. Mahyavanshi (Vankar)
5. Mang."

### **PART II**

#### **AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES)**

#### **(UNION TERRITORIES) ORDER, 1951**

**In the Constitution (Scheduled Castes) (Union Territories) Order, 1951,—**

(1) in paragraph 2, for the words and figures "Parts I and II", the words and figures "Parts I to III" shall be substituted;

(2) for paragraph 4, the following paragraph shall be substituted, namely:—

"4. Any reference in this Order to a Union territory in Part I of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the first day of November, 1956, any reference to a Union territory in Part II of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the first day of November, 1966 and any reference to a Union territory in Part III of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the day appointed under clause (b) of section 2 of the Goa, Daman and Diu Reorganisation Act, 1987."

(3) in the Schedule, after Part II, the following Part shall be inserted, namely:—

**“PART III.—DAMAN AND DIU**

Throughout the Union territory:—

1. Bhangi (Hadi)
2. Chambhar
3. Mahar
4. Mahyavanshi (Vankar)
5. Mang.”.

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**THE SECOND SCHEDULE**

[See section 19(b)]

**PART I**

**AMENDMENTS TO THE CONSTITUTION(SCHEDULED TRIBES) ORDER, 1950**

In the Constitution (Scheduled Tribes) Order, 1950,—

- (1) for the figures “XVIII”, the figures “XIX” shall be substituted,
- (2) in the Schedule, after Part XVIII, the following Part shall be inserted, namely:—

**“PART XIX.—GOA**

1. Dhodia
2. Dubla (Halpati)
3. Naikda (Talavia)
4. Sidli (Nayaka)
5. Varli.”.

**PART II**

**AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) (UNION TERRITORIES) ORDER, 1951**

In the Constitution (Scheduled Tribes) (Union Territories) Order, 1951,—

- (1) in paragraph 2, for the word and figure “PART I”, the words and figures “PARTS I AND II” shall be substituted;
- (2) in paragraph 3, the words, figures and brackets “ and any reference to a Union territory in Part II of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the day appointed under clause (b) of section 2 of

the Goa, Daman and Diu Reorganisation Act, 1987" shall be added at the end;

(3) in the Schedule, after Part I, the following Part shall be inserted, namely:—

**"PART II.—DAMAN AND DIU**

Throughout the Union territory:—

1. Dhodia
2. Dubla (Halpati)
3. Naikda (Talavia)
4. Sididi (Nayaka)
5. Varli."

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**THE CONSTITUTION (FIFTY-SIXTH AMENDMENT) ACT, 1987**

*An act further to amend the Constitution of India.*

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

1. *Short title and commencement*—(1) This Act may be called the Constitution (Fifty-sixth Amendment) Act, 1987.

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

2. *Insertion of new article 371-I*—After article 371H of the Constitution, the following article shall be inserted, namely:—

*Special provision with respect to the state of Goa*—"371-I. Notwithstanding anything in this Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members."

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**THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT ACT, 1987**

*An Act to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.*

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

1. *Short title*—This Act may be called the Governors (Emoluments, Allowances and Privileges) Amendment Act, 1987.



2. *Amendment of Act 43 of 1982*—In section 3 of the Governors (Emoluments, Allowances and Privileges), Act, 1982, for the words “rupees five thousand five hundred per mensem”, the words “rupees eleven thousand per mensem” shall be substituted, and the said section 3 as so amended shall be deemed to have come into force with effect from the 1st day of April, 1986.

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## SESSIONAL REVIEW

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### EIGHTH LOK SABHA

#### EIGHTH SESSION

Lok Sabha which commenced its Eighth Session (Budget Session) on 23 February 1987 was adjourned *sine die* on 12 May 1987. A brief resume of some of the discussions held during the session till 30 March 1987 had been published in the June 1987 issue of the *Journal*. A brief resume of the important discussions held and other business transacted during the remaining period of the Session is given below:

#### A. DISCUSSIONS

*Engaging of U.S. economic intelligence agency Fairfax:* Raising a discussion on 31 March 1987 Professor Madhu Dandavate said that engaging of U.S. economic intelligence agency, Fairfax by the Ministry of Finance had given rise to issues such as Government's failure to use its own economic intelligence to find the economic offenders, propriety of appointing a U.S. agency or any other foreign agency to probe into such matters and coordination between the Finance Ministry and the Prime Minister.

Participating in the discussion, Shri C. Madhav Reddi demanded placing on the Table of the House the details of investigation completed by the Fairfax agency. Shri Dinesh Goswami wanted the then Finance Minister to own responsibility if he had engaged the foreign agency without consulting the Prime Minister.

In a brief intervention, Minister of Defence Shri Vishwanath Pratap Singh (the then Finance Minister) stated that he shared the responsibility. Dr. A.K. Patel felt that the then Finance Minister had taken the proper step of investigating into the black money hoarded in Swiss banks.

Winding up the discussion in which 8 other members\* participated, the Minister of State in the Ministry of Petroleum and Natural Gas and Minister of State in the Ministry of Finance, Shri Brahma Dutt informed the House that Fairfax Group had not been entrusted with any investigation work by the Government. The position of that Group was in no way more than 'an

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\* Other members who took part in the discussion were: Sarvashri Dinesh Singh, B.R. Bhagat, Somnath Chatterjee, P.R. Kumaramangalam, Jagannath Kaushal, V. Kishore Chandra S. Deo, Professor Narain Chand Parashar and Shrimati Geeta Mukherjee.

informer'. That Group did not furnish any authentic or important information for which they deserved any payment, and no officer or Minister of Government of India had made any payment to them.

Referring to persons evading income tax or customs or excise duty, the Minister said that no leniency would be shown to them. The Government would continue to take strict action against people hoarding black money and keeping their money in foreign countries, he assured.

In a statement made in the House on 3 April 1987, Prime Minister, Shri Rajiv Gandhi informed the House that in view of the importance of the matter and to set at rest all controversies, the Government had decided to appoint a sitting Judge of the Supreme Court in consultation with the Chief Justice of India to enquire into the issues connected with the above matter.

Initiating a debate on 6 April 1987 on the statement of the Prime Minister, Shri Somnath Chatterjee demanded an enquiry by a Committee of the House, as by giving a statutory garb to the enquiry, the Government had evolved a time consuming process to defuse the issue and taken the matter out of the jurisdiction of Parliament.

Shri Bhattam Srirama Murthy moving a substitute motion for the appointment of a Committee of the House to go into all aspects of the Fairfax episode, said that Parliament was the right forum and correct body to look into those aspects.

Making a statement in course of the discussion, Shri Brahma Dutt informed the House that in exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government had appointed a Commission of Inquiry consisting of Justice M.P. Thakkar and Justice S. Natarajan of Supreme Court as Chairman and Member respectively.

The Commission, the Minister stated, would enquire into the events and circumstances leading to the arrangements entered into with the Fairfax Group Inc. and in particular would look into the specific aspects, viz., the nature, authority, purpose and terms and conditions of its engagement and whether any payment was made or authorised to be made to it. The Commission would also look into the facts whether any information had been received by Government from the Fairfax Group and whether any information had been made available to it by the Government and also whether the security of India was prejudiced in any manner in making such arrangements. The Commission, he added, would submit its report to the Central Government within three months and the same would be laid before the Parliament.

Participating in the discussion, Shri Indrajit Gupta asked the Government to ensure that the Commission really worked within the time-limit and parameters fixed for it. Sarvashri Dinesh Goswami and K.P. Unnikrishnan

supported the view that a parliamentary committee would be more appropriate to investigate the case.

Intervening in the discussion, in which 6 other members\* participated, Shri Brahma Dutt reiterated that the statements of Mr. Harshman, Chairman of Fairfax constituted an interference in the internal affairs of India and the Government had taken strong exception to them.

Referring to the suggestion made by members and the substitute motion moved by Shri Bhattam Srirama Murthy for probe by a parliamentary committee, Shri Brahma Dutt observed that even in the parliamentary committee, majority of the members would have to be from the ruling party and the Opposition might allege that their opinion was not listened to in the Committee. All had full faith in Supreme Court and a judicial enquiry satisfied all, he added.

Referring to economic offenders, the Minister reiterated that the Government would not spare them and take stern action against them. There was no harm in taking help of those foreign agencies which did not in any way jeopardise the security of the country. The Government, he added, would hand over all the necessary documents and pass on the information available with it to the Commission of Inquiry and hoped that members would also do the same.

After Shri Somnath Chatterjee had replied to the debate, the substitute motion moved by Shri Bhattam Srirama Murthy was negatived.

*Resolution for Removal of Speaker from Office:* On 15 April 1987, Shri Somnath Chatterjee moved the following resolution:

“That this House having taken into consideration the rulings of the Speaker of the House including the one on March 19, 1987 + on the question of privilege and adjournment motions, feels that by denying to the Members right to raise vital constitutional and procedural issues and burning problems, the Speaker had ceased to command the confidence of all sections of the House and therefore resolves that he be removed from his office.”

Moving the resolution, Shri Chatterjee said that the Parliament had the right and the authority to see that the constitutional functionaries discharged their Constitutional responsibilities and obligations and kept the Parliament informed. The Speaker had not only not permitted such a discussion, but had made certain observations which might take away minimal rights of the Parliament. He wanted to know whether in the name

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\* Other members who took part in the discussion were: Sarvshri V.N. Gadgil, Chandulal Chandraker, S. Jaipal Reddy, Bipin Pal Das, R.L. Bhatia and Sharad Dighe.

+ The Speaker in his ruling on 19 March 1987 had stated that relationship between the President and the Council of Ministers was a matter entirely between them and could not under any circumstances be a fit subject for discussion on the floor of the House.

of applying the rules and giving a particular interpretation, anybody could be treated above the Constitution and beyond reach of Parliament.

Earlier, while allowing the motion to be moved, the Deputy Speaker, Dr. Thambi Durai ruled that the motion had been vitiated by advance publicity in the Press which was in contravention of rule 344A of the Rules of Procedure and Conduct of Business in Lok Sabha. He also held that the motion suffered from many infirmities as it raised several issues instead of a specific issue, which alone the rules permitted. However, the resolution being under article 94 of the Constitution, he wanted the House itself to decide on the leave to move the resolution.

Intervening in the discussion, the Minister of Food and Civil Supplies and Parliamentary Affairs, Shri H.K.L. Bhagat said that the Speaker had been more than fair to the Opposition and there was hardly any subject of importance which had not been discussed. He charged the Opposition with not taking a straightforward course and termed it a political game against the Speaker.

Supporting the motion, Professor Madhu Dandavate contended that ruling of the Speaker could not only mar the democratic procedure in the House, but was likely to create wrong interpretation of the Constitution and the Rules of Procedure.

Intervening in the discussion, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram maintained that articles 74 and 78 of the Constitution had not been violated. He added that the President was bound by the advice of the Prime Minister, which could not be called into question in any way. The Speaker's ruling of 19 March had reflected the correct position of the law. He had upheld the Constitution, law, the rules of the House and had faithfully followed the law laid down by the Supreme Court. The motion, he observed, was undeserved, unjustified, unwarranted and an abuse of parliamentary process.

Participating in the discussion, Shri P. Kolandaivelu said that since the Speaker had been impartial to both the treasury benches as well as the Opposition, the motion was unnecessary and unwarranted.

Intervening in the discussion, the Minister of State in the Department of Defence Production and Supplies in the Ministry of Defence, Shri Shivraj V. Patil held that ruling given by the Speaker was correct and there was no violation of article 78. The intention in not allowing adjournment motions and privilege motions was to provide some sort of immunity to the office of the President, keeping in view the dignity of his office. The underlying idea in bringing in the motion was not so much to denigrate the person of the Speaker but to discuss something which the Opposition could not otherwise discuss on the floor of the House.

Shri Indrajit Gupta suggested incorporation of rules in the Rules of Procedure corresponding to the requirement of article 78.

In a brief intervention, the Minister of Communications Shri Arjun Singh said that what the Speaker had done was to put in correct perspective the rights and duties of Parliament. His effort had been to protect the institutions entrusted with specific responsibilities and specific powers.

Shri Dinesh Goswami felt that the Speaker's ruling had gone completely against the foundation of independent democracy.

Intervening in the discussion in which 3 other members\* participated, Prime Minister Shri Rajiv Gandhi said that Dr. Bal Ram Jakhar had functioned with great dignity and total impartiality and served the House with great distinction. All manner of subjects had been discussed in the House and the Government had never fought shy of any discussion, he asserted. Repudiating the charges that the Speaker had been working under pressure of the Executive and stifling free discussion, Shri Gandhi observed, "The Speaker has to function in a difficult situation when partisan passions run high. The Speaker has to rise above them and to give decisions to regulate the orderly conduct of business.... But if we question his good faith and his commitment to the values of parliamentary democracy, we are destroying the very basis of our institution." Shri Gandhi appealed to the Opposition to rise above petty politics and not to press the motion in the interests of democracy.

The resolution was negatived after Shri Somnath Chatterjee had replied to the debate.

*Enquiry into the defence deal ordered by former Minister of Defence:* Making a statement on 15 April 1987, the Minister of State in the Department of Defence Research and Development in the Ministry of Defence, Shri Arun Singh informed the House that on 25 February 1987, the Government had received a secret telegram from an Indian Embassy stating that an Indian agent was involved in a defence contract, in which the agent had an arrangement for receiving payment of 7 per cent commission from the supplier. The identity of the agent or the amount of money said to have been received by him had not been stated. Keeping in view the sensitivities of international relations, the Minister did not divulge any information on the subject matter of the defence contract or the source of supply.

Shri Arun Singh stated that on 11 March 1987, the then Defence Minister had ordered for referring the matter to the Directorate of Enforcement for investigation of violations of the Foreign Exchange Regulation Act and to the Central Board of Direct Taxes for possible violation of the Income-tax Act and also desired carrying out a systematic study of the *modus*

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\* Other members who took part in the discussion were: Sarvashri Ananda Gajapathi Raju, Jagan Nath Kaushal and Saif-ud-Din Soz.

*operandi* of all agents, Indian and foreign, by the Economic Intelligence Bureau of the Ministry of Finance. He had further directed that a committee under the chairmanship of the Defence Secretary should report on the *modus operandi* of foreign and Indian agents in defence deals and suggest steps necessary to eliminate them from defence transactions. He further stated that on 9 April 1987, the then Defence Minister had also directed the issue of a press note containing the substance of information received from the Indian Embassy besides ordering of an enquiry into the matter and establishment of a committee under the Defence Secretary. The concerned file was despatched to Prime Minister's office. The newspapers had already carried the press note, giving rise to 'speculations' before the file sent on the evening of 9 April could be put up to the Prime Minister on 10 April 1987, he added.

The Minister categorically affirmed that the Department of Defence had not appointed any agent authorised to act on its behalf in respect of any defence contract. The Prime Minister on assuming office had reiterated the existing instructions, for the Department of Defence not to deal with any non-governmental agent of a foreign supplier in respect of any commercial negotiations. The said policy directive had been enforced rigorously by the Department of Defence, he added.

The statement of the Minister was discussed in the House on the same day. Initiating the discussion, Shri Suresh Kurup asked the Government to name the agent and also come forward with all the details of the deal. He demanded a thorough probe into the matter by a parliamentary committee.

Participating in the resumed discussion on 16 April 1987, Shri Indrajit Gupta supported the demand for a probe by a parliamentary committee. He suggested that retired defence officers be banned from taking up employment with firms supplying equipment for the defence forces.

Replying to the discussion in which 7 other members\* participated, Shri Arun Singh assured that the Government would pursue the three enquiries ordered by the then Defence Minister to their logical and ultimate conclusion. He did not agree to the suggestion made by some members for examination of the matter by Parliament since the enquiry as directed by the then Defence Minister was already in process.

The Minister expressed Government's inability to spell out the details of contract, supplier etc., or even confirm anything about the telex message. The information had originated from a foreign Government and until such time that Government concurred in the release of that information publicly, it would be totally unethical to do so.

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\* Other members who took part in the discussion were: Sarvashri Bhagwat Jha Azad, V. Sobhanadreeswara Rao, Syed Shahabuddin, Pratap Bhanu Sharma, P.J. Kurien, Naresh Chandra Chaturvedi and General R.S. Sparrow.

As regards purchase of type 1500 sub-surface to sub-surface submarines the Minister informed the House that the Government of India had purchased two of them from West Germany as they were one of the best available in the world.

Dealing with the question of involvement of agents, Shri Arun Singh reiterated that the Department of Defence did not deal with non-governmental agents or foreign suppliers in any commercial negotiation and the Government of India did not recognise the right, even of a supplier, to have an agent in relation to a commercial negotiation. In case the supplier did engage an agent and paid him any commission or fee, then he would be asked on the spot to reduce the price to that extent or leave. He added that no financial or commercial negotiations took place for defence equipment which were not acceptable technically. There existed a technical evaluation process, price evaluation process and a method by which Department of Defence tried and made every effort to ensure that agents did not enter into commercial negotiations.

*Acquisition of Guns by Indian Army from Bofors of Sweden:* Making a statement on 20 April 1987, the Minister of Defence, Shri K.C. Pant reiterated Government's categorical denial of the allegation, reported in several newspapers, based on a Swedish radio broadcast of 16 April 1987, regarding the payment of bribes to senior Indian politicians and key Defence figures to win a contract which had been awarded by the Government of India to M/s. Bofors of Sweden on 24 March 1986 for the purchase of FH-77B 155 mm Towed Howitzers.

Detailing the events that led to the induction of Bofors FH-77B Towed Howitzers, the Minister stated that between 1980-82, the Army tried and evaluated a variety of weapon systems to replace its obsolescent 5.5" guns. In April 1984, approval of the Government was accorded for the commencement of technical and commercial negotiations with the four shortlisted firms, viz., SOFMA of France, Bofors of Sweden, IMS of UK and VOEST Alpine of Australia with a view to acquire the proposed gun system and also to negotiate for their licensed production in India. The Government established a high-level Price Negotiating Committee headed by the Defence Secretary. On the basis of detailed technical negotiations with four potential suppliers by army assisted by scientists and technologists of Defence Research and Development Organisation (DRDO) and Defence Production and Supplies Department, the General Staff recommended shortlisting FH—77B of Sweden and TR-155 of France for final commercial negotiations and conclusion of a contract. The Defence Secretary, as Chairman of the Price Negotiating Committee had individually advised the leaders of each of competing firms that the policy of the present Government did not approve of the appointment of Indian agents acting for foreign suppliers and would disqualify a firm, if it came to the Government's notice that an agent had been appointed. They were specially asked to reduce their offers by the amount of such commissions,



if any, which had been provided for. On the eve of finalising the contract, in response to a reiteration of Government's policy and a demand for confirmation, M/s. Bofors had intimated that they had not employed any representative or agent in India for the project.

The Minister further stated that the policy of the Government in this regard was conveyed to the concerned governments whenever an appropriate opportunity presented itself. In the case of Bofors, opportunities arose during the visit of Mr. Carl Johan Aberg, permanent Under Secretary of State Foreign Trade of the Swedish Government, as well as during personal consultations between, Prime Minister, Shri Rajiv Gandhi and Late Mr. Olof Palme. The aforesaid position had been confirmed by Mr. Aberg in his statement made on 17 April 1987.

Concluding his statement, the Minister assured the House that if any evidence was produced involving violations of the law, the matter would be thoroughly investigated and the guilty punished.

Initiating the debate same day on the statement of the Minister, Shri C. Madhav Reddi suggested that files pertaining to the matter be placed with the Speaker, so that he could decide on sharing information with the Leaders of Opposition.

In a brief intervention, Prime Minister Shri Rajiv Gandhi informed the House that the former Swedish Prime Minister while evincing interest in the sale of their guns to India, had confirmed that no middlemen or agents would be involved. The Government had also been assured both by the company as well as the Swedish Government of non-involvement of an agent.

Taking part in the discussion, Professor Madhu Dandavate and Shri Dinesh Goswami demanded a probe into the matter by a parliamentary committee. Shri P. Kolandaivelu asked the Government to identify the black sheep and deport them from the country. Shri Indrajit Gupta wanted to know whether the deal with Bofors included purchase of all necessary ammunition for the guns. He wanted the Government to order an impartial enquiry into the whole matter.

Intervening in the discussion, the Minister of State in the Ministry of Commerce, Shri P.R. Das Munshi said that keeping in view unity of the country and the dignity and morale of the defence forces, the Government had taken up the matter very seriously. He affirmed that defence preparations would continue and the army would be provided with all sophisticated weapons. The Government would not allow army to be demoralised and the country divided, he asserted.

Replying to the discussion, in which 9 other members\* participated,

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\*Other members who took part in the discussion were: Sarvashri Haroobhai Mehta, Somnath Chattetjee, R.L. Bahtia, Jagan Nath Kaushal, Ajay Mushran, C. Janga Reddy, N.V.N. Somu, V. Kishore Chandra S. Deo and Dr. Datta Samant.

Minister of Defence, Shri K.C. Pant ruled out setting up of a parliamentary committee to go into the matter for want of some sound basis and documents. He, however, agreed to look into the range of the gun.

The Minister said that the question of manufacturing 155 mm guns in the country had been looked into. Since DRDO had been then engaged in the design of two other important guns required for the services, it was felt that with the available infrastructure, it would not be possible for DRDO to handle two types of guns at the given time. Similarly, ammunition from other sources was also considered and preference was given to Bofors as none of the other parties could give all the six types of ammunition required. The bids, he added, could not be laid on the Table of the House because it was a sensitive matter and arms had to be purchased from various countries.

As regards value of the contract, Shri Pant said that it was Rs. 1,427 crores which covered 410 gun systems including the guns, the towing vehicles and ammunition vehicles, ammunitions of six types, fire control instruments, five years of spares and technical literature.

In another statement made on 29 April 1987, Shri Pant informed the House that on the request of the Indian Government to ascertain the use of middlemen in Bofors arms deal, the Government of Sweden had decided to ask the National Audit Board to make an auditing review of certain transactions that were made by Bofors in connection with the Indian contract.

*Escalation of violence in Sri Lanka:* Initiating a discussion on 11 May 1987, Shri Braja Mohan Mohanty said that since Sri Lanka Government was using Army and Air Force against their own citizens, the matter should be taken up in the NAM Summit meeting, UNO and in various other international fora.

Participating in the resumed discussion on 12 May, 1987, Shri P. Kolandaivelu said that situation in Sri Lanka was very serious and the Government should come to the rescue of the Tamils in order to save them.

Replying to the discussion in which 11 other members\* participated, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh contended that developments in Sri Lanka, were an internal matter of Sri Lanka. At the same time, he added, the situation there had peculiarities which India and her people could not disregard.

Sharing concern expressed by members about killings of innocent women and children, Shri Natwar Singh said that it had been conveyed to Sri Lankan Government to lift the blockade on humanitarian grounds

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\* Other member who took part in the discussion were : Sarvashri N.V.N. Somu, Syed Shahabudin, G.G. Swell, A.J.V.B. Maheshwara Rao, P.R. Kumaramangalam, Saifuddin Choudhary, Vir Sen, G.S. Basavaraju, V. Venkatesh, Ramashray Prasad Singh and Dr. Manoj Pandey.

and that military activities should be restrained to save the innocent people. The situation, he added was under constant review of the Government. Prime Minister, Shri Rajiv Gandhi had drawn the attention of President of Sri Lanka that India could not be oblivious to the international environment in and around Sri Lanka. India had told the President of Sri Lanka that serious consequences would follow if activities of the outside powers increased in Sri Lanka. India sincerely hoped that Government of Sri Lanka would in their "own interest" look at it carefully.

Regarding the suggestion of members for taking the matter to U.N.O., non-aligned movement and other international fora, the Minister said taking of such issues to the international fora would only invite all sorts of outside and extraneous influences to get in and an already difficult situation would be further complicated to the detriment of all concerned. Similarly a military solution or military intervention would also have serious repercussions for the entire region. The political settlement thus was the only answer and that the solution had to be found within the unity and territorial integrity of Sri Lanka, he added.

Shri Natwar Singh reiterated that India has been trying for a peaceful negotiated political settlement for the past 4 years. India was hopeful about December 19 proposals which envisaged that the outside elements in Sri Lanka would be withdrawn and there would be a 'package settlement'. He claimed that those proposals were still the best hope and according to the latest message from Sri Lanka they were still valid. Shri Natwar Singh felt that it was really difficult to do a serious business with a Government which changed its mind so often.

*Proclamation under article 356 in respect of Punjab:* On 12 May 1987, moving a statutory resolution seeking approval of the House for the Proclamation issued by the President on 11 May 1987, under article 356 of Constitution in relation to the State of Punjab, the Minister of Home Affairs, Sardar Buta Singh said that the law and order situation in Punjab had deteriorated. The terrorists continued to indulge in brutal killings of the leaders of the political parties, police personnel, their family members and the innocent citizens including women and children.

The Minister further said that the Governor of Punjab in his letter had *inter alia* stated that ever since the new fundamentalist movement commenced under the garb of social reform, the terrorists started disturbing the very fibre of social life in villages. The district authorities and the local administration remained silent spectators and nobody, including the police, liked to go on duty after sunset. Besides, deep involvement of some of the State Ministers and their relations with the terrorists and the unwarranted attempt to interfere with the functioning of the police by them and some of the leading members of the ruling party made the matter worse. All manner of wild allegations, including that of even fostering communalism, were falsely made against the

Director-General of Police thereby not only greatly shaking the public confidence everywhere but also lowering the morale of the Punjab police.

The Minister noted that there had neither been a realization of gravity of the situation on the part of State Government nor the necessary political will to combat seriously the fundamentalist movement and the growing and unabated terrorism. There was shifting of families of one community to places outside the State due to panic, but no concrete action had been taken by the State Government to restore their confidence. The Governor had come to the conclusion that a situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the Constitution, he added.

The Minister stated that Central Government considered the Report of the Governor and the situation in Punjab and felt that there was no alternative but to issue the Proclamation under article 356 of the Constitution and place the State Assembly under suspended animation.

Participating in the discussion, Shri Balwant Singh Ramoowalia felt that imposition of President's rule would further escalate tension, widen the gap between the people and further deteriorate law and order situation. He urged upon the Government to review the decision.

Replying to the discussion in which 11 other members\* participated, Sardar Buta Singh said that the Centre had hoped that Government of Akali Dal in Punjab would take necessary steps to control the situation and create peace and harmony there. But the 21-month experience had shown that the State Government had failed to live up to expectations. The ruling party in Punjab, he added, had approved the Punjab Accord in the Assembly but rejected it in the Cabinet, which showed that the party lacked the needed political will. The Chief Minister could not prove himself equal to the tasks in the face of atmosphere prevailing in Punjab. Instead of taking steps to protect the life and property of the people, a senior Minister openly helped the mischievous elements in the State and the Chief Minister could not take any steps against them, much though he wanted to do so. The Centre, he added, had to take the step as it owed a responsibility and duty towards the nation.

Sardar Buta Singh assured the House that the Government would deal with the problem of Punjab in a proper manner and action would be taken against all corrupt forces whether political or administrative, as also against people who were harbouring extremists or helping them in any manner.

The resolution was adopted.

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\* Other members who took part in the discussion were: Sarvashri E. Ayyapu Reddy, R.L. Bhatia, Amal Datta, Chiranji Lal Sharma, P.R. Kumaramangalam, Mewa Singh Gill, Kamal Choudhry, Ramashry Prasad Singh, C. Janga Reddy, Dr. V. Venkatesh and General R.S. Sparrow.

**B. LEGISLATIVE BUSINESS**

**Finance Bill, 1987\***: On 29 April 1987, moving that the Bill be taken into consideration, Prime Minister, Shri Rajiv Gandhi announced concessions in tax proposals aggregating Rs. 40 crores on the customs and Rs. 30 crores on excise, which he said, would be made up by better collection during the course of the year. He also announced withdrawal of proposed new section 194E of the Income-tax Act in view of apprehensions expressed by members of causing unnecessary harassment to large number of honest tax payers seeking refunds.

The discussion on the Finance Bill was held on 29 and 30 April and 4 May 1987. Participating in the discussion, Shri C. Madhav Reddi suggested that the facility of borrowing funds from the market by public sector units be extended to state sector units and overdraft by states might be permitted for a month to tide over the difficulties. Dr. Datta Samant pleaded for raising the income tax exemption limit from Rs. 18,000 to Rs. 25,000 per annum.

Winding up the discussion in which 42 other members\*\* participated, Shri Rajiv Gandhi said that the Budget and the Finance Bill were part of national policy for economic development and modernisation of the nation. The country's economy, he added, was in good shape and was poised for another year of healthy growth. The policy on foreign investment being pursued by India had stood the test of time and there was no intention of drifting or shifting from that policy.

Dealing with the question of Centre-State relations and the spending of money by the Centre and the States, Shri Gandhi said that development, being an exercise, had to be done both by the Centre and the States. It was not possible to divide the responsibility as the Centre was looking at total development in the country. The State had been given much more than ever before during the recent years. He denied the allegation that the Centre was unfair to the States in the matter of cost of collection of taxes and added that if the States agreed, the Government would start a discussion on the matter.

Referring to the question of industrial sickness, Shri Gandhi said that

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\* The bill was introduced by the Prime Minister Shri Rajiv Gandhi (holding Finance portfolio) on 28 February 1987.

\*\*Other members who took part in the discussion were: Sarvashri Ram Singh Yadav, Banwari Lal Purohit, A. Kalanidhi, Harobhai Mehta, G.L. Dogra, H.M. Patel, P. Namgyal, Gridhari Lal Vyas, Balasaheb Vikhe Patil, K.D. Sultanpuri, R. Jeevarathinam, K. Pradhani, Bharat Singh, Sriballava Panigrahi, Kamla Prasad Singh, K.P. Singh Deo, Jagdish Awasthi, V.S. Vijayaraghavan, Lakshman Mallick, Shanti Dhariwal, Vishnu Modi, Ram Smujhawan, Saifuddin Chowdhary, K. Natarajan, Kailash Yadav, Narayan Choubey, B.B. Ramalah, Somnath Rath, Jagannath Chowdhary, Ram Nagina Mishra, V.S. Krishana Iyer, Aziz Qureshi, Braja Mohan Mohanty, Ram Pujan Patel, Ramashary Prasad Singh, Murli Deora, Virdhi Chander Jain, Dal Chand Jain, C. Janga Reddy, Dr. Manoj Pandey, Shrimati Usha Verma and Kumari Mamata Banerjee.

long-term answer to the problem was modernisation of industries. To control sickness the Government had already set up a Board of Industrial Finance and Reconstruction to look into those industries and monitor them, he added.

Rejecting the demand for raising of exemption limit from Rs. 18,000 to Rs. 25,000 for the income tax payers, Shri Gandhi pointed out that the present exemption limit was twelve times of the per capita income of the country and by raising it, the Government would lose about Rs. 400 crores.

The Bill, as amended, was passed.

*Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987\**: On 4 May 1987, moving that the Bill be taken into consideration, the Minister of Home Affairs, Sardar Buta Singh said that the Bill proposed to enhance the emoluments of the Governors of the States from Rs. 5,500 to Rs. 11,000 per month, with effect from 1 April 1986. The additional recurring expenditure of Rs. 11,88,000 per annum, he added, would be charged on the Consolidated Fund of the respective States.

Participating in the resumed discussion on 5 May 1987, Shri Dinesh Goswami felt that there should be specific guidelines in matters of the appointment of the Governor.

Replying to a two-day discussion in which 15 others members\*\* participated, Sardar Buta Singh pointed out that the Governor played a very important role in our constitutional set-up and a number of eminent persons had occupied this office and had served the country to the best of their ability.

Dealing with the observation that the Central Government did not consult State Governments while appointing Governors, Sardar Buta Singh indicated that there had been not even a single case where there was disagreement between the Union and the concerned State on the issue.

Regarding the suggestion for automatic increase in the allowances of Governors in proportion to price increase, the Minister stated that it could not be accepted as the Government were bound by the constitutional provisions for making enhancement of salary and allowances of Governors.

The Bill was passed.

*Prevention of Corruption Bill, 1987†*: On 7 May moving that the Bill be taken into consideration, the Minister of State in the Ministry of

\* The Bill was introduced by the Minister of Home Affairs, Sardar Buta Singh on 24 April 1987.

\*\* Other members who took part in the discussion were: Sarvashri N. Venkata Ratnam, Shantaram Naik, Thampan Thomas, Sriballav Panigrahi, Ajit Kumar Saha, Harish Rawat, V. Krishna Rao, Girdhari Lal Vyas, Viridhi Chander Jain, C. Janga Reddy, Sharad Dighe, P. Namgyal, Braja Mohan Mohanty, Narayan Choubey and Raj Kumar Rai

† The bill was introduced by the Minister of State in the Ministry of Personnel, Public Grievances and Pension and Minister of state in the Ministry of Home Affairs, Shri P. Chidambaram on 23 March 1987.

Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram said that the Bill was intended to widen the definition of the expression 'public servant' which would include officials and employees of Universities and examiners appointed by Universities and office bearers or employees of educational, scientific, social, cultural and other institutions established, funded or aided by the Central or State Governments. It empowered the Central Government to appoint special Judges to handle bulk of cases dealing with corruption. It made special provision that trial of cases should be held on a day-to-day basis and also proposed that the High Courts should not interfere with interlocutory orders, he added.

Winding up the discussion in which 12 members\* participated, Shri Chidambaram said that the common man felt the pinch of corruption at the cutting edge of the administration. The law should, therefore, be implemented by the State Governments, which were obliged to protect the common man.

Detailing the scope of the Bill, the Minister said that it would cover the Ministers. The members of Parliament and Legislative Assemblies, when discharging certain public duties, would also be covered by the Bill. The minimum punishment had been enhanced. In case of conviction, the court shall have no discretion to award any punishment other than punishment of imprisonment.

Concluding, the Minister assured the House that the Government would fight corruption at the top level.

The Bill, as amended, was passed.

*Goa, Daman and Diu Reorganisation Bill, 1987 and Constitution (Fifty-seventh) Amendment Bill 1987\**: On 11 May 1987, the Minister of Home Affairs, Sardar Buta Singh moved that both the Bills be taken into consideration.

Participating in the discussion, Shri C. Madhav Reddi suggested that instead of forming separate Union territory of Daman and Diu, those small islands should be merged with the States in which they are located. Professor Madhu Dandavate expressed the hope that Central assistance would be continued to the State of Goa for further development. Shri P. Kolandaivelu urged that Konkani be added as 16th language in the Eighth Schedule of the Constitution. Shri Balwant Singh Ramoowalia demanded that both legislative and financial powers should be given to the State for its speedy development.

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\* Other members who took part in the discussion were: Sarvashri E. Ayyappu Reddy, Haroobhai Mehta, Amal Datta, Y.S. Mahajan, Thampan Thomas, K.N. Singh, Sriballav Panigrahi, Aatur Rehman, Aziz Qureshi, Narayan Choubey, Saif-ud-Din Soz, And Dr.Datta Samant.

\*\*The bills were introduced by the Minister of Home Affairs, Sardar Buta Singh on 8 May 1987.

Intervening in the discussion, the Minister of State in the Ministry of External Affairs, Shri Eduardo Faleiro assured the House that the Central Government would consider sympathetically the demand for special status for the State of Goa and provide grants necessary for its development.

Sharing the sentiments expressed by members, Prime Minister Shri Rajiv Gandhi welcomed Goa as full-fledged State of the Union of India.

Replying to the discussion in which 16 other members\* participated, Sardar Buta Singh said that Konkani had become the official language with equal status to Marathi language in the State. With regard to the status of Daman and Diu, the Government had constituted them into a separate Union Territory with an Advisory Council. He assured the House that the Government would not neglect the development of Daman and Diu.

The Bill, as amended, was passed.

The Constitution (Fifty-seventh) Amendment Bill\*\*, as amended, was passed, by the requisite majority in accordance with the provisions of article 368 of the Constitution.

On 12 May 1987, moving that the amendment made by Rajya Sabha in the Goa, Daman and Diu Reorganisation Bill be taken into consideration, the Minister of Home Affairs, Sardar Buta Singh said that it sought to retain the name of Bombay High Court for the common High Court for the States of Maharashtra and Goa and Union Territory of Daman and Diu. The amendment, he added, had been moved in Rajya Sabha in deference to the wishes of the members and according to the direction of the Prime Minister.

In a brief discussion in which Sarvashri Sharad Dighe and Shantaram Naik participated, the motion for consideration was adopted and the amendment was agreed to.

*State of Arunachal Pradesh (Amendment) Bill 1987†*: On 11 May 1987, moving that the Bill be taken into consideration, the Minister of Home Affairs, Sardar Buta Singh said that the Bill sought to provide for the inclusion of three nominated members of the Legislative Assembly of the erstwhile Union Territory of Arunachal Pradesh in the Provisional Legislative Assembly.

Winding up a brief discussion, in which Sarvashri G.G. Swell and P.K.

\* Other members who took part in the discussion were: Sarvashri Shantaram Naik, Sudhir Roy, Sharad Dighe, Manoranjan Bhakta, Vijay Kumar Yadav, C.K. Jaffar Sharief, Piyus Tiraky, Harobhai Mehta, C. Janga Reddy, Uttamrao Patil, N.V.N. Somu, Anoopchand Shah, Asutosh Law, P. Shanmugam, Shrimati Dil Kumari Bhandari and Shrimati Usha Choudhary.

\*\* The Bill after becoming an Act was renumbered as The Constitution (Fifty-sixth) Amendment Act.

† The Bill was introduced by the Minister of Home Affairs, Sardar Buta Singh on 8 May 1987.



Thungon participated, Sardar Buta Singh reiterated that the present provision would enable all the three members belonging to most backward tribes to continue as members of the Assembly of new State of Arunachal Pradesh.

Dealing with the question of safeguarding the traditional rights and religious ceremonies of tribes, the Minister stated that the issue fell within the purview of the State Assembly which was fully competent to pass laws relating to them. The Parliament would pass the necessary measures at a appropriate time, to the satisfaction of the people of Arunachal Pradesh, in case the State Assembly did not pass them.

With regard to the question of increasing the number of seats in the State Assembly from forty to sixty, Sardar Buta Singh said that since elections were due in 1988-89, a provision to that effect could be thought of at an appropriate time, before the elections.

The Bill was passed.

#### C. THE QUESTION HOUR

During the Session from 23 February 1987 to 12 May 1987, 27,948 notices of Questions (21,281 Starred, 6,626 Unstarred and 41 Short Notice Questions) were received. Out of these, 986 Starred Questions, 9,710 Unstarred Questions and one Short Notice Question, were admitted. 28 Starred and 178 Unstarred Questions were deleted/withdrawn/postponed/transferred from one Ministry to another.

*Daily average of Questions:* Each Starred list contained 20 questions except those of (i) 13,17,24,25 March and 3,10,16 April 1987 which contained 21 Questions each; (ii) 2,23,26 March, 1,8,15,21 April and 7 May 1987 which contained 22 Questions each; and (iii) 6 May 1987 which contained 23 Questions. The Questions in excess of 20 in these lists were either postponed or transferred from earlier dates. On an average 7 questions per sitting were orally answered on the floor of the House. The maximum number of Starred Questions answered on the floor of the House was 11 on 25 February and 27 April 1987 and the minimum number was 4 on 5 March 1987.

The average number of Questions in the Unstarred list came to 202 as against the prescribed limit of 230 Questions.

*Half-an-Hour Discussions:* In all, 64 notices of Half-an-Hour Discussion were received during the Session. Out of these, 8 notices were admitted and 7 were discussed on the floor of the House.

#### D. OBITUARY REFERENCES

During the Session, obituary references were made to the passing away of Shri Kandula Obul Reddy, Dr. Purnendu Narayan Khan and Shrimati Padmavati Devi, all ex-members. Members stood in silence for a short while as a mark of respect to the deceased.

## RAJYA SABHA

## HUNDRED AND FORTY-SECOND SESSION\*

The Rajya Sabha met for its Hundred and Forty-Second Session on 13 April 1987 and was adjourned *sine die* on 12 May 1987. A resume' of some of the important discussions and other business transacted during the Session is given below.

## A. DISCUSSIONS

**Engagement of U.S. Agency Fairfax Group:** On 15 April 1987, Shri Lal K. Advani called the attention of the Prime Minister to the engagement of the U.S. Agency Fairfax Group by Government of India for the investigation of cases of illegal holding of funds by certain Indian parties abroad.

Making a statement on the subject, Minister of State in the Ministry of Petroleum and Natural Gas and Minister of State in the Ministry of Finance, Shri Brahma Dutt said that the Directorate of Enforcement had authorised the Fairfax Group Inc. of USA to collect information for investigation of certain cases of violation of the Foreign Exchange Regulation Act (FERA). As per an informal understanding the payment was to be made to the Fairfax Group Inc. on their procuring and making available to the Directorate clinching evidence and documents. Since no such information had till then been made available to the Government by the Fairfax Group Inc. no payment had been made or authorised to be made by the Government, the Minister said.

The Minister informed that keeping in view the public importance of the matter, the Government had, on 6 April 1987, appointed a Commission of Inquiry under the Commissions of Inquiry Act, 1952, to probe into the matter and to set all controversies at rest. A copy of the Notification had been laid on the Table of the House. The Commission would complete its inquiry within a period of three months and its report would be laid before the Parliament, the Minister assured.

Replying\*\* to points raised by members, the Minister reiterated that no payment had been made to Fairfax, nor anybody had been authorised to make any payment. He also made it clear that action would be taken in case it was found that someone had received payment in an unauthorised manner. Strict action was being taken against economic offenders. He expressed the hope that all the concerned agencies would join hands in this regard.

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

\*\*Other members who sought clarifications were: Sarvashri Lal K. Advani, Dipen Ghosh, N.K.P. Salve, Parvathaneni Upendra, J.P. Goyal, M.S. Gurupadaswamy, Madan Bhatia, Ghitta Basu, Murasoli Maran, Satya Prakash Malaviya, N.E. Balaram, Kalpnath Rai, Ghulam Rasool Matto and Shrimati Bijoya Chakravarty.

*Enquiry into the involvement of commission agents in certain defence deals:* Initiating a short duration discussion on the subject on 20 April 1987, Shri K. Mohanan said that he wanted to have details about the forces which were working to destabilise the Government and the country. Regarding the enquiry ordered by the former Defence Minister into the misdeed involved in a defence contract, the member wanted the Government to reveal what the *prima facie* case was and make available other information with them. Only then the parliamentary committee would decide how to proceed with the matter. Otherwise it would not be a fair inquiry.

Making a statement on the subject, the Minister of State in the Department of Defence Research and Development in the Ministry of Defence, Shri Arun Singh categorically stated that there was no pressure on the then Defence Minister or anybody else to conclude any contract or future contract with somebody.

Intervening in the discussion, Prime Minister, Shri Rajiv Gandhi said that the charges and the allegations made by the Opposition were completely vague. On the specific point in question, the Government of India had ordered an enquiry, which would be carried out without fear or favour. The Government had made it its basic policy, at the outset, to clean public life and the Government would not relent from this declared goal.

Replying to the discussion\*, Shri Arun Singh said that the Prime Minister had already given a categorical assurance that the facts would be determined and suitable action would be taken. There was nothing that he could add to that. It was totally unfair to say that a great moral dilemma was facing the nation; rather a grave unsubstantiated, false, baseless and mischievous moral dilemma was being sought to be created. In so far as enquiries were concerned, the Minister observed that the then Minister of Defence had every right to order them, and his orders were going to be carried out. The procedures adopted for the enquiry were in conformity with the rules of business of the Government of India. It would be seen through to the end and all those who were guilty would be punished, the Minister concluded.

*Working of the Ministry of Human Resource Development:* Initiating the discussion on the working of the Ministry of Human Resource Development on 22 April 1987, Shri Aladi Aruna alias V. Arunachalam, said that even though the Centre had provided an increased outlay of Rs. 825 crore to that Ministry in the current year, the burden of expenditure to the States had not been reduced.

Shri Arunachalam noted that during the Sixth five-Year Plan the target for the enrolment of children in 6-11 years age group in school was not achieved.

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\* Other members who took part in the discussion were: Sarvashri Darbara Singh, M.S. Gurupadaswamy, P.N.Sukul, Pawan Kumar Bansal, Jaswant Singh, Sharad Yadav, Gurudas Das Gupta, V. Gopalsamy, Chitta Basu, Professor C. Lakshmana, Sardar Jagjit Singh Aurora and Shrimati Bijoya Chakravarty.

Similarly during the Sixth Five-Year Plan the target for additional enrolment of the age group 11 to 14, was 63.53 lakh but the achievement was 41.83 lakh. The member wanted to know how India was going to achieve the target proposed in the New Education Policy.

The member observed that the scales of pay of the teachers of universities and colleges had not been revised since 1973. He suggested that the recommendations of the Mehrotra Committee should be implemented to protect the interests of the teachers and the scales recommended therein should be given effect-to.

Replying to discussion\*, on 23 April 1987, Minister of Human Resource Development, Shri P.V. Narasimha Rao said that the most important programme under the New Education Policy was universalisation of primary education. Under this programme Rs. 100 crore had been allocated for 'Operation Blackboard', only for the current year. That would not include the amount to be spent on school buildings etc.

Referring to the adult education programme, Shri Narasimha Rao said that for the first time it was being linked with the lives of the people and the needs of the learners so that they knew what they needed. The thrust would be to improve the quality of the existing adult education programme, he added.

The Minister assured that the question of the Mehrotra report with regard to the pay scales of the University teaching staff was going to be decided very soon. With regard to technical education, the Minister informed the House that there were certain schemes, with ambitious ideas, which the Government would like to implement. Such schemes pertained to modernisation, removal of obsolescence and infrastructural development all of which had been prominently mentioned in the education policy.

*Working of the Ministry of External Affairs:* Initiating the discussion on 24 April 1987, Shri M.S. Gurupadaswamy, said that foreign affairs were very vital for a nation. There should not, therefore, be any *ad hoc* perfunctory approach to the problems of international politics. But of late, there had been lack of comprehensive approach, scientific study and involvement of sister agencies of the Government and all the people in shaping, formulating and guiding the policy of the Government. In the past when Shri Jawaharlal Nehru was the Prime Minister there used to be a useful debate on foreign affairs in every session. That practice, the member said, seems to have discontinued and the same should be revived.

The member suggested that like other countries in the world, the

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\*Other members who took part in the discussion were: Sarvashri Mirza Irshdbaing, Vishvijit Prithvijit Singh, Jagdambi Prasad Yadav, Ram Naresh Kushwana, Hayatulla Ansari, Suraj Prasad, Ghualm Rasool Matto, T.R. Batu, Ram Chandravikal, Vishwa Bandhu Gupta, K.G. Maheshwarappa, Professor B. Ramachandra Rao, Professor C. Lakshmana, Professor Chandresn P. Thakur, Dr. R.K. Poddar Dr. Rudra Pratap Singh, Dr. Bapu Kaldate, Dr. Ratnakar Pandey, Dr. Faguni Ram, Dr. Mohd. Hashmi Kadwai, Professor (Shrimati) Asima Chatterjee and Shrimati Bijoya Chakravarty.

Government should think of encouraging expert groups on problem areas. India depended mostly on External Affairs Ministry for every thing. That was neither necessary nor desirable. He further observed that it was not correct to abandon the idea of appointing public men as ambassadors. While posting persons to various chanceries of the world, the Ministry should maintain a healthy mixing up of the politicians and the diplomats, he suggested.

On 27 April 1987, the Minister of External Affairs, Shri Narayan Dutt Tiwari, replying to the discussion\* expressed happiness that members had more or less unanimously supported the basic objectives of the foreign policy.

Referring to the situation in Sri Lanka, the Minister made it clear that it was not a problem of Tamil Nadu but the problem of the whole country. He appealed to all those who were party to the ethnic conflict to exercise maximum restraint. They should create conditions which would enable early resumption of a dialogue for negotiating a political settlement which would meet the legitimate aspirations of the Tamil minority within the framework of the unity and territorial integrity of Sri Lanka.

Speaking on Indo-Pak relations, the Minister said that India was committed to develop cordial and good neighbourly relations with Pakistan in accordance with the letter and spirit of the Simla Agreement. India had recently taken a number of initiatives including the establishment of a Joint Economic Commission to promote the process of normalisation with Pakistan.

Regarding the border issue with China, the Minister informed that the Chinese Vice Foreign Minister had recently announced that China would propose a date for the eighth round of talks after the summer. He was looking forward to a day when the two countries would talk of peace.

The Minister said that a committee had been set up to take preparatory action on the declaration of Indian Ocean as a zone of peace. The first meeting of the convening committee had taken place in March 1987 and the next meeting would take place in July and it was hoped that if the preparatory committee was able to agree on an agenda, the conference could take place some time in 1988. But India was of the firm opinion that the conference must be attended by the super-powers because until and unless they attended the meeting, it would not be successful.

Referring to the suggestion that Asian Relations Conference should be held in the current year to commemorate its 40th anniversary, the Minister informed that the Government of India had already considered this. The detailed plans for holding the commemorative conference would be announced by the organisation concerned.

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\* Other members who took part in the discussion were: Sarvashri P.N. Sukal, Kalpnath Rai, K.G. Maheswarappa, Shanti Tyagi, B. Satyanarayan Reddy, Ram Chandra Vikal, Naresh C. Puglia, Chaturanan Mishra, Sukomal Sen, Anand Sharma, Valampati John, Bhuvnesh Chaturvedi, Pramod Mahajan, Satya Prakash Malviya, Deba Prasad Ray, V. Gopalsamy, Raoof Valiullah, Bir Bhadra Paudyal Singh, Ghulam Rasool Matto, Thakur Jagatpal Singh, Dr. G. Vijaya Mohan Reddy, Dr. H.P. Sharma, Professor Chandersh P. Thakur and Shrimati Jayanthi Natrajan.

*Working of the Ministry of Defence:* Initiating the discussion on the subject on 29 April 1987, Shri Suresh Kalmadi said that the threat to the security environment of the country was heightened by the emergence of a Washington-Beijing-Islamabad axis. The symbol of the United States-Pakistan-China collusion plan was the F-7 fighter for which the US was providing the technology, the Chinese were providing the air-frame and Pakistan was providing the infrastructure. The aircraft, would be used against India. The latest US technology was sought to be inducted in the Pakistan Armed Forces. In spite of all these threats from Pakistan, India continued to desire peace with her on the basis of the Simla Agreement.

The member said that though some efforts were being made to modernise and strengthen the Indian Air Force to meet the future challenges and the old transport aircraft had been replaced by AN-32 and IL-76 aircraft, yet there were some complaints about both the aircraft. The Government should look into that aspect and take corrective measures.

Replying to the debate\* on 30 April 1987, Minister of Defence, Shri K.C. Pant said that since independence, India had followed the policy of non-alignment and had no expansionist ambitions at all. But then weakness was not the way to ensure peace. India had the responsibility of guarding its coastline which was 7,500 kms. and the land frontier which was, in fact, almost double of that.

Even though the linkages between the United States, China and Pakistan with their anti-India overtones had become pronounced, India's efforts to normalise relations with those countries have not ceased because basically Indians believed in peaceful co-existence.

The Minister assured that the Government had been conscious of the problem of ex-servicemen in the country. Almost 80 per cent of the personnel released from the Army were in the age group of 35 to 43. So, the task of resettlement and welfare of those ex-servicemen and their families was a national concern. He assured that the Government would continue to make all efforts within its means in that regard. The high level committee headed by Shri K.P. Singh Deo had gone into the problems of ex-servicemen. They made 68 recommendations, of which 54 had been accepted, seven were under consideration and seven were not accepted. There was reservation for ex-servicemen in Central Government and public sector undertakings. Most States had also made reservations for them. The percentage utilisation of reserved vacancies had gone from about 37 per cent in 1983 to 49 per cent in the first half of 1986. The Minister admitted that in Defence public sector

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\* Other members who took part in the discussion were: Sarvashri M.A. Baby, Satya Pal Malik, Pawan Kumar Bansal, Kailash Pati Mishra, Vithalrao Madhavrao Jadhav, Virendra Verma, Murlidhar Chandrakant Bhandare, Arun Singh, Jagesh Desai, N.E. Balaram, Santosh Kumar Sahu, Nagen Saikia, Sardar Jagjit Singh Aurora, and Shrimati Renuka Chowdhury.

units the number of ex-servicement was not very large. The reason for this was that reservations came after the public sector units were established. Now efforts were being made to fill the posts that had been reserved, the Minister assured the House.

#### B. LEGISLATIVE BUSINESS

*The Payment of Gratuity (Amendment) Bill, 1987\**: On 23 April 1987, the Minister of State in the Ministry of Labour, Shri P.A. Sangma, moving the motion for consideration of the Bill said that the Payment of Gratuity Act, 1972 provided for a scheme for payment of gratuity to the employees employed in factories, mines, plantations, oil fields, ports, railway companies, shops and certain other establishments and for matters connected therewith. The payment of gratuity under the Act was, however, at present restricted to the employees drawing wages not exceeding Rs. 1,600 per month.

The Labour Ministers' Conference held in 1980 and 1982 had recommended *inter alia* that the time-limit for payment of gratuity might be prescribed in the Act itself and that there should be a suitable provision for recovery of interest in cases where the payment of gratuity was delayed. The trade unions had been representing for suitable enhancement in the wage limit for payment of gratuity. Indian Labour Conference held in November 1985 had recommended introduction of a suitable provision for compulsory insurance of employers liability and setting up of Gratuity fund for the payment of gratuity, the Minister concluded.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was passed on 5 May 1987.

*Appropriation (No. 3) Bill, 1987\*\**. On 4 May 1987, the Minister of state in the Department of Expenditure in the Ministry of Finance, Shri B.K. Gadhvi said that the Bill Provided for withdrawal of the amounts required to meet the expenditure for the year 1987-88 charged on the Fund as well as the Grants voted by the Lok Sabha, out of the Consolidated Fund of India. Gross disbursements of Rs. 233,763 crore were provided for in the Bill.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was returned on 5 May 1987.

*The Finance Bill 1987\*\*\** Moving the motion for consideration of the Bill on 6 May 1987, the Prime Minister and the Minister of finance, Shri Rajiv Gandhi said that after careful consideration, it had been decided to withdraw the proposed new section 194E of the Income-tax Act as it might cause unnecessary harassment to a large number of honest tax-payers.

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\* Introduced in the House on 18 March 1987.

\*\*The bill, as passed by the Lok Sabha, was laid on the Table on 29 April 1987.

\*\*\*The Bill as passed by Lok Sabha was laid on the Table on 5 May 1987.

The Finance Bill sought to insert a new Section 115J in the Income-tax Act to levy a minimum tax on 'book profits' of certain companies. Representations were received that losses and unabsorbed depreciation pertaining to earlier years should be allowed to be set off in computing book profits for the purpose of determining the minimum tax. Under Section 205 of the Companies Act, 1956, losses or unabsorbed depreciation, whichever was less, was allowed to be set off against the book profits of the current year for determining profit for the purpose of declaring dividends. It had, therefore, been decided to allow the same adjustment in computation of book profits for purposes of the new provision for levy of minimum tax, he added.

The Prime Minister added that the Bill had sought to insert a new section 54H in the Income-tax Act providing for exemption of capital gains arising from the transfer of shares to any public sector company as specified by notification. Since it had given rise to undue misgivings, it had been decided to delete that provision.

Shri Gandhi noted that the Bill had also sought to insert a new section 54G providing for exemption of capital gains on transfer of assets, in the case of approved schemes for shifting an industrial undertaking from urban areas. Representations were received that the underlying objective of re-location of industries was not fully achieved by this provision because of section 50 of the Income-tax Act. To give effect to the original intention, it had been decided to amend that provision.

The Bill sought to amend section 2(22)(E) of the Income-tax Act to provide that loans or advances given by any closely held company to its shareholders or to any concern in which such shareholders had a substantial interest should be deemed to be dividend for the purposes of taxation. The proposal had now been modified. Further, the new provisions would be applicable only where the loans or advances were given after 31 May 1987.

The other amendments relating to direct taxes were purely of consequential or clarificatory nature. As regards indirect taxes, relief in excise and customs duties in regard to certain items had been given. The total impact of those and some other concessions and reliefs aggregated to Rs. 40 crores on the customs side and Rs. 30 crores on the excise side.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was returned on 7 May 1987.

*The Goa, Daman and Diu Reorganisation Bill, 1987; and The Constitution (Fifty-seventh Amendment) Bill, 1987\**: Moving the motion for consideration of the Bills on 12 May 1987, the Minister of State in the Ministry of Home Affairs, Shri Chintamani Panigrahi said that the people of Goa had been asking for

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\* The Bills as Passed by Lok Sabha were laid on the Table on 11 May 1987.



Statehood for quite some time. The Goa Assembly had also reiterated that demand through a unanimous resolution in August 1986.

In deference to the aspirations of the people of Goa—who played a historic role in its liberation from Portuguese rule, the Government had decided to confer Statehood on Goa District of the Union Territory and make Daman and Diu a separate Union Territory. The Bills sought to give effect to this decision and make necessary supplemental, incidental and consequential provisions, the Minister concluded.

The motion for consideration of the Goa, Daman and Diu Reorganisation Bill, 1987 was adopted, the clauses etc. were adopted and the Bill, as amended, was passed on the same day.

The motion for consideration of the Constitution (Fifty-seventh Amendment) Bill, 1987, the clauses etc. and the motion to pass the Bill were adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The State of Arunachal Pradesh (Amendment) Bill, 1987\**: Moving the motion for consideration of the Bill on 12 May 1987, the Minister of State in the Ministry of Home Affairs, Shri Chintamani Panigrahi said that in the last session the State of Arunachal Pradesh Act, 1986 had been enacted. Under the provisions of the Act, Arunachal Pradesh became the 24th State of the Union with effect from 20 February 1987. The Act had provided for the continuance of all the elected members of the Union Territory Legislative Assembly in the new provisional Legislative Assembly of the State of Arunachal Pradesh. The provisional Legislative Assembly had thirty elected members. The Bill sought as a transitory measure to provide for the continuance of the three nominated members. It also sought to add a clarificatory provision in section 11 of the Act that the elected members of the old Union Territory Assembly would be deemed to have been duly elected to the new provisional Legislative Assembly of the State of Arunachal Pradesh.

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

### C. THE QUESTION HOUR

During the Session, 4,510 notices of Questions (4,085 Starred and 425 Unstarred) were received. Out of these, 335 were admitted as Starred Questions and 2,353 as Unstarred Questions. No Short Notice Question was received. After the lists of Questions were printed, 7 Starred and 36 Unstarred Questions were transferred from one Ministry to another.

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\* The Bill, as passed by the Lok Sabha was laid on the table on 11 May 1987.

**Daily average of Questions:** Each of the lists of Starred Questions contained 18 to 20 Questions. On an average 5.58 Questions, per sitting, were orally answered on the floor of the House. The maximum number of Questions orally answered was 9 on 4 and 8 May 1987 and the minimum number of questions orally answered was 4 on 23 and 27 April and 5 May 1987.

The minimum number of Questions admitted in the Unstarred Questions lists was 51 on 16 April 1987 and their maximum number was 257 on 8 May 1987. Their average came to 138.41.

**Half-an-Hour Discussion:** In all, 7 notices of Half-an-Hour Discussion were received during the Session and two were admitted.

**Statements correcting answers to questions:** In all, 5 statements correcting answers to Questions answered in the House were made by the Ministers concerned.

#### D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarvashri Raghunath Prasad Khaitan, and A.P. Janardhanam, both ex-members. The members stood in silence for a short while as a mark of respect to the deceased.

#### STATE LEGISLATURES

##### MADHYA PRADESH VIDHAN SABHA\*

The Vidhan Sabha which commenced its Session on 5 March 1987 was adjourned *sine die* on 10 May 1987.

**Financial Business:** The House passed the Madhya Pradesh Viniyog (No. 2) Vidheyak, 1987 (No. 19 of 1987) introduced during the Session.

**Obituary references:** Obituary references were made to the passing away of Sarvashri Prabhu Dayal Jatav, Saradu T.S. Gokhale, Manik Lal Gupta, all ex-MLAs, and Shrimati Rani Padmavati Devi, ex-Minister.

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\* Material contributed by Madhya Pradesh Vidhan Sabha.

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## APPENDIX I

STATEMENT SHOWING THE SITTINGS HELD AND REPORTS PRESENTED BY THE COMMITTEES OF THE EIGHTH LOK  
SABHA DURING THE PERIOD 1 APRIL TO 30 JUNE, 1987.

Sl. No.	Name of the Committee	No. of sittings held	No. of Reports presented to the House
1	2	3	4
(i)	<b>Business Advisory Committee</b>	2	2
(ii)	<b>Committee on Absence of Members</b>	1	1
(iii)	<b>Committee on Public Undertakings</b>	5	12
(iv)	<b>Committee on Papers Laid on the Table</b>	2	2
(v)	<b>Committee on Petitions</b>	3	1
(vi)	<b>Committee on Private Members' Bills and Resolutions</b>	4	5
(vii)	<b>Committee on the Welfare of Scheduled Castes and Scheduled Tribes</b>	3	9
(viii)	<b>Committee of Privileges</b>	..	..
(ix)	<b>Committee on Government Assurances</b>	3	1
(x)	<b>Committee on Subordinate Legislation</b>	6	3
(xi)	<b>Estimates Committee</b>	6	8
(xii)	<b>General Purposes Committee</b>	..	..
(xiii)	<b>House Committee</b>	1	
(xiv)	<b>Public Accounts Committee</b>	11	37
(xv)	<b>Railway Convention Committee</b>	4	1
(xvi)	<b>Rules Committee</b>	1	1
<b>JOINT/SELECT COMMITTEES</b>			
(i)	<b>Joint Committee on Offices of Profit</b>	2	..
(ii)	<b>Joint Committee on Salaries and Allowances of Members of Parliament</b>	1	
(iii)	<b>Joint Committee on Lok Pal Bill, 1985</b>	1	
(iv)	<b>Joint Committee on Railways Bill, 1986</b>	3	

## APPENDIX II

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

<b>1. PERIOD OF THE SESSION</b>	<b>13 April to 12 May</b>	<b>1987</b>
<b>2. NUMBER OF SITTINGS HELD</b>		
<b>3. TOTAL NUMBER OF SITTING HOURS</b>	<b>118 hours and 01 minutes</b>	<b>19</b>
<b>4. NUMBER OF DIVISIONS HELD</b>		<b>5</b>
<b>5. GOVERNMENT BILLS</b>		
(i) Pending at the commencement of the Session		8
(ii) Introduced		4
(iiii) Laid on the Table as passed by Lok Sabha		9
(iv) Returned by Lok Sabha with any amendment		Nil
(v) Referred by Select Committee by Rajya Sabha		Nil
(vi) Referred to Joint Committee by Rajya Sabha		Nil
(vii) Reported by Select Committee		Nil
(viii) Reported by Joint Committee		Nil
(ix) Discussed		13
(x) Passed		12
(xi) Withdrawn		Nil
(xii) Negatived		Nil
(xiii) Part-discussed		1
(xiv) Returned by Rajya Sabha without any recommendation		8
(xv) Discussion postponed		Nil
(xvi) Pending at the end of the Session		9
<b>6. PRIVATE MEMBERS' BILLS</b>		
(i) Pending at the commencement of the Session		44
(ii) Introduced		10
(iiii) Laid on the Table as passed by Lok Sabha		Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table		Nil
(v) Reported by Joint Committee		Nil
(vi) Discussed		2
(vii) Withdrawn		Nil
(viii) Passed	...	Nil
(ix) Negatived	...	1
(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		53
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)</b>		
(i) Notices received		20
(ii) Admitted		2
(iii) Discussions held		2
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling-attention to matters of Urgent Public Importance)</b>		
Statements made by Ministers		3
<b>9. HALF-AN-HOUR DISCUSSIONS HELD</b>		2
<b>10. STATUTORY RESOLUTIONS</b>		
(i) Notices received		1
(ii) Admitted	...	1
(iii) Moved	...	1
(iv) Adopted		1
(v) Negatived	...	Nil
(vi) Withdrawn	...	Nil
<b>11. GOVERNMENT RESOLUTIONS</b>		
(i) Notices received		Nil
(ii) Admitted	...	Nil
(iii) Moved	...	Nil
(iv) Adopted		Nil
<b>12. PRIVATE MEMBERS' RESOLUTIONS</b>		
(i) Received	...	7
(ii) Admitted	...	7
(iii) Discussed	...	1
(iv) Withdrawn	...	1
(v) Negatived		Nil
(vi) Adopted	...	Nil
(vii) Part-discussed	...	Nil
(viii) Discussion postponed	...	Nil
<b>13. GOVERNMENT MOTIONS</b>		
(i) Notices received	...	Nil
(ii) Admitted	...	Nil
(iii) Moved	...	Nil
(iv) Adopted	...	Nil
(v) Part-discussed	...	Nil

**14. PRIVATE MEMBERS MOTIONS**

(i) Received	72
(ii) Admitted	72
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil

**15. MOTIONS REGARDING MODIFICATIONS OF STATUTORY RULE**

(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil

**16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED,  
IF ANY, DURING THE SESSION**

Nil

**17. TOTAL NUMBER OF VISITORS' PASSES ISSUED**

3,426

**18. TOTAL NUMBER OF PERSONS VISITED**

3,443

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

268 on 7 May 1987

**20. MAXIMUM NUMBER OF PERSONS VISITING ON ANY SINGLE  
DAY AND DATE ON WHICH VISITED**

-do-

**21. TOTAL NUMBER OF QUESTIONS ADMITTED**

(i) Starred	335
(ii) Unstarred	2,353
(iii) Short-Notice Questions	Nil

**22. DISCUSSION ON THE WORKING OF THE MINISTRIES**

Working of the Ministries discussed	Dates of Discussion
(i) Ministry of Human Resources Development:	22 and 23 April 1987
(ii) Ministry of External Affairs:	24 and 27 April 1987
(iii) Ministry of Defence.	29 and 30 April 1987

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of Committee	No. of meetings held during 1 April to 30 June 1987	No. of Reports presented during the Session
(i) Business Advisory Committee	— 5	—
(ii) Committee on Subordinate Legislation	— 9	2
(iii) Committee on Petitions	— 6	1
(iv) Committee of Privileges	— 1	—
(v) Committee on Rules	—	—
(vi) Committee on Government Assurances	— 6	1
(vii) Committee on Papers Laid on the Table	— 4	—

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE ... 5

25. PETITIONS PRESENTED ... Nil

26. NAME OF NEW MEMBERS SWORN WITH DATES Nil

27. OBITUARY REFERENCES

S.No.	Name	Sitting member/Ex-member
1.	Shri Raghunath Prasad Khaitan	Ex-member
2.	Shri A.P. Janardhanam	-do-

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 APRIL TO 30 JUNE 1967

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
I	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.	21.3.87 to 10.4.87	11	7(16)	—	592(131) <sup>a</sup>	(168) <sup>b</sup>	11(4)
Arunachal Pradesh L.A.	22.6.87 to 26.6.87	5	10(10)	—	125(115)	49(48)	—
Assam L.A.	—	—	—	—	—	—	—
Bihar L.A.	—	—	—	—	—	—	—
Bihar L.C.	—	—	—	—	—	—	—
Goa L.A.	—	—	—	—	—	—	—
Gujarat L.A.	—	—	—	—	—	—	—
Haryana L.A.	—	—	—	—	—	—	—
Himachal Pradesh L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—
Karnataka L.A.	—	—	—	—	—	—	—





**Notes:**

- (i) Figures in Cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced with the number of Bills passed in brackets.
- (ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
  - (a) The figure 131 includes 2 Short Notice Questions admitted as Starred.
  - (b) 168 Starred Notices were admitted as Unstarred.
  - (c) The figure 1,944 includes 533 Short Notice Questions admitted as Starred.
  - (d) The figure 4,640 includes 1,310 Starred Notices and 981 Short Notice Questions admitted as Unstarred.
  - (e) The figure 1318 includes 42 Short Notice Questions admitted as Starred.
  - (f) The figure 98 includes 64 Starred Notice and 17 Short Notice Questions admitted as Unstarred.

**APPENDIX III (Contd.)**

COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee	1(1)	6	4(1)	—	4(1)	18	9	44 <sup>(a)</sup>	10	—	—	—	22(4)	—	—	40 <sup>(b)</sup>
Committee on Govt. Assurances	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Petitions	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Private Members Bills and Resolutions	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Privileges	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Public Undertakings	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on Subordinate Legislation	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Committee on the Welfare of SC and ST	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Estimates Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
General Purposes Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
House/Accommodation Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Library Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Public Accounts Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rules Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Joint/Select Committee	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Other Committees	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	17	95	49	12	5	67	10	—	59	—	15	27	46	21	—	129 <sup>(c)</sup>
	—	30	10	3	13	—	9	—	—	—	10	12	—	—	—	83 <sup>(d)</sup>
	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

STATES

Andhra Pradesh L.A.  
 Arunachal Pradesh L.A.  
 Assam L.A.  
 Bihar L.A.  
 Bihar L.C.  
 Goa L.A.

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24,
Gujarat L.A.	—	3	—	—	1	2	2	5 <sup>(e)</sup>	3	—	2	—	3	—	—	6 <sup>(1)</sup>
Haryana L.A.	—	—	—	—	—	7	—	—	8	—	—	—	0	—	—	—
Himachal Pradesh L.A.	—	9	2	—	—	9	5	6	9	—	1	—	12	1	—	5 <sup>(e)</sup>
Jammu & Kashmir L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	—	5	1	—	4(1)	6(1)	7(2)	11(1)	5	—	6	1	12(4)	—	6(1) <sup>(b)</sup>	13 <sup>(1)</sup>
Karnataka L.C.	—	6	7	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala L.A.	2(2)	8	4	1(1)	—	8(3)	7	6(1)	9	—	3	2	9(1)	—	—	31 <sup>(e)</sup>
Madhya Pradesh L.A.	4(4)	4(1)	2(1)	5(5)	4(1)	4(5)	2(1)	2(1)	2(1)	—	3	1	4(2)	2(1)	—	2(1) <sup>(e)</sup>
Maharashtra L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	—	4	—	—	4	—	—	1	9	—	1	—	36	—	—	—
Mizoram L.A.	—	1	—	—	—	—	—	—	1	—	1	1	9	—	—	—
Nagaland L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab L.A.	—	—	1	—	—	4	—	1	6	—	—	—	3	—	—	—
Rajasthan L.A.	—	18	13	—	15	27	18	36 <sup>(1)</sup>	53 <sup>(m)</sup>	2	13	15	27	2	—	18
Sikkim L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.	4	9(1)	6(2)	—	5	11(3)	4(3)	—	5(3)	—	5	—	7(15)	—	—	4(2) <sup>(e)</sup>

Uttar Pradesh L.A.	11(9)	44	10(5)	—	4	20	17(2)	26	37	—	12	12	24	7	—	17(1) <sup>(o)</sup>
Uttar Pradesh L.C.	7	24	41	—	26	—	—	—	—	—	7	—	—	30	—	107(1) <sup>(p)</sup>
West Bengal L.A.	12(11)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>UNION TERRITORIES</b>																
Delhi Metropolitan Council	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman & Diu L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pondicherry L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

\* Pertains to the period 1.4.1987 to 31.7.1987.

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

- (a) Committee on the Welfare of Scheduled Castes-26 sittings; and Committee on the Welfare of Scheduled Tribes—18 sittings.
- (b) Amenities Committee-5 sittings; Committee on the Welfare of Backward Classes. 12 sittings; House Committee on Markfed-10 sittings; House Committee on 220 kv. Lines from Lower Sileru to Rajahmundry. 1 sitting, House Committee on Rajahmundry Municipality-7 sittings; House Committee on LIDCAP-3 sittings; and House Committee on Padmalaya Studios-2 sittings
- (c) Questions and Calling Attention Committee—42 sittings; Nivedan Committee—62 sittings; and Zila Parishad and Panchayati Raj Committee—25 sittings.
- (d) Questions and Calling Attention Committee—11 sittings; Suberna Rekha Dam Enquiry Committee—7 sittings; Special Committee on Education—20 sittings; Leprosy Control Committee—20 sittings, and Tal Area Development Committee—25 sittings.
- (e) Committee on the Welfare of Scheduled Castes—3 sittings; and Committee on the Welfare of Scheduled Tribes—2 sittings.
- (f) Panchayati Raj Committee—4 sittings; and Committee on the Welfare of Socially and Educationally Backward Classes, Nomadic Tribes and Denotified Tribes—2 sittings.
- (g) Committee on Papers Laid on the Table—3 sittings; and Committee on Official Language—2 sittings.

- (h) Joint Committee on Land Revenue Bill, 1987—1 sitting; and Committee to Examine the Regional Imbalances in the Recruitments—5 sittings and 1 report.
- (i) Committee on the Welfare of Backward Classes—13 sittings.
- (j) Subject Committee on Agriculture and Integrated Rural Development—3 sittings; Subject Committee on Land Revenue, Forests and Fisheries—4 sittings; Subject Committee on Irrigation and Power—3 sittings; Subject Committee on Industry and Minerals—3 sittings; Subject Committee on Public Works, Transport and Communications—3 sittings; Subject Committee on Social Services—3 sittings; Subject Committee on Food, Housing and Labour—2 sittings; Subject Committee on Economic Affairs—4 sittings and 1 report; Subject Committee on Local Administration and Co-operation—3 sittings; and Subject Committee on Home Affairs—3 sittings.
- (k) Committee to Examine the Papers Laid on the Table—1 sitting and 1 report; and Committee on the Welfare of Women and Children—1 sitting.
- (l) Committee on the Welfare of Scheduled Castes—18 sittings; and Committee on the Welfare of Scheduled Tribes—20 sittings.
- (m) Estimates Committee 'A'—25 sittings; and Estimates Committee 'B'—28 sittings.
- (n) Committee on Papers Laid on the Table of the House—4 sittings and 2 reports.
- (o) Parliamentary Research, Reference and Studies Committee—1 sitting; Questions and Reference Committee—14 sittings and 1 report; and Committee on Uttar Pradesh Journalists Welfare and Pension Fund Bill, 1985—2 sittings.
- (p) Financial and Administrative Delays Committee—35 sittings and 1 report; Compilation of Ruling Committee—16 sittings; Parliamentary Studies Committee—23 sittings; Sansadiya evam Samajik Sadbhav Committee—11 sittings; Questions and Reference Committee—19 sittings; and Gorakhpur Raghu Bhagat Tola Mahilajan Committee (between the period 23.6.1987 to 31.7.1987)—3 sittings.

## APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD  
1 APRIL TO 30 JUNE, 1987

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S.No.	Title of the Bill	Date of assent by the President
1.	The Appropriation (No. 3) Bill, 1987	9.5.1987
2.	The Jute Packaging Materials (Compulsory Use in Packing Commodities) Bill, 1987	9.5.1987
3.	The Finance Bill, 1987	12.5.1987
4.	The Khadi and Village Industries Commission (Amendment) Bill, 1987	15.5.1987
5.	The Merchant Shipping (Amendment) Bill, 1987	22.5.1987
6.	The Mental Health Bill, 1987	22.5.1987
7.	The Labour Welfare Fund Laws (Amendment) Bill, 1987	22.5.1987
8.	The Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987	23.5.1987
9.	The Constitution (Fifty-sixth Amendment) Bill, 1987	23.5.1987
10.	The Goa, Daman and Diu Reorganisation Bill, 1987	23.5.1987
11.	The Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Bill, 1987	23.5.1987
12.	The State of Arunachal Pradesh (Amendment) Bill, 1987	23.5.1987
13.	The Factories (Amendment) Bill, 1987	23.5.1987

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## APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD  
1 APRIL TO 30 JUNE 1987.

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### STATES

#### ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

- \*1. The Arunachal Pradesh Ancient Monuments, Archaeological Sites and Remains Preservation Bill, 1987.
- \*2. The Arunachal Pradesh (Re-organisation of Districts) Amendment Bill, 1987.
- \*3. The Arunachal Pradesh (Criminal Law Amendment) Bill, 1987.
- \*4. The Motor Vehicles (Arunachal Pradesh Amendment) Bill, 1987.
- \*5. The Arunachal Pradesh Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 1987.
6. The Arunachal Pradesh Salaries and Allowances of Ministers (Amendment) Bill, 1987.
7. The Arunachal Pradesh Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1987.
8. The Arunachal Pradesh Contingency Fund Bill, 1987.
9. The Arunachal Pradesh Appropriation Bill, 1987.
10. The Arunachal Pradesh Appropriation (No. 2) Bill, 1987.

#### KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Money Lenders (Amendment) Bill, 1987.

#### MADHYA PRADESH VIDHAN SABHA

1. Raipur Krishi Vishwa Vidyalaya Vidheyak, 1987.
2. Madhya Pradesh Shaskiya Sewak (Adhikarshiki Ayu) Sanshodhan Vidheyak, 1987.
3. Madhya Pradesh Atyaavashyak Sewa Sandharan tatha Vichchinnita Nivaaran (Sanshodhan) Vidheyak, 1987.
4. Madhya Pradesh Up-Kar, (Sanshodhan) Vidheyak, 1987.
5. Madhya Pradesh Samanya Vikray Kar (Sanshodhan) Vidheyak, 1987.
6. Madhya Pradesh Bhoo Rajaswa Samhita (Sanshodhan) Vidheyak, 1987.
7. Madhya Pradesh Tendoo Patta (Vyapar-viniyman) Sanshodhan Vidheyak, 1987.
8. Madhya Pradesh Sahayata Upkram (Vishesh Up-bandha) Sanshodhan Vidheyak, 1987.

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\*Awaiting assent

9. **Madhya Pradesh Lok Dhan (Shodhya Rashion Ki Vasooli) Vidheyak, 1987.**
10. **Samrat Ashok Technological Institute (Degree) Vidisha (Prabandh Grahan) Vidheyak, 1987.**
11. **Madhya Pradesh Ayurvigyan Parishad Vidheyak, 1987.**
12. **Madhya Pradesh Van Upaj Ke Kararon Ka Poonarikshan Vidheyak, 1987.**
13. **Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Vidheyak, 1987.**
14. **Madhya Pradesh Viniyog (No. 2) Vidheyak, 1987.**
15. **Madhya Pradesh Vidhan Sashastra Bal (Sanshodhan) Vidheyak, 1987**
16. **Madhya Pradeh Vidhan Sadasya Veran, Bhatta tatha Pension (Sanshodhan) Vidheyak, 1987.**

**TAMIL NADU LEGISLATIVE ASSEMBLY**

1. **The Tamil Nadu Appropriation (Vote on Account) Bill, 1987.**
2. **The Tamil Nadu Appropriation Bill, 1987.**
3. **The Tamil Nadu Entertainments Tax (Amendment) Bill, 1987.**
4. **The Tamil Nadu Debt Relief (Amendment) Bill, 1987.**
5. **The Tamil Nadu Agricultural Produce Markets (Amendment) Bill, 1987.**
6. **The Tamil Nadu Municipal Corporation Laws (Amendment) Bill, 1987.**
7. **The Alagappa University (Amendment) Bill, 1987.**
8. **The Tamil Nadu General Sales Tax (Amendment) Bill, 1987.**
9. **The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1987.**
- \*10. **The Tamil Nadu Medical University Bill, 1987.**
- \*11. **The Tamil Nadu Private Colleges (Regulation) Amendment Bill, 1987.**
12. **The Tamil Nadu Cinemas (Regulation) Amendment Bill, 1987.**
13. **The Lepers (Tamil Nadu Repeal) Bill, 1987.**
14. **The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1987.**
15. **The Tamil Nadu Agricultural Income-tax (Amendment) Bill, 1987.**
16. **The Tamil Nadu District Municipalities (Amendment) Bill, 1987.**
17. **The Tamil Nadu Motor Vehicles (Cancellation of Driving Licences for Wilful Obstruction of Traffic during Strike or Demonstration or Protest) Bill, 1987.**
18. **The Tamil Nadu (Compulsory Censorship of Film Publicity Material) (Bill No. 23) \* 1987.**
19. **The Tamil Nadu Appropriation (No. 2) Bill, 1987.**
- \*20. **The Tamil Nadu Kidneys (Authority for Use for Therapeutic Purposes) Bill, 1987.**
21. **The Tamil Nadu Motor Vehicles Taxation (Second Amendment) Bill, 1987.**

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\*Awaiting assent.



22. **The Madras City Police (Extension to the City of Madurai and to the City of Coimbatore) Bill, 1987.**
- \*23. **The Tamil Nadu Compulsory Censorship of Publicity Materials Bill (Bill No. 28), 1987.**
- \*24. **The Indian Stamp and the Registration (Tamil Nadu Amendment) Bill, 1987.**
- \*25. **The Tamil Nadu Recognised Private Schools (Regulation) Bill, 1987.**
26. **The Tamil Nadu Panchayats (Amendment) Bill, 1987.**
27. **The Tamil Nadu Sales Tax Laws (Amendment) Bill, 1987.**
28. **The Tamil Nadu District Municipalities (Second Amendment) Bill, 1987.**
29. **The Tamil Nadu District Municipalities (Third Amendment) Bill, 1987.**
30. **The Tamil Nadu Entertainments Tax (Second Amendment) Bill, 1987.**
31. **The Tamil Nadu Entertainments Tax (Third Amendment) Bill, 1987.**
32. **The Tamil Nadu General Sales Tax (Fourth Amendment) Bill, 1987.**
33. **The Tamil Nadu Cinemas (Regulation) Second Amendment Bill, 1987.**
- \*34. **The Madras Metropolitan Area Groundwater (Regulation) Bill, 1987.**

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. **The U.P. Co-operative Societies (Second Amendment) Bill, 1987.**
2. **The U.P. Appropriation (Regularization of Excess Expenditure , 1981-1982) Bill, 1987.**
3. **The Intermediate Education (Amendment) Bill, 1987.**
4. **The U.P. Zila Parishads (Alpakalik Vyavastha), (Sanshodhan) Vidheyak, 1987.**
5. **The U.P. Electricity (Duty) (Amendment) Bill, 1987.**
6. **The U.P. State Road Transport Corporation Employees (Other than Officer) (Appointing Authorities) Bill, 1987.**
7. **The U.P. Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Bill, 1987.**
- \*8. **The U.P. State Universities (Amendment) Bill, 1987.**
- \*9. **The U.P. Sales Tax (Amendment and Validation) Bill, 1987.**
10. **The U.P. Krishi Utpadan Mandi Samitis (Alpakalik Vyavastha) (Sanshodhan) Vidheyak, 1987.**
11. **The U.P. Krishi Utpadan Mandi (Amendment) Bill, 1987.**
12. **The U.P. Zamindari Abolition and Land Reforms (Amendment) Bill, 1987.**
13. **The Uttar Pradesh Appropriation Bill, 1987.**
- \*14. **The Uttar Pradesh State Legislature (Members, Emoluments and Pension) (Amendment) Bill, 1987.**

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\*Awaiting assent.

UTTAR PRADESH LEGISLATIVE COUNCIL

1. The U.P. Co-operative Society (Second Amendment) Bill, 1987.
2. The U.P. Appropriation (Regularization of Excess Expenditure, 1981-82) Bill, 1987.
3. The Intermediate Education (Amendment) Bill, 1987.
4. The U.P. Zila Parishad (Alpakalik Vyavastha) (Sanshodhan) Bill, 1987.
5. The U.P. Electricity (Duty) (Amendment) Bill, 1987.
6. The U.P. State Road Transport Corporation Employees (Other than officers) (Appointing Authorities) Bill, 1987.
7. The U.P. Sales of Motor Spirit , Diesel Oil and Alcohol Taxation (Amendment) Bill, 1987.
8. The U.P. Sales Tax (Amendment and Validation) Bill, 1987.
9. The U.P. Krishi Utpadan Mandi (Amendment) Bill, 1987.
10. The U.P. Krishi Utpadan Mandi Samitis (Alpakalik Vyavastha) (Sanshodhan) Bill, 1987.
11. The U.P. State Universities (Amendment) Bill, 1987.
12. The U.P. Appropriation Bill, 1987.
13. The U.P. Zamindari Abolition and Land Reforms (Amendment) Bill, 1987.
14. The U.P. State Legislature (Members Emoluments and Pension) (Amendment) Bill, 1987.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Estate Acquisition (Amendment) Bill, 1987.
2. The Indian Stamp (West Bengal Amendment) Bill, 1987.
3. The West Bengal Taxation Tribunal Bill, 1987.
4. The West Bengal Taxation Laws (Amendment) Bill, 1987.
5. The West Bengal Taxation Laws (Second Amendment) Bill, 1987.
6. The West Bengal Legislature (Members Pension) (Amendment) Bill, 1987.
7. The West Bengal Appropriation (No.2) Bill, 1987.

## APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD 1 APRIL TO 30 JUNE, 1987

S.No.	Subject	Date of promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The Terrorist and Disruptive Activities (Prevention) Ordinance, 1987.	23.5.87	29.7.87	6.9.87	Replaced by Legislation
2.	The National Security (Amendment) Ordinance, 1987.	9.6.87	--do--	--do--	--do--
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The A.P. Mandala Praja Parishads and Zilla Praja Parishads and Zila Abhivrudhi Sameeksha Mandals (Amendment) Ordinance, 1987.	18.4.87	--	--	--
2.	The A.P. Co-operative Societies (Amendment) Ordinance, 1987.	26.6.87	--	--	--
3.	The A.P. Co-operative Societies (Amendment) Amending Ordinance, 1987.	28.6.87	--	--	--
( BIHAR )					
1.	The Bihar Panchayati Raj (Amendment) Ordinance, 1987.	--	--	--	--
2.	The Bihar Intermediate Education Ordinance, 1987.	--	--	--	--
3.	The Bihar Agriculture University Ordinance, 1987.	--	--	--	--

4.	The Nalanda Open University Ordinance, 1987.	—	—	—	—
5.	The Bihar Private Engineering College (Adoption) Ordinance, 1987.	—	—	—	—
6.	The Bihar Private Educational Institution (Adoption) Ordinance, 1987.	—	—	—	—
7.	The Bihar Legislature (Members' Salaries, Allowances and Pension) (Amendment) Ordinance, 1987.	—	—	—	—
8.	The Bihar Private Secondary School (Management and Control) (Amendment) Ordinance, 1987.	—	—	—	—
9.	The Bihar Entertainment Tax (Amendment and Law Validation) Ordinance, 1987.	—	—	—	—
10.	The Patna University (Amendment) Ordinance, 1987.	—	—	—	—
11.	The Bihar State University (Amendment) Ordinance, 1987.	—	—	—	—
12.	The State University (Constituent College) Service Commission Ordinance, 1987.	—	—	—	—
13.	The Bengal, Agra and Assam Civil Courts (Bihar Amendment) Ordinance, 1987.	—	—	—	—
14.	The Bihar Contingency Fund (Amendment) Ordinance, 1987.	—	—	—	—
15.	The Bihar Legislature (Officers' Salaries and Allowances) (Amendment) Ordinance, 1987.	—	—	—	—
				(GUJARAT)	
1.	The Gujarat University (Amendment) Ordinance, 1987.	—	—	8.5.87	—
2.	The Bhavnagar University (Amendment) Ordinance, 1987.	—	—	6.6.87	—
3.	The Gujarat Entry Tax Ordinance, 1987	—	—	11.6.87	—



6.	The U.P. Sales Tax (Amendment and Validation) Ordinance, 1987.	—do—	—do—	—do—
7.	The U.P. State Road Transport Corporation Employees (Other than Officers) (Appointing Authorities) Ordinance, 1987.	—do—	—do—	—do—
8.	The U.P. Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Ordinance, 1987.	—do—	—do—	—do—
9.	The U.P. Water Supply and Sewerage (Amendment) Ordinance, 1987.	—do—	30.7.87	—

## APPENDIX VII

## A PARTY POSITION IN LOK SABHA (AS ON 21 AUGUST 1987)

Sl. No.	Name of State/ Union Territory	Seats	Cong.(I)	Telugu Desam	CPI(M)	Other Parties	Unattached	Indepen- dents	Total	Vancanies
1	2	3	4	5	6	7	8	9	10	11
STATES										
1.	Andhra Pradesh	42	6	30	1	3(a)	1	1	42	..
2.	Arunachal Pradesh	2	2	..	..	..	..	..	2	..
3.	Assam	14	5	..	..	7(b)	1	1	14	..
4.	Bihar	54	47	..	..	5(c)	..	1	53	1
5.	Goa	2	2	..	..	..	..	..	2	..
6.	Gujarat	26	24	..	..	2(d)	..	..	26	..
7.	Haryana	10	8	..	..	2(e)	..	..	10	..
8.	Himachal Pradesh	4	4	..	..	..	..	..	4	..
9.	Jammu & Kashmir	6	3	..	..	3(f)	..	..	6	..
10.	Karnataka	28	24	..	..	4(g)	..	..	28	..
11.	Kerala	20	13	..	1	5(h)	1	..	20	..
12.	Madhya Pradesh	40	39	..	..	..	1	..	40	..
13.	Maharashtra	48	44	..	..	3(i)	..	1	48	..
14.	Manipur	2	2	..	..	..	..	..	2	..
15.	Meghalaya	2	2	..	..	..	..	..	2	..
16.	Mizoram	1	1	..	..	..	..	..	1	..
17.	Nagaland	1	1	..	..	..	..	..	1	..
18.	Orissa	21	20	..	..	1(j)	..	..	21	..
19.	Punjab	13	6	..	..	5(k)	2	..	13	..
20.	Rajasthan	25	23	..	..	..	..	..	23*	1
21.	Sikkim	1	..	..	..	1(l)	..	..	1	..
22.	Tamil Nadu	39	25	..	..	13(m)	1	..	39	..

23. Tripura	2	..	..	2	..	..	2	..
24. Uttar Pradesh	85	80	..	..	1(n)	2	83	2
25. West Bengal	42	16	..	18	8(o)	..	42	..
UNION TERRITORIES								
26. Andaman & Nicobar Islands	1	1	..	..	..	..	1	..
27. Chandigarh	1	1	..	..	..	..	1	..
28. Dadra & Nagar Haveli	1	..	..	..	..	1	1	..
29. Daman and Diu	1	..	..	..	..	..	..	1
30. Delhi	7	7	..	..	..	..	7	..
31. Lakshadweep	1	1	..	..	..	..	1	..
32. Pondicherry	1	1	..	..	..	..	1	..
Nominated (Anglo-Indian)	2	..	..	..	..	..	2	..
	545	408	30	22	63	9	539*	5

\* Excluding the Speaker

- (a) Janata — 1; CPI(M) — 1; and BJP — 1.
- (b) AGP — 6; PTCA — 1.
- (c) Janata — 3; and CPI — 2.
- (d) Janata — 1; and BJP — 1.
- (e) Lok Dal — 2.
- (f) J&K National Conference — 3.
- (g) Janata — 4.
- (h) Muslim League — 2; Kerala Congress — 2; and Janata — 1.
- (i) Janata — 2; and Peasants and Workers Party of India — 1.
- (j) Janata — 1.
- (k) Akali Dal (Badal) — 3; and Akali Dal (Barnala) — 2.
- (l) Sikkim Sangram Parishad — 1.
- (m) ALADMK — 11; and DMK — 2.
- (n) Lok Dal — 1.
- (o) CPI — 3; RSP — 3; and Forward Bloc — 2.



## B. PARTY POSITION IN RAJYA SABHA (AS ON 24 AUGUST 1987)

Sl. No.	State/Union Territories	Seats	Cong.(I)	Janata	CPI(M)	BJP	Others	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
STATES										
1.	Andhra Pradesh	18	6	1	—	—	10(a)	—	17	1
2.	Arunachal Pradesh	1	1	—	—	—	—	—	1	—
3.	Assam	7	5	—	—	—	2(b)	—	7	—
4.	Bihar	22	16	—	—	3	3(c)	—	22	—
5.	Goa	1	1	—	—	—	—	—	1	—
6.	Gujarat	11	10	—	—	1	—	—	11	—
7.	Haryana	5	4	—	—	—	1(d)	—	5	—
8.	Himachal Pradesh	3	3	—	—	—	—	—	3	—
9.	Jammu and Kashmir	4	2	—	—	—	1(e)	1	4	—
10.	Karnataka	12	5	6	—	—	—	1	12	—
11.	Kerala	9	3	—	2	—	4(f)	—	9	—
12.	Madhya Pradesh	16	13	—	—	3	—	—	16	—
13.	Maharashtra	19	17	1	—	1	—	—	19	—
14.	Manipur	1	1	—	—	—	—	—	1	—
15.	Meghalaya	1	1	—	—	—	—	—	1	—
16.	Mizoram	1	1	—	—	—	—	—	1	—
17.	Nagaland	1	1	—	—	—	—	—	1	—
18.	Orissa	10	9	1	—	—	—	—	10	—
19.	Punjab	7	5	—	—	—	2(g)	—	7	—

20. Rajasthan	10	8	—	—	1	—	1	10	—
21. Sikkim	1	1	—	—	—	—	—	1	—
22. Tamil Nadu	18	4	—	—	—	14(b)	—	18	—
23. Tripura	1	—	—	1	—	—	—	1	—
24. Uttar Pradesh	34	25	1	—	—	8(i)	—	34	—
25. West Bengal	16	1	—	11	—	3(j)	—	15	1
UNION TERRITORIES									
26. Delhi	3	3	—	—	—	—	—	3	—
27. Pondicherry	1	1	—	—	—	—	—	1	—
NOMINATED	12	5	—	—	—	—	6	11	1
	245	152	10	14	9	48	9	242	3

(a) Tehgu Desam — 10.

(b) Asom Gana Parishad — 2.

(c) CPI — 2; and Lok Dal — 1.

(d) Lok Dal — 1.

(e) National Conference — 1.

(f) KC — 1; ML — 1; Janata(G) — 1; and CPI — 1.

(g) Akali Dal — 2.

(h) AIADMK — 11; and DMK — 3.

(i) Lok Dal — 7; and Independent — 1.

(j) RSP — 1; CPI — 1; and Forward Bloc — 1.



Jammu & Kashmir L.C. (As on 1.1.87)	36	2	—	—	—	—	—	—	16 <sup>(f)</sup>	1	19	17
Karnataka L.A. (As on 30.6.87)	225	66	139	—	2	—	2	4	3 <sup>(g)</sup>	8	224*	—
Karnataka L.C. (As on 27.2.87)	63	12	19	—	6	—	—	—	—	5	42	21
Kerala L.A. (As on 1.7.87)	141	33	7	1	—	—	38	16	35 <sup>(h)</sup>	10	140*	—
Madhya Pradesh L.A. (As on 1.7.87)	321	250	5	—	57	—	—	—	1 <sup>(i)</sup>	5	318*	2
Maharashtra L.A.	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A. (As on 1.7.86)	60	39	—	—	—	—	—	1	12 <sup>(j)</sup>	8	60	—
Meghalaya L.A. (As on 1.7.87)	60	38	—	—	—	—	—	—	20 <sup>(k)</sup>	1	59*	—
Mizoram L.A. (As on 1.7.87)	40	13	—	—	—	—	—	—	27 <sup>(l)</sup>	—	40	—
Nagaland L.A. (As on 1.7.87)	60	40	—	—	—	—	—	—	17 <sup>(m)</sup>	2	59	1
Punjab L.A. (As on 1.7.87)	117	31	1	—	5	—	—	1	72 <sup>(n)</sup>	4	114	3
Rajasthan L.A. (As on 1.7.87)	200	115	10	27	37	—	—	1	—	9	199	1
Sikkim L.A. (As on 1.4.87)	32	1	—	—	—	—	—	—	30 <sup>(o)</sup>	1	32	—

1	2	3	4	5	6	7	8	9	10	11	12	13
Tamil Nadu L.A. (As on 30.6.87)	235	64	3	—	—	—	4	2	148 <sup>(p)</sup>	2	223*	11
Tripura L.A. (As on 1.4.87)	60	11	—	—	—	—	38	—	8 <sup>(a)</sup>	3	60	—
Uttar Pradesh L.A. (As on 21.7.87)	426	267	20	84 <sup>(n)</sup>	16	—	2	6	5 <sup>(i)</sup>	25	425	1
Uttar Pradesh L.C. (As on 31.12.86)	108	36	—	7	2	—	—	2	13 <sup>(i)</sup>	—	60	48
West Bengal L.A. (As on 1.7.87)	296	40	—	—	—	—	187	11	58 <sup>(u)</sup>	—	296	—
UNION TERRITORIES												
Delhi Metropolitan Council (AS on 20-11-86)	61	39	1	1	18	—	—	—	—	—	60	2
Daman & Diu L.A. (As on )	—	—	—	—	—	—	—	—	—	—	—	—
Pondicherry L.A. (As on 1.7.86)	33	18	1	—	—	—	—	—	12 <sup>(v)</sup>	1	32	1

NOTES: \* Excluding the Speaker.

(a) Telugu Desam Party — 201; Majlis-Ittehad-Ul-Muslimeen — 4; and Marxist Communist Party of India — 1.

(b) People's Party of Arunachal Pradesh — 2.

(c) Asom Gana Parishad — 71; United Minority Front — 17; and Plains Tribal Council of Assam — 3.

(d) Jharkhand Mukti Morcha — 9; SUCI — 1; and Nominated — 1.

(e) Samta Party — 1; and Jharkhand Mukti Morcha — 1.

(f) National Conference(F) — 7; and National Conference(k) — 9.

- (g) Maharashtra Ekkaran Samiti — 3.
- (h) Muslim League — 15; Indian Congress Socialist (Sarat Chandra Sinha) — 6; Kerala Congress — 5; Revolutionary Socialist Party — 5; and Kerala Congress : (Main Group) — 4.
- (i) Nominated — 1.
- (j) United Democratic Front — 10; Manipur People's Party — 1; and KNA — 1.
- (k) Hills People Union — 16; Hills State People's Democratic Party — 3; and Hills State People Democratic Party(L) — 1.
- (l) Mizo National Front — 25; and People's Conference Party — 2.
- (m) Nagaland National Democratic Party — 17.
- (n) Shiromani Akali Dal — 46; Unattached — 3; and Disqualified — 23.
- (o) Sikkim Sangram Parishad — 30.
- (p) All India Anna Dravida Munnetra Kazhagam — 131; Dravida Munnetra Kazhagam — 12; Indian Union Muslim League — 2; All India Forward Bloc — 2; and Rublican Party of India(Khobergade) — 1.
- (q) Tripura Upajati Juba Samiti — 6; and RSP — 2.
- (r) Lok Dal(A) — 54; and Lok Dal(B) — 13.
- (s) Congress(J) — 4; and Nominated — 1.
- (t) Rashtriya Shikshak Dal — 3; Shikshak Dal — 7; and Nirdaliya Vidhayak Dal — 3.
- (u) Forward Bloc — 26; Revolutionary Socialist Party — 16; West Bengal Socialist Party — 4; Revolutionary Communist Party of India — 1; Forward Bloc(Marxist) — 2; Democratic Socialist Party — 2; Socialist Unity Centre of India — 2; Muslim League — 2; and Nominated — 1.
- (v) All India Anna Dravida Munnetra Kazhagam — 6; DravidaeMunnetra Kazhagam — 5; and Pondicherry Mannila Makkal Munnai — 1