

# THE JOURNAL OF PARLIAMENTARY INFORMATION

**THE RULE OF SUB JUDICE IN MALAYSIA**

— Tan Sri Dato Mohamed Zahir

**ROLE OF PARLIAMENT AS A MULTIFUNCTIONAL  
INSTITUTION**

— Dr. Subhash C. Kashyap



**VOLUME XXXIII, No. 2  
JUNE 1987**

# 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.

Latest standard books are reviewed in the *Journal* by members of Parliament and scholars. Books intended for review should be sent to the Editor.

The views expressed in the signed articles etc. published in the *Journal* are those of the authors and the Lok Sabha Secretariat does not accept any responsibility for them.

Copyright for the articles, notes and reviews published in the *Journal* vests with the Lok Sabha Secretariat and prior written permission from the Editor should be obtained for the reproduction of any material from the *Journal*. A copy of the publication in which an article is so reproduced should be sent to the Editor.

Correspondence concerning the subscription and sales should be addressed to Sales Branch, Lok Sabha Secretariat, Sansadiya Soudha, New Delhi-110001.

Price per copy : Rs. 16.00  
Annual Subscription : Rs. 60.00

# THE JOURNAL OF PARLIAMENTARY INFORMATION

VOL. XXXIII, No. 2

JUNE 1987

## CONTENTS

	PAGE
EDITORIAL NOTE .....	193
<b>ARTICLES</b>	
The Rule of Sub Judice in Malaysia .....	195
—Tan Sri Dato Mohamed Zahir	
Role of Parliament as a Multifunctional Institution .....	201
—Dr. Subhash C. Kashyap	
<b>PARLIAMENTARY EVENTS AND ACTIVITIES</b>	
Conferences and Symposia .....	215
Parliamentary Delegations visiting India .....	215
Bureau of Parliamentary Studies and Training .....	216
PRIVILEGE ISSUES .....	218
PROCEDURAL MATTERS .....	229
PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS .....	238
<b>SESSIONAL REVIEW</b>	
Lok Sabha .....	247
Rajya Sabha .....	258
State Legislatures .....	265
<b>BOOK REVIEW</b>	
<i>Parliaments of the World — A Comparative     Reference Compendium</i> .....	267
—Professor N. G. Ranga	
RECENT LITERATURE OF PARLIAMENTARY INTEREST .....	281

**APPENDICES**

<b>I. Statement showing the work transacted during the Eighth Session of the Eighth Lok Sabha . . . . .</b>	<b>284</b>
<b>II. Statement showing the work transacted during the Hundred and Forty-First Session of Rajya Sabha . . . . .</b>	<b>289</b>
<b>III. Statement showing the activities of the Legislatures of the States and Union Territories during the period 1 January to 31 March 1987 . . . . .</b>	<b>294</b>
<b>IV. List of Bills passed by the Houses of Parliament and assented to by President during the period 1 January to 31 March 1987 . . . . .</b>	<b>302</b>
<b>V. List of Bills passed by the State Legislatures during the period 1 January to 31 March 1987 . . . . .</b>	<b>303</b>
<b>VI. Ordinances issued by the Central and the State Governments during the period 1 January to 31 March 1987 . . . . .</b>	<b>312</b>
<b>VII. Party Position in Lok Sabha, Rajya Sabha and Legislatures of States and Union Territories . . . . .</b>	<b>318</b>



## OUR CONTRIBUTORS

### *Articles*

**MR. TAN SRI DATO MOHAMED ZAHIR is Speaker of the House of Representatives, Malaysia**

**DR. SUBHASH C. KASHYAP is Secretary-General of Lok Sabha.**

### *Book Review*

**PROFESSOR N.G. RANGA is Member of Parliament (Lok Sabha)**

## EDITORIAL NOTE

We begin this issue of the *Journal* with an article on "The Rule of Sub Judice in Malaysia" by Mr. Speaker Tan Sri Dato Mohamed Zahir of Malaysia. The author discusses the Members' right to freedom of speech in either House of Parliament in Malaysia. Dealing with restrictions on such freedom, he dwells at length on issues connected with the *sub judice* rule. Mr. Zahir says that Parliament should help to uphold the *sub judice* rule and maintain the separation of powers between the legislature and the judiciary.

Parliament today is not merely a law-making body; it has become more and more a multi-functional institution performing a variety of roles many of which are inter-related and often mesh into one another. However, disproportionate emphasis is laid only on one or two aspects of the working of Parliament. With a view to clarifying the concepts, the second article, "Role of Parliament as a Multifunctional Institution" outlines and discusses some of the cardinal roles and functions of a modern Parliament with particular reference to India.

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

We extend our heartiest felicitations to Sarvashri T.L. Rajkumar, Mirza Abdul Rashid, Varkala Radhakrishnan, Chenlom Pham and Hashim Abdul Halim on their election as Speaker of Arunachal Pradesh, Jammu and Kashmir, Kerala, Nagaland and West Bengal Legislative Assemblies respectively. We also congratulate Moulvi Abdul Rashid, Shrimati Bhargavi Thankappan and Shri Anil Mukherjee on their election as Deputy Speaker of the Legislative Assemblies of Jammu and Kashmir, Kerala and West Bengal respectively.

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

— *Subhash C. Kashyap*

## THE RULE OF SUB JUDICE IN MALAYSIA\*

TAN SRI DATO MOHAMED ZAHIR

---

Freedom of speech is one of the liberties guaranteed by the Constitutions of many countries and Malaysia is no exception to this. Freedom of speech is entrenched in the Malaysian Constitution which by Article 10(1) (a) provides:

“Subject to clauses (2), (3) and (4) every citizen has the right to freedom of speech and expression .

There are limitations to this and these are provided by clause 2(a) and (4) of the same article. Clause 2(a) provides:

“Parliament may by law impose on the rights conferred by paragraph (a) of clause 1, such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and *restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of Court, defamation, or incitement of any offence.*”

Clause (4) provides:

“In imposing restrictions in the interest of the security of the Federation or any part thereof or public order under clause (2) (a), Parliament may pass law prohibiting the questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III, Article 152, 153 or 181 otherwise than in relation to the implementation thereof as may be specified in such law.”

From the above it can be seen that the freedom of speech and expression subject to certain restrictions is guaranteed under the Consti-

---

\*Paper circulated by the author at the Eighth Conference of Commonwealth Speakers and Presiding Officers held at New Delhi on 6-8 January, 1986.

tution. Members of both Houses in Parliament (the House of Representatives and the Senate) enjoy the same freedom and even more freedom when they deliver their speeches on any motion or debate in any of the Houses. Even this freedom is subject to certain restrictions as stated in Article 10(2) (a) of the Constitution. Amongst these restrictions which we are concerned with in this paper is an act of contempt of court. An act tantamount to contempt of court in this instance is contravening the rule of *sub judice*.

*Sub judice* means a matter which is under consideration, or as it is popularly known, a matter which is under consideration of a court of law awaiting a decision or a verdict. It is a well known principle that a matter which is *sub judice* shall not be discussed or criticised and if anybody contravenes this rule will commit an offence of contempt of court. This restriction is also applicable to a discussion or a matter being raised in Parliament. In Malaysia, this restriction is clearly spelt out in the Standing Orders of both the Houses. Standing Order 23 (g) of the House of Representatives (known as the Standing Orders of the *Dewan Rakyat*) and Standing Order 22 (g) of the Senate provides:

“Every question shall conform to the following rules:

(a) a question shall not be so drafted as to be likely to prejudice a case under trial, or be asked on any matter which is *sub judice*.”

Standing Order 36(2) of the House of Representatives and Standing Order 34(2) of the Senate provide the following:

“Reference shall not be made to any matter which is *sub judice* in such a way as it might in the opinion of the Chair prejudice the interests of parties thereto.”.

In both the instances, the Chair of each House has the discretion to decide whether a question or a matter in debate is *sub judice* or otherwise.

On this freedom Lord Reed has said:

“The laws on this subject (referring to the law of contempt of court) is and must be founded entirely on public policy. It is not there to protect the private rights of parties to a litigation or prosecution. It is there to prevent interference with the administration of justice and it should in my judgment be limited to what is reasonably necessary for that purpose. Public policy generally requires a balancing of interests which may conflict. *Freedom of speech should not be limited to any greater extent than is necessary, but it cannot be allowed where there would be real prejudice to the administration of justice.*”\*

---

\*See *Attorney General vs. Times Newspapers Ltd.* (1974) AC 274.

It is a matter of public policy which requires a balancing of interests, on the freedom of speech in Parliament. It will not be in the interest of Parliament to interfere with the administration of justice in a court of law and likewise it would not be in the interest of the court to interfere with the proceedings of the Houses of Parliament. Thus the principle of the division of powers must be followed strictly wherever possible. It will be catastrophe if Parliament interferes with the administration of justice carried out by the court and the court interfering with the proceedings in Parliament. Anyway the guiding principles whether a matter is *sub judice* or otherwise as adopted by the House of Commons in United Kingdom are more or less adopted by the Malaysian Parliament.

The House of Commons in the United Kingdom passed a resolution on 23 July 1963, which set out the rule of *sub judice* in detail. Under that resolution the House of Commons is not allowed to refer, in any debate, motion or question including supplementary question to any matter which is under adjudication in any court of law exercising criminal jurisdiction from the moment the law is set in motion by a charge being made to the time when the verdict or the sentence has been pronounced. This restriction shall continue even after the verdict or the pronouncement of sentence has been made when an appeal is pending. The restriction is only lifted when the appeal has been disposed of or where there is no appeal after the time period of appeal has lapsed. The same principle applies to matters in civil courts whereby the restriction is only lifted after the delivery of the judgment or the final disposal of the case. As for a court martial case, the restrictions begin when the charge is made until the sentence has been confirmed or promulgated and again when there is an appeal until the disposal of such appeal.

By another resolution passed in June 1972 the House of Commons gave the discretion to the Chair to make references of matters awaiting or adjudication in all civil courts in debates, motions or questions in so far as such matters relate to ministerial decisions which cannot be challenged in a court except on grounds of bad faith, or concern issues of national importance. Although the Chair is allowed this discretion, it should be exercised so as to refer to matters if it is apparent that there is real and substantial danger of prejudice to the proceedings.

What matters are deemed to be *sub judice*? As being stated earlier a person who contravenes the *sub judice* rule will commit an offence of contempt of court. A contempt of court is an act or omission calculated to interfere with the administration of justice. As for Parliament it is more of an act rather than an omission. It is calculated to prejudice the due administration of justice if there is a real risk as opposed to a remote possibility that prejudice will result. In the case of the *Attorney General v. Times Newspapers*,\* Lord Diplock outlined the various ways in which the

---

\*See *Attorney General vs. Times Newspapers Ltd.* (1974) AC 273.

due administration of justice might be prejudiced. He said:

“The due administration of justice requires first that all citizens should have unhindered access to the constitutionally established courts of criminal or civil jurisdiction for the determination of disputes as to their legal rights and liabilities; secondly, that they should be able to rely upon obtaining in the courts the arbitrament of a tribunal which is free from bias against any party and whose decision will be based upon those facts only that have been proved in evidence adduced before it in accordance with procedure adopted in courts of law; and thirdly, that once the dispute has been submitted to a court of law, *they should be able to rely upon their being no usurpation by any other person of the function of that court to decide it according to the law. Conduct which is calculated to prejudice any of these requirements or to undermine the public confidence that they will be observed is a contempt of court.*”

The definition given by Lord Diplock above is very wide which includes the rule of *sub judice* such as usurpation by a person or body of persons of the function of a court of law to decide a matter according to the law and this includes conduct which is calculated to prejudice that requirement or to undermine the public confidence. The most well known contempts are contempts in the case of the courts, acts calculated to prejudice the fair trial of a pending cause, publications scandalising the court, revenge exacted for acts done in the court of litigation, abuse of the process of the court and breach of duty by an officer of the court.

As stated earlier this paper is not dealing with all aspects of contempts of court but only one avenue of contempt, *viz.* breach of the *sub judice* rule especially in connection with rights of Parliament. In this respect we are concerned only with speech and expression in Parliament which is intended or likely to prejudice fair trial or conduct of proceedings which in other words tend to impair the impartiality of the court which is to try the proceedings or by deterring or influencing the evidence given by witnesses or impair the ability of the court to determine the true facts. For this purpose we are only concerned with publication. A publication may also be punishable as a contempt of court, which has the effect of deterring or inhibiting parties in the conduct of their proceedings by prejudicial discussion of the merits or facts of the case before the proceedings have been determined by a court of law. Publication may be in any form, including words spoken, written or otherwise published. It does not matter to whom the publication is addressed, whether to one person or a body of persons but the court may take that into consideration in any proceedings for contempt of these facts in order to establish sufficient prejudice to constitute a contempt. It must be remembered a jury are more likely to be swayed by prejudicial matter than a judge. Thus it is always a serious matter to publish the matter which may prejudice a jury against any person. It is also against the rule of *sub judice* to publish



statements which prejudice an issue in pending cause. Anyway this will not prevent general discussion on the adequacy of the legal system to meet a particular situation, nor the continuance of a public discussion already begun before a proceedings commenced provided that the discussion is not deliberately used as a vehicle to prejudice the proceedings. There are many ways by which prejudgment may occur such as by stating a conclusion about a particular issue in the case or by making a statement which might make the tribunal to reach one conclusion rather than the other or by assertion that one side or the other will win or an assertion that the accused person is guilty or innocent. A *sub judice* publication may not necessarily be that it should be shown actually to prejudice a fair trial or the conduct of proceedings but it must be shown that the publication is likely or tends to prejudice a trial or conduct of the action. The degree of risk of prejudice, while not material to the question whether a contempt has been committed, is a material factor in determining what punishment, if any, should be imposed. It is also *sub judice* to comment on the character or the conduct of an accused person which tends to prejudice the fair trial of the accused. It would be a serious contempt to publish the criminal record of an accused person or to comment on his previous bad character before trial or to publish a confession to crime by an accused out of court, even if the confession is true. An adverse comment on a party need not refer directly to the subject of a pending proceedings but if the comment is calculated to prejudice the trial of the proceedings it will be *sub judice*.

It is *sub judice* to make a publication which is calculated to impair the ability of the court to determine the true facts in criminal proceedings, by deterring witnesses in tainting the evidence given by witnesses. It is also *sub judice* to publish comment which is likely to hold up a witness or potential witness in criminal trial to public criticism or opprobrium, or which attacks the veracity of a particular witness. A publication which is calculated to affect or influence the evidence which a witness may give is also *sub judice*.

The relevant date for determining whether a publication is calculated to prejudice a fair trial of criminal proceedings is the date and time of the publication. In general no publication can amount to a contempt unless on the date of publication criminal proceedings are either pending or imminent. Generally a criminal prosecution is said to be pending at any time after a person has been arrested and is in custody. There is no necessity for that person to be committed for trial or for him to be brought before the court. A criminal prosecution is said to be pending until the verdict or the sentence is pronounced or when there is an appeal the disposal of the appeals. In other words, the *sub judice* rule will apply until the proceedings are finally concluded and no further appeal is possible, either because of the rights of appeal have been exhausted or because the time for filing his notice of appeal has elapsed. This is also true of the proceedings in a civil court where a retrial is ordered until the case is

disposed of. As to a court-martial case, the *sub judice* rule will apply until the sentence of the court is confirmed and promulgated and when appealed until the disposal of the appeal.

In conclusion, I am of the view that Parliament should help to uphold this *sub judice* rule and maintain the separation of powers between the legislature and the judiciary. I am of the opinion that it will do more harm than good if any of these two bodies start interfering in the business of the other. The independence of these two bodies must be maintained.

---

*Kumari Mamata Banerjee:* After setting up the auto manual exchange in Calcutta, four employees have been admitted in the hospital because of 'tele-shock' .....

*Shri Balkavi Bairagi:* ममता जी का सबाल इसलिए महत्वपूर्ण है जिस दिन यह शाक लगा मैं उस दिन कलकत्ता में था और मुझे भी शाक लगा था।

*The question of Mamataji is important, because I was present in Calcutta on the day when the employees got the shock and I had also got shock.*

*Mr. Speaker:* मैं तो यह कहता हूँ कि ममता जी जब खड़ी होती हैं आप भी जरूर खड़े होते हैं।

Whenever Mamataji stands up to say something, you also stand up.

*Shri Arjun Singh:* माननीय सदस्य से यह भी जानकारी करना उचित होगा कि उनके पास यह शाक किस के द्वारा पहुँचा।

(It will be appropriate to know from the hon. member through whom he received this shock.)

(L.S. Deb., 24 February 1987)

---



## ROLE OF PARLIAMENT AS A MULTIFUNCTIONAL INSTITUTION

SUBHASH C. KASHYAP

---

Parliament today is not a law-making body only. It has become more and more a multi-functional institution performing a variety of roles—many of these inter-related and often meshing into one another. This, however, is often not appreciated and disproportionate emphasis is laid only on one or two aspects of the working of Parliament. Any attempt at a comprehensive identification of roles and analysis of functions of present day Parliament in the language of modern parliamentary Political Science may be quite misleading and may even amount to pettifogging — it may befog more and enlighten less. Nevertheless, with a view to clarifying the concepts, some of the cardinal roles and functions of Parliament may be described as follows.

*Political and Financial Control (or Executive Responsibility)* : Executive or Ministerial responsibility to Parliament or what is often termed parliamentary control over the Executive or the Government is based on: (i) the constitutional provision of collective responsibility of the Council of Ministers to the popular House of Parliament; and (ii) the Parliament's control over the Budget.<sup>1</sup>

In both the matters, parliamentary control over the Executive is political in nature. The answerability of the Executive is direct, continuous, concurrent and day-to-day. When Parliament is sitting, the continuance of the Government in office depends from moment to moment on its retaining the confidence of the House of the People. The House may at any time decide to throw out the Government by a majority vote, *i.e.* if the ruling party loses the support of the majority of the members of the House, its Government goes. No grounds, arguments, proofs or justification are necessary.<sup>2</sup> When the House clearly and conclusively pronounces that the Government of the day does not command its support, the Government must resign. Want of parliamentary confidence in the

---

1. Articles 75, 114-116 and 265 of the Constitution of India.

2. See Inter-Parliamentary Union (*ed.*); *Parliaments of the World*, London, 1976, pp. 801-802 and 825-827.

Government may be expressed by the House of the People by: (a) passing a substantive motion of no-confidence in the Council of Ministers<sup>3</sup>; (b) defeating the Government on a major issue of policy; (c) passing an adjournment motion<sup>4</sup>; and (d) refusing to vote supplies or defeating the Government on a financial measure.

The Executive enjoys the right to formulate the Budget. The Constitution provides for an annual statement of the estimated receipts and expenditure to be placed before Parliament. The Executive is completely free to suggest what the level of its expenditure should be and specify the purposes for which various amounts may be required. It has also full freedom to suggest how revenue should be raised to meet the expenditure. Thus, the entire initiative in financial matters is with the Government. Nevertheless, parliamentary control over public finance — the power to levy or modify taxes and the voting of supplies and grants — is one of the most important checks against the Executive assuming arbitrary powers. No taxes can be legally levied and no expenditure incurred from the public exchequer without specific parliamentary authorization by law<sup>5</sup>.

In fact, except in the theoretical sense of the budgetary control or the ultimate sanction of a vote of no-confidence, parliamentary control over the Government is a myth. The 19th century British concept of parliamentary control over the Executive is no more valid even in the 'Mother of Parliaments'. Parliament does not control the Government. In actual practice, it is the Government which controls Parliament through its majority in the House of the People and through its power to have the House dissolved and fresh elections ordered by the President. As has been said elsewhere:

"The operative reality of politics today is that the real power resides in the Prime Minister and his or her cabinet and not in Parliament. The Prime Minister is the leader of the majority in Lok Sabha and also the head of the Government. The Council of Ministers, with the Prime Minister at its head, controls both Government and Legislature, not the least because it has extensive patronage and the power to take and implement decisions."<sup>6</sup>

And, this is as it should be.

---

3. *Rules of Procedure and Conduct of Business in Lok Sabha*; Sixth Ed., 1980; rule 198.

4. *Ibid.*, rule 56.

5. Articles 114-116 and 265 of the Constitution of India.

6. Subhash C. Kashyap; *Committees in the Indian Lok Sabha* in John D. Lees and Malcolm Shaw; *Committees in Legislatures*, Duke University Press, Durham, 1979; p. 291.

“There should not be repudiation of the authority of the Prime Minister because then the Cabinet Government does not function. After all the Prime Minister is the pivot. He may consult two or three colleagues and go ahead. That is why you have the system of Cabinet Committees. It is ultimately the Prime Minister who is responsible to the Parliament and the Nation for the policies which the Government pursues.

*Surveillance of Administration (or Administrative Accountability) :* Administrative accountability means the accountability of the administration to Parliament. Administration is run by the permanent civil services. Parliament does not interfere with day-to-day administration nor does it control administration. Accountability to it is technical and indirect, *i.e.* through the Ministers, and it is *ex post facto*, *i.e.* after something is done; after action has ended. Also, it has to be based on specific grounds. Under our system, after a policy is laid down, a law is passed or moneys are sanctioned, it is administration which is required to execute and implement. Parliament cannot itself administer nor can the Ministers. It is, therefore, the officers — and not Ministers — who have to explain if things go wrong in the process of implementation.

In a parliamentary polity, since Parliament embodies the will of the people, it must be able to oversee the way in which public policy is carried out so as to ensure that it keeps in step with the objectives of socio-economic progress, efficient administration and the aspirations of the people as a whole. This, in a nut-shell, is the *raison d'être* of parliamentary surveillance of administration. Parliament has to keep a watch over the behaviour of administration. It can enquire and examine *ex post facto* whether the administration has acted in conformity with its obligations under the approved policies and utilized the powers conferred on it for purposes for which they were intended and whether the moneys spent were in accordance with parliamentary sanction. This ensures that the officers function in the healthy awareness that they would be ultimately subject to parliamentary scrutiny and answerable for what they do or fail to do. But in order to be able to conduct meaningful scrutiny and call the administration to account, Parliament must have the technical resources and information wherewithal.<sup>8</sup>

The various procedural devices like the system of parliamentary committees, questions, calling attention notices, half-an-hour discussions etc. through which the Parliament gets informed, also constitute very potent instruments for effecting parliamentary surveillance over adminis-

---

7. M.N. Kaul; *Parliamentary Institutions and Procedures*; National, New Delhi, 1978; p. 14.

8. Also see S.L. Shakdher; *Glimpses of the Working of Parliament*; Metropolitan, New Delhi 1977; pp.180-184.

trative action. Significant occasions for review of administration are provided by the discussions on the Motion of Thanks on the President's Address, the Budget demands, and particular aspects of governmental policy or situations. These apart, specific matters may be discussed through motions on matters of urgent public importance, private members' resolutions and other substantive motions.

*Informational (Right to Information) Role:* Information is vital to Parliament. It is the first essential requisite for effective discharge of any of its functions. Parliament gets informed in many ways — through a wide variety of sources — but inasmuch as the Government is the greatest single monopolist of information, Parliament and its members have to rely very heavily on the Government departments for their information requirements.<sup>9</sup> To call for information is perhaps the greatest power of Parliament. Parliament's right to be informed is unlimited except that if divulging of certain information is likely to prejudice vital national interest or the security of the State, it may not be insisted upon. So far as the activities of the Government are concerned, it is the duty of the Government itself to feed Parliament with information which is full, truthful, precise and supplied in time. This is done by the Ministers making statements on the floor of the House, laying reports and papers on the Table of the House or placing documents in the Parliament Library. All these constitute a wealth of information which becomes immediately public and can be used to raise discussions in the House.

The most well-known and effective mechanism through which members on their own elicit information is that of asking questions in the Houses of Parliament. It has been rightly said that during the Question Hour in Parliament, "a piercing searchlight is thrown in every nook and corner of the vast length and breadth of administration and nothing falls outside the scrutiny of Parliament". The Minister may be put to a gruelling test by means of searching supplementaries which may be so framed as to expose the weakness of administration. Through the members' questions sometimes the Ministers concerned themselves get better informed about the departments under their charge and the weak spots therein requiring priority attention. As follow-up of what may be an incomplete answer to a question, a member may demand a half-an-hour discussion. Members may ask on matters of urgent public importance, Short Notice Questions for oral answer. Still another procedural device is that of the Calling Attention Notices. A member may, with the previous permission of the Speaker, call

---

9. Subhash C. Kashyap; Information Management for Parliamentarians, *Monthly Public Opinion Surveys*, XVIII, 6, 1973; and his report on Means of Information at the Disposal of the M.P. in *The Members of Parliament: His Requirements for Information in the Modern World*; Vols. I and II, Inter-Parliamentary Union, Geneva 1973 (Papers and Proceedings of the International Symposium).

the attention of a Minister to any matter of urgent public importance and request the Minister to make a statement on the subject. Members can also write to the concerned Ministers and ask for the information they may need and the information is usually supplied.<sup>10</sup>

On an institutional plane, another method for Parliament to inform itself and receive necessary feedback is through the reports of various parliamentary committees. In the process of their scrutiny, the committees ask searching questions and collect extensive and valuable information from the Government Ministries and Departments, public undertakings etc. under examination. This procedural device has also become an important tool for eliciting information on matters of urgent public importance and has been very popular with members from both sides of the House.

Some political parties have their own research and reference staff who feed their members with the necessary information particularly from the party position angle. Visits to constituency and other places, correspondence with constituents and others, membership on governmental consultative or other official committees, Boards etc., official and unofficial publications, periodical literature and mass media—the Radio, T.V., the newspapers—also help members keep themselves abreast of developments and well-informed about matters of administration and public policy.

The Press plays a particularly important informational role in parliamentary life. But, this also casts a tremendous responsibility on the Press to follow its own code of conduct, to resist the temptation to yield to sensationalism, to remember the overriding duty not to sacrifice national interest for petty journalistic gains, to ensure factual accuracy and reliability of the news stories and above all to be honest and objective and devoted to serving the people at large. Often, the Press struggles hard to unearth the administrative lapses, scandals and shortcomings, gives expression to public grievances and difficulties and reports on how policies are being carried out. Most of the raw material for parliamentary questions, motions and debates comes from the daily Press and this is an important instrument on which a member relies. Simultaneously, the Press keeps the people informed of what is happening in Parliament. This two-way traffic enables the Press to maintain an important and strong link between the public and the Parliament. Considering the space that is devoted to these matters and the volume of information that is given, the Press in our country fulfils a great need felt alike by the members of Parliament and the public.

Even though so much information from such a variety of sources is available to Parliament, it is not enough. The information supplied by the

---

10. Shakdher; *Glimpses, op. cit.*; pp.186-187.



official Government sources is efficiently collected and processed but it may sometimes, consciously or unconsciously, get slanted or biased and may not always be strictly complete, factual and objective. Information from other sources like the mass media, political parties, interest groups or lobbyists would be even less so. Hence the need for the Parliament developing its own institutionalized sources of information, an independent information reservoir and specialized dissemination procedures. This is sought to be achieved through what is called the Parliament Library and its Research, Reference, Documentation and Information Services. These remain at the disposal of members and supply non-partisan, objective and strictly relevant information on demand, promptly and often at short notice, as also in anticipation of members' needs in discharge of their parliamentary duties. Since legislators are busy men with multifarious pressures on their time, the information has to be precise, to the point and in easily digestible and readily usable form.<sup>11</sup>

***Representational, Grievance Ventilation, Educational and Advisory Role:*** The primary function of Parliament in a modern democracy is to represent the people. In recent decades, emphasis has shifted more and more to the representational and grievance ventilation role of Parliament. Parliament is the people's institution *par excellence*. It is the supreme forum through which the people seek to realize their aspirations, urges and expectations, ventilate their grievances and difficulties and even articulate their passions, anxieties and frustrations. Parliament represents the changing moods and needs of the people. It is not only a microcosm and mirror of the people, but also a barometer of their mood and pulse rate.

It may be interesting to study the self-perceptions of their roles by the members of Parliament, *i.e.* to examine what and how the MPs themselves perceive their legitimate roles to be and also whether the changing complexion of Houses of Parliament is in any way reflected in MP's own role perceptions and the actual functioning of the Houses. On the basis of the analysis of empirical data, while the pre-Independence central legislature was an elitist body, the Lok Sabha, with each successive election has been becoming a more representative body. As analysed in an earlier study:

“...the Parliament of India more and more truly mirrors the mosaic of Indian society. Parliament is becoming more representative of the people of India, of the level of their political awareness, of their lack of sophistication, and of their problems, hopes and aspirations. Elitist politics is gradually giving way to a healthy ruralized politics. The polished urban lawyer who knew the law and the niceties of parliamentary procedure is being replaced by the village farmer or the political/social worker with his

---

11. Kashyap; *Information Management, op. cit.*

innate common sense and acute awareness of what the people need. The foreign educated, public or convent school trained, upper middle class urban elite are being elbowed out by the rural educated indigenous counter-elite."<sup>12</sup>

Also, an average member of Parliament himself views his primary duty to be that of representing his people and giving expression to their difficulties, problems and grievances and seeking their removal and redressal. For, if the Executive is responsible to Parliament, Parliament and its members are also answerable to the people. The member is the chief communication channel and link between the people he represents and the Parliament and the Government. Also, the member has an educational role. He has to understand and be involved in what goes on in parliament, in order to be able to educate the people about Parliament and generally feed them with information. For, if he has to represent the people in Parliament he has also to present a proper image of Parliament, its working and its problems to the people. He must know his constituents and their problems and needs and do his best to contribute to their welfare. This the member can try to achieve by making full use of the various procedural devices available and snatching every possible opportunity in the House and through the Petitions Committee and other parliamentary committees.

During debate and discussion on legislative proposals or Financial Bills, motions to consider and approve Government policies, Motion of Thanks on the President's Address, Budget etc., members are free to express themselves and to say what is good for the country and what modifications of the existing policy are required. Government is sensitive to parliamentary opinion; in most cases they anticipate it; in some cases they bow to it and in some others they may feel that they cannot make any change consistent with their commitments, obligations and political philosophy. Nevertheless during discussions members have full liberty to criticize the administration for their past performance and suggest how they should behave in the future or how a particular measure should be carried out or implemented. The discussions are important for they indicate parliamentary mood and bring the impact of public thinking on the administrative apparatus which may otherwise remain immune to public sentiments and feelings. It is as well that the parliamentary debates should serve to remind the administration of their duties and obligations. Parliamentary debates affect the administrative thinking and action in a variety of ways and the subtle influence which cannot be measured in terms of any visible units pervades through all the ranks of administration—high and low. While the administrators have complete freedom to implement the policies approved by Parliament in the best manner

---

12. Kashyap; *Committees, op. cit.*; p.296.

possible, they are nevertheless haunted and guided by the various viewpoints expressed on the floor of the House. And, this may be called the Advisory Role of Parliament.

*Conflict-resolution and National Integrational Role:* Conflict is natural to man — conflict of ideas and interest and struggle for power by various contending forces. The emergence of Parliament as a potent conflict resolution mechanism and a leading mediating force in national politics is now an accepted fact of the Indian political life. Parliamentary democracy is considered to be a better and more civilized system of Government inasmuch as under it debate and discussion on the legislative floor take the place of physical strife on the streets or on the battlefields. Debates and discussions bring out into the open the underlying tensions and resentments in society. Parliament becomes the legitimate arena for power struggle, for crystallization of political activity or for acting out the conflicting roles and interests with the parliamentary rules and procedures facilitating eventual reconciliation. Instead of fighting to annihilate each other, the parties tend to agree to disagree and to accommodate or tolerate each other. It is on the legislative floor that some very delicate problems get resolved. The contending forces struggle to have their way and finally get reconciled. In performing this conflict-resolution role, the parliamentary institution acts as a great national integrator and mediator in change. This conflict-resolution and integrational role of Parliament is specially significant in the context of our highly pluralistic society.

Besides the role played by the formal parliamentary forums and parliamentary procedures, attention may be invited to the Central Hall of Parliament House which is almost an institution in itself. It is a big club and a great purgatory. Here members of Parliament from all parts of the country irrespective of caste, creed, region or religion meet informally and discuss in groups or with individuals, problems which affect the country as a whole. It creates feelings of national integrity of a high order which no other forum can. Even those who before entering its portals may have some separatist, regional or parochial views get cleansed and all feel one—people of one country — after they have passed through the purgatory of the Central Hall. Fissiparous tendencies, if any, lose their sharp edges. What may seem all right and quite acceptable — even laudable — in some State capitals may become a subject matter of laughter inside the Central Hall. The atmosphere itself compels a larger national perspective.

*Law-making — Developmental Social Engineering and Legitimatizati-  
onal Role:* Law-making is the traditional function of a legislature. Under the Constitution of India, Parliament is the supreme legislative body on the national level. It can make laws on a wide range of subjects allotted to it under the Union and the concurrent lists in the Seventh Schedule to the Constitution<sup>13</sup>. Since residuary power vests in Parliament, it can also make

---

13. Articles 245-246 and the Seventh Schedule.



laws in areas not specifically assigned to States. Even in the specifically assigned areas a subject in the State List, *i.e.* falling within the sphere exclusively reserved for the States ceases to be so reserved in certain circumstances under which the Union Parliament may legislate in that subject area also.

The most important aspect of legislation lies in its vital social or sociological ramifications. Laws are necessary not only for maintaining peace and law and order, for securing the country from external dangers and internal disturbances, for ensuring sound and efficient administration but also for bringing about public welfare by facilitating economic and social change. In a society particularly in a state of flux like ours, Parliament alone can provide the basis and the catalytic agency for social change. The main thrust of legislative activity has to be on social legislation, *i.e.* legislation aimed at social change and economic development. Concretization of socio-economic transformation may involve a restructuring of existing institutions and bringing about a new balance between different societal forces and conflicting group interests. This can be done only through legislation by Parliament. In fact, Parliament has been in the forefront of social reforms. A large number of social reform measures have been passed by Parliament since the commencement of the Constitution, *e.g.* laws providing special consideration, guarantees and benefits to backward, down-trodden or traditionally ill-treated sections of society in the form of reservations, social security, removal of disabilities, minimum wages, old age pensions, housing and the like.<sup>14</sup>

While Parliament's role in law-making—the opportunity to review, examine and discuss the proposed legislation and possibly to influence the final shape—is of immense value, there is another side to the picture. Parliament does not make laws. It has neither the time nor the necessary know-how for the purpose. Initiative in legislation as in so much else has passed almost completely to the Executive and to the Departments of the Administration.

“The formulation of the legislative proposal implies a preparation at the technical level and harmonization of several competing claims and considerations that cannot, in the very nature of things, be accomplished in the legislature because the resources vital to legislation—technical data and statistics, accumulated administrative experience and expertise—are available only to the Executive.”<sup>15</sup>

Parliament only discusses, scrutinizes and, by putting its seal of approval, legitimatizes legislative proposals—Bills, rules and regulations etc.—

---

14. Subhash C. Kashyap; *Human Rights and Parliament*; Metropolitan, New Delhi, 1978; Chap.9, 'Parliament and Socio-Economic Legislation'; pp.124-133.

15. Subhash C. Kashyap in Inter-Parliamentary Union, (ed.); *Who Legislates in the Modern World*, Geneva, 1976; p.68.

formulated by the Executive. Its role is thus more of a legitimatizatiional role than a law-making role.

On the one hand, Parliament does so much else which is not law-making—only about one-fifth of its time is devoted to legislation—on the other, Parliament is not the sole actor in the drama of law-making. It is only one of the many. The modern concept of law is not that of a body of rules of action of general application, established by authority etc. Law is a process—a long and complicated process—beginning in the pre-natal social urges, the first felt need and demand for action, conception of the policy-makers and the play of political forces and various interest groups, involving role of the concerned and the Law Departments in drafting the Bill, the ruling party, the concerned Minister and the Cabinet, the Houses of Parliament and their Committees and the President; and proceedings as to making rules and regulations and then actual implementation by the Administration and in case of dispute, interpretation and judicial review by courts. At every stage law is being actually made and in effect modified. Thus, the act of law-making cannot be attributed to any one body of persons or any one constituent organ of the State; all the three organs of State—the Executive, the Legislature and the Judiciary—have a participating role in legislation.<sup>16</sup>

*Constituent (Amending the Constitution) Role:* Under article 368 of the Constitution, which is the specific provision dealing with amendment of the Constitution, Parliament is the repository of the constituent power of the Union. The procedure for Constitution amendment, as spelled out in that article, has certain distinctive features which clearly mark out Parliament's constituent capacity from its ordinary role as a legislature. First, an amendment of the Constitution can be initiated 'only' by the introduction of a Bill in either House of Parliament so that the initiative in the matter of constitutional amendment has been exclusively reserved for Parliament. Second, for the most part, the provisions of the Constitution can be amended by Parliament by a special majority, namely, a majority of not less than two-thirds of the members of each House present and voting. It is only in the case of a limited category of constitutional provisions, (*i.e.* those relating to the Lists in the Seventh Schedule, representation of States in Parliament, provisions of article 368, etc.) that the amendment Bill having been passed by each House of Parliament with the prescribed special majority, needs to be ratified by the legislatures of not less than half of the States. Third, on a Constitution Amendment Bill, as duly passed/ratified, being presented to the President, the President's assent is mandatory and, unlike in the case of ordinary legislative Bills, he has no option to withhold his assent or return the Bill to the House for reconsideration.<sup>17</sup> And, lastly, it is significant that none of the provisions of

---

16. *Ibid.*; pp.65-69.

17. Kashyap; *Human Rights, op. cit.*, Chap.10, 'Constituent Power of Parliament and Judicial Review'; pp.134-143.

the Constitution is 'unamendable' inasmuch as Parliament can in any way amend, alter or repeal any provision of the Constitution and such amendments cannot be questioned in any court of law on any ground whatsoever unless they tend to alter or violate what may be considered as the basic features of the Constitution.

During the period 1950-1972, the question of the amendability of fundamental rights came before the supreme Court in three different cases, namely, *Shankari Prasad Vs. Union of India*,<sup>18</sup> *Sajjan Singh Vs. State of Rajasthan*<sup>19</sup> and *Golak Nath Vs. State of Punjab*.<sup>20</sup> Until the Supreme Court decision in *Golak Nath's case*, the law was as follows:

- (i) Constitution Amendment Acts are not ordinary laws and are passed by Parliament in exercise of its constituent powers as contradistinct from ordinary legislative powers. There is no separate constituent body for the purposes of amendment of the Constitution, constituent power also being vested in 'Parliament.'
- (ii) There is no limitation placed upon the amending power, that is to say, there is no provision of the Constitution which cannot be amended. The terms of article 368 are perfectly general and empowers Parliament to amend the Constitution, without any exception whatever.
- (iii) Fundamental Rights guaranteed under the Constitution (Part III) are subject to Parliament's power to amend the Constitution.

In *Golak Nath's case*, the Supreme Court by a 6:5 majority reversed its earlier decisions and held that the fundamental rights enshrined in the Constitution were transcendental and immutable, that article 368 of the Constitution laid down only the procedure for amendment and did not give to Parliament any substantive power to amend the Constitution or any constituent power distinct or separate from its ordinary legislative power, that a Constitution Amendment Act was also law within the meaning of article 13 and as such Parliament could not take away or abridge the fundamental rights even through a Constitution Amendment Act passed under article 368.

In 1973, in the *Kesavananda Bharati vs. State of Kerala*<sup>21</sup>, the Supreme Court reviewed the decision in *Golak Nath's case*. Ten of the 13 Judges held that article 368 itself contained the power to amend the Constitution and that 'law' in article 13 (2) did not take in a constitutional amendment under article 368. The law declared in *Golak Nath's case* was accordingly

---

18. AIR 1951 SC 458.

19. AIR 1965 SC 845.

20. AIR 1967 SC 1643.

21. AIR 1973 SC 1461.

overruled. On the question whether the amending power under article 368 is absolute and unlimited, seven Judges, constituting a majority, held that the amending power under article 368 was subject to an implied limitation; a limitation which arose by necessary implication from its being a power to "amend the Constitution". By a majority of 7:6 the Court ruled that "Article 368 does not enable Parliament to alter the 'basic structure' or framework of the Constitution". What constituted the basic structure was, however, not clearly made out by the majority and remained an open question.<sup>22</sup>

Following this decision in *Kesavananda's case*, clauses (4) and (5) were inserted in article 368 by the Constitution (42nd Amendment) Act, 1976, to dilute the limitation of 'basic features' to the amending powers of Parliament. The clauses mentioned above say that (a) there are no limitations, expressed or implied, upon the amending power of Parliament under article 368 (1), which is a 'constituent power' and that (b) a Constitution Amendment Act would not, therefore, be subject to judicial review, on any ground. But the applicability of the doctrine of basic structure was reaffirmed by the Supreme Court in *Minerva Mills Vs. Union of India* by holding clauses (4) and (5) as void, on the ground that this amendment sought to totally exclude judicial review, which was a 'basic feature' of the Constitution.

Present state of the doctrine of 'basic features' is that so long as decision in *Kesavananda's case* is not overturned by another Full Bench of the Supreme Court, any amendment to the Constitution is liable to be interfered with by the Court on the ground of affecting one or other of the basic features of the Constitution.

In *Kesavananda's case*, Justice Sikri had tried to tabulate the basic features of the Constitution as follows:<sup>23</sup>

- (i) Supremacy of the Constitution
- (ii) Republican and democratic form of government
- (iii) Secular character of the Constitution
- (iv) Separation of powers
- (v) Federal character of the Constitution.

In the same case, Justice Hegde and Justice Mukherjee, included the sovereignty and unity of India, the democratic character of our polity and individual freedom to the elements of basic structure of the Constitution. They believed that Parliament had no power to revoke the mandate to build a Welfare State and an egalitarian society.<sup>24</sup> Justice Khanna also said that Parliament could not change our democratic government into a

---

22. Subhash C. Kashyap; *Parliament and Recent Constitutional Developments in India; The Table*, London, Vol.XXIV, 1976; pp.15-18.

23. *Kesavananda Vs. State of Kerala*; AIR 1973 SC 1461, para 302.

24. *Ibid.*, para 682.

dictatorship or hereditary monarchy nor would it be permissible to abolish the Lok Sabha and the Rajya Sabha. The secular character of the State could not, likewise, be done away with.<sup>25</sup>

In *Indira Nehru Gandhi Vs. Raj Narain*, Justice Chandrachud found the following to be the fundamental elements of the basic structure of the Constitution.<sup>26</sup>

- (i) India as a sovereign democratic republic
- (ii) Equality of status and opportunity
- (iii) Secularism and the freedom of conscience
- (iv) Rule of law

The same Judge in *Minerva Mills' case* added the 'amending powers of Parliament', 'Judicial review' and 'balance between the Fundamental Rights and the Directive Principles' to the list of elements basic to the Constitution.<sup>27</sup>

In some cases there is a difference of opinion among the Judges as regards a particular element forming an element of the basic features. For example, Chief Justice Ray did not find it possible to hold the concept of free and fair elections as a basic features whereas Justice Khanna, in the **same** case found this principle to be an element of the fundamental features of the Constitution.<sup>28</sup> Justice Chandrachud did not subscribe to the view that the Preamble to the Constitution holds the key to its basic structure.<sup>29</sup> Justice Beg, on the other hand, found that the Court can find the test (of constitutional validity) primarily in the Preamble to the Constitution. The Preamble, he believed, furnished the yardstick to be applied even to constitutional amendments.<sup>30</sup>

It is thus evident that so far there has been no consensus in this regard among the Judges and no majority judgment is available laying down the features of the Constitution that may be considered 'basic'. The Court has not **foreclosed** the list of the basic features as suggested by different Judges in different cases. In *Indira Nehru Gandhi's case*, Justice Chandrachud has observed that "the theory of basic structure has to be considered in each individual case, not in the abstract, but in the context of the concrete problem."<sup>31</sup>

Since the commencement of the Constitution in 1950 as many as 56 Constitutional Amendments have been effected. All this has been done in exercise of the Parliament's constituent powers and often to meet unfore-

---

25. *Ibid.*, para 1437.

26. *Indira Nehru Gandhi Vs. Raj Narain*; AIR 1975, SC 2299, para 665.

27. *Minerva Mills Ltd. Vs. Union of India*; AIR 1980, SC 1789.

28. *Indira Nehru Gandhi case*; *op. cit.*, paras 55 and 213.

29. *Ibid.*, para 665.

30. *Ibid.*, para 623.

31. *Ibid.*, para 2465.

seen difficulties created and situations brought about as a result of the decisions of courts and their interpretations of constitutional provisions. Sometimes, the amendments became necessary to clarify the constitutional intent—the intention of the framers of the Constitution behind particular provisions—and to bring the text of the Constitution closer to accepted national goals and objectives.

***Leadership (Recruitment and Training) Role:*** Lastly, not the least important function of Parliament is to serve as a national reservoir and nursery of political leadership. Parliament is the recruiting and training ground for Ministers. The performance of members in the two Houses and their committees helps the Prime Minister to select the best from among those available. While serving on various parliamentary committees, members acquire considerable knowledge and expertise in specific fields and they usually make good Ministers.

---

***Shri Balkavi Bairagi:*** दहेज का मामला है और आपने ममता जी से पूछाया यह तो न लेने में है और न देने में।

It is a matter of dowry and you have asked Mamataji,\* who is neither a giver nor a taker)

***Mr. Speaker:*** समय का इन्तजार करें।

(Wait for the opportune moment)

(L.S.Deb., 24 April 1987)

---

\* Kumari Mamata Banerjee is unmarried.



## PARLIAMENTARY EVENTS AND ACTIVITIES

---

### CONFERENCES AND SYMPOSIA

*Survey of progress made in implementing the recommendations of the Inter-Parliamentary Conference on Environment:* An Indian parliamentary Delegation attended meetings of Ad-hoc Committee held to survey progress made in implementing the recommendations of the Inter-Parliamentary Conference on Environment from 23 to 25 February 1987 in Nairobi (Kenya). The Delegation consisted of Shri Digvijay Singh and Professor B. Ramachandra Rao, both members of Parliament. The mandate of the meetings as defined in paragraph 92 of the recommendations of the Inter-Parliamentary Conference on Environment (Nairobi, 26 November to 1 December 1984) was "to survey progress made in implementing the recommendations of the Conference on the basis of National Reports and to inform all National Groups of IPU of the results obtained."

### PARLIAMENTARY DELEGATIONS VISITING INDIA

*Panama:* In response to an invitation from India, a parliamentary Delegation led by His Excellency Mr. Ovidio Diaz, President of the National Assembly of Panama visited India from 22 to 24 February 1987. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha on 23 February 1987. Dr. Jakhar hosted a banquet in their honour on the same day. A meeting was held on the same day between the visiting delegates and members of our Parliament.

*Poland:* In response to an invitation from India, an 11-member Polish Parliamentary Delegation led by His Excellency Mr. Roman Malinowski, Marshal of the *Sejm* of the Polish People's Republic visited India from 26 February to 5 March 1987. The Delegation called on Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha and Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 26 February 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 held on 27 February 1987. Besides Delhi, the delegates visited Bangalore, Agra and Jaipur.

**Bulgaria:** In response to an invitation from India, a 7-member parliamentary Delegation led by His Excellency Mr. Atanas Dimitrov, Deputy Chairman of the National Assembly of Bulgaria visited India from 21 to 26 March 1987. The Delegation called on the Vice-President of India and Chairman, Rajya Sabha and the Speaker, Lok Sabha on 23 March 1987. The Speaker, Lok Sabha hosted a banquet in their honour on the same day. A meeting was also held between the visiting delegates and members of our Parliament. Besides Delhi, the delegates visited Agra and Bombay.

#### BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 21 January to 31 March 1987, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

**Appreciation Courses for Officers/Probationers of All-India and Central Services:** Three Appreciation Courses on parliamentary processes and procedures were organised by the Bureau, viz. Appreciation Course for Probationers of Indian Audit and Accounts Service and Indian Civil Accounts Service—2 to 6 February 1987; Eighteenth Appreciation Course for Indian Administrative Service and Indian Foreign Service Probationers—16 to 20 February 1987; and Ninth Appreciation Course for Probationers of Indian Defence Accounts Service, Indian Defence Estates Service and P&T Accounts and Finance Service—23 to 27 March 1987.

**Attachment Programme for participants attending the News Agency Journalism Course at the Indian Institute of Mass Communication:** This Attachment Programme was organised on 29 and 30 January 1987 with a view to acquaint the participants with the working of Indian parliamentary system. The Programme was inaugurated by Shri G.G. Swell, M.P. and attended by 17 participants from developing countries.

**Attachment Programme for an Officer of Manipur Legislative Assembly:** At the request of the Manipur Legislative Assembly Secretariat, the Bureau organised an Attachment Programme for Shri I. Māni Lal Singh, Joint Secretary, Manipur Legislative Assembly Secretariat from 25 to 31 March 1987 to enable him to study the procedure relating to follow up action on the recommendations of the Financial Committees.

**Seminar for Professors/Lecturers of Delhi University and its affiliated Colleges:** A seminar was organised for Professors/Lecturers of Delhi University and Colleges affiliated thereto on 16 January 1987 with a view to assist them to organise Model Parliaments in their respective institutions. Shri N.N. Mehra, Joint Secretary, Lok Sabha Secretariat delivered the inaugural address. The seminar was attended by 40 Professors/Lecturers.

**Training Programme in Legislative Drafting:** With a view to equip the parliamentary officials with the basic concepts, skills and techniques required for drafting of legislation so that they can render assistance to the



legislators in drafting their Bills, a Training Programme in Legislative Drafting—second in the series—was organised from 17 November 1986 to 13 February 1987. It was attended by six participants from foreign countries, two from State Legislature Secretariats and two from Parliament Secretariats.

Besides attending the lecture sessions and practical exercises sessions at the Bureau, the participants also served attachment for practical training in Legislative Department of Government of India, Branches of Lok Sabha and Rajya Sabha Secretariats and Karnataka Legislature Secretariat.

*Study Visits:* At the request of various training and educational institutions, the Bureau organised 24 Study Visits for, among others, (i) a group of IA&AS Officers from the office of Comptroller and Auditor General of India. (ii) Probationers of Indian Statistical Service attending a Course at ISTM. (iii) Students of Poona University; and (iv) District Education officers attending a Training Course at National Institute of Education, Planning and Administration.

---

***Some hon. members:* Where is the Minister of Water Resources?**

***Shri S. Jaipal Reddy:* Neither water nor the Minister.**

***(L.S. Deb., 2 April 1987)***

---

## PRIVILEGE ISSUES

## LOK SABHA

*Alleged misleading of the House by the Prime Minister:* On 19 March 1987, the Speaker (Dr. Bal Ram Jakhar) observed that on 13 March 1987, Professor Madhu Dandavate, Sarvashri Dinesh Goswami and C. Madhav Reddy gave notices of question of privilege against the Prime Minister for allegedly misleading the House on 2 March 1987 during discussion on the Motion of Thanks on the President's Address. He further observed that Professor Dandavate had also enclosed the text of what was allegedly a letter from the President to the Prime Minister, which was published in the *Indian Express* dated 13 March 1987. He added that he had refused his consent to the matter being raised in House as the same was not in order as per rules in that regard. The same day, when after the Question Hour, the members sought to raise the matter in the House, he had ruled that the President's name could not be dragged in any way on the floor of the House for influencing any debate.

The Speaker added that again on 18 March, he had received other notices from Sarvashri Saifuddin Chowdhary, Dinesh Goswami and C. Madhav Reddy seeking his permission to raise the matter in the House. He had since further examined the matter very carefully in all its aspects and in accordance with the constitutional provisions, Rules of Procedure, precedents and earlier rulings, which only reinforced the correctness of the ruling given by him on 13 March 1987.

Dr. Jakhar noted that a member could raise a question of privilege on the floor of the House 'with the consent of the Speaker' under rule 222 of the Rules of Procedure and Conduct of Business. The Speaker 'shall call the member concerned' only if he had accorded his consent had held that the matter proposed to be discussed was in order under rule 225. Thus, unless specifically allowed and called by the Speaker, a member could not raise any privilege issue on the floor of the House. Mere giving of a notice of a privilege motion did not entitle a member to raise it on the floor of the House. He further noted that the Speaker's decision refusing consent to the raising of the matter could not be questioned on the floor of the House.

If a member was dissatisfied and wanted to seek any clarification, he could at best see the Speaker in his Chamber.

The Speaker observed that on 13 and 18 March he had refused his consent to the matter given notice of being raised on the floor of the House as a privilege issue or otherwise as he had found that they were not in order. So far as the Rules were concerned, the matter should have ended there and then but since some members persisted in pressing the subject-matter of their notices, he had given his observations on the merits of the notices and ruled that the name of the President could not be allowed to be used in any manner to influence discussions on the floor of the House. That was strictly in accordance with the Rules inasmuch as rule 352 (vi) expressly prohibited 'use of the President's name for the purpose of influencing the debate'. He further observed that since the whole matter centred round a letter alleged to have been written by the President, any discussion on the matter either by way of a privilege issue or otherwise was bound to bring in the name of the President and as such that could not be allowed.

The Speaker recalled that earlier on 2 March 1987, while speaking on the Motion of Thanks on the President's Address. Shri Amal Datta had raised the issue of the convention of the Prime Minister calling on the President and discussing matters of State with him. The Chair had at that time also immediately drawn attention *inter alia* to rule 352(vi) and objected to the President's name being used to influence the debate. On Shri Datta alleging that article 74 of the Constitution had been brought to a nullity, the Prime Minister had intervened to deny the allegation and stated that he and other Ministers had been meeting the President. However the Prime Minister had said: "We like to keep the President above our politics and we will not involve the President in our daily politics and I would request the members to honour the institutions of this country and not drag them down into politics."

The Speaker further recalled that when on 9th March 1987, Shri Madhu Dandavate sought to raise the question on the basis of the proceedings of the House on 2 March, he did not allow him and nothing was allowed to go on record because Shri Dandavate did not have his permission to raise the issue on the floor of the House. He added that he had categorically ruled: "Use of the President's name for the purpose of influencing the debate in any way whatsoever is not allowed.... even in the first place it was wrong and it should not have been done .... I am not going to allow any wrong to be repeated ... I say that I do not approve of the mention of the President's name by anybody in this House....".

The Speaker observed that the stand taken by the Chair on 2,9,13, and 18 March was substantially the same and very consistent. He recalled that on another occasion, as early as on 8 April 1985, he had ruled that the name of the President could not be dragged in the debate. All the

observations and the rulings from the Chair had been categorical to the effect that the President's name could not be used on the floor of the House in order to influence the debate.

The Speaker noted that various notices received on the subject raised the question of the relationship between the President and his Ministers and that of the discharge of their constitutional functions. He observed that under article 53 of the Constitution, the executive power of the Union was vested in the President and all executive action was taken in his name. The executive power had to be exercised in accordance with the Constitution which *inter alia* ordained *vide* article 74 that the President had to discharge all his functions in accordance with the advice of the Council of Ministers. The Council of Ministers, under article 75, had been made collectively responsible to Lok Sabha. He, therefore, felt that for the exercise of all the executive power in the name of the President and for the discharge of all his functions, it was the Council of Ministers alone that was responsible to Lok Sabha.

Regarding the question whether any advice tendered by Ministers to the President could be enquired into Dr. Jakhar observed that the relationship between the President and his 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.

The Speaker observed that earlier Speakers had held that members could not even read letters received by them from the President unless President's specific permission to do so had been obtained by them. Also members were not allowed to refer to any private talks which they might have had with the President. He added that so far as any talks between the Prime Minister or the Council of Ministers and the President or any letters exchanged between them were concerned, they were entirely between them and not the concern of the House. Such official correspondence and discussions at the highest level—between the President and his advisers (the Ministers)—were in their very nature confidential, privileged and protected.

Dr. Jakhar added that rule 352(V) provided that conduct of persons in high authority could not be discussed except on a substantive motion drawn in proper terms. Thus, in the case of Ministers, their conduct could be discussed only on a motion of censure or no confidence. He however, stressed that even during the discussion on a motion of censure or no confidence in the Ministers, the name of the President, the relationship between the President and the Prime Minister or the Council of Ministers including the advice tendered or received or correspondence, if any exchanged between them could not be allowed to be brought in to influence the debate.

The Speaker said that in view of the express provisions of the Constitution, the rules, the precedents and the earlier rulings, he did not

consider that any case had been made out requiring him to reconsider the matter. Accordingly, he reiterated his ruling and withheld his consent to the matter being raised as a question of privilege or otherwise.

Dr. Jakhar further observed that the high institutions created by the Constitution including those of the President and the Council of Ministers with the Prime Minister at its head were embodiments of the national aspirations. He, therefore, felt that any debate on the floor of the House which brought in the name of the President into any controversy or which tended to discuss the relationship between the President and his Council of Ministers, must be avoided at all costs in the wider interests of the nation. He added that India was still in the process of developing sound conventions and traditions and called upon the members not to do anything which might hamper that process.

While confirming his earlier rulings, he again appealed to all sections of the House to desist from making it a political or party issue to be debated or a matter for points to be scored against each other.

#### RAJYA SABHA

*Alleged misleading of the House by the Prime Minister:* On 20 March 1987, the Chairman (Shri R. Venkataraman) observed that on 13 March 1987, a certain Delhi-based newspaper published what purported to be the text of a letter written by the President to the Prime Minister. He added that a member (Shri Jaswant Singh) had obtained the permission of the Chair to read in the House a communication addressed by him to the Chairman which *inter alia* sought a clarification on issues which, according to him arose on; (a) the veracity of the purported letter; (b) the manner in which the newspaper gained access to such correspondence between high officers of State; (c) vital questions relating to the security of information and confidentiality of governance; and (d) the question arising from the Prime Minister having made a statement in Parliament, which the text of the purported letter appeared to refute.

The Chairman further observed that describing the issue as 'not merely a privilege issue' but one that had constitutional aspects to it, Shri Jaswant Singh had appropriately concluded his remarks with the statement that Parliament should do nothing that might bring it in conflict with the office of the Head of State. Two other members, Sarvashri V. Gopalsamy and Nirmal Chatterjee were also permitted to associate themselves with the observations of Shri Jaswant Singh.

The Chairman also observed that Shri Gopalsamy had earlier sought to raise the matter as an issue of privilege. On being apprised of the relevant rules in that regard, he withdrew his notice, however, reserving his right, if any, to raise the matter again.

The Chairman informed the House that he had also received later, notices of breach of privilege against the Prime Minister from Sarvashri

Jaswant Singh, Parvathaneni Upendra and Professor C. Lakshmana. He added that Shri Jaswant Singh had supplied him his viewpoint in regard to interpretation of articles 74 and 78. Shri Upendra had again raised the matter on 17 March urging him to expedite his ruling. After hearing their explanations, the Chairman informed them that he would go into the matter in depth. He had also received on 19 March 1987, a letter signed by Shri Samar Mukherjee and eight other leaders of the Opposition seeking to discuss various issues relating to the matter.

The Chairman noted that the issue was one in which two of the highest offices under the Constitution were involved. Moreover, it concerned a nexus which was at the very heart of governance under the Cabinet system. He, therefore, felt it essential that such consideration be given in his study to the issues involved as that constitutionally pivotal matter called for.

Shri Venkataraman noted that the first and essential question that arose for consideration was whether any matter communicated or purported to be communicated by the Head of State to the Head of Government and *vice versa* should be raised in the Houses of Parliament. The answer to the question rested on the nature of the relationship that governed the President and the Prime Minister under the Constitution. He attempted such an answer by means of (i) reference to the discussions on the subject in the Constituent Assembly; (ii) reference to the relevant conventions in Great Britain; and (iii) a discussion on the scope of articles 74 and 78 of the Constitution.

He further noted that while introducing the Draft Constitution as settled by the Drafting Committee in accordance with the decisions of the Constituent Assembly and on the basis of reports of various committees appointed by it, the Chairman of the Drafting Committee, Dr. B.R. Ambedkar made the following important observations on the role of the future Head of the Indian Republic:

“Under the draft Constitution, the President occupies the same position as the King under the English Constitution. He is the head of the State but not of the executive. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known.”

The Chairman felt that it was clear that the office of the President of India was to enjoy a unique and special relationship with the Council of Ministers headed by the Prime Minister, a relationship based on inviolable trust. Other eminent jurists like Sir Alladi Krishnaswami Aiyar, who were in the Constituent Assembly, also opined that under the Constitution, the President had to go by the advice of the Cabinet.



Shri Venkataraman said that the decision embodied in the Constitution provided for a Cabinet form of Government of the Westminster type with the President as Head of the State and the Prime Minister as Head of the Government, based on conventions as well as the provisions of the Constitution. Therein lay the pith and substance of parliamentary democracy. He added that the people's will was embodied in Parliament, which expressed itself through the Cabinet which in turn transacted its business in the name of the Head, namely, the President. One preserved and protected the other. Articles 53 and 74 of the Constitution enshrined such living principle of democratic articulation. Article 53 stated that the executive power of the Union was vested in the President, all executive action being taken in his name. The scope of the executive power had been defined in article 74 which stated that the President had to discharge all his functions in accordance with the advice of the Council of Ministers, which was responsible to Lok Sabha.

The Chairman also referred to the fact that the Cabinet system of Government which had been introduced into the Indian Constitution was universally acknowledged. He added that a distinguished member of the Drafting Committee of the Constituent Assembly, Dr. K.M. Munshi, said in the Assembly:

"We must not forget a very important fact that during the last one hundred years Indian public life has largely drawn upon the traditions of the British constitutional law. Most of us, and during the last several generations before us, public men in India, have looked up to the British model as the best. For the last thirty or forty years, some kind of responsibility has been introduced in the governance of this country..."

Shri Venkataraman also referred to the Supreme Court judgment in *Ram Jawaya versus the State of Punjab* which had upheld the principle of the President-Cabinet relationship and wherein Justice Mukherjee had clarified it thus: "The President has been made a formal or constitutional head of the executive and the real executive powers are vested in the Ministers of the Cabinet."

The Chairman observed that in that context, he had referred to the practice in the House of Commons to see if its conventions made room for a discussion on such issues. The position as obtained in the House of Commons showed that the only occasion in this century when discussions between the Monarch and the Prime Minister were shared with the British Parliament was during the course of a substantive debate of a legislative nature, namely, on the Abdication Bill, 1936.

He added that, in the recent matter of the reported 'leaking' of the Queen's private opinions on the subject of sanctions against the Pretoria regime, the Clerk of the House of Commons, was asked if any discussion took place in the House of Commons. He had replied that no debate took

place in the House and no questions were tabled. The British Prime Minister, Mrs. Margaret Thatcher, refused to answer supplementary questions relating directly or indirectly to the Monarchy.

Shri Venkataraman said that it had been feebly suggested that under article 74 (2) only questions relating to the advice tendered by the Council of Ministers to the President shall not be enquired into by any court and that since the Parliament was not a court of law, it was entitled to enquire into it. Such a contention, he felt, would lead to the following illogical conclusions: Firstly, the confidentiality between the President and the Prime Minister could not be looked into by courts but could be looked into by Parliament and other institutions. That would negate the very principle of confidentiality of communication between the President and the Prime Minister. Secondly, a literal construction of this kind would mean that only advice tendered by the Council of Ministers to the President shall not be enquired into but that the reverse process, namely, advice tendered by the President could be made public by the Council of Ministers. Under the Constitution, the President was in the same position as the Monarch of England and had the same right to encourage, to warn and offer counsel to the Ministers, even though he was bound to accept the advice of the Council of Ministers. He added that it would be absurd to suggest that the Council of Ministers could disclose such advice. Occasions might arise when the President's wise counsel might be against some popular emotions of the time and if the President's advice was publicised the office of the President would get discredited. He ruled that it was therefore of utmost importance that the confidentiality of communications between the President and the Prime Minister was maintained in the larger interest of democracy and the nation.

Referring to a suggestion that under article 105 of the Constitution, the freedom of speech in Parliament entitled the members to discuss any matter regardless of confidentiality, Shri Venkataraman said that that article itself stated 'subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.' And rule 238 of the Rules of Procedure and Conduct of Business in Rajya Sabha prohibited the use of President's name for the purpose of influencing the debate. The Chairman said that there were several precedents in Indian Parliament where reference to the President's personal opinion, or even letters from the President to the members had been barred from discussion in the House.

The Chairman also referred to the well-known difference of opinion between the first President, Dr. Rajendra Prasad, and the first Prime Minister, Shri Jawaharlal Nehru, on the subject of the Hindu Code Bill. He informed the members that a certain 'leak' of correspondence had occurred then also. Dr. Prasad noted the following in his diary which had since been published:



"I received two letters from the Prime Minister in reply to my letter and the note on the Bill. In one he had expressed pain and surprise over the fact that even though he received the letter at 3 p.m. he had heard that newspapers had been talking about it at 1 p.m. to the members of Parliament, saying that the President had written a strong letter to PM on the question of the Hindu Code Bill.

"My letter was marked *Top Secret* and the information might have probably leaked out from my Secretariat. In the second letter he referred to the fact that I had indicated my views on the Bill and also that I intended to send a message to Parliament that even after it passed the Bill I would have to see whether it would be proper for me to give my assent to it. This was an important Constitutional matter on which the President, on the one hand, and the Government and the Parliament, on the other, may become involved in a serious controversy. The Prime Minister was of the view that the President does not have the power to send such a message to the Parliament, nor does he have the right to reconsider the principles of a Bill submitted to him for assent. He also wrote that the Government had decided that only that part of the Bill be passed which concerns marriage and divorce. He has given his views also on the other clause of the Bill. I was surprised at the first letter and I have started making enquiries about it..."

The Chairman said that he had quoted the record in some length only to show the degree of importance that the very first incumbents of these two high offices attached to the inviolability of their mutual communications. The pain and surprise of the then Prime Minister was matched by the anguish of the then President at the violation of the inviolable communications, he added.

In view of the express provisions, background, philosophy and provisions of the Constitution, the corroborative position in the House of Commons, and the evolution of conventions in that regard, the Chairman did not consider that any case had been made out requiring him to permit the charge of breach of privilege being laid against the Prime Minister or permitting any discussion on the issue on the floor of the House. He added he would only be fulfilling the sacred trust if, disregarding the heat of the passing moment he adhered to the path charted for him by the framers of the Constitution. He therefore, disallowed the requests for any discussion in any manner on the subject.

## STATE LEGISLATURES

### KARNATAKA LEGISLATIVE COUNCIL

*Alleged misleading of the House by a Minister:* On 22 March 1986, the Chairman observed that a member (Shri B.J. Puttaswamy) had raised a

question of privilege given notice of by him on 18 March 1986, alleging that the Special Deputy Commissioner of Mandya, Tehsildar of Maddur and other concerned officers and officials had committed a breach of privilege of the House by making the Revenue Minister to make an incorrect and misleading statement to the House in reply to his notice under rule 310 of the Rules of Procedure regarding sanction of land in Sy. No. 166, to Shri Thimasetty of Besagarahalli, Maddur Taluk. The Chairman said he had perused the records furnished by Shri B.J. Puttaswamy and also heard him as well as other members in the matter.

The Chairman noted that Shri S.R. Bommai, Minister for Revenue had also made a statement, wherein he had stated that on perusal of the records he found that the officers concerned had committed an indiscretion by not furnishing the correct information to the Government. Shri Bommai had also stated that he would take firm and deterrent action against the delinquent officials and institute an inquiry by senior officers. The Chairman added that the Revenue Minister had further stated that pending severe action against the guilty, they would be kept under suspension. He had also stated that he had the least intention to mislead the House deliberately and hence the matter might be dropped.

After hearing both the sides and having gone through the connected proceedings carefully and in view of the promise made by the Minister, the Chairman felt that there was no necessity to refer the case to the Committee of Privileges.

#### MADHYA PRADESH VIDHAN SABHA

*Not inviting MLA members to meetings of the University Board:* On 25 April 1986, the Speaker (Shri Rajendra Prasad Shukla) observed that on 23 April 1986, he had informed the House about the notice of a question of privilege given by Shri Sundarlal Patwa. It had been stated in the notice that the Vice-Chancellor of the Jawaharlal Nehru Agriculture University had committed a breach of privilege and contempt of the House by not inviting to the meetings of the Board of the University members of the Legislative Assembly who had been elected by the House to the Board on 16 December 1985.

He added that after hearing the members, the Agriculture Minister and the Minister for Parliamentary Affairs, he had reserved his ruling.

In his ruling the Speaker said, he was of the view that the members who were elected by the Vidhan Sabha to various bodies and institutions represented the Vidhan Sabha in those bodies or institutions. The House had certain expectations from them with regard to bringing about improvements in the functioning etc. of those institutions. If the members were wilfully obstructed in the performance of their duties with a *mala fide* intention it would definitely amount to a breach of privilege of the House. But in the instant case, as mentioned by the Agriculture Minister, it

appeared that the Jawaharlal Nehru Agriculture University Act, 1985 had been amended. According to the amended section 25, the Board of the University was to be reconstituted. The reconstitution was in progress but had not yet been completed. Section 19 (2) of the Act provided that until the Board was reconstituted, the Vice-Chancellor might constitute a Committee comprising one or more members which could execute all the functions of the Board. One such Committee had been constituted by the Vice-Chancellor and was functioning. No legislator was, however, included in that Committee. The Speaker expressed his happiness that the Agriculture Minister and the Parliamentary Affairs Minister had earlier assured the House that directions would be issued to the Vice-Chancellor to include in the Committee only members elected by the House and he had been informed that day that the same had been done. The Speaker felt that there was not any *mala fide* intention in reconstitution of the Board or the non-inclusion of the members of the House in the Committee but it appeared that there had been a delay in the constitution of the Board due to some reasons. He added that since no *mala fide* action had been taken in that matter with a view to lowering the dignity of the House, he would disallow the notice of question of privilege. But he hoped that the Government—which itself was committed to uphold the dignity of the House and to safeguard the rights of legislators and the legislature—would ensure that the bodies on which the legislature was represented were not overlooked. He also expected that whenever instances of such delay etc. were brought to notice, the persons responsible would be taken to task.

The Speaker observed that delay in the constitution of the Board was not a happy situation in a democratic set-up, and that should not be taken lightly. He hoped that the Government after reviewing the Vice-Chancellor's actions in that context would take appropriate action under the rules. He withheld his consent to the raising of the matter in the House.

#### PUNJAB VIDHAN SABHA

*Non-presentation of supplementary or excess demands for grants before the House:* On 18 December 1986, the Speaker (Shri S.S. Minhas) observed that he had received notice of a question of privilege under rule 252 of the Rules of Procedure and Conduct of Business, from a member (Dr. Kewal Krishan), regarding non-presentation of Supplementary Estimates and additional or excess grants of expenditure to the Vidhan Sabha during the current session of the House.

The Speaker noted that he examined the matter and found that under article 205(2) of the Constitution, it was not mandatory that the Supplementary Estimates be brought before the legislature during every session. Such Estimates could be brought before the House in any session before the close of the current financial year.

As regards the demands for money spent in excess of the voted grant,

Shri Minhas observed that they had to be presented to the House in the session in which the Public Accounts Committee presented its report thereon or in the following session. Expenditure incurred during the previous financial year could not be regularised by the legislature by supplementary demands for grants in the current year.

The Speaker, therefore, ruled that no breach of privilege was involved and he did not give his consent to the question of privilege being raised.

---

*Shri Chandra Pratap Narain Singh:* Psychiatrists feel that fishing is very good for nerves. I would recommend that the questioner and the Minister take to fishing. It would be a healthy approach.

*Mr. Speaker:* डल लेक में भेज देता हूँ।

*(Let me send them to Dal Lake)*

*Shri Basudeb Acharia:* दोनों को भेज दीजिए।

*(Send both of them there)*

*(L.S. Deb., 5 May 1987)*

---

## PROCEDURAL MATTERS

## LOK SABHA

*Presentation of Budget:* On 28 February 1987 (closed holiday, being a Saturday), immediately after the House met for presentation of General Budget, Professor Madhu Dandavate submitted that as a convention Budget was normally presented to the House on the last working day of the month of February and requested the Speaker to express displeasure on the action of the Government in not observing the convention. Thereupon, the Speaker referred to rule 204 of the Rules of Procedure and Conduct of Business in Lok Sabha which provided that the Budget shall be presented to the House on such day as the President might direct. Thereafter, the Prime Minister who also held the Finance portfolio, presented the General Budget.

*Reference to President for influencing debate:* On 2 March 1987, while speaking on Motion of Thanks on President's Address, a member (Shri Amal Datta) referred to relations between the President and the Government to which objections were taken. He also quoted article 74 of the Constitution in support of his statement. The Prime Minister clarified the point raised by the member. Thereupon, Shrimati Basavarajeswari who was in the Chair, referred to rule 352 (vi) of the Rules of Procedure and Conduct of Business in Lok Sabha and observed that the member could not bring in the President's name in course of his speech.

On 9 March 1987, soon after the question Hour, a member (Professor Madhu Dandavate) referred to his Privilege Notice regarding use of name of the President in the House on 2 March 1987 during discussion on Motion of Thanks on President's Address. Disallowing the member's submission, the Speaker observed that use of the President's name for the purpose of influencing the debate in any way whatsoever, was not allowed. He, therefore, did not approve of the name of President being brought in any form in the House.

On 13 March 1987, immediately after the Question Hour, Shri C. Madhav Reddy and Professor Madhu Dandavate referred to adjournment notices tabled by them against the Prime Minister for alleged violation of article 78

of the Constitution. The Speaker did not allow the matter to be raised. As the members continued to speak on the subject, the Speaker, *inter alia*, observed: "... I do not want the name of the President to be dragged in any way in this House. It is my clear understanding..... I am saying that this subject which I have disallowed, if we allow it, the President's name will be dragged in, and it cannot be separated. Therefore, I have disallowed it."

*Incriminating references to a State Government:* On 10 March 1987 while speaking during discussion on the General Budget for 1987-88, a member (Shri C.K. Kuppaswamy) made some incriminating references to the Government of Tamil Nadu. On objection being taken, Shri Sharad Dighe, who was in the Chair, ordered expunction of the references.

*Corrections in Ministers' speeches:* On 12 March 1987, soon after the Question Hour, a member (Professor Madhu Dandavate) referred to his notice under Direction 115 of the Directions by the Speaker regarding certain inaccuracies in the Budget speech of the Finance Minister and submitted that those errors be rectified immediately. Thereupon, the Speaker, *inter alia*, observed: "The Speaker may, if he thinks fit, bring the matter to the notice of the Minister or the member concerned for the purpose of ascertaining the factual position in regard to the allegation made.... I will just do it."

*Personal explanation by a member:* On 31 March 1987, during discussion under rule 193 of the Rules of Procedure and Conduct of Business in Lok Sabha regarding engaging of U.S. Economic Intelligence Agency, Fairfax Group, by Ministry of Finance for investigation of cases of Indians having huge illegal funds abroad, a member (Shri Amitabh Bachchan) sought to make a personal explanation under rule 357 with regard to certain remarks made against him in the House by another member (Professor Madhu Dandavate). When allowed by the Chair to do so, some members objected on procedural grounds. Thereupon, the Chair observed that there was nothing wrong in that. He added that a member could give a personal explanation at any time, as per rules.

*Correction of any discrepancy in Minister's statement:* On 2 April 1987, immediately after the Question Hour, Sarvashri S. Jaipal Reddy, Basudeb Acharia and some other members sought to raise the question of breach of privilege and adjournment motion given notice of by them regarding alleged wrong information given by the Government on engaging of US Economic Intelligence Agency Fairfax Group by the Ministry of Finance. Withholding his consent to the above motions, the Speaker observed that if a Minister did something wrong, he was bound to reply as he was responsible and answerable to the House. He added that if the members found any discrepancy in the Minister's statement, they could table notices under Direction 115 of the Directions by the Speaker.



**Clarificatory questions on Minister's statement:** On 3 April 1987, soon after the Prime Minister, Shri Rajiv Gandhi had made a statement regarding appointment of a Supreme Court Judge to inquire into issues connected with Fairfax Group of United States of America, some members wanted to ask clarificatory questions. Disallowing the members' submissions, the Speaker, *inter alia*, observed that under rule 372, no question could be asked at the time the statement was made. He further observed that if members were not satisfied with the statement made by a Minister for any alleged inaccuracy, they might give a notice under Direction 115 pointing out the inaccuracy. If members wanted a discussion on the statement, they might table notices under rule 184 or 193. He ruled that raising matters in the garb of points of order at the time statement was made was not proper.

**Allegations regarding conduct of a Minister:** On 6 April 1987, while speaking on the motion regarding appointment of a Supreme Court Judge to enquire into issues connected with utilising Fairfax Group of United States of America, a member (Shri S. Jaipal Reddy) made certain allegatory references to the Prime Minister to which objections were taken. Thereupon, the Deputy Speaker, *inter alia*, observed that the Prime Minister's functioning could not be discussed like that and if the members wanted a discussion, they should bring a substantive motion. He added that even the conduct of a Minister could be discussed only on appropriate motion drawn in the form approved by the Speaker.

**Question of admissibility of notices:** On 8 April 1987, soon after the Question Hour was over, some members sought to raise the question of admissibility of various notices tabled by them. Thereupon the Speaker, *inter alia*, observed: "You have to give in writing. I am not supposed to answer you on the floor of the House."

**Power of adjudicating upon the admissibility of notices:** On 9 April 1987, soon after the Question Hour, a member (Professor Madhu Dandavate), referred to his notice of privilege motion against the Minister of State for Finance and requested that the House might be apprised of the issue involved. Thereupon, the Speaker, *inter alia*, observed: "Notices are given to me and they are to be adjudicated. They are to be decided by me. First I have to see and give my ruling. Certain times when I do not find any substance in it I reject it outright. Certain times when I see that there is a substance in it I must find out what is going on; I must know the facts and then I try to assess it. Then I try to decide whether it is admissible or not."

**Members not allowed to speak on their cut motions after Minister's reply:** On 9 April 1987, when the Deputy Speaker was putting all the cut motions moved to Demands for Grants of the Ministry of Water Resources, a member (Shri K. Ramachandra Reddy) wanted to speak on his cut motions. Disallowing the member's submission, the Deputy Speaker, *inter alia*, observed that the members had participated in the discussion that took place on the cut motions moved by Shri Reddy. He added that if the

member had asked at that time, he would have given him the opportunity to speak. When Shri Reddy submitted that he could speak on his cut motions only when they were taken up and not during general discussion, the Deputy Speaker observed: "Discussion stage is over. Now it is voting stage.... On the cut motions everybody spoke, whether supporting or opposing the Demand. If you had insisted to speak before the Minister's reply to the debate, I would have allowed you to speak on your cut motions. Now the voting stage has come and I cannot allow you to speak."

*Suspension of Question Hour:* On 20 April 1987, soon after the sitting commenced, Professor Madhu Dandavate who had given notice in advance demanded that the Question Hour might be suspended on that day to enable the House to discuss situation arising out of reported announcement on the Swedish State Radio concerning the acquisition of guns by the Indian Army from Bofors of Sweden. The Speaker permitted the member to move the following motion which was unanimously adopted:

"That the House do suspend rule 32 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the discussion on the reported announcement on the Swedish State Radio concerning the acquisition of guns by the Indian Army from Bofors of Sweden."

The matter was discussed under rule 193 after the Minister had made a statement on the subject.

*Discussion on deliberations in party meetings:* On 20 April 1987, while initiating a short duration discussion on the statement of the Defence Minister (Shri K.C. Pant) regarding acquisition of guns by the Indian Army from Bofors of Sweden, a member (Shri C. Madhav Reddy) tried to refer to the deliberations of the Congress (I) Working Committee. Thereupon, the Speaker *inter alia* observed: "The party working committee and all those things are not discussed on the floor of the House."

*Rulings by the Chair:* On 21 April 1987, some members tried to seek clarifications on Speaker's ruling disallowing a privilege motion given notice of by a member (Professor Madhu Dandavate) against the Minister of State for Finance (Shri Brahm Dutt). Thereupon, the Speaker, *inter alia*, observed that he could not allow any discussion on his rulings. He added 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. He further observed that the Speaker's decision was equally binding whether given in the House or on a departmental file and that he was not bound to give reasons for his decisions. He ruled that members could not criticise directly or indirectly, inside or outside the House any ruling given, opinion expressed or statement made by the Speaker.

When the Speaker did not allow any member to seek clarification on

his ruling, some members staged a walk-out in protest. When two Ministers (Sarvashri Buta Singh and K.K. Tewari) deplored their action, the Speaker, *inter alia*, observed that members should not stage a walk-out as a protest against the ruling of the Chair. Later on, they could see the Speaker and discuss with him. He added that whatever was to be done should be done properly and in keeping with the high dignity of the House.

*Reference to proceedings of State Legislative Assembly:* On 21 April 1987, while participating in the discussion on Demands for Grants in respect of the Ministry of Information and Broadcasting, Shri N.V.N. Somu referred to the proceedings of Tamil Nadu Legislative Assembly. On objection being taken, the Deputy Speaker ordered that references to the proceedings of State Assembly would not go on record.

*Resolution for Removal of Speaker:* On 15 April 1987, before calling upon Shri Somnath Chatterjee to ask for leave of the House to move the resolution standing in his name seeking removal of Speaker from his office, the Deputy Speaker, *inter alia*, observed that the notice suffered from many infirmities. He said that article 94 of the Constitution conferred upon the House the power to remove the Speaker by a resolution passed by "a majority of all the then members of the House" and rules 200 to 203 framed under that article laid down the procedure to be followed in that respect. But that was not all. Such a resolution was governed not only by the aforesaid article of the Constitution and the rules, but also by article 96 of the Constitution and the general rule applicable to other resolutions, *viz.* rule 173 of the Rules of Procedure and Conduct of Business in Lok Sabha.

The Deputy Speaker recalled that article 96(2) provided, *inter alia*, that the Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the House when any resolution for his removal from office was under consideration in the House. He added that rule 173 of the Rules of Procedure, *inter alia*, provided that in order that a resolution might be admissible, it should satisfy the conditions that (i) it shall be clearly and precisely expressed; and (ii) it shall raise substantially one definite issue.

The Deputy Speaker observed that in the light of the foregoing, the resolution should have been specific with respect to the charges. The notice under consideration referred to "rulings given by the Speaker of the House including the one on March 19, 1987, on the question of privilege and adjournment motions....." It also spoke of denial by the Speaker to the members their right to raise "vital constitutional issues and procedural issues and burning problems". He, therefore, ruled that the resolution was not at all specific with respect to the charges.

Viewed in the light of the constitutional provisions as well as the requirements of the Rules of Procedure, the Deputy Speaker was of the

view, it was not a matter of mere technicality but one of substance. As the Speaker had the right to participate in and to vote on such a resolution, it was only fit and proper that he must know precisely what the charges **against** him were so that he could reply to them. Principles of natural justice also demanded the same. Inasmuch as the charges were not specific, were not "clearly and precisely expressed" and did not raise "one definite issue", the resolution would be *prima facie* out of order. He reiterated that the notice stood vitiated by advance publicity and violation of rule 834A.

However, notwithstanding all that, he added, he would not like to stand between the members who had given the notice and the rest of the House. Since that happened to be a resolution under article 94 of the Constitution and concerned the removal of the Speaker himself, he would leave it to the House to decide for itself whether leave should be granted to the member (the first signatory to the notice) to move the resolution. Then he called upon Shri Somnath Chatterjee to ask for leave of the House to move the resolution.

After leave to move the resolution was granted, the Deputy Speaker observed that discussion on the resolution would commence at 15.30 hours on that day and that two hours had been allotted for the same.

Before the resolution was taken up for discussion at the appointed hour, the Deputy Speaker reiterated that the motion before the House was worded in general terms, and, therefore felt it necessary to define the scope of the discussion: Firstly, he pointed out that while members were free to criticise the Speaker, whatever was forbidden by any ruling would remain forbidden, that is the ruling given by the Speaker on any point at issue could not be contravened. For example, the mover of the resolution had made a reference to the ruling given by the Speaker on 19 March 1987. The Speaker had then specifically ruled that correspondence between the President and the Prime Minister and the whole gamut of relationship between the Prime Minister and the President could not be the subject matter of discussion in the House. The Deputy Speaker observed that that ruling would prevail and what could not be allowed to be discussed directly on the floor of the House, could not be allowed to be brought in indirectly under the garb of a resolution for removal of the Speaker.

He further drew the attention of the members to the provisions of rule 352 of the Rules of Procedure which provided, *inter alia*, that a member, while speaking, shall not (i) refer to any matter of fact on which a judicial decision was pending; (ii) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature; (iii) reflect on any determination of the House except on a motion for rescinding it; (iv) use the President's name for the purpose of influencing the debate; (v) utter treasonable, seditious or defamatory words; and (vi) use his right of speech for the purpose of obstructing the business of the House.

The Deputy Speaker noted that resolution for Speaker's removal was an extraordinary procedure which was to be taken recourse to in very exceptional circumstances only. Since some members had chosen to bring forward the resolution, general denunciation would not be permitted. He accordingly impressed upon the members to focus attention on a few specific points which had relevance to the resolution. He also requested the members to remember that under rule 353 no allegations of a defamatory or incriminatory nature could be made against any person unless previous intimation was given.

The Deputy Speaker hoped that on such solemn occasion when the House was to discuss the conduct of the Speaker - a person whom the House itself had elected to guard its rights and privileges, to guide its deliberations and to voice its collective will—members would be restrained, considerate and dispassionate in voicing their opinions in the best traditions of parliamentary democracy. He recalled the observation of Pandit Jawaharlal Nehru, while speaking on the resolution for removal of Speaker P.G. Mavalankar on 18 December 1954:

“We are concerned with the honour of Parliament - concerned with the honour of the person who holds the dignity and the prestige of this Parliament.”

The Deputy Speaker then called upon Shri Somnath Chatterjee, the first signatory, to move the resolution. During the discussion in which several Members participated the Prime Minister also spoke and stated *inter alia* —

“Parliamentary democracy depends on healthy functioning of institutions. This motion that we are discussing today seeks to undermine these institutions.... The Speaker is the custodian of the rights and privileges of the Lok Sabha. It is under his guidance and under his control that we function and discharge our responsibilities in the Lok Sabha. We have built over the last 40 years traditions which have strengthened the functioning of the Lok Sabha. The great tradition of this House is that we do not question the bonafides of the Speaker, whether we agree with him or disagree with him. 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. One may like what he does or one may not like it, but if we question his good faith and his commitment to the values of parliamentary democracy, we are destroying the very basis of our institutions.”

The resolution was negatived.



## STATE LEGISLATURES

## UTTAR PRADESH VIDHAN SABHA\*

*Right to express views on a Bill before moving a motion for its withdrawal:* The Deputy Speaker (Shri Trilok Chandra) informed\*\* the House on 4 March 1987 that a member (Shri Ravindra Nath Tiwari), had introduced "Uttar Pradesh Reservation in Public Services Regulation Bill, 1985" on 3 September 1985 and had moved a motion for its consideration on 4 September 1986. After expressing his views on the Bill, Shri Tiwari sought\*\* permission to withdraw the Bill. When he wanted to move the motion to seek permission of the House to withdraw the Bill, the Minister for Parliamentary Affairs raised an objection on the ground that the Government were not being provided the opportunity to put their viewpoint. The Deputy Speaker added that the ruling was, therefore, reserved on that day.

The Deputy Speaker observed that the only controversy in the case was whether the treasury benches might or might not be provided an opportunity to present their views on the Bill before the motion for its withdrawal was moved. He added that according to rule 171 of the Rules of Procedure, the member in charge of the Bill could at any stage move a motion to seek permission of the House to withdraw the Bill. He noted that the term "at any stage" in the said rule was important. Hence, if the member in charge of the Bill first moved the motion to take the Bill into consideration and then sought permission of the House to withdraw the same before it was put to vote, then there did not appear to be any hindrance in moving the motion to withdraw the Bill. But there could be no dispute on the fact that the two motions were moved before the House on 4 September 1986. The first motion related to consideration of the Bill and the second pertained to seeking permission of the House to withdraw the same. The moving of the motion to seek permission to withdraw the Bill did not in itself nullify the motion moved to take the Bill into consideration. He added that as both the motions, *i.e.* motion for taking into consideration the Bill and the motion to seek permission to withdraw the Bill, were pending before the House, there did not appear to be any difficulty in allowing the treasury benches to present their views. He concluded that before the motion to seek permission to withdraw the Bill was moved, providing an opportunity to the treasury benches to express their views would be in accordance with the rules.

*Presentation of Enquiry Reports in time:* On 7 March 1987, a member (Shri Mata Prasad Pandey) referred\*\* to the Commissions of Inquiry Act and

---

\*Contributed by the Uttar Pradesh Vidhan Sabha Sachivalaya.

\*\*Original in Hindi.



raising a point of propriety said that the Government had received enquiry report on Siswa Incidents and some other reports some of which had not been laid on the Table of the House and even if some reports had been laid on the Table, permission was not being granted for discussion on those reports. He added that it was a clear violation of constitutional rights of members. He urged the House to direct the Government to lay the reports, already received by it, on the Table of the House. Another member (Shri Shatrudh Prakash) also expressed\* his views on the issue. After hearing the Minister for Parliamentary Affairs, the Deputy Speaker rejected the above point but directed the Government that reports under the Commissions of Inquiry Act should be presented before the House in time.

*Discussion on vote on account:* On 10 March 1987, when the motion for vote on account for part of financial year 1987-88 was moved by the Chief Minister, the Leader of the Opposition referring to article 206 of the Constitution, precedents from 1976 to 1983, ruling given by the Chair on 25 March 1969 and the Parliamentary Practice and Procedure, raised\* a point of order that the vote on account should be presented only after presentation of the Budget for the year and under the normal circumstances obtaining of vote on account for a period of four months was not in accordance with constitutional requirements. He added that when a vote on account for more than one month was sought, it should be passed only after proper discussion in the House so that there was no violation of the Constitution.

The Deputy Speaker, after hearing the Minister of State for Parliamentary Affairs and the Chief Minister, overruled\* the objection raised in the context of article 206 and earlier precedents, saying that the House had already granted permission to present the vote on account. Thereafter, the motion moved by the Chief Minister was adopted in the original form.

---

\* Original in Hindi.

**PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS  
(1 JANUARY TO 31 MARCH 1987)**

---

**INDIA**

**DEVELOPMENTS AT THE CENTRE**

***Death of MP: Congress (I) MP of Lok Sabha from Hardwar, Shri Sunder Lal passed away on 3 January.***<sup>1</sup>

***New Defence Minister: Finance Minister, Shri V.P. Singh was appointed Minister of Defence on 24 January. Prime Minister Shri Rajiv Gandhi took over the charge of Finance and Minister of State for Petroleum and Natural Gas, Shri Brahm Dutt was given additional charge of the Minister of State in the Ministry of Finance.***<sup>2</sup>

***Death of Mool Chand Daga: Shri Mool Chand Daga, Congress (I) MP from Rajasthan and Chairman of the Committee on Subordinate Legislation, passed away in New Delhi on 10 March.***<sup>3</sup>

***By-elections to Lok Sabha: In the by-elections to Lok Sabha held on 23 March, three Congress (I) candidates, Shri Ashok Chavan, Shri Ram Singh and Shrimati T. Maniamma were declared elected to Lok Sabha from Nanded (Maharashtra), Hardwar (Uttar Pradesh) and Secunderabad (Andhra Pradesh) constituencies respectively.***<sup>4</sup>

***MP's election upheld: On 25 March, the Supreme Court upheld the election of Shri Sitaram J. Gavali, (Independent) who was elected to the Lok Sabha from Dadra and Nagar Haveli constituency. The Supreme Court set aside the judgment of Bombay High Court which had disqualified Shri Gavali to be a member of Parliament on the ground that he was holding an office of profit on the date of scrutiny of nomination papers.***<sup>5</sup>

***Resignation from Union Cabinet: Minister of Law, Shri Asoke Kumar Sen resigned from the Council of Ministers on 26 March owing moral***

---

1. *Times of India*, 4 January 1987.

2. *Hindu*, 25 January 1987.

3. *Times of India*, 11 March 1987.

4. *Indian Express*, 25 and 26 March 1987.

5. *Statesman*, 26 March 1987.

responsibility for the defeat of Congress (I) in the elections to the West Bengal Legislative Assembly.<sup>6</sup>

#### AROUND THE STATES

##### ANDHRA PRADESH

*MLA's election set aside:* Andhra Pradesh High Court set aside on 23 March the election of Telugu Desam MLA, Shri C. Joga Rao from Yellavaram reserved constituency on the ground that he did not belong to a scheduled tribe.

##### ARUNACHAL PRADESH

*New Governor:* President Giani Zail Singh appointed Shri C. Ramachandra Dattatraya Pradhan as the new Governor of Arunachal Pradesh on 5 March. Earlier on 17 February, Shri Bhishma Narain Singh, Governor of Assam and Meghalaya was given charge of Governorship of Arunachal Pradesh till the Union Territory attained statehood.<sup>8</sup>

*New Speaker:* Shri T.L. Rajkumar, Speaker of the existing Arunachal Pradesh Assembly, was sworn in as Speaker of the Provisional State Assembly on 22 March.<sup>9</sup>

##### BIHAR

*Elections to Legislative Council:* Three Congress(I) candidates, Sarvashri Mahachandra Prasad Singh, Arun Kumar and Sharda Prasad Singh were declared elected to the State Legislative Council on 1 January from Saran, Gaya and Kosi constituencies respectively.<sup>10</sup>

Congress(I) candidate, Shri Basant Kumar Lal retained his South Chotanagpur seat in the State Legislative Council on 11 March by defeating his nearest independent rival, Shri Awadhesh Narain Singh.<sup>11</sup>

##### HARYANA

*MLA takes oath:* Lok Dal leader, Shri Devi Lal took oath on 10 January as legislator, 15 months after he won the election from the Meham constituency.<sup>12</sup>

*Death of MLA:* Congress (I) MLA, Shri Hanuman Bishnoi, elected to the State Legislature from Tohana constituency passed away on 16 February.<sup>13</sup>

---

6. *Telegraph*, 28 March 1987.

7. *Hindustan Times*, 24 March 1987.

8. *Indian Express*, 6 March 1987; and *Times of India*, 18 February 1987.

9. *Indian Express*, 23 March 1987.

10. *Telegraph*, 2 January 1987.

11. *Hindustan Times*, 12 March 1987.

12. *Hindu*, 11 January 1987.

13. *Hindustan Times*, 17 February 1987.

## JAMMU &amp; KASHMIR

**Elections to Legislative Assembly:** In the elections held to the State Legislative Assembly on 23 March, the alliance of National Conference (F) and Congress(I) won two-thirds majority with their candidates securing 38 and 24 seats respectively. While the BJP won two seats, Muslim United Front and Independents each secured 4 seats.<sup>14</sup>

**New Ministry:** On 26 March, Dr. Farooq Abdullah was sworn in as Chief Minister by Governor, Shri Jagmohan. Other Ministers sworn in were:

**Cabinet Ministers:** Sarvashri Beli Ram, Mula Ram, Mohammed Mir Lasjan and Choudhari Mohammed Aslam.

**Ministers of State:** Sarvashri Pirzada Mohammed Sayed, Suram Singh and Yashpal Khajuria.<sup>15</sup>

**Expansion of Ministry:** On 27 March, six Cabinet Ministers and five Ministers of State were inducted into the Ministry raising its strength to 19. The Cabinet Ministers were: Sarvashri Sheikh Mohammad Maqbool, Mohammad Shafi, Abdul Rahim Rather, P.L. Handoo, Bashir Ahmed Kichloo and R.S. Chib. The Ministers of State were: Sarvashri Sheikh Mustafa Kamal, Choudhari Mohammad Ramzan, M.A. Gani, G.H. Geelani and Aga Sayed Mahmood.<sup>16</sup>

**New Speaker:** Shri Mirza Abdul Rashid of Congress(I) was unanimously elected Speaker of the State Assembly on 31 March.<sup>17</sup>

**New Deputy Speaker:** Moulvi Abdul Rashid of the National Conference(F) was unanimously elected Deputy Speaker of the Assembly on 4 April.<sup>18</sup>

## KERALA

**Resignation by Minister:** Finance Minister Shri Thachady Prabhakaran, who had been dropped from the list of Congress (I) candidates for the poll of 23 March, resigned from the State Cabinet on 21 February.<sup>19</sup>

**General elections:** In the elections held for the 140-seat Assembly on 23 March, the Left Democratic Front comprising Communist Party of India (Marxist), Communist Party of India, Janata Party, Congress(S), Revolutionary Socialist Party, Lok Dal and 5 Independents, secured a majority by winning 76 seats. The United Democratic Front comprising Congress(I), Muslim League, Kerala Congress(J), Kerala Congress(M), National Democratic Party and 2 Independents, won a total of 60 seats. The Communist Marxist Party and an

---

14. *Times of India*, 27 March 1987; *Telegraph*, 30 March 1987; and *Hindustan Times*, 1 April 1987.

15. *Hindustan Times*, 27 March 1987.

16. *Times of India*, 28 March 1987.

17. *Telegraph*, 1 April 1987.

18. *Telegraph*, 5 April 1987.

19. *Hindu*, 22 February 1987.

Independent candidate won a seat each. Elections to 2 seats were countermanded.<sup>20</sup>

**New Ministry:** On 26 March, a five-member Ministry headed by CPI(M) leader Shri E.K. Nayanar, was sworn in by Governor Shri P. Ramachandran.<sup>21</sup>

**Allocation of portfolios:** On 27 March, Chief Minister Shri E.K. Nayanar allocated the portfolios in his Ministry as under:

**Shri E.K. Nayanar:** *General Administration, Finance, Home, Taxes, Vigilance, Planning and Economic Affairs, Power, Industry, Labour and Rehabilitation;* **Shri Baby John:** *Revenue, Rural Development, Store Purchase, Social Welfare, Scheduled Castes and Scheduled Tribes Welfare, and Cultural Affairs;* **Shri K. Chandrasekharan:** *General Education, Higher Education, Health, Family Welfare and Law;* **Shri A.C. Shanmughadas:** *Public Works, Transport, Local Administration, Forest, Wild Life, Election and Co-operation;* **Shri P.S. Sreenivasan:** *Irrigation, Housing, Science and Technology and Environment, Fisheries, Ports, Food and Civil Supplies and Agriculture.*<sup>22</sup>

**New Speaker:** Shri Varkala Radhakrishnan of CPI(M) was elected Speaker of the State Assembly on 30 March.<sup>23</sup>

**New Deputy Speaker:** Shrimati Bhargavi Thankappan of CPI was elected Deputy Speaker of the Assembly on 2 April 1987.<sup>24</sup>

#### MADHYA PRADESH

**New Chief Justice:** Justice Narain Dutt Oza was sworn in as the Chief Justice of Madhya Pradesh High Court on 8 January.<sup>25</sup>

#### MIZORAM

**Attainment of Statehood:** On 20 February Mizoram attained Statehood by becoming the 23rd State on India.<sup>26</sup>

**New Ministry:** On 20 February, a four-member Mizo National Front Ministry, headed by Shri Laldenga was sworn in by Governor Shri Hiteswar Saikia. The other Ministers were: Sarvashri Tawnluia, Rualchhina and Zoramthanga. On 27 February, three more Cabinet Ministers and four Ministers of State were inducted into the State Cabinet raising its strength to 11. The Cabinet Ministers were—Shri Lalrinchhana, Rev. Lalruata and Shri Nagurchhina. The Ministers of State were: Sarvashri T. Langhmingthanga, Saingura Sailo, Aichhinga and Lalhlimpuii.<sup>27</sup>

20. *Hindu*, 25 March 1987 and *Times of India*, 26 March 1987.

21. *Hindustan Times*, 27 March 1987.

22. *Hindustan Times*, 28 March 1987.

23. *Times of India*, 31 March 1987.

24. *Indian Express*, 3 April 1987.

25. *Telegraph*, 9 January 1987.

26. *Hindustan Times*, 21 February 1987.

27. *Hindustan Times*, 21 February 1987 and *Statesman*, 28 February 1987.

**Governor of the new State:** On 17 February President Giani Zail Singh formally appointed Shri Hiteswar Saikia as Governor of the State of Mizoram and he was sworn in on 20 February.<sup>28</sup>

**New Minister:** Shri H. Rammawia was sworn in as a Minister of State on 18 March raising the strength of the Laldenga Ministry to 12.<sup>29</sup>

#### NAGALAND

**New Speaker:** Shri Chenlom Phom of Congress(I) who resigned as Deputy Speaker on 12 March was unanimously elected Speaker of the Assembly on the same day.<sup>30</sup>

#### ORISSA

**Additional portfolios:** On 6 February, Chief Minister, Shri J.B. Patnaik gave additional portfolios of Finance, Health and Harijan and Tribal Welfare to Minister for Revenue, Shri Jugal Kishore, Minister for Industries Shri Niranjana Patnaik and Minister for Agriculture Shri Rasbehari Behra respectively.<sup>31</sup>

#### PUNJAB

**Resignation of Minister:** Minister of State for Health, Shri Sukhdev Singh Dhillon, resigned from the Council of Ministers on 5 February, following differences with the party leadership over its stand on the Akal Takht directive regarding dissolution of various Akali Dal factions.<sup>32</sup>

**Dismissal of Minister:** Governor, Shri S.S. Ray dismissed Agriculture Minister, Shri Harbhajan Singh Sandhu from the State Cabinet on the advice of Chief Minister, Shri S.S. Barnala on 15 February, for having left the party on whose ticket, he had been elected.<sup>33</sup>

#### RAJASTHAN

**Cabinet reshuffle:** In a major reshuffle of portfolios on 3 January, Chief Minister, Shri Harideo Joshi relieved himself of Home and Anti-Corruption Departments and gave their charge to Shri Gulab Singh Shaktawat. The portfolios of Power and Public Works Departments, hitherto held by Shri Shaktawat were given to Shri Heera Lal Deopura who was also given the charge of Transport, earlier held by Forest Minister, Shri Sheesh Ram Ola. Shri Deopura retained Law and Justice, Labour and the work related to Ravi-Beas river system. The medical and Health Department was taken

28. *Hindustan Times*, 18 and 21 February 1987.

29. *Indian Express*, 19 March 1987.

30. *Indian Express*, 13 March 1987.

31. *Hindustan Times*, 7 February 1987.

32. *Telegraph*, 6 February 1987.

33. *Indian Express*, and *Hindu*, 16 February 1987.



away from Shri Deopura and an independent charge was given to Minister of State, Shrimati Zakia Inam. Shri Deopura was also relieved of Education—both Primary and College—and the independent charge of the same was given to Shri Damodardas Acharya. The charge of Rural Development and Panchayati Raj hitherto being held by Shri Damodardas Acharya, was assigned to Food and Civil Supplies Minister, Shri Choga Ram Bakolia. The Irrigation Department was shifted from Shri Shaktawat to Revenue Minister Shrimati Kamla, who was also the Minister in charge of the Indira Gandhi Nahar Project, Tourism, Art and Culture. Shri Heeralal Indoria who held independent charge of Social Welfare and Mines was also assigned the charge of assisting the Chief Minister in the Departments under him. Shri Mool Chand Meena, who previously held the portfolios of Civil Defence and Home Guards was made the Minister of State for Jails, Motor Garage, Stationery and Printing and Economics and Statistics. Shri Mahendra Kumar Bhil got Civil Defence and Home and Khadi and Gramodyog in addition to his existing portfolio of Sports. Shri Ram Kishan Verma who was earlier holding the charge of Stationery and Printing and Economics and Statistics was assigned the charge of Devasthans, Wakfs and Ayurveda.<sup>34</sup>

*MLA's election set aside:* Justice Milap Chand of Rajasthan High Court declared on 18 February as invalid the election of Shri Biradmal Singh of Bharatiya Janata party from Jodhpur constituency for the State Assembly.<sup>35</sup>

#### UTTAR PRADESH

*MLA's Elections set aside:* On 21 January, Allahabad High Court set aside the election of Lok Dal MLA, Shri Doodhnath from Mariyahun constituency and on 28 January the Court set aside the election of Janata Party MLA, Shri Virendra Singh Solanki from Sakeet constituency.<sup>36</sup>

#### WEST BENGAL

*Election results:* In the elections to the 295-seat State Legislative Assembly held on 23 March, the Left Front comprising Communist Party of India (Marxist), Forward Bloc, Revolutionary Socialist Party, Communist Party of India, Democratic Socialist Party, West Bengal Socialist Party, Forward Bloc (Marxist) and Revolutionary Communist Party of India, secured a big majority by winning 251 seats. The Congress (I) won 40 seats. SUCI and Muslim League got 2 and 1 seats respectively.<sup>37</sup>

*New Ministry:* A 16-member Council of Ministers, headed by Shri Jyoti Basu was sworn in by Governor, Shri Nurul Hasan on 31 March. The following is the list of Ministers and their portfolios:

---

34. *Free Press Journal and Times of India*, 4 January 1987.

35. *Hindustan Times*, 19 February 1987.

36. *Telegraph*, 22 and 29 January 1987.

37. *Statesman*, 27 March 1987.

**Cabinet Ministers:**

Shri Jyoti Basu, Chief Minister: *Home, Commerce, Industry, General, Administration and Others*; Shri Benoy Choudhury: *Land Reforms, Land Utilisation, Panchayat and Rural Development*; Shri Buddhadev Bhattacharya: *Information and Culture, CMDA and Country Planning*; Dr. Ashim Dasgupta: *Finance, Planning and Development*; Shri Prasanta Sur: *Health*; Shri Prabir Sengupta: *Power and Labour*; Shri Kanai Bhowmik: *Minor Irrigation*; Shri Kiranmoy Nanda: *Fisheries*; Shri Jatin Chakravorty: *Public Works Department*; Shri Debabrata Bandyopadhyay: *Irrigation*; Shri Nirmal Bose: *Food and Civil Supplies*; Shri Kamal Guha: *Agriculture*; and Shri Bhakti Busan Mondal: *Cooperation*.

**Ministers of State:**

Shri Tamang Dawa Lama: *Hill Development*; Shri Biswanath Choudhury: *Social Welfare and Jails*; and Shri Syed Wahed Reza *Civil Defence*.<sup>38</sup>

**UNION TERRITORIES****PONDICHERRY**

**By-election result:** Congress(I) candidate, Shri M. Rajalingam was declared elected to the Assembly from Bahoor constituency defeating Janata Party candidate, Shri P. Rajavelu in the by-election held on 23 March.<sup>39</sup>

**DEVELOPMENTS ABROAD****FEDERAL REPUBLIC OF GERMANY**

**Victory of ruling coalition:** The ruling coalition of the Christian and Free Democrats, headed by Chancellor Mr. Helmut Kohl won absolute majority in the parliamentary elections held on 25 January.<sup>40</sup>

**GABON**

**Renomination of Prime Minister:** President, Mr. Omar Bango renominated Mr. Leon Mebiame, as the Prime Minister of a new 31-member Government on 9 January.<sup>41</sup>

38. *Statesman and Business Standard*, 1 April 1987.

39. *Indian Express*, 25 March 1987.

40. *Times of India*, 27 January 1987.

41. *Hindu*, 10 January 1987.

## GREECE

*Removal of Ministers:* Prime Minister, Mr. Andreas Papandreou removed six Ministers and three State Secretaries in a Cabinet reshuffle on 6 February. The Ministers removed included Interior Minister Mr. Agamenon Koutsogiorgas, Health Minister Mr. George Gennimatas and Minister in the Prime Minister's office Mr. Akis Tsochadzopoulos.<sup>42</sup>

## ITALY

*Resignation of Government:* Prime Minister, Mr. Bettino Craxi resigned with his Government on 3 March, because of deep split within his five-party coalition.<sup>43</sup>

## LIBYA

*New Government:* Libya's General People's Congress appointed a new Government on 1 March naming Mr. Umar Al-Montasir as Secretary of the General People's Committee a post equivalent to that of the Prime Minister. Former Secretary to the Committee, Mr. Jadallah Azuz al Talhi became Foreign Relations Secretary.<sup>44</sup>

## MOZAMBIQUE

*Cabinet reshuffle:* In a Cabinet reshuffle on 13 January, Mr. Pascoal Mocumbi, who previously held the post of Minister of Health was appointed as the new Foreign Minister and Mr. Armando Guebuza was appointed as the Transport Minister.<sup>45</sup>

## NAURU

*Re-election of President:* Mr. Hammer Deroburt was re-elected President of Nauru defeating his rival, Mr. Kennan Adeangin by 11 votes to six in a poll by the 18-member Parliament elected on 24 January.<sup>46</sup>

## NORTHERN IRELAND

*Fall of Coalition Government:* Prime Minister, Mr. Garret Fitzgerald's coalition government collapsed as four Cabinet Ministers led by Deputy Prime Minister, Mr. Dick Spring resigned from the Cabinet on 20 January.<sup>47</sup>

## NORWAY

*Death of Foreign Minister:* Foreign Minister Mr. Knut Frydenlund passed away on 26 February.<sup>48</sup>

---

42. *Hindustan Times*, 7 February 1987.

43. *Times of India*, 4 March 1987.

44. *Statesman*, 3 March 1987.

45. *Hindustan Times*, 14 January 1987.

46. *Hindustan Times*, 30 January 1987.

47. *Statesman*, 21 January 1987.

48. *Telegraph*, 27 February 1987.

*New Foreign Minister:* Former Defence and Deputy Foreign Minister, Mr. Thorvald Stoltenberg was appointed as Foreign Minister in Norway's minority Labour Government succeeding Mr. Knut Frydenlund.<sup>49</sup>

PAKISTAN

*New Cabinet Ministers:* Prime Minister, Mr. Mohammed Khan Junejo inducted three more Cabinet Ministers and nine Ministers of State in his Cabinet on 29 March. The new Cabinet Ministers were: Mr. Mahbubul Haq, Mr. Haji Saifullah and Shahid Mohammad Varkhe.<sup>50</sup>

SOMALIA

*New Prime Minister:* President, Mr. Mohammed Siad Barre appointed Mr. Ali Samater as Prime Minister on 31 January and asked him to form a new Government.<sup>51</sup>

VIETNAM

*Cabinet reshuffle:* Twelve Ministers including Defence Minister, Mr. Van Tien Dung and Interior Minister, Mr. Pham Hung were dropped in a Cabinet reshuffle on 17 February.<sup>52</sup>

---

49 *Hindu* 11 March 1987.

50. *Indian Express*, 30 March 1987.

51. *Indian Express*, 1 February 1987.

52. *Hindustan Times*, 18 February 1987.

## SESSIONAL REVIEW

---

### EIGHTH LOK SABHA

#### EIGHTH SESSION

The Eighth Session (Budget Session) of the Eighth Lok Sabha commenced on 23 February 1987. A brief resume of the important discussions held and other business transacted upto 30 March 1987 is given below.

#### A. DISCUSSIONS

*President's Address:* In his Address to the members of the two Houses assembled together on 23 February 1987, the President said that during 1986, the country was called upon to grapple with challenges, to its unity and integrity both externally and internally. In Punjab the forces of democracy, unity, progress and secularism had been struggling to isolate and wipe out the anti-national elements which were guided and controlled by foreign sources. He asserted that the Government would not allow the enemies of India's unity and integrity to abuse and misuse religion for their nefarious ends of creating communal disharmony and of unleashing violence and hatred in Punjab. To face such a challenge, he called upon all patriotic, secular, democratic and progressive forces to unite to strengthen the people to overcome the reactionary, fascist and anti-national elements who were misguiding and confusing the masses in the name of religion. He cautioned that nefarious forces constituted a deeper malady which had persisted in spite of demonstrable progress in socio-economic sphere. The situation clearly called for a reappraisal and Government intended to propose a national dialogue for the purpose. The precious heritage of unity in diversity could be preserved only by fighting all divisive forces. There could be no better way of celebrating 40th anniversary of freedom and the birth centenary of the architect of modern India, Jawaharlal Nehru, than taking concerted and resolute action to remove the cancerous cells of communalism from the body politic, he added.

Referring to major trends in the economy, the President said that notwithstanding an indifferent monsoon, the targeted growth rate of 5 per cent envisaged in the Seventh Plan would be achieved for the second year in succession. In the sphere of industry, the dynamic thrust for efficiency

and modernisation had begun to show results. The public sector had continued to play the key role in economic development, he observed.

The President noted that anti-poverty programmes had received a stronger thrust during 1986-87. A massive increase of 65 per cent was made in the outlay for major anti-poverty programmes. The 20-point programme of 1986 had sharpened the focus on measures to eradicate poverty. The new education policy was also an effective instrument in Government's fight against poverty.

Referring to international affairs, the President observed that the Government had continued to pursue non-aligned foreign policy objectives of peace, disarmament, development and cooperation with all nations for building an equitable world order. He added that the Non-aligned Summit at Harare had acclaimed the role played by India in strengthening Non-alignment and in reaffirming the basic objectives of the Movement. The Summit had entrusted to the Prime Minister, Shri Rajiv Gandhi, the Chairmanship of the newly-established AFRICA Fund Committee to carry forward the struggle against *apartheid* and to support the efforts of the Frontline States. The AFRICA Fund Summit held in New Delhi on 24 and 25 January 1987 had given concrete shape to the concept articulated at Harare. The success of the South Asian Association for Regional Cooperation (SAARC) Summit held in Bangalore in November 1986 under India's Chairmanship had demonstrated the benefits of regional cooperation.

Referring to India's relations with Pakistan, the President said that despite the setback caused by the deployment of troops by that country on the borders in January 1987, continued efforts were made to create a basis for cooperation. The main hurdles in the way of normalisation of cooperation with Pakistan, he added, were their clandestine effort to acquire nuclear weapons capability, their arms programme with serious implications for security environment of India and their support to anti-national and secessionist elements in Punjab.

Dealing with the ethnic issue in Sri Lanka, the President said that the negotiation process had been hindered by the hesitation of the Government of Sri Lanka in regard to 'their own formula' of 19 December 1986. The issue in Sri Lanka, he reiterated, could be resolved only through political dialogue.

In conclusion, the President affirmed that national cohesion would be strengthened and communalism would be fought tooth and nail. With the Cooperation and unbounded enthusiasm of the people, Government would take the country forward on its chosen path, he added.

The President's Address was discussed for four days, *i.e.* on 25 and 27 February and 2 and 3 March 1987 on a Motion of Thanks moved by Shri Jagan Nath Kaushal. Initiating the discussion, Shri Kaushal said that communal politics was the very anti-thesis of secularism and urged upon



the Government to impose ban on communal parties in the country. Shri Bhagwat Jha Azad, who seconded the Motion, asked the Government to take effective steps to control inflation.

Participating in the resumed discussion on 27 February 1987, Shri C. Madhav Reddi said that in view of multi-party democracy in the country, the Government should establish good relations with the States, particularly those ruled by Opposition parties.

Intervening in the resumed discussion on 27 February 1987, the Minister of Commerce, Shri P. Shiv Shanker claimed that the Government had really succeeded in turning the economy to the betterment of the common man in the country. The performance of the public sector, he emphasised should be judged from the point of view of their service to the nation and society irrespective of the fact whether they were earning profits or not. The thrust of the Government policy was to improve the welfare of economically and socially weaker sections.

In a brief intervention in the resumed discussion on 2 March 1987, Prime Minister, Shri Rajiv Gandhi informed the House that he and his Cabinet colleagues had been meeting the President continuously and discussing with him points of national interest. The Government, he added, would not like to politicize the office of the President. He appealed to the members to honour the institutions of the country.

Participating in the discussion, the Minister of Communications, Shri Arjun Singh said that the Prime Minister had entered into the Punjab Accord with full mutual trust and faith.

Shri Dinesh Goswami urged upon the Prime Minister to ensure the expeditious implementation of provisions of Assam Accord so that tranquillity in the State was not disturbed. He wanted the Government to commence forthwith the process of delimitation and stressed the need for judicial reforms for speedy disposal of cases.

Intervening in the discussion, the Minister of Urban Development, Shrimati Mohsina Kidwai appealed to all the parties to rise above the party lines to maintain unity and integrity of the country. She advocated an educational system which would mould the minds of children against communalism, casteism, untouchability etc.

Winding up the discussion on 3 March 1987 in which 40 other members\* participated, Prime Minister, Shri Rajiv Gandhi at the outset said

---

\* Other members who took part in the discussion were: Sarvashri Mewa Singh Gill, Mukul Wasnik, Sharad Dighe, P.R. Kumaramangalam, S. Jagathrakshakan, Naresh Chandra Chaturvedi, Anadi Charan Das, Madan Pandey, Lal Vijay Pratap Singh, Manoj Pandey, Somnath Rath, Ram Bahadur Singh, Jagannath Rao, Amal Datta, Ram Swarup Ram, Uma Kant Mishra, Vijay Kumar Yadav, K.N. Pradhan, H. Jeevarathinam, Ram Dhan, Mohd. Ayub Khan, N.V.N. Somu, Shantaram Naik, C.K. Kuppaswamy, Balwant Singh Ramoowalia, Jagannath Choudhary, N. Dennis, D.B. Patil, Ram Pujan Patel, P.K. Thungon, Manikrao Hodlya Gavit, Sultan Salahudin Owaisi, C.P. Thakur, Bharat Singh, Samar Brahma Choudhury, Mool Chand Daga, Dr. G.S. Rajhans, Dr. Datta Samant, Professor Nirmala Kumari Shaktawat and Shrimati D.K. Bhandari.

that the Government firmly believed in running the country by reaching a consensus amongst all people and it would continue every effort to get a 'political consensus' especially on major national issues.

Referring to the Accords in Punjab, Assam and Mizoram, the Prime Minister reiterated that the Government would not deviate from what was written in the Accords. At the same time, the Government would not allow anything to endanger or weaken the national integrity, he affirmed.

Shri Gandhi observed that communalism threatened the nation as a whole and urged that all must join together to fight communalism, to isolate and defeat the minority of fanatics, fundamentalists and terrorists that tried to build their strength either on religion or other forms of communalism. He added that it was time for full debate on separating religion and politics and hoped that all sections of the House would cooperate in the matter.

Speaking about the economic health of the country, Shri Gandhi noted that the economy was buoyant and resilient and had shown a very high growth rate of 8 per cent for the first time in twenty years. He claimed that completion of 63 per cent of the Seventh Plan, in its first three years, was another major achievement of the Government.

Dealing with the anti-poverty programme, the Prime Minister indicated that the removal of poverty was not possible without education. The existing education system, he contended, was very elitist because it discriminated against those with brains, in favour of those with money and in favour of those in urban areas. The Government wanted to change the present education system with Navodaya Vidyalayas. The new system, he hoped, would bring back traditional value system in the society.

Expressing concern over Pakistan's clandestine effort for nuclear weapons programme, Shri Gandhi affirmed that people of India were fully capable of defending their sovereignty and integrity.

Dealing with the ethnic issue in Sri Lanka, the Prime Minister informed the House that much progress had been made in the negotiation process between India and Sri Lanka. But certain steps taken by the Sri Lankan Government had brought the process to a halt. The process could not be continued as long as the violent conditions prevailed there. It would be possible to have a negotiated settlement after the level of violence had come down. The Government, he added, also wanted a peaceful settlement of the border issue with China.

The Motion of Thanks was adopted.

*Situation in Punjab:* Making a statement on 24 February 1987, the Minister of Home Affairs, Sardar Buta Singh recalled some disquieting developments that had taken place in Punjab since the end of November 1986, viz., election of Sardar Gurcharan Singh Tohra, as the President of the Shiromani Gurdwara Prabandhak Committee, disbandment of the Special

Task Force meant for keeping the terrorists out of the Golden Temple complex, forced resignations of high priests and appointment of new priests including Professor Darshan Singh Ragi as acting Jathedar of the Akal Takht, holding a 'Sarbat Khalsa' by the Panthic Committee inside the Golden Temple on 26 January 1987 and raising of secessionist slogans, Sarbat Khalsa's endorsement of the secessionist declaration made by Panthic Committee, and the continued misuse of Golden Temple complex by the terrorist and secessionist forces. The mixing of religion with politics and the misuse of places of worship, he added, had threatened to overtake the forces of secularism and religious tolerance. He assured the House that the Central Government would not tolerate the machinations of communal, separatist and secessionist elements operating under any guise.

Sardar Buta Singh observed that there had been a good deal of consternation in the country on the issuance of *hukumnama* by the high priests directing the Presidents and Jathedars of the various Akali Dal factions to submit their resignations, announcement of the leaders of new Akali Party with Sardar Simranjit Singh Mann as its President, declaring Sardar Surjit Singh Barnala as *Tankhaiya* and subsequently his excommunication from Sikh Panth etc. A mammoth gathering at Longowal village on 20 February 1987 representing Sikh Samprada; from different parts of the country had expressed their unhappiness at the blatant example of politically-motivated action and rejected the *hukumnama* and pledged support to Shri Barnala and his Government. So far as the Central Government was concerned, it had given full support to the State Government in fighting the menace of terrorism. The situation he added, would require extraordinary vigilance and action on a sustained basis. The fight against terrorism, religious fundamentalism, communal fanaticism and misuse of places of worship for political purposes in Punjab called for joint action cutting across party lines. He expressed the hope that mass mobilisation programme, also agreed to by Opposition parties, would go a long way in awakening the people to the dangerous designs of the anti-national forces and to prepare them for the struggle ahead. The Government, he added, were committed to implement the Punjab Accord. Every effort would continue to be made to find a solution to the contentious issues of territorial claims and river waters, he assured the House.

Initiating the discussion on the statement of the Minister, Shri Brajamohan Mohanty called for a ban on communal parties. Professor Madhu Dandavate, Shri P. Kolandaivelu and Shri Dinesh Goswami advocated separation of religion from politics.

Reciprocating the sentiments of members, Speaker, Dr. Bal Ram Jakhar called for enactment of a legislation to remove the cancer of communalism from the society.

Replying to the discussion in which 11 other members\* participated, the Minister of Home Affairs, Sardar Buta Singh informed the House that the Prime Minister had called a meeting of Opposition leaders where a detailed programme to bring about improvement in Punjab situation was chalked out. The leaders of all political parties had agreed with the Prime Minister to create a public opinion in Punjab as well as in the whole country against terrorism. They all had decided to effectively meet the challenges of terrorism, fundamentalism and communal fanaticism in Punjab, to combat the ongoing propaganda in Punjab on communal and religious lines and to put an end to the misuse of places of worship for political purposes. The Minister expressed the hope that all political parties and other sections in Punjab would participate in mobilising the people and creating a sense of patriotism, mutual trust and strengthening the unity and integrity of the country. He expressed the hope that all sections of the people from Punjab would also help in achieving that end.

Dealing with the Punjab Accord, Sardar Buta Singh stated that nine out of the eleven points of that Agreement had already been implemented and the remaining two points could not be implemented owing to intransigence of both the concerned States.

Referring to the report of Ranganath Mishra Commission, the Minister informed the House that most of its recommendations had been either implemented or were being implemented by the Government.

**Railway Budget:** Presenting the Railway Budget for the year 1987-88 on 25 February 1987, the Minister of State in the Ministry of Railways, Shri Madhavrao Scindia informed the House that the performance of Railways, both in 1985-86 and in the nine months of the current year, had been one of continued improvement in productivity of men and machine. The Net Tonne Kilometres per wagon per day (B.G.) soared to 1,296 in 1985-86 from 1,150 in 1984-85. It had touched an all-time high of 1,321 in the first nine months of 1986-87 as compared to 1,255 recorded in the corresponding period of last year. Through strict financial management and greater revenue effort, the Railways reversed the trend of previous two years by earning a surplus of about Rs. 179 crores in 1985-86, in contrast to the deficit of Rs. 45 crores in 1983-84 and Rs. 196 crores in 1984-85. In freight operations, the Railways would touch 300-million-tonne mark for the first time at the close of the year, surpassing the target set by 6 million tonnes.

Shri Scindia noted that the gross traffic receipts at existing level of fares and freight rates for 1987-88 were estimated at Rs. 8,179 crores and the total working expenses including contribution to Depreciation Reserve Fund and to the Pension Fund were estimated at Rs. 7,550 crores, leaving

---

\* Other members who took part in the discussion were: Sarvashri Saifuddin Chowdhary, V. Sobhanadreeswara Rao, R.L. Bhatia, R.S. Sparrow, Bholanath Sen, Virdhi Chander Jain, Charanjit Singh Walia, Balwant Singh Ramoowalia, Professor N.G. Ranga, Ch. Sunder Singh and Shrimati Geeta Mukherjee.

the net traffic receipts at Rs. 629 crores. Adding the accrual of Rs. 92 crores from Miscellaneous Receipts, the net revenue would rise to Rs. 721 crores. After fully discharging the dividend obligation of Rs. 652 crores, the Budget was expected to end with a surplus of Rs. 69 crores.

The Railway Budget was discussed in the House on 3, 4, 5 and 9 March 1987. Initiating the discussion on 3 March 1987, Shri V.S. Krishna Iyer urged upon the Government to provide more funds to the Railways.

Participating in the resumed discussion on 5 March 1987, Dr. A.K. Patel pleaded for restoration of trains cancelled recently. Dr. Datta Samant felt that the provision of Rs. 9 crores for passenger amenities was a meagre amount. Shri Kali Prasad Pandey pleaded for improvement in the quality of food packets served in the Railways.

Winding up the discussion on 9 March 1987, in which 84 other members\* participated, Shri Madhavrao Scindia said that owing to the limited resources available to the Railways, they had framed certain priorities and objectives and within those priorities, greatest importance had been given to the rehabilitation and modernisation of the existing system. It would take five to six years for the track renewal and the electrification to complete, and after that, the Railways would think of the meaningful expansion of new lines.

Referring to the observation by members that certain Railways were making greater losses than others, the Minister observed that Railways could not be confined to States' boundaries. They had to be looked at as an organisation which truly served national interests. Certain Railways were traditionally more passenger-oriented than freight-oriented and because of the subsidies given to passenger traffic those Railways were bound to have an adverse financial result and they could only be cross-subsidised by Railways which were predominantly freighters.

---

\* Other members who took part in the discussion were: Sarvashri Nirmal Khatri, D.L. Baitna, Raj Kumar Rai, Jujhar Singh, N.V.N. Somu, Virdhi Chander Jair, Vijay N. Patil, Kamla Prasad Singh, Ram Nagina Mishra, Shiv Prasad Sahu, Golam Yazdani, Balsaheb Vikhe Patil, Rameshwar Nikharā, Salahuddin, Chandra Kishore Pathak, Chintamani Jena, Bhatam Sriramamurthy, Chiranji Lal Sharma, Sharad Dighe, Kadambur M.R. Janarthanan, Balkavi Bairagi, Ajcy Biswas, Vijoy Kumar Yadav, Vir Sen Shanti Dhariwal, S.G. Gholap, Bhadrashwar Tanti, Jagdish Ashwati, A. Jayamohan, Mankuram Sodi, Mohd. Mahfooz Ali Khan, I. Rama Rai, Anoopchand Shah, Ajay Mushran, Dileep Singh Bhuria, R.P. Suman, G.S. Basavaraju, Yogeshwar Prasad Yogesh, G.M. Banatwalla, N.Soudararajan, L.Balaraman, Chandra Shekhar Tripathi, P.Penchallai, Saleem I. Shervani, Bhola Raut, Narain Chand Parashar, Radhakanta Digal, Ram Samujhawan, Narendra Budania, Balwant Singh Ramoowalia, Ganga Ram, Jagannath Prasad, Laliteshwar Prasad Shahi, Gokul Saikia, Manvendra Singh, R. Dhanushkodi Athithan Abdul, Hanna Ansari, Nandlal Choudhary, Murli Deora, K.N. Singh, Sarat Kumar Deb, Jagannath Pathnaik, Mohan Lal Jhikram, A.G. Subburaman, Ramashray Prasad Singh, Mohd. Ayub Khan, Sarfaraz Ahmad, Utamrao Patil, Khelan Ram Jangde, Lal Vijay Pratap Singh, Tapeshwar Singh, Manikrao Hodliya Gavit, Kamodi Lal Jatav, Bhisma Deo Dube, R.S. Khirhar, Prabhat Kumar Mishra, Bhai Shaminder Singh, Shrimati Basavarajeswari, Shrimati Kishori Sihna, Shrimati Prabhawati Gupta, Shrimati Chandra Bhanu Devi, Shrimati Keshrabai Kshrisagar, Shrimati Vidyavati, Chaturvedi and Shrimati Usha Rani Tomar.



Dealing with the security of passengers and their belongings in the trains, Shri Scindia said that Railways had to work in close cooperation and collaboration with the State Governments, as law and order was a State subject. Despite the fact that a passenger could now lodge the F.I.R. in a running train with either the Conductor, Guard or the T.T.E., the Minister admitted that there was still a great scope for improvement in the security arrangements.

**General Budget:** Presenting the General Budget for the year 1987-88 on 28 February 1987, Prime Minister, Shri Rajiv Gandhi said that the principle objectives of the Budget proposals were the elimination of poverty and the building up of a strong, modern, self-reliant and independent economy. The overall economic position was good. The food stocks and foreign exchange resources were quite satisfactory. The anti-poverty programme included launching of a comprehensive programme for housing development, especially for economically weaker sections and construction of one million houses for Scheduled Castes and Scheduled Tribes under Indira Awaas Yojana, appointment of a National Commission on Rural Labour to look into their working conditions and implementation of social legislation enacted for their protection. The National Education Policy adopted by Parliament was another powerful weapon to fight poverty, he added.

The Prime Minister said that the Government would continue to undertake systematic reviews of the total policy framework for selected industries and take necessary steps to stimulate growth and modernisation. The Government would further improve working of the public sector and would also bring before Parliament a 'White Paper' on it. The Government would give priority to implementation of projects in time, avoidance of time and cost over-run in projects and the use of innovative methods and new technologies and also bridging the gap between irrigation potential and its utilisation.

The Budget provided the estimated total receipts for 1987-88 at Rs. 56,932 crores as against the total expenditure of Rs. 62,942 crores, leaving a gap of Rs. 6,010 crores. The various tax measures together with reliefs and concessions proposed in the Budget would yield an additional net revenue of Rs. 322 crores to the Centre. The Budget would leave an uncovered deficit of Rs. 5,688 crores which would not be exceeded.

The general discussion on the Budget was held on 9, 10, 12 and 13 March 1987. Initiating the discussion on 9 March, Professor Madhu Dandavate pleaded for professionalised management in the public sector with a commitment to its philosophy and good relations with neighbouring countries as that would effect reduction in the defence expenditure.

Participating in the resumed discussion on 10 March 1987, Shri P. Kolandaivelu sought the withdrawal of section 115 (j) from the Finance Bill



as it would make the income tax commercially more complex than ever before. Dr. A. Kalanidhi saw no justification for the raise in price of the television set as it was no longer a luxury. He also pleaded for Central assistance to the tune of Rs. 6-7 crores to dig bore wells to meet the acute water scarcity in Madras city. Shri Indrajit Gupta advocated scrapping of the long-term fiscal policy, re-introduction of Estate Duty and doing away with surcharge on income tax. Shri Balwant Singh Ramoowalia said that the year 1988-89 be celebrated as "Farmer's Year" and the farmers should be given reasonable price for their produce without levying any tax.

Intervening in the resumed discussion on 12 March 1987, the Minister of State in the Department of Expenditure in the Ministry of Finance, Shri B.K. Gadhvi maintained that the Budget gave directions to the country about the path it had to take for achieving over-all growth and upliftment of the poor. Agreeing with the members for pruning and scrutiny of infructuous, unfruitful and totally preventable expenditure, the Minister informed the House that the Cabinet Committee would constantly review and monitor the expenditure of the Government. He contended that the apprehensions regarding over-expenditure and inflation were not well-founded. The Government would ensure containing inflation within the projection, he added.

Replying to the discussion on 13 March 1987 in which 54 other members\* participated, Prime Minister, Shri Rajiv Gandhi said that the Budget aimed at growth and rationalisation of the tax structure in a number of areas like electronics, cement, computers etc. It avoided ad-hocism and uncertainties and offered stability which would give direction in anti-poverty plans and programmes and would help to build the housing sector which had been neglected too long. The long-term fiscal policy and Seventh Five Year Plan would give strength in that direction, he added.

Referring to a suggestion for effecting cut in defence expenditure, Shri Gandhi pointed out that there could be no compromise in defence, specially at a time when the country had been put under severe pressure by all the anti-Indian forces around and in other parts of the world.

---

Other members who took part in the discussion were: Sarvashri V.N. Gadgil, M.Y. Ghorpade, D.P. Yadav, Muhiram Saikia, Y.S. Mahajan, Balkavi Bairagi, Ram Singh Yadav, Mahabir Prasad Yadav, Lal Vijay Pratap Singh, R.S. Khirhar, Manoj Pandey, B.R. Bhagat, Zairul Basher, Arsal Datt, Murli Deora, Surendra Pal Singh, Damodar Pandey, C.K. Kuppaswamy, Shripati Mishra, Manvendra Singh, Bhadrashwar Tanti, Pratap Bhanu Sharma, A.C. Shanmugam, Hafiz Mohd. Siddiq, Sriballav Panigrahi, R. Annanambi, Bhagwat Jha Azad, P.R. Kumaramangala, Charanjit Singh Walia, Bipin Pal Das, Satyendra Narayan Sinha, H.M. Patel, Girdhari Lal Vyas, Shyam Lal Yadav, Santosh Kumar Singh, Tapeswar Singh, Hussain Dalwai, Bapulal Malviya, S.B. Sidnal, U.H. Patel, Ramashray Prasad Singh, Ramdeo Rai, Dr. G.S. Ranjhans, Dr. Chandra Shekar Tripathi, Dr. Datta Samant, Professor N.G. Ranga, Shrimati Sukbans Kaur, Shrimati Jayanti Patnaik, Shrimati Basavarajeswari, Shrimati D.K. Bhandari, Shrimati Usha Rani Tomar, Shrimati Patel, Ramaben Ramjibhai Mavani, Shrimati Kesharbai Kshirsagar and Shrimati Usha Thakkar.

Allaying the apprehension expressed by members on the size of deficit amounting to about Rs. 5,700 crores, Shri Gandhi reiterated that the Government would not allow any further increase in the deficit. He added that the inflation rate was under control. The foodstocks were very good and the foreign exchange situation was comfortable and there was no reason for inflation.

Dealing with tax strategy in the Budget, the Prime Minister said that it was aimed at simplifying the tax laws, making the rates more reasonable and increasing the collection with strict compliance. He ruled out any reduction in the harsh measures that would have to be taken against the defaulters. He said that 20,000 searches made in the last couple of years were targeted at the bigger fish and had yielded results. In regard to tax on companies, he informed the House that the Government would look at the points raised and if found valid, would bring the required amendment at the appropriate time.

The Prime Minister informed the House that there had been an increase in the allocation for rural poverty alleviation programmes. The Government would ensure efficiency in their machinery so that the funds really got down to the roots, he added.

All the Demands for Grants on Account (General) for 1987-88 were voted in full.

*Summit Meeting of the AFRICA Fund:* Making a statement on 5 March 1987, the Minister of External Affairs, Shri Narayan Datt Tiwari informed the House that a Summit Meeting of the AFRICA Fund was held in Delhi on 24 and 25 January 1987, which had been attended by the Presidents of Algeria, Congo, Peru, Yugoslavia, and Zambia, Prime Minister of Zimbabwe and Rear Admiral Augustus Aikhomu, Chief of General Staff of Nigeria. All of them had re-affirmed their grave concern at the deterioration of the situation in southern Africa. He added that the Summit had issued an appeal to the universal conscience for urgent and concerted action for the complete dismantling of *apartheid* and called upon all nations of the world, international, financial and other organisations, non-governmental organisations and individuals to contribute generously to the Fund. The Summit had also adopted a plan of action to strengthen the economic capability of the Frontline States to withstand any retaliatory action by the racist regime and set out measures to support the liberation movements in South Africa and Namibia. It also adopted the Rules of procedure for management and operation of the AFRICA Fund. A Sub-Committee with Zambia as its Chairman had been constituted for screening of projects and evaluation of recommendations made by national executing agencies. The Fund had got off to a flying start with approximately U.S. \$ 70 million and announcement of contribution of Rs. 50 crores on behalf of the Government and people of India by the Prime Minister.

*Ethnic problem in Sri Lanka:* Raising a discussion on 18 March 1987,

Shri Balwant Singh Ramoowalia said that a situation of genocide was persisting in Sri Lanka and that Tamilians had been facing grave danger there. He asked the Government to use every available source to bring a political settlement in Sri Lanka as military solution of the problem would further aggravate the situation. Taking part in the discussion, Shri P. Kolandaivelu urged upon the Government to immediately find out a permanent and lasting solution to the burning problem. Shri Dinesh Goswami advocated the raising of the issue at the international fora and with neighbouring countries and compelling politically President Jayawardene to come to a solution.

Replying to the discussion in which 7 other members\* participated, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh said that the Government of India were continuing their effort to find a political solution for the Sri Lankan problem within the constitutional framework of Sri Lanka. During the prolonged discussion with the President of Sri Lanka on 19 December 1986, certain proposals had been made, but those were not fully acceptable to him. The imposition of an economic blockade on Jafna which was contrary to the letter and spirit of discussions held on 19 December 1986 had been causing serious hardship to the population there. The Prime Minister had sent Shri Dinesh Singh as his personal envoy to meet President Jayewardene to express India's concern and impress upon him the need for a political solution. There had been indications of attempts to unwind the blockade and to reduce the intensity of their military activity, he added.

As regards placing India's point of view and the plight of Tamils at the international fora, the Minister said that the Government were trying to do that through diplomatic channels and the Press. After the Government of Sri Lanka had accepted India's good offices, the Government did not consider it appropriate to internationalise the issue by raising the same at the international fora where generally simple things were made difficult and difficult things were made impossible. He, however, assured the House that the Government would see that Sri Lankan Government honoured what they had said, and would also see that December 19 proposals could be the basis for the Tamil groups to go to the Conference table to work towards a political settlement.

#### B. OBITUARY REFERENCES

During the period, obituary references were made to the passing away of Sarvashri Sunder Lal and Mool Chand Daga, both sitting members, and Sarvashri Tukaram Shankar Patil, Raj Narain, Harekrushna Mahtab, Jai Ram Varma, Sardar Singh, Syed Ahmed, Mahamaya Prasad Sinha, Jharkhande

---

\* Other members who took part in the discussion were: Sarvashri B.R. Bhagat, V.S. Krishna Iyer, Bipin Pal Das, M. Subha Reddy, Surendra Pal Singh, Sudhir Roy and N.V.N. Somu.,

Rai, Jagannath Prasad Swatantra, Dr. Suresh Chandra and Shrimati Shashank Manjari, all ex-members.

## RAJYA SABHA

### HUNDRED AND FORTY-FIRST SESSION\*

The Rajya Sabha met for its Hundred and Forty-First Session on 23 February 1987 and was adjourned *sine die* on 20 March 1987. A resume' of some of the important discussions held and other business transacted during the session is given below.

#### A. DISCUSSIONS

**Motion of Thanks on the President's Address:** On 25 February 1987, Shri Bhuvnesh Chaturvedi moved that an Address be presented to the President in the following terms:

“That the Members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 23rd February, 1987.”

Initiating the discussion, Shri Chaturvedi said that the President's Address was a correct appraisal of the political and economic situation in the country. It reflected the policies and programmes of the Government for the coming years. He added that for the first time the name of any Chief Minister had been mentioned and his services appreciated in the Address and for that the whole House was with him. He hoped that the Chief Minister of Punjab would carry on other programmes with the same determination as he had shown in taking action against extremists and communal forces, he added.

Shri Chaturvedi stated that recently Pakistan had deployed her forces on the Indo-Pakistan border. The Indian leaders had defreezed the situation with their statesmanship, farsightedness and determination. It was a welcome step that General Zia, who visited India recently, had on his return to Pakistan, given a statement to the effect that war had been averted.

So far as the policy of apartheid was concerned, Shri Chaturvedi noted that India had consistently been following the path shown by Mahatma Gandhi and she had been raising her voice against it. If the big powers did not impose economic sanctions against apartheid, it could lead to disastrous consequences, he cautioned.

In conclusion, the member said that an atmosphere had been created in the country for new education policy. More than 60 per cent of the

funds had been made available in the current year for the same. He hoped that the Opposition would extend their active cooperation in building up a new society.

Replying to the debate\* on 4 March 1987, Prime Minister, Shri Rajiv Gandhi said that he would like to thank all the members because the debate had been very constructive and supportive of what the President had said in his Address.

The Prime Minister felt that the most important issue that had been raised during the debate was that of the unity and integrity of India. He appealed to the Opposition parties not to build their political strength on forces that would tear India apart. He congratulated the Chief Minister of Punjab for the strong action that he had taken in facing the fundamentalist attitudes there. He also thanked the Chief Minister of West Bengal for helping the Centre to bring the Gorkha National Liberation Front (GNLF) back into the mainstream.

Shri Gandhi agreed with the members that religion should be separated from politics, saying that it should be left to the genius of the people to evolve a formula which would help in separating the two from each other. He welcomed a debate on the issue in the House and looked forward to contributions from all sections of the House.

The Prime Minister observed that the investment in the public sector was an indicator of the Government's commitment to it. He added that during the last two years, the Centre had invested over Rs. 29,000 crore in the public sector. The public sector must be efficient and it must show the way if it was to be the leading edge of India's industrialisation. Industries had been doing very well and in the last three years, annual growth rate had averaged over 8 per cent which was a record, he added.

Shri Gandhi noted that agricultural labour had been neglected too long. He stated that a Commission to go into the problems and difficulties of agricultural labour and rural labour was being set up. In spite of the rains not being spread out adequately, region-wise and time-wise, there had been agricultural growth for which he congratulated the farmers, farm

---

Other members who took part in the discussion were: Sarvashri Dipen Ghosh, Anand Sharma, Aladi Aruna Alias, V. Arunachalam, Mehendra Mohan Mishra, Parvathaneni Upendra, Mirza Irshadbaig, Satya Pal Malik, Shankarrao Narayanarao Deshmukh, Madan Bhatia, Atal Bihari Vajpayee, Vasant Sathe, Chaturanan Mishra, Kamalendu Bhattacharjee V. Gopalsamy, Dharam Chander Prashant, V. Narayanasamy, Kapil Verma, Ghulam Rasool Matto, Shanti Tyagi, Samar Mukherjee, Suresh Pachouri, Rameshwar Thakur, M.P. Kaushik, Krishna Kumar Birla, Kalpnath Rai, Ram Awadesh Singh, Dinkarrao Govindrao Patil, Bir Bhadra Pratap Singh, Valampuri John, Rafique Alam, Pawan Kumar Bansal, Sukhdev Prasad, Ghanshyam Singh, Ram Chandra Vikal, Dr. Ratnakar Pandey, Dr. Bapu Kaldate, Dr. Rudra Pratap Singh, Dr. H.P. Sharma, Sardar Jagjit Aurora, Professor C. Lakshamanna, Professor (Smt.) Asima Chatterjee, Shrimati Manorama Pandey, Shrimati Bijoya Chakravarty, Srimati Amrajit Kaur, Shrimati Sudha Vijay Joshi and Kumari Sayeeda Khatun.



technologists, extension workers, scientists and others who had all been involved in that great task.

The Prime Minister said that the Seventh Plan had two basic thrusts—the first was on removal of poverty and the second was on growth and development and industrialisation. He added that the Government had invested very large amounts in anti-poverty programmes. He, however, noted that without education, poverty could not be removed. That the Government were trying to provide through the New Education Policy, so that the poor might compete with the well-off. A very strong stand had been taken on removing the elitism that existed in education, he added.

Referring to the international situation, the Prime Minister said that India was a part of one big family that lived on the earth and she could not develop herself in isolation. It was imperative for the survival of humanity that there be peace on earth and work towards meaningful disarmament, he added.

Shri Gandhi informed the House that India had started a major peace initiative with five other nations from five continents and that initiative set the stage for the proposals that were tabled at Reykjavik. It was disappointing that the talks did not prove fruitful, but there was some hope because the proposals were still on the table, he observed.

The Prime Minister said that India had welcomed the recent proposals of the Soviet Union General Secretary, Mr. Mikhail Gorbachev on the intermediate nuclear weapons and the medium range weapons.

On India-Pakistan relations, Shri Gandhi said, India had been trying to improve relations with Pakistan, but serious problems remained. A clandestine effort for nuclear weapons programme had been gathering momentum in Pakistan for the past six years. Let there be no mistake about the determination and the capacity of the people of India to defend their sovereignty and integrity, he warned.

So far as the Sri Lankan problem was concerned, Shri Gandhi observed India would like to see a peaceful and negotiated settlement to the problem. India would also like a peaceful settlement of the border issue with China. Patience, restraint, wisdom, statesmanship and vision were the need of the hour. India and China represented two ancient civilisations and it was in this perspective alone that solution to the dispute must be looked for, he said.

The Prime Minister appealed that one should not fight for a specific religion, region or language. It was only then that our culture and nation would grow from strength to strength. He pleaded that the need of the hour was unflinching secularism, unity in diversity and maintaining the essential values of our ancient heritage.

Referring to the fortieth anniversary of the nation's independence, to be



celebrated this year, the Prime Minister hoped that it would not only be an occasion for joy and celebration, but also for introspection and for rededication to the values and objectives of a free and independent India.

All the amendments moved were negatived and the Motion of Thanks, as originally moved, was adopted.

*Approval of rate of dividend payable by Railway Undertaking to General Revenues; and Railway Budget 1987-88\**: On 18 March 1987, the Minister of State in the Ministry of Railways, Shri Madhavrao Scindia moved the following resolution:

“That this House approves the recommendations made in paragraphs 8 to 12 contained in the Seventh Report of the Railway Convention Committee, 1985 appointed to review the rate of dividend payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance and General Finance, which was presented to the Parliament on the 24th February, 1987.”

Speaking on the resolution, the Minister stated that the Railway Convention Committee, 1985 was constituted on 21 May 1985. The Committee had since considered the interim memorandum and had agreed to the proposals made therein by the Ministry of Railways subject to retrospective adjustments after the final recommendations of the Committee were available in due course.

Initiating the discussion on Railway Budget on the same day, Shri Sukomal Sen said that the surplus in the Budget was artificial and not real. The performance of the Railways had to be improved a lot. He suggested that the working expenses of the Ministry of Railways should be further reduced. From 1984-85 to 1986-87, it was 93.5 per cent of the total revenue of the Railways. So there was necessity for more efficiency on the part of the Railways, he added.

Shri Sen felt that the idea that the States should subsidise the metropolitan transport projects should be immediately abandoned so that the State Governments were not further burdened.

Shri Sen noted that despite expansion, the number of employees had been reduced as a result of automation. Government was taking retired people on daily basis. That was improper and unjust, the member complained.

In conclusion, Shri Sen said that the Government should review its policy in respect of staff relations and find out some ways and means to have a discussion and a line of negotiation with the unions which were not recognised or not affiliated to the recognised federations. If the

---

\* The Railway Budget, 1987-88 was laid on the Table of the House on 25 February 1987.

Government wanted the Railways to perform properly, it should have good staff relations.

On 19 March 1987, the Minister of State in the Ministry of Railways, Shri Madhavrao Scindia replying to the debate\* Said that the Railways were the only means of transport for the weaker sections who travel over a very long distance. The various concessions that had been elaborated upon in the Railway Budget and the decision not to hike tariffs were in pursuance of the socialistic objective.

Regarding certain Railways running at loss, the Minister said that certain zones were passenger-oriented while others were freight-oriented and so the passenger movement was cross-subsidized by freight loading.

Shri Scindia informed the House that priority was being given to modernisation and rehabilitation and seventy-four per cent of the Plan allocation was being spent for the purpose. As far as electrification was concerned, the target for the five years was 3400 km. The track-renewal target of about 20,000 km was expected to be achieved in the Plan, he said.

Shri Scindia observed that the Government had spend approximately Rs. 18 crores on the passenger reservation system. It was a fairly good investment not only from the point of view of giving another passenger facility, but also from the socio-economic benefit angle.

The Minister hoped that the five railway lines in North Eastern Railway would be completed within the Seventh Five Year Plan. As regards Amgudi-Tuli Line there was a dispute between the Nagaland Government and the Assam Government and if they could resolve the dispute, the Government could complete it within the Plan. A feasibility study was in progress and a comprehensive plan was being prepared for modernisation of Jamalpur, the Minister informed.

The resolution seeking approval of recommendations regarding rate of dividend payable by the Railway undertaking to General Revenues was adopted on 19 March 1987.

The motions for consideration of three Appropriation Bills pertaining to the Railway Budget were adopted on the same day and the Bills were returned to Lok Sabha.

*Situation in Sri Lanka:* On 19 March 1987, Shri V. Gopalsamy called the attention of the Minister of External Affairs to the situation in Sri Lanka.

---

Other members who took part in the discussion were: Sarvashri Kalpnath Rai, Parvathaneni Upendra, D.B. Chandra Gowda, Keshavprasad Shukla, Aladi Aruna alias V. Arunachalam, Natha Singh, V. Gopalswamy, Ghan Shyam Singh, J.P. Goyal, Rajni Ranjan Sahu, Surendra Singh Thakur, Dharam Chander Prashant, Bir Bhadra Pratap Singh, Suraj Prasad, Mahendra Mohan Mishra, Narayan Kar, Sukhdev Prasad, Bandhu Mahto, R.T. Gopalan, Sontosh Kumar Sahu, Vithalbai Motiram Patel, Bijoya Chakravarty, Gaya Chand Bhuyan, Dr. Mohd. Hashim Kidwai, Shrimati Pratibha Singh, Shrimati Suryakanta Jayawantrao Patil, Shrimati Krishna Kaul, Shrimati Veena Verma, Professor (Smt.) Asima Chatterjee and Kumari Sushila Tiria.

Making a statement on the subject, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh said that the ethnic crisis in Sri Lanka was a matter of serious concern to everyone in all parts of the country. The Government had been gravely concerned about the manner in which the situation in Sri Lanka had developed, especially the large-scale civilian casualties and the suffering caused to civilians in the North due to the economic and communications blockade imposed by the Government of Sri Lanka in the beginning of the year. Those developments had been monitored very carefully by the Government of India and the Prime Minister had been reviewing the situation on a regular basis, he added.

The Minister summarised the recent developments in the negotiation process and the events which had led India to suspend its good offices for the time being. He hoped that sanity would prevail and conditions would be created in which negotiations for a political solution could begin. He assured that he would keep the House informed regarding further developments.

#### B. LEGISLATIVE BUSINESS

*The Labour Welfare Fund Laws (Amendment) Bill, 1986\**: On 9 March 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 main purpose of the Bill was to make provision for the welfare funds constituted under different Labour Funds Acts also to be utilized for family welfare purposes including family planning, education and services. It was a very limited issue, and so the Bill should receive support from all sections of the House, the Minister pleaded.

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

*The Delhi Municipal Corporation (Amendment) Ordinance, 1987; and The Delhi Municipal Corporation (Amendment) Bill, 1987\*\**: On 18 March 1987, Shri Satya Prakash Malaviya moved the following resolution:

“That this House disapproves of the Delhi Municipal Corporation (Amendment) Ordinance, 1987 (No. 1 of 1987) promulgated by the President on the 5th February, 1987.”

The Minister of State in the Ministry of Home Affairs, Shri Chintamani Panigrahi moved the motion for consideration of the Delhi Municipal Corporation (Amendment) Bill, 1987.

Replying to the debate, the Minister of State in the Ministry of Home

---

The Bill was introduced in the House on 4 December 1986.

\*\* The Bill was introduced in the House on 17 March 1987.

Affairs, Shri Chintamani Panigrahi thanked all sections of the House for having supported the Bill. The main object of the Bill, he stated, was to amend section 90(8) of the Delhi Municipal Corporation Act, 1957 so as to bring the employees of the Corporation at par with those of the Central Government in order that the benefits of the Fourth Pay Commission could be extended to them without any difficulty. The Minister said that the Ordinance had to be issued in the special circumstances mainly for safeguarding interests of the employees and for ensuring smooth working of the Corporation.

The Minister also promised that the Government would consider the suggestion that there should be a single unified Authority in Delhi.

The statutory resolution seeking disapproval of the Delhi Municipal Corporation (Amendment) Ordinance, 1987 was negatived.

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, 5,645 notices of Questions (5,087 Starred, 554 Unstarred and 4 Short Notice Questions) were received. Out of these, 336 Starred Questions, 2,897 Unstarred Questions and one Short Notice Question were admitted. After the lists of Questions were printed, 7 Starred and 74 Unstarred Questions were transferred from one Ministry to another.

*Daily Average of Questions:* Each of the lists of Starred Questions contained 19 to 21 Questions. On an average 5.94 Questions were orally answered on the floor of the House, per sitting. The maximum number of Questions orally answered was 11 on 5 March 1987 and the minimum number of Questions orally answered was 4 on 24 and 27 February 1987.

The minimum number of Questions admitted in the Unstarred lists of Questions was 142 on 6 March 1987 and their maximum number was 248 on 19 March 1987. Their average came to 170.4.

*Half-an-Hour Discussion:* In all, 3 notices of Half-an-Hour Discussion were received during the Session and one was admitted but was postponed for discussion in the next Session.

*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 Jagannath Bhardwaj, Raj Narain, Sardar Singh, Syed Ahmad, Biswa Goswami, Mahant Laxmi Narain Das, Rameshwar Umrao Agnibhoj,

Bairagi Dwibedy, and Dr. M.R. Vyas' all ex-members. Members stood in silence for a short while as a mark of respect to the deceased.

## STATE LEGISLATURES

### ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY \*

The Session of Arunachal Pradesh Legislative Assembly commenced on 23 March 1987 and was adjourned on 24 March 1987.

*Ratification of Constitution (Fifty-fourth) Amendment Bill, 1986:* On 23 March, the House ratified the amendments to the Constitution falling within the purview of the proviso to clause (2) of article 368 thereof, proposed to be made by the Constitution (Fifty-fourth Amendment) Bill, 1986, as passed by the two Houses of Parliament.

### BIHAR LEGISLATIVE COUNCIL\*\*

Bihar Legislative Council which commenced its 96th Session (Budget Session) on 9 March 1987 was adjourned *sine die* on 21 March 1987. On the opening day the House assembled in the Bihar Legislative Assembly Chamber for a joint session which was addressed by the Governor, Shri P. Venkatasubbaiah.

### HIMACHAL PRADESH LEGISLATIVE ASSEMBLY \*\*\*

The Vidhan Sabha, which commenced the Seventh Session on 2 March 1987 with the Address of the Governor, was adjourned *sine die* on 3 April 1987 and prorogued on 4 April 1987.

*Financial Business:* The Chief Minister, Shri Virbhadra Singh who also held the Finance portfolio presented the Budget Estimates of the State for the financial year 1987-88 on 9 March 1987. General discussion took place on 12, 13, 25, 26, 27 and 30 March 1987. Necessary Appropriation Bill was introduced, considered and passed on 31 March 1987.

The second and final batch of Supplementary Demands for Grants for the financial year 1986-87 was presented to the House on 6 March 1987, discussed on 9 and 10 March and voted on 11 March 1987, the day on which the relevant Appropriation Bill was also passed. The Excess Demands Over Grants for the financial year 1984-85 were also presented during the Session. The Appropriation Bill connected therewith was introduced, considered and passed by the House on 3 April 1987.

*Obituary References:* The House paid homage to Shri Bhagwan Sahai

---

\* Contributed by Arunachal Pradesh Legislative Assembly Secretariat.

\*\* Contributed by Bihar Legislative Council Secretariat.

\*\*\* Contributed by Himachal Pradesh Vidhan Sabha Secretariat.

and Shri Venkata Viswanathan, both former Lieut. Governors of Himachal Pradesh and Shri Kishori Lal Tadu, a former member of the Assembly.

SIKKIM LEGISLATIVE ASSEMBLY\*

The Sikkim Legislative Assembly which commenced the Sixth Session (Budget Session) on 2 March 1987 was adjourned *sine die* on 6 March 1987. The Governor, Shri T.V. Rajeswar, addressed the House on the first day. During the Session the House met for five days and passed the Budget for 1987-88 and the Supplementary Demands for Grants for 1986-87.

*Ratification of Constitution (Fifty-fourth Amendment) Bill, 1986:* On 3 March, Chief Minister, Shri N.B. Bhandari moved the resolution for ratification of Constitution (Fifty-fourth Amendment) Bill 1986, which was put to vote and unanimously adopted by the House.

—————→

*An hon. member:* The Government is not moved.

*Professor Madhu Dandavate:* Government is an immovable property.

(L.S. Deb., 6 April 1987)

—————→

---

\* Contributed by Sikkim Legislative Assembly Secretariat.



## BOOK REVIEW

---

**"PARLIAMENTS OF THE WORLD—A COMPARATIVE REFERENCE COMPENDIUM"** by the **International Centre for Parliamentary Documentation of the Inter-Parliamentary Union**. Published by Gower Publishing Co. Ltd., Herts, 1986, pp. 1422 (Two Volumes).

This reference compendium of "Parliaments of the World" in two volumes of about 1,400 pages prepared for the Inter-Parliamentary Union (2nd Edition 1986) is specially intended as "Guidebook" for parliamentarians, research scholars in universities and parliamentary libraries. Eighty-three out of the 142 Parliaments have supplied the information in response to the questionnaire circulated by the IPU. Introductory Chapters are provided for all the 47 Chapters with comparative tables as the special feature. Significant similarities and differences between various parliamentary systems are highlighted. The information provided and comments made are relevant to what obtained in 83 Parliaments upto June 1985.

For many of these Parliaments, the British Parliament has been the principal source of inspiration and guide for their approach and practice of democracy and parliamentary debates, decisions and control over their respective responsible ministries, responsive executives, people's political education and democratic awareness of the activities of their respective governmental systems.

I propose to offer a few general observations, in this review about some of the aspects of democratic services that the Parliaments, functioning on the British model, are found to be offering.

Out of the 83 Parliaments, only 28 have two Chambers. Except in regard to the detailed consideration and passing of Budgets and their demands for grants (that is, Money Bills) which is reserved as the special privilege of the popularly-elected so-called Lower or People's Chambers, the second Chambers exercise in all non-budgetary matters, more or less equal powers and privileges.

There seems to be a growing tendency for more and more States to decide in favour of single chambers and to abolish their second chambers. In the case of Federations, two-chamber Parliaments are found to be necessary and popular. Most of these second chambers are elected on the

basis of direct or indirect elections and a few have some nominated members to represent intellectuals, experienced elite, etc. Since the lower chambers alone have the power to decide the fate of the Government by passing Vote of No-Confidence or Vote of Confidence etc., the role of second chambers is mostly confined to educating the public through debating Bills and public issues and enabling the Press, Radio and T.V. to gain additional opportunity to alert the public about the doings of their governments.

Much the most important pre-natal as well as post-natal protective armour needed by any Parliament is to be sure of the proper, correct and purely non-partisan conduct of the election of members. Care has to be taken to prevent rigging of votes and capture of ballot boxes and to ensure free voting, atmosphere of personal safety for voters during and after voting and correct counting of votes and declaration of the results of counting. The freedom of elected members to exercise their free vote during the parliamentary Sessions is to be protected and enforced. One of the great and salutary developments that have strengthened democracy through Parliament is the institution of independent, quasi-judicial "Election Commission" entrusted with the discharge of the essential and pivotal functions of ensuring free, independent and judicious conduct of elections and declaration of election results. In this direction, India has played the most exemplary role. Some other countries have depended upon their judiciary to decide upon the conduct of electoral mechanism.

Proportional representation is a complicated mechanism in conducting elections and big countries like India with huge population with a high percentage of illiteracy have got to learn to introduce this complicated mechanism. Some smaller countries with much smaller populations have had a chequered experience with it but it has worked more or less satisfactorily in some European democracies.

British Parliament did not have to set up any such special constitutional authority as the Election Commission. India has, however, developed this institution in view of the high percentage of illiteracy, prevalence of communal and caste distinctions and disputes and many other social disabilities and disparities among the huge population. Other developing countries which had to struggle for gaining their freedom and representative Parliaments have been following the Indian practice and setting up independent election commissions to prevent the repetition of American practice of preventing the blacks from exercising their franchise freely and fully without any fear of violent attacks, rigging the voting capturing ballot boxes and wrong counting etc.

There are 22 hereditary Heads of State out of 83. As many as 26 are elected directly, leaving only 19 dependent upon the wishes of their respective Parliaments; their tenure being dependent upon parliamentary vote. It stands to the credit of Indian democracy and its leader Sardar Patel to

have persuaded more than 500 hereditary rulers of states to agree to give up their hereditary rights and allow India to have republican democracy within the first decade of India's liberation. Generally Ministers have to be members of either House of the Parliament, though for a brief period of six months some Ministers may not be members. After over a century of struggle Parliaments of not only England but also many other States have stabilised their right and practice of making the Government to depend upon the support of majority for their functioning. But in most of the countries, the party system has failed to develop stable and responsible practice of sustaining their Governments for a fairly long period. The right of Parliament has had to be circumscribed or hedged in by a number of conditions of restrictions such as the Motion of No-confidence.

In many a country, Parliament has been obliged to stress the need for stability of the Government in using its right to dismiss the Government especially in France of post-war era.

The USA and other countries with the Presidential system have Cabinets tenure of whose Ministers is dependent upon the decision of their Presidents. Even in their case, the Congress (i.e. the Parliament) is able to create such conditions by its revelation of misbehaviour of Ministers that the President is generally obliged to dismiss the concerned Ministers, though the stability of the Cabinet is not disturbed.

In view of the failure of the parties in a multi-party system to crystallise their operation into two or three dependable groups of parties working together and ensuring stable majorities even for the coalition Ministries, lasting for at least one or two years, more and more legislatures in Africa and opting for one party or all-party Governments or Panchayats.

*Beyond the rules — Zero Hour:* The Speaker is forewarned but rarely as to what public issues are being sought to be brought to the notice of the House soon after the Question Hour. The Press comes to be briefed about the issues shouted about, long after the Zero Hour phase is over. What is worse is that some MPs of the ruling party also resort to this method either to weaken the impact of the shouting from the Opposition or to compete with them in highlighting some problem of public and immediate importance. This phase generally absorbs 10 to 15 minutes.

Special tactics of weakening the ruling party and embarrassing the Ministers and acquiring additional agitational and hitherto unconventional interventions, setting aside or bending the rules have come into vogue in India.

The so-called Zero Hour's bazaar-type noisy interventions, generally indulged in, so soon as the Question Hour is over, have come to be more or less a daily feature of Houses of Indian Legislatures. Even among the parties,

there is no order or waiting for their chance to raise their points—not the customary points of Order Observations are shouted, by MPs, so often all together, generally several MPs outshouting each other. Another special development is the tendency of the Opposition to stage walk-outs, when their demands for special mention or demands for immediate discussion are disallowed by the Chair. Walk-outs are also resorted to, not infrequently, as a protest against any Governmental action or refusal to act in the desired manner. Such walk-outs get publicity too easily. Thirdly, there is growing reluctance on the part of the Chair to enforce discipline and on that of Opposition MPs to obey the Chair or even to heed the Chair's repeated warnings of having to ask the concerned MPs to withdraw from the House. Fourthly, the earlier practice of MPs being allowed to mention the subjects to be placed on the agenda for the following week or weeks and for the Minister for Parliamentary Affairs who is also official Chief Whip to give his reactions before the agenda for the following week is put to the vote of the House is not being regularly followed. In one way, this new development saves time of the House.

Yet another means of economising the time of the House has come to be formalised in India by seven years of practice. That is, the Speaker has shifted to his Chamber the discussion between himself and the MPs concerned over points of order whether any question — if so what — is to be permitted and taken up for debate in the House. This embraces such avenues of debate as Half-an-Hour discussion, adjournment motion etc.

These new innovations have come to be popular, generally utilised with so much more gusto in the post-war Parliaments of the developing countries because their MPs and peoples have indulged in many more such tactics as part of their struggles for political freedom and National Independence. The IPU has not thought of studying the degree and nature of their prevalence all over the world.

*Consultative Committees:* Consultative committees attached to each Ministry are available for MPs to gain closer contact with both the Ministers and their top officials. These committees do not meet often enough nor do they sit for more than three hours. MPs are not able to moot points of policy, but can raise questions dealing with specific aspects of administration. However, MPs enjoy the privilege of being in constant correspondence directly with both the Ministers and with the top officials. According to the parliamentary courtesy and privilege, the administration and Ministers are expected to give careful, considered and considerate replies. MPs are also privileged to utilise the weapons of questions etc., based upon official replies to strengthen their demands, pleas for adequate response to public demands and redress for people's grievances.

Scrutiny of administration is sought to be achieved through Starred Questions and supplementaries, Unstarred Questions, Short Notice Questions, Half-an-hour Discussions on unsatisfactory answers. Generally

these procedures are effective in making the administration to be highly responsible. These weapons are supplemented by members' power for raising short duration discussions and threat of raising adjournment motions. All these weapons of exposing the misdeeds of a Ministry serve as a bug-bear to the administration. In spite of all these weapons, parliaments are becoming less effective, in view of ever increasing control or widening social and economic activities of the administration. Moreover, MPs who are generally too busy with their political activities are unable to use their parliamentary weapons to scrutinise or control or even guide administration as effectively as desired.

*Ministers and Administration:* This IPU survey has not revealed one salient tendency of the Executive not to recognise the positive contribution made in helping the Ministers to gain effective control over the activities of the bureaucracy that MPs questions and criticisms, reports and correspondence can make. On most occasions, on too many aspects of the activity of the Executive in its relation to or in its contact with the general or affected sections of the people, Ministers are unable to know how the bureaucracy functions or in what way the concerned people are being treated. Ministers ought to realise and feel that every representation made, question put and criticism offered by MPs in an invaluable instrument to enable them to probe into the activities, successes or failures of the bureaucracy and gain opportunity to control its activities.

It is true that the legislative function is in the centre of Parliament's earlier conception. In course of development, controlling the activities and shaping the policies and watching the governance by the Executive have come to assume more importance. A careful study of Tables 28 and 29 of this book dealing with legislative function and initiation of legislation would reveal that almost all the parliaments have come to allow the Executive (called the Cabinet or not) to assume the primary responsibility to initiate much the most important Bills and see them through the committee stages of debate and discussion and get them passed. This has happened primarily due to the control gained by the Executive over the time given to the legislature for its Sessions and also, the dependence of the legislators on the Executive's greater capacity to prepare the Bills and the studies needed to shape the legislation.

Even in the USA, the Congress which tries to be independent of the Executive in the drafting, shaping, amending, considering and finally passing Bills, the Executive has come to assume more and more dominant role and both the so-called rival aspects of the governance have come to achieve more or less equal share in the shaping of legislation. In the British type of Parliaments, the private members have continued to retain nominal right to initiate legislation and one day in a fortnight of Parliament's Session is specially devoted for the consideration of Private Members' Bills.



Even that symbolic right is exercised more in the direction of advising or warning the Executive about the public opinion in regard to certain public issues or needs and drawing the attention of the Executive to the advisability or urgency of legislating in the spheres indicated than in achieving the legislation desired. When the Executive desires some legislation and where the governments are not so very dependent upon the majority support within their Parliaments, the bills are placed before wider circles of the people to make sure of their popularity. But in those countries where the governments are sure of the support of their parliamentary majorities, the Executive tends to be indifferent to the non-parliamentary reactions and extra-parliamentary forums. Then they confine the consideration of their Bills either to the Joint Select Committees or Select Committees. Indeed, the latest tendency is to place the Bills before the legislature and get them considered by the House in the briefest possible time and get them passed all too soon, with the result that the public are generally unaware of such legislation, the Press takes scant notice and even the members of Parliament become lulled into indifference. To add to this discomfiture, in most cases, the Bills are indifferently drafted and too much power is surrendered to the Executive to draft the rules to give real shape to the intent of the legislation. Although Parliament deems it convenient to utilise the non-official initiative and the parliamentary time allotted for non-official legislative activity: There is certainly little chance for such non-official Bills to be passed. This means is utilised more readily when the Opposition parties take the initiative and assure their support to the Bill and passage of the Bill. However, it is a rare occurrence.

Where there are two Chambers in Parliament, there is greater scope for such Bills to serve the useful purpose of awakening the general public and Press to the consideration of the need for social legislation.

In regard to the officially sponsored Bills, legislatures tend to invoke the participation, aid and consultation of the ever widening circles of the public in shaping the Bills and making them generally acceptable. The British convention to get a Bill go through three readings is intended to give time to members to adequately consider the subject matter of the Bill and the amendments proposed. In actual practice on so many occasions, in so many parliaments, the Bills passage through the second and third readings is rushed through and the Chair's utterance about the readings is reduced to the recitation of some *Mantram*. Yet this convention gives a chance to some wide-awake MPs like the famous Mool Chand Daga of India to rise in their seats and voice one or two observations or protests.

So far as giving notice of amendments and getting them considered by the House is concerned, members get excellent opportunities to make themselves felt, voice their views and draw the attention of the Government to the needs of the public. But even this opening is being shortened by fixing the time for the consideration and passing of a Bill and also by the



Chair allowing too much time for general discussion and too short a time for amendments—all with the permission of the majority in the House—which is guided or ordered by the party in power. So the Parliaments have been obliged to appoint committees to consider the subordinate legislation or rules framed by the Executive and advise them as to where the Executive has exceeded or misdirected the general objectives for which the Bills are passed. The committees are ordinarily able to consider the rules, long after they are framed and enforced. So this means is also not so effective in making the rules truly democratically shaped. On the whole, the official Bills—their number is on the increase—are neither carefully drafted, nor are the rules framed thereunder effectively scrutinised and reshaped or finalised early enough with the result more and more power drifts into the hands of the Executive and the public are becoming ever more dependent upon the tender mercies of the officials and their discretionary interpretations.

*Courts:* As many as 44 legislatures have to accept the verdict of their Supreme Court as to the validity of their legislation. Only in the case of 22 legislatures, Bills are likely to be submitted to the courts as to their constitutionality. In a few cases, constitutional amendments are to be submitted to referendum. In the case of India, the Constitution itself can be amended by Parliament by pursuing a special procedure.

In many countries, the right of the people to invoke the court to “stay the operation of any law” is being exploited by vested interests, but it is a safeguard provided to protect the citizen against arbitrary or careless legislation. This power of the courts to stay the operation of any law, pending careful examination of its validity in face of fundamental human rights and directive principles is found to be popular in most countries.

*Referendum:* To call for ‘Referendum’ is much the most extreme parliamentary weapon placed in the hands of voters in some countries, including France, whenever a prescribed number of citizens are opposed to any piece of legislation or administrative initiative or decision proposed to be imposed by the Government of the day or its constitutional chief like the President. It is a powerful constitutional safeguard that voters can resort to, in extreme cases of either provocation or denial of long-established rights etc. In countries like India with such huge population it cannot be practised easily and its use may be too costly for the voters, parties and the country as a whole. Hence it has not yet been adopted by the new democracies.

*Parliament and Privilege:* Parliament tried its hand in England in functioning as the Supreme Court. But experience in this sphere of Parliament has forced other Parliaments to delegate that judicial power to the Supreme Court and other courts, functioning under its authority, in accordance with definite constitutional provisions.

**In regard to the question of abuse of parliamentary privileges, Parliaments**

in almost all the countries exercise judicial powers but on the advice of the parliamentary Committee on Privileges. Twice during the past four decades, Indian Parliament punished its own members for having abused their status as MPs for pecuniary purposes. But when it came to political trial, Indian Parliament went to extremes by punishing a former Prime Minister for having refused to divulge to the privileges committees what happened during the Cabinet meeting, ignoring the obligation of the Prime Minister to respect the oath to maintain the secrecy of Cabinet deliberations. The Parliament has also the power to punish those whom it finds guilty of breach of its privilege. Indian Parliament went to the extreme limit, bordering on vengeance, of depriving that former Prime Minister of membership of the House and also committing the unfortunate member to imprisonment. Is there to be no safeguard against such abuse of power of Parliament? It lies only in the hands of the electorate and actually the Indian people expressed their censure, in the ensuing general election by returning that very same MP to Parliament at the head of overwhelming majority empowered to become the next Prime Minister.

So just as there is a need for some control over MPs misusing their privileges there is also a need for similar control over Parliament misusing its own powers and privileges.

*Ombudsman:* So far as Ministers are concerned their activities are liable to be watched and condemned or appreciated by Parliament and the Prime Minister is empowered to dismiss any of them. But political compulsions, because of the need to command majority support, make it too difficult for him to exercise this power. So initiative was taken by Sweden in developing the institution of Ombudsman to look into the complaints against any Minister of having abused his power and position in a dishonest or revengeful manner. Several Parliaments, including Indian Parliament, are busy shaping legislation for the institution of Ombudsman to sit in judgment over the activities of the impugned Minister or Ministers.

*Recruitment of Executive:* Whatever and however numerous the parliamentary instruments, opportunities and privileges may be provided and utilised by MPs, their capacity to advise and control the bureaucracy cannot be very effective. In this era of Welfare State and rising and widening governmental contacts with the daily life of the masses and socialistic control of increasing spheres of industrial and cultural activities of people; the character, social scruples, efficiency, managerial skill, honesty and sense of service of the civil services, managerial elite are of the utmost importance. Therefore, Parliaments have to pay special attention to the recruitment, treatment, efficiency and integrity of their personnel. The developing countries have got a good example set by the Indian Parliament and Constitution by taking special protective steps such as the establishment of impartial and independent Public Service Commissions for the recruitment of civil servants, scientific personnel and managerial chiefs. Yet another progressive innovation made by India is the provision of

special reservations for the socially disadvantaged sections like the Scheduled Caste and Tribes and providing special training for their talented youth to rise in their ability to compete with the youth from other sections of people.

Yet another safeguard is provided for the security of service and non-partisan treatment is meted out to the civil servants. These measures are intended to prevent the exploitation of civil servants by political forces. At the same time, the civil services have to be held in control and should be made aware of their social and political duties and discharge them in an impartial and honest manner. In order to ensure their homage to democratic *dharma*, the latest parliamentary devices like Consultative Committee on Public Enterprises; the Lokpal, Lokayukta and public grievances courts are being developed in India. Other developing countries having democratic forms of government are also devising similar parliamentary controls over bureaucracy.

The latest US experience regarding the Iran—Contra episode and the ultimate need for the President to confess his mistake before the Congress and the nation through the media has brought to the fore the danger of leaving too much power with the President to be exercised only through his advisers (including security personnel) who are not a part of the permanent Executive.

At the same time, caution has to be exercised by the Prime Minister in a statesman—like manner also in giving too much power and discretion to his Secretary in regard to External Affairs. He should also avoid denying enough elbow room to such experienced/permanent technicians to use their discretion with finesse. On the whole, the Cabinet system ensures better results and leaves scope for fewer mistakes.

Even in regard to External Affairs, Parliament's function is not very much different from what it can do about other activities of Government. The consultative committee, attached to this Ministry meets once or twice in the inter-Session period in addition to the meetings during the Sessions. Some important informative statements are distributed on the slated subjects and also on matters indicated by members. Subjects previously specified to be discussed are taken up for exchange of views. But no resolutions are taken up nor are they passed. On the whole, the IPU rightly observes that the "Executive enjoys an independence in the field of foreign affairs which greatly limits the scope of action of Parliament" beyond what it can do to influence Government by the exercise of the usual powers to raise questions, interpellations, adjournment motions, resolutions, censure motions and debates on the Budget, President's Address etc. Even in USA where the Senate is found to play a more important role, it is limited to say "Yes" or "No" or attach some limitations to the financial or political clauses of the treaties negotiated and concluded by the Executive or appointment of certain officers. Hence such catastrophic "mistakes" like Reagan's Iran-Contra deals.

Even MPs who are not members of the concerned ministerial consultative committee get an opportunity to be nominated by the Speaker or the Minister or the President as members of the delegations to the United Nations and several international bodies associated or allied to the U.N. such as the WHO, FAO, UNESCO, besides Inter Parliamentary Union, Commonwealth Parliamentary Association etc. These avenues give the much needed opportunities to a good percentage of MPs to gain the required knowledge and experience of foreign affairs, so that they are able to control the Government in an effective manner.

**Budgets:** The following quotes from the preface to Table 36 regarding the pivotal place of the Budget—its preparation, its presentation and passage through Legislature are worth noting and they apply to almost all Parliaments outside the USA and such other democracies:

**Budget "enables total income to be compared with total expenditure;**

**"it allows expenditure to be classified and its relative importance and urgency to be assessed;**

**"it enables its effects on the economic situation and on any national plan to be determined;**

**"it facilitates parliamentary control; and**

**"it authorises the government to raise revenue"**

Though Budget seeks such power for one year, in recent decades, they have been shaped annually but in relation to a four or five year plans, agreed to earlier by Parliament.

In the preparation of the Budget, the Finance Minister may seek the advice of the Planning Commission, if any, his colleagues in the Cabinet and certainly the Prime Minister or the Chief Minister. Recently, the Indian Finance Minister has begun to discuss various aspects of taxation system, governmental expenditure and prospects of the national economy with concerned economic interests.

Neither the Finance Minister nor his Chief is allowed to divulge the detailed proposals regarding taxes, direct or indirect, to any one in Parliament or Press or public before they are announced in Parliament at the appointed time on the fixed date. Dr. Hugh Dalton had to resign because he let slip some vital information to a journalist just as he was going to make his Budget Speech.

Parliament has begun to help the Finance Minister vis-a-vis the spending Ministries through its financial committees such as the Estimates Committee, Public Accounts Committee and the Public Undertakings Committee. Though Parliament cannot try to directly increase the allocations for various Departments or raise the tempo or incidence of any tax or excise or import duty, its role in creating the political atmosphere which guides the Finance Minister is indeed considerable. Nevertheless

MPs are certainly entitled to suggest that additional allocations ought to be made for various public purposes, new projects should be undertaken and better management should be ensured in certain directions — through Questions, suggestions in consultative committee, their speeches during the debates on President's Address, Supplementary Demands and various other parliamentary avenues. Public Enterprises Committee and Defence Accounts Committee, if any, and their reports strengthen the hands of the Finance Minister and MPs in keeping down the proposals of spending Ministries for further expenditure, and in stressing the need for economy and accountability etc.

Parliament's role in preparation of the Budget is certainly considerable. Through the debates, throughout the sessions, MPs bring to the fore what activities are needed, what new departments or avenues of governmental expenditure are urgent and how much more has to be spent on what social objectives etc. Both the Finance Minister and the Prime Minister have to heed the advices, exhortations, admonitions, thus voiced by MPs in formulating their budgetary proposals for various Departments, social services, economic and defence purposes. The scrutiny or public expenditure is sought to be made by the Public Accounts Committee and its semi-autonomous Sub-Committee on Defence Expenditure. In some countries, notably in India a leader from the Opposition is invited to be its Chairman. It is aided by the reports and representatives of the Comptroller and Auditor-General, who is independent of the Government with his own funds granted from the Budget as charged item. On the whole, the recommendations of this Committee are unanimous and its reports are deemed to represent the whole of the Parliament and are therefore not debated in the House. The defect of delay caused in scrutinising the expenditure, that is two to three years, after it is incurred is inevitable. The decisions of the Committee have salutary effect on the administration and their utilisation of the funds granted from year to year. Its observations are as good as Parliament's own decisions and a senior Cabinet Minister was obliged to resign in 1987 for having criticised the PAC's remarks on his actions.

*Sessions—MPs Short Attendance:* The frequency of Parliament's Sessions is not welcomed by Governments. In fact, the duration of the Sessions is being shortened on one or the other excuse. It is being observed that too often many Ministers are disinclined to face discussion of their Ministries in Parliament. Just as it happened in England and Western European democracies, the Opposition is keen on prolonging the Parliament session because they have more opportunities to criticise, control and chastise governments.

As many as 18 Chambers out of 48 reporting, sit for less than 50 days in a year and another 8 for less than 74 days. Only one Session in one year obtains in 39 out of 81 reporting countries. It is a great pity.



**The most unfortunate tendency developing in too many Parliaments is for members to absent themselves for most of the time during debates on ordinary issues and spending more time in lobbies or lobbying in the corridors of Ministers. The result is that in almost all sitting members agree by convention, not to demand quorum and content themselves with their speaking or listening in more or less empty-benched Houses. This results in equally listless Press galleries, paying scant attention to most of the speeches in Parliament by the daily Press and failure of MPs' function of educating the people and voters among them. To educate, alert and inform the MPs themselves as to what happens in the House has become the duty of the Secretariat and therefore, a summary or synopsis of the speeches made by MPs has come to be circulated among them on the next day.**

The educative role of the Parliament Secretariat has, therefore, become specially important. Fortunately, the Secretariats of Parliaments have come to play a vital, scrupulously democratic and increasingly educative role. It is in this direction, the IPU and CPA have been strengthening the Secretariats and their professional services to democracy.

***Dissolution:*** The right to dissolve Parliament before its usual term of 4 or 5 years is vested formally in the head of the State and is actually exercised by the Prime Minister or head of the Government. In all the countries having parliamentary form of government, this power is wielded by the Prime Minister. Whenever he finds the Ministers at loggerheads or when the legislature is unwilling to let the Ministry work in a stable manner. In the countries, having coalition Ministries, the wielding of this power gives weightage to the head of the Ministry and the threat to use it generally helps the Ministry to enjoy some stability and it may persuade MPs not to be too irresponsible, for fear of having to face the costs, pains and risk of having to face a general election. The Prime Minister has to be extra careful in exercising this special prerogative, as was demonstrated by the awful consequences of dismissing the Home Minister by the PM of Janata Cabinet of India.

Sometimes Parliaments are prone to extend their tenure, on the pretext of an emergency. The declaration of emergency always conditions or negates the democratic freedom and parliamentary control of Government. So, special care is taken to limit the power of the Government to declare emergency over the whole of the country or over the whole gamut of democratic system. It is found that in as many as 44 Countries, only the head of the State can do so with parliamentary approval but in 12 countries, the Government can do it with Parliament's approval. India had the unpleasant experience of this emergency, in the affected areas during the Chinese invasion and more painful bout of it over the whole of the country in 1975 when Parliament found it not possible to gain the cooperation of the Opposition to transact legislative work. During that unfortunate period, even Parliament's proceedings came to be censored;



before the Press could publish them, the Press was under scrutiny and detention became the order of the day. So, it is fortunate that Parliaments have generally demonstrated their abhorrence to the declaration of emergency.

The extraordinary and undemocratic move that has come to be adopted by some desperately discontented sections of people in some democracies is to boycott the elections to their legislature. This means was adopted in 1921-22 by the Indian National Congress. The Congress came to realise that participation in elections would be more advantageous to its revolutionary revolt against British imperialism and, therefore, took part in 1923 and 1926 and 1934 elections and demonstrated its strength among the masses. The same tactics were adopted in Assam and Punjab recently. Such a procedure of boycott negates the very fundamental conception of choosing people's leaders through elections, not by dictation.

The latest innovation, is to ban defection of legislators from their respective parties, defying their election manifestos. Only in many African Parliaments, one-party Cabinet system is being practised, somewhat with good results. In most of the non-African countries, where parties have come to play important role and Cabinets are formed either by the majority party, or through coalitions of some parties, instability of Cabinets has become a menace because defections from one party to another is practised. To curb such undemocratic, unprincipled defections and crossing the floor for the sake of party or personal advantage, Indian Parliament has taken the initiative in passing the anti-defection law.

I am glad that the IPU has published this valuable survey of parliamentary practice in all parts of the world claiming to be democratic. These volumes would prove to be a valuable source of information and inspiration to all lovers of freedom and government through discussion, deliberation and debate.

From the sixties, efforts are being made by the IPU and CPA to help parliamentarians to gain practical knowledge of parliamentary privileges, procedures and practices, so as to strengthen their capacity and expertise in criticising and evaluating not only the Ministers but also the bureaucracy. Seminars, workshops and regular training centres have come to be organised. Even the major political parties have been conducting such political and parliamentary study circles. The British Labour Party initiated such study camps and recently the Indian National Congress has also begun training its MPs.

Even more important development has taken place in the organisation of Library, Reference and periodical publications activity of the Indian Parliament Secretariat. The Lok Sabha Secretariat has made significant progress in this direction as well as in organising Regional Seminars on Asian, Asia-African zonal basis. In this way, Lok Sabha Secretariat has made Indian Parliament

play the role of Mother of Asian and African Parliaments just as the British Parliament has come to be hailed as the Mother of the Parliaments all over the world. The election of Shri Bal Ram Jakhar, Speaker of India's Parliament as the Chairman of CPA is in recognition of this catalytic role of Indian Parliament.

A happy balance and sharing of responsibility and response to the Dame of Democracy has to be maintained between the Government and civil services so that the experts and practitioners and dispensers of power, given to them by their constitutions and Parliaments, would be effectively reined in, exhorted, educated, coaxed and finally controlled and disciplined by parliamentarians and Cabinets.

— PROFESSOR N.G.RANGA, M.P.

## RECENT LITERATURE OF PARLIAMENTARY INTEREST

---

### I. BOOKS

Ball, Allan R. and Millard, Frances; *Pressure Politics in Industrial Societies: A Comparative Introduction*, (Houndmills, 1986).

Bharadwaj, Arya Bhushan; *Living Non-violence*, (New Delhi, 1986).

Bhargava, Motilal; *Role of Press in the Freedom Movement*, (New Delhi, 1987).

Bhaskara Rao, V. and Venkataswarlu, B., ed.; *Parliamentary Democracy in India: Trends and Issues*, (Delhi, 1987).

Bose, Tarun Chandra, ed; *Indian Federalism: Problems and Issues*, (Calcutta, 1987) Calvert, Harry; *An Introduction to British Constitutional Law*, (London, 1985).

Dahl, Robert A.; *Democracy, Liberty and Equality*, (Oslo, 1986).

Dench, Geoff; *Minorities in the Open Society: Prisoners of Ambivalence*, (London; 1986).

Dube, M.P.; *Role of Supreme Court in Indian Constitution*, (New Delhi, 1987).

Dutt, R.C.; *Retreat of Socialism in India: Two Decades without Nehru, 1964-1984*, (New Delhi, 1987).

Engineer, Asghar Ali, ed; *The Shah Bano Controversy*, (Hyderabad, 1987).

Errabbi, B.; *Right to Travel under the Constitution*, (Delhi, 1986).

Ghosh, S.K.; *Muslim Politics in India*, (New Delhi, 1987).

Gupta, Satpal; *Constituent Power of the Indian Parliament (A Politico-Legal Analysis)*, (Delhi, 1987).

Kashyap, Subhash C.; *Parliament and Humour*, (New Delhi, 1986).

Krishna Aiyar, V.R.; *Social Justice — Sunset or Dawn*, (Lucknow, 1987).

Lok Sabha Secretariat; *Legislators in India: Salaries and Other Facilities*, (New Delhi, 1986).

Lok Sabha Secretariat; *Members of Lok Sabha First to Eighth Lok Sabha: A Study in Socio-Economic Background*, (New Delhi, 1986).

Lok Sabha Secretariat; *President's Rule in the States and Union Territories*, (New Delhi, 1987).

Mathew, George, ed.; *Panchayati Raj in Karnataka Today: Its National Dimensions*, (New Delhi, 1986).

Nehru, Jawaharlal; *Letters to Chief Ministers, 1947-1964*, (New Delhi, 1986).

Pandey, B.N.; *A Centenary History of the Indian National Congress (1885-1985)*, (New Delhi, 1985).

Parikh, Bhikhu and Pantham, Thomas, ed.; *Political Discourse; Explorations in Indian and Western Political Thought*, (New Delhi, 1987).

Rajya Sabha Secretariat; *Who's Who, 1986*, (New Delhi, 1986).

Rana, M.S.; *Writings on Indian Constitution (1961-1965)*, (Merrut, 1987).

Sethi, J.D., ed.; *Trusteeship: The Gandhian Alternative*, (New Delhi, 1986.)

Sharma, M.L.; *Gandhi and Democratic Decentralisation in India*, (New Delhi, 1987).

Sharma, Sadhna; *The Parliament and the Supreme Court: Institutional Conflict for Supremacy of Power*, (Delhi, 1986).

Sourie, Arun; *Religion in Politics*, (New Delhi, 1987).

Vanmechelen, Denis Van and Rose, Richard; *Patterns of Parliamentary Legislation*, (Aldershot, 1986).

Wood, John R., ed.; *State Politics in Contemporary India: Crisis or Continuity*, (Boulder, 1984).

## II. ARTICLES

Aftab, Akhtar Hussain; 'System of Governance: Need to Strengthen Parliamentary Form', *Indian Nation*, 26 February 1987.

Chakravarty, Nikhil; 'Our Honourable M.Ps.', *Times of India*, 15 March 1987.

Dandavate, Madhu; 'Challenges to Democracy in India', *Otherside*, Vol. 10, No. 5, December 1986, pp.5-8.

Dewan, Manorama; 'Tale of Shrieking Quorum Bells', *Democratic World*, Vol. 16, No. 12, 22 March 1987, p.9.

D'Mello, Bernard; 'Democratic Rights; Indian People's Human Rights Commission', *Economic and Political Weekly*, Vol. 22, No. 4, 24 January 1987, p. 121.

Gujar, G.B.; Preamble to the 'Constitution: Its significance', *Lok Rajya*, Vol. 42, No. 19, 1 February 1987, pp. 18-19.

Hegde, Ramakrishna; 'Members of Parliament: Role in Contemporary Society', *Economic Times*, 22 January 1987.

Hegde, Ramakrishna; 'Politics for the People', *Illustrated Weekly of India*, Vol. 107, No. 2, 11 January 1987, pp. 20-23.

Jain, Sandhya; 'Fault does not lie with Parliamentary System', *Hindustan Times*, 16 February 1987.

Khare, Harish; 'Incremental Authoritarianism', *Seminar*, No. 329, January 1987, pp. 36-38.

Kulkarni, Manu, N.; 'Performance of M.Ps: Social Audit' *Economic Times*, 26 March 1987.

Mathur, Girish; 'Twenty Eminent Indians' Constitutional Proposal', *Link*, Vol. 29, No. 27, 8 February 1987, pp. 7-10.

Morje, Mahabaleshwar N.; 'Our Constitution and Common Man', *Lok Rajya*, Vol. 42, No. 19, 1 February 1987, pp. 20-21.

Mukherjee, B.K.; 'Estimates Committee in Retrospect: Need for Procedural Reforms', *Journal of Parliamentary Information*, Vol. 32, No. 3, September 1986, pp. 385-394.

Nauriya, Anil; 'Indian Judicial Renaissance: The Line not Crossed', *Economic and Political Weekly*, Vol. 22, No. 6, 7 February 1987, pp. 239-242.

Noorani, A.G.; 'Supreme Court and Ordinances', *Economic and Political Weekly*, Vol. 22, No. 9, 28 February 1987, pp. 357-358.

Pisar, Milivoje; 'Scope of Parliamentary Cooperation', *Review of International Affairs*, Vol. 37, No. 881, 20 December 1986, pp. 19-22.

Quraishi, Z.M.; 'Indian Republic and Political Change', *Link*, Vol. 29, No. 25, 25 January 1987, pp. 19-21.

Raut, P.M.; 'Philosophy of the Indian Constitution', *Lok Rajya*, Vol. 42, No. 20, 16 February 1987, pp. 7 and 11.

Tan Sri Dato Mohamed Zahir; 'Speaker and the Question period', *Journal of Parliamentary Information*, Vol. 32, No. 3, September 1986, pp. 380-384.

Tilak, Raghukul; 'Hard Times', *Illustrated Weekly of India*, Vol. 108, No. 11, 15 March 1987, pp. 26-27.

Trivedy, Shikha; 'Politics of Aid', *Illustrated Weekly of India*, Vol. 107, No. 5, 1 February 1987, pp. 8-17.

Venkataraman, R.; 'Essence of Indianness', *Secular Democracy*, Vol. 20, No. 1, January 1987, pp. 15-18.

## APPENDIX I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE EIGHTH SESSION OF THE EIGHTH LOK SABHA

1. PERIOD OF THE SESSION	<b>23 February to 13 May</b>	<b>1967</b>
2. NUMBER OF SITTINGS HELD		<b>50</b>
3. TOTAL NUMBER OF SITTING HOURS	<b>318 hours and 13 minutes</b>	
4. NUMBER OF DIVISIONS HELD		<b>7</b>
5. GOVERNMENT BILLS :		
(i) Pending at the commencement of the Session	..	<b>9</b>
(ii) Introduced	..	<b>18</b>
(iii) Laid on the Table as passed by Rajya Sabha	..	<b>6</b>
(iv) Returned by Rajya Sabha with any amendment/ recommendation and laid on the Table	..	<b>1</b>
(v) Referred to Select Committee	..	<b>Nil</b>
(vi) Referred to Joint Committee	..	<b>Nil</b>
(vii) Reported by Select Committee	..	<b>Nil</b>
(viii) Reported by Joint Committee	..	<b>Nil</b>
(ix) Discussed	..	<b>23</b>
(x) Passed	..	<b>23</b>
(xi) Withdrawn	..	<b>Nil</b>
(xii) Negatived	..	<b>Nil</b>
(xiii) Part-discussed	..	<b>Nil</b>
(xiv) Discussion postponed	..	<b>Nil</b>
(xv) Returned by Rajya Sabha without any recommendation	..	<b>9</b>
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	..	<b>Nil</b>
(xvii) Pending at the end of the Session	..	<b>10</b>
6. PRIVATE MEMBER'S BILLS		
(i) Pending at the commencement of the Session	..	<b>184</b>
(ii) Introduced		<b>39</b>
(iia) Motion for leave to introduce negatived	..	<b>2</b>
(iii) Laid on the Table as passed by Rajya Sabha	..	<b>Nil</b>



(iv) Returned by Rajya Sabha with any amendment and laid on the Table	Nil
(v) Reported by Select Committee	Nil
(vi) Discussed	4
(vii) Passed	Nil
(viii) Withdrawn	3
(ix) Negatived ..	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed ..	1
(xii) Discussion postponed ..	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of Pending Bills	8
(xvi) Pending at the end of the Session ..	212
<b>NUMBER OF DISCUSSIONS HELD UNDER Rule 193</b>	
<b>(Matters of Urgent Public Importance)</b>	
(i) Notices received	388
(ii) Admitted	8
(iii) Discussion held	8
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 197</b>	
<b>(Calling-attention to matters of Urgent Public Importance )</b>	
<b>Statements made by Ministers</b>	2
<b>9. MOTION OF NO-CONFIDENCE IN COUNCIL OF MINISTERS</b>	
(i) Notices received	Nil
(ii) Admitted and Discussed	Nil
(iii) Barred	Nil
<b>10. HALF-AN-HOUR DISCUSSIONS HELD</b>	7
<b>11. STATUTORY RESOLUTIONS</b>	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2
(v) Negatived	Nil
(vi) Withdrawn	Nil

**12. GOVERNMENT RESOLUTIONS**

(i) Notices received	..	1
(ii) Admitted	..	1
(iii) Moved	..	1
(iv) Adopted	..	1

**13. PRIVATE MEMBERS' RESOLUTIONS**

(i) Received	..	15
(ii) Admitted	..	15
(iii) Discussed	..	2
(iv) Adopted	..	Nil
(v) Negatived	..	1
(vi) Withdrawn	..	Nil
(vii) Part-discussed	..	1
(viii) Discussions postponed	..	Nil

**14. GOVERNMENT MOTIONS**

(i) Notices received	..	Nil
(ii) Admitted	..	Nil
(iii) Discussed	..	Nil
(iv) Adopted	..	Nil
(v) Part-discussed	..	Nil

**15. PRIVATE MEMBERS' MOTIONS**

(i) Notices received	..	478
(ii) Admitted	..	68
(iii) Moved	..	1
(iv) Discussed	..	1
(v) Adopted	..	Nil
(vi) Negatived	..	Nil
(vii) Withdrawn	..	Nil
(viii) Part-discussed	..	Nil

**16. MOTIONS RE: MODIFICATION OF STATUTORY RULE**

(i) Received	..	Nil
(ii) Admitted	..	Nil
(iii) Moved	..	Nil
(iv) Discussed	..	Nil
(v) Adopted	..	Nil

(vi) Negatived	..	Nil
(vii) Withdrawn	..	Nil
(viii) Part-discussed	..	Nil
17. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY DURING THE SESSION	..	Nil
18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	..	30,381
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON SINGLE DAY, AND DATE ON WHICH ISSUED	..	1.102 on 8 May 1987
20. NUMBER OF ADJOURNMENT MOTIONS		
(i) Brought before the House	..	Nil
(ii) Admitted and discussed	..	Nil
(iii) Barred in view of adjournment motion admitted on the subject	..	Nil
(iv) Consent withheld by Speaker outside the House	..	142
(v) Consent given by Speaker but leave not granted by the House	..	Nil
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred		958
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)		9,532
(iii) Short-Notice Questions		1
22. WORKING OF PARLIAMENTARY COMMITTEES		

Sl. No.	Name of the Committee	No. of sittings held during the period 1 January to 31 March 1987.	No. of Reports presented to the House during the Budget Session (upto 31 March 1987).
1	2	3	4
(i)	Business Advisory Committee	3	3
(ii)	Committee on Absence of Members	1	1
(iii)	Committee on Public Undertakings	38	6

1	2	3	4
	(iv) Committee on Papers Laid on the Table	5	4
	(v) Committee on Petitions	7	
	(vi) Committee on Private Members' Bills and Resolutions	4	3
	(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	8	
	(viii) Committee of Privileges	2	
	(ix) Committee on Government Assurances	4	2
	(x) Committee on Subordinate Legislation	4	
	(xi) Estimates Committee	10	2
	(xii) General Purposes Committee		
	(xiii) House Committee	2	
	(a) Accommodation, Sub-committee of House Committee		
	(b) Sub-Committee on Amenities		..
	(c) Sub-Committee on Furnishing		..
	(xiv) Public Accounts Committee	15	3
	(xv) Railway Convention Committee	5	1
	(xvi) Rules Committee	1	
	JOINT/SELECT COMMITTEES		
	(i) Joint Committee on Offices of Profit	6	1
	(ii) Joint Committee on Salaries and Allowances of Members of Parliament	..	..
	(iii) Joint Committee of Chairmen, House Committees of both the Houses of Parliament		..
	(iv) Joint Committee on Lokpal Bill, 1985	..	..
	(v) Joint Committee on Railways Bill, 1986	2	..
<b>23.</b>	<b>NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE</b>	<b>..</b>	<b>18</b>
<b>24.</b>	<b>PETITIONS PRESENTED</b>		<b>1</b>
<b>25.</b>	<b>NUMBER OF NEW MEMBERS SWORN WITH DATE</b>		
	No. of Members sworn	Date on which sworn	
	1	27.3.1987	
	1	30.3.1987	
	1	9.4.1987	

## APPENDIX II

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND FORTY—FIRST SESSION OF RAJYA SABHA

---

1. PERIOD OF THE SESSION	23 February to 20 March 1987
2. NUMBER OF SITTINGS HELD	19
3. TOTAL NUMBER OF SITTING HOURS	100 hours and 33 minutes
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	5
(ii) Introduced	4
(iii) Laid on the Table as passed by Lok Sabha	10
(iv) Returned by Lok Sabha with any amendment	1
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	11
(x) Passed	4
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	7
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	8
6. PRIVATE MEMBERS BILLS	
(i) Pending at the commencement of the Session	42
(ii) Introduced	3
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	2
(vii) Withdrawn	1
	289

(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of member-in-charge of the Bill.	Nil
(xvi) Pending at the end of the Session	44
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176</b> (Matters of Urgent Public Importance)	
(i) Notices received	29
(ii) Admitted	Nil
(iii) Discussions held	Nil
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 180</b> (Calling attention to Matters of Urgent Public Importance)	
Statements made by Ministers	2
<b>9. HALF-AN-HOUR DISCUSSIONS HELD</b>	Nil
<b>10. STATUTORY RESOLUTIONS</b>	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	Nil
(v) Negatived	1
(vi) Withdrawn	Nil
<b>11. GOVERNMENT RESOLUTIONS</b>	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2
<b>12. PRIVATE MEMBERS' RESOLUTIONS</b>	
(i) Received	6
(ii) Admitted	6
(iii) Discussed	2
(iv) Withdrawn	Nil



(v) Negatived	1
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	Nil
<b>13. GOVERNMENT MOTIONS</b>	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part discussed	Nil
<b>14 PRIVATE MEMBERS' MOTIONS</b>	
(i) Received	195
(ii) Admitted	210*
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
<b>15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE</b>	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part discussed	Nil
<b>16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION.</b>	Nil
<b>17. TOTAL NUMBER OF VISITORS' PASSES ISSUED</b>	1,647
<b>18. TOTAL NUMBER OF PERSONS VISITED</b>	1,868
<b>19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED</b>	185 on 12 March 1987

---

\* 29 notices of Short Duration Discussion on 15 subjects were admitted as Private Members' Motions with the notices on the same subject being clubbed.

20. MAXIMUM NUMBER OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED	250 on 5 March 1987
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	336
(ii) Unstarred	2,897
(iii) Short-Notice Questions	1
22. DISCUSSION ON THE WORKING OF THE MINISTRIES	Nil
23. WORKING OF PARLIAMENTARY COMMITTEES	

Name of Committee	No. of meetings held during the Session	No. of Reports presented during the Session
(i) Business Advisory Committee	4	—
(ii) Committee on Subordinate Legislation	8	—
(iii) Committee on Petitions	14	—
(iv) Committee of Privileges	—	—
(v) Committee on Rules	1	—
(vi) Committee on Government Assurances	5	—
(vii) Committee on Papers Laid on the Table	5	—
(viii) General Purposes Committee	—	—

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	3
25. PETITIONS PRESENTED	Nil
26. NAME OF NEW MEMBERS SWORN WITH Dates	

S.No.	Name of members sworn	Date on which sworn
1.	Shri Samar Mukherjee	23-2-1987

## 27. OBITUARY REFERENCES

S. No.	Name	Sitting member/ Ex-member
1.	Shri Jagannath Bhardwaj	Ex-member
2.	Shri Raj Narain	-do-
3.	Dr. M.R. Vyas	-do-
4.	Shri Sardar Singh	-do-
5.	Shri Syed Ahmad	-do-
6.	Shri Biswa Goswami	-do-
7.	Mahant Laxmi Narain Das	-do-
8.	Shri Rameshwar Umrao Agnibhoj	-do-
9.	Shri Bairagi Dwibedy	-do-

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 JANUARY TO 31 MARCH 1987

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.	5.1.87 to 24.1.87 and 21.3.87 to 10.4.87	22	38(37)	1	275(56)(a)	(71)(b)	205(19)
Arunachal Pradesh L.A.	23.3.87 to 24.3.87	2	—	—	56(53)	51(49)	—
Assam L.A.	—	—	—	—	—	—	—
Bihar L.A.	9.3.87 to 21.3.87	8	10(12)	—	1,493(472)(c)	(483)	(57)
Bihar L.C.	9.3.87 to 21.3.87	8	(11)	—	540(542)	2(2)	131(62)
Gujarat L.A.	27.1.87 to 27.3.87	41	20(21)	4	4,588(2,074)	(176)(d)	101(15)
Haryana L.A.	23.2.87 to 10.3.87	10	13(13)	—	88(70)(e)	4(4)	1
Himachal Pradesh L.A.	2.3.87 to 3.4.87	18	13(13)	—	1,075(565)(f)	109(208)(g)	3(1)
Jammu & Kashmir L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—
Karnataka L.A.	29.1.87 to 13.2.87 and 27.2.87 to 3.4.87	38	32(30)	—	2,128(2,098)	(1,059)	42(14)
Karnataka L.C.	29.1.87 to 13.2.87 and 27.2.87 to 3.4.87	35	(28)	—	1,117(650)	357(357)	10(2)
Kerala L.A.	28.3.87 to 3.4.87	6	4(4)	—	—	—	—
Madhya Pradesh L.A.	5.3.87 (Started)	—	7(3)	1	7,306(301)(h)	(1,324)	1

Maharashtra L.A.	—	—	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—	—	—
Manipur L.A.	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	1.3.87 to 16.4.87	29	7(6)	—	5(5)	371(256)	—	—	—
Mizoram L.A.	21.1.87 (one day) and 10.3.87 to 27.3.87	11	2(2)	—	23(23)	—	—	—	—
Nagaland L.A.	9.3.87 to 23.2.87	11	4(4)	—	116(113)	37(37)	2(2)	—	—
Orissa L.A.	—	—	—	—	—	—	—	—	—
Punjab L.A.	11.3.87 to 1.4.87	16	8(7)	—	387(290)	24(18)	7(3)	—	—
Rajasthan L.A.	—	—	—	—	—	—	—	—	—
Sikkim L.A.	2.3.87 to 6.3.87	5	5(5)	—	60(60)	46(46)	—	—	—
Tamil Nadu L.A.	28.2.87 to 20.3.87	16	7(8)	—	1015(217)	198(198)	77(73)	—	—
Tripura L.A.	6.3.87 to 27.3.87	16	9(9)	—	646(441)(i)	15(75)(j)	3(1)	—	—
Uttar Pradesh L.A.	2.3.87 to 10.3.87	7	6(6)	—	4,753(1,896)(k)	2,503(4,738)(l)	765(81)	—	—
Uttar Pradesh L.C.	—	—	—	—	—	—	—	—	—
West Bengal L.A.	27.2.87 to 28.3.87	7	4(4)	—	—	—	—	—	—
UNION TERRITORIES									
Delhi Metropolitan Council	—	—	—	—	—	—	—	—	—
Goa, Daman and Diu L.A.	4.2.87 (one day) and 23.3.87 to 27.3.87	6	6(7)	—	540(250)	(154)(m)	6(4)	—	—
Pondicherry L.A.	—	—	—	—	—	—	—	—	—

Notes: (i) Figures in Col. 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 Col. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
- (a) The figure 56 includes 10 Short Notice Questions admitted as Starred.
- (b) The figure 71 includes 66 Starred Notices admitted as Unstarred and 5 Short Notice Questions admitted as Unstarred.
- (c) The figure 1,493 includes the total number of notices received.
- (d) 176 notices received as Starred were admitted as Unstarred.
- (e) Number received/admitted include one question which was bracketed and two questions which were withdrawn.
- (f) The figure 565 includes 16 notices postponed from the previous Session.
- (g) The figure 208 includes 138 notices which were classified as Unstarred from Starred and 39 notices which were either bracketed or rejected. Plus 8 postponed from previous session.
- (h) The figure 7,306 includes the total number of Starred and Unstarred notices received.
- (i) 1 Short Notice Question was admitted as Starred.
- (j) 67 Starred Notices were admitted as Unstarred.
- (k) The figure 1,896 includes 238 Short Notice Questions admitted as Starred.
- (l) The figure 4,738 includes 2,313 Starred Notices admitted as Unstarred and 273 Short Notice Questions admitted as Unstarred.
- (m) 154 Starred Notices were converted into 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																
Committee on Govt. Assurances																
Committee on Petitions																
Committee on Private Members Bills and Resolutions																
Committee of Privileges																
Committee on Public Undertakings																
Committee on Subordinate Legislation																
Committee on the Welfare of SC and ST																
Estimates Committee																
General Purposes Committee																
House/Accommodation Committee																
Library Committee																
Public Accounts Committee																
Rules Committee																
Joint/Select Committee																
Other Committee																
<b>Andhra Pradesh L.A.</b>	6(6)	3	1(1)	—	(1)	4	1	11(3)(a)	2(4)	—	—	—	2(4)	—	—	31(5)(b)
<b>Arunachal Pradesh L.A.</b>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Assam L.A.</b>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Bihar L.A.</b>	3	57(1)	49(30)	17	2	51(3)	17	40	61	—	10	16	47	22	11(c)	37(d)
<b>Bihar L.C.</b>	4(4)	27	24(1)	—	13	—	11	—	—	10	17	16	—	—	—	23(1)(e)
<b>Gujarat L.A.</b>	12(9)	2	2	8(8)	2(1)	3(4)	1(2)	4(4)(f)	2(2)	—	1	—	2(1)	1	—	10(9)(g)

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Haryana L.A.	1(1)	8(1)	4	—	2	12(4)	7(1)	9(1)	11(2)	—	2	11	14(1)	—	1(1)	—
Himachal Pradesh L.A.	3(3)	7(1)	1(1)	—	2	7(11)	4(1)	6(8)	9(8)	—	—	—	9(32)	1(1)	—	4(1)(h)
Jammu & Kashmir L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	3	3	(1)	5	4(1)	4(2)	4(2)	4(1)	7(9)	—	2	2	2(3)	—	4(i)	3(1)(j)
Karnataka L.C.	3(3)	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala L.A.	—	6	7	3	2	8	6	6	7	—	7	4	8	—	—	6(k)
Madhya Pradesh L.A.	3(3)	4	3	4(3)	3(1)	3(2)	3	1	3	—	2	1	11	1	—	4(l)
Maharashtra L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	—	3	—	—	5	3	9	2	—	—	—	—	12	—	—	—
Mizoram L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	1	1(3)	—	—	(1)	—	—	—	—	—	—	—	2(2)	—	—	—
Orissa L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab L.A.	4(4)	25(1)	22	—	5(1)	21(4)	19(1)	14(1)	24(2)	—	14	18	32(3)	—	—	17(m)
Rajasthan L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.	—	4	—	—	—	—	—	—	2	—	2	—	2	—	—	—
Tamil Nadu L.A.	3	7	10	—	—	5(13)	5	—	3	—	2	—	5(6)	—	—	3(n)
Tripura L.A.	1(1)	1	2	—	—	—	—	4(1)(o)	—	—	—	—	9(3)	3(1)	1	2(p)

Uttar Pradesh L.A.	4	31(2)	3	—	6	5	20(1)	20	21	—	12	25(3)	10	16(c)	10(1)(r)
Uttar Pradesh L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.	1(1)	4(1)	6(1)	—	—	5(3)	5	4	6(1)	—	3(1)	8(8)	1	—	—
UNION TERRITORIES															
Delhi Metropolitan Council	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa, Daman & Diu L.A.	3(2)	1(1)	—	—	1	1	1(1)	—	4(1)	—	—	2(3)	—	4(1)(e)	7(t)
Pondicherry L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

NOTES: Figures in the brackets indicate the number of reports presented to the House.

(a) Committee on Welfare of Scheduled Castes — 8 sittings and 2 reports; and Committee on Welfare of Scheduled Tribes — 3 sittings and 1 report.

(b) Welfare of Backward Classes Committee — 6 sittings; House Committee on C.I. Wells — 2 sittings and 1 report; House Committee on Mining Corporation — 1 sitting and 1 report; House Committee on A.P. Carbides — 1 sitting and 1 report; House Committee on 220 K.V. Lines — 3 sittings; House Committee on Bairag Mutt — 3 sittings and 1 report; House Committee on LIDCAP — 2 sittings; House Committee on Padmalaya Studios — 6 sittings; House Committee on former Ministers (Furniture) — 1 sitting; House Committee on Cooperative Sugar Factory — 3 sittings and 1 report; and House Committee on Laxmi and Globe Tobacco — 3 sittings.

- (c) Zila Panchayat Committee — 11 sittings.
- (d) Questions and Calling Attention Committee — 37 sittings.
- (e) Questions and Calling Attention Committee — 23 sittings.
- (f) Committee on the Welfare of Scheduled Castes — 3 sittings and 2 reports and Committee on the Welfare of Scheduled Tribes — 1 sitting and 2 reports.
- (g) Committee on Panchayati Raj — 3 sittings and 2 reports; Committee on Welfare of Socially and Educationally Backward Classes, Nomadic Tribes and Denotified Tribes — 6 sittings and 6 reports; and Committee on Absence of Members — 1 sitting and 1 report.
- (h) Committee on Papers Laid on the Table — 3 sittings and 1 report; and Implementation of Official Language Committee — 1 sitting.
- (i) Committee on Welfare of Backward Classes — 3 sittings and 1 report.
- (j) Committee on Karnataka Land Revenue (Second Amendment) Bill, 1986 — 4 sittings.
- (k) Subject Committee on Social Service — 1 sitting; Subject Committee on Food, Housing and Labour — 2 sittings; Subject Committee on Local Administration and Co-operation — 1 sitting and Subject Committee on Home Affairs — 2 sittings.
- (l) Committee relating to Examination of Papers Laid on the Table — 4 sittings.
- (m)<sup>1</sup> Committee on Papers Laid/to be Laid on the Table — 17 sittings.
- (n) Committee on Papers Laid on the Table of the House — 3 sittings.
- (o) Committee on Welfare of Scheduled Castes — 2 sittings and Committee on Welfare of Scheduled Tribes — 2 sittings and 1 report.

- (p) Committee on Delegated Legislation — 2 sittings.
- (q) Joint Committee on Housing — 16 sittings.
- (r) Parliamentary Research, Reference and Study Committee — 7 sittings; and Questions and Reference Committee — 3 sittings and 1 report.
- (s) Select Committee on Bill No. 8 of 1986 on Goa, Daman and Diu Prevention of Defacement Bill — 4 sittings and 1 report.
- (t) House Committee on Góá Marketing and Supply Federation — 5 sittings; and House Committee on Video Parlours — 2 sittings.

## APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD  
1 JANUARY TO 31 MARCH 1987

---

S. No.	Title of the Bill	Date of assent by the President
1.	The Constitution (Fifty-fourth Amendment) Bill, 1986.	14-3-1987
2.	The Appropriation (Vote on Account) Bill, 1987.	21-3-1987
3.	The Appropriation Bill, 1987.	21-3-1987
4.	The Appropriation (No. 2) Bill, 1987.	21-3-1987
5.	The Cotton, Copra and Vegetable Oils Cess (Abolition) Bill, 1987.	21-3-1987
6.	The Appropriation (Railways) Bill, 1987.	26-3-1987
7.	The Appropriation (Railways) No. 2 Bill, 1987.	26-3-1987
8.	The Appropriation (Railways) No. 3 Bill, 1987.	26-3-1987
9.	The Delhi Municipal Corporation (Amendment) Bill, 1987.	29-3-1987

---



## APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD  
1 JANUARY TO 31 MARCH 1987

---

### STATES

#### ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Appropriation (Vote on Account) Bill, 1987.
2. The Andhra Pradesh Appropriation Bill, 1987.
3. The Andhra Pradesh Devdasi (~~Prohibition of Dedication~~) Bill, 1987.
4. The Andhra Pradesh Municipal Laws (Third Amendment) Bill, 1987.
5. The Andhra Pradesh Interest Free Sales Tax Loans for Industries (Imposition of Ceiling) Bill, 1987.
6. The Andhra Pradesh General Sales Tax (Third Amendment) Bill, 1987.
7. The Andhra Pradesh Tax on Professions, Trades, Callings and Employment Bill, 1987.
8. The Andhra Pradesh, Mandala Praja Parishads, Zilla Praja Parishads and Zilla Abhivrudhi Sameeksha Mandals Second Amendment) Bill, 1987.
- \*9. The Industrial Disputes (Andhra Pradesh Amendment) Bill, 1987.
10. The Andhra Pradesh Co-operative Societies (Amendment) Bill, 1987.
11. The Andhra Pradesh Tax on Luxuries in Hotels and Lodging Houses Bill, 1987.
12. The Andhra Pradesh University Acts (Amendment) Bill, 1987.
- \*13. The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Bill, 1987.
14. The Andhra Pradesh Education (Amendment) Bill, 1987.
15. The Andhra Pradesh Yogadhyayana Parishad Bill, 1987.
16. The Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987.
17. The Andhra Pradesh Advocates Welfare Fund Bill, 1987.
18. The Andhra Pradesh Co-operative Societies' Laws (Amendment) Bill, 1987.
19. The Andhra Pradesh Gram Panchayats (Amendment) Bill, 1987.
20. The Andhra Pradesh Land Grabbing (Prohibition) (Amendment) Bill, 1987.
21. The Andhra Pradesh (Agricultural Produce and Livestocks) Markets (Amendment) Bill, 1987.
22. The Andhra Pradesh General Sales Tax (Amendment) Bill, 1987.
23. The Andhra Pradesh Municipal Laws (Amendment) Bill, 1987.
24. The Andhra Pradesh Agricultural Indebtedness (Relief) Bill, 1987.

---

\*Awaiting assent

25. The Municipal Corporation Acts (Amendment) Bill, 1987.
26. The Hyderabad Municipal Corporation (Amendment) Bill, 1987.
27. The Andhra Pradesh Mandal Praja Parishads, Zilla Praja Parishads and Zilla Pranalika Adhivrudhi Mandals (Amendment) Bill, 1987.
28. The Andhra Pradesh Rashtra Krashaka Parishad and Allied Bodies Bill, 1987.
- \*29. The Andhra Pradesh Exhibition of Films on Television Screen through Video Cassette Recorders (Regulations) Bill, 1987.
30. The Andhra Pradesh Municipal Laws (Second Amendment) Bill, 1987.
31. The Andhra Pradesh General Sales Tax (Second Amendment) Bill, 1987.
32. The University of Health Sciences (Amendment) Bill, 1987.
33. The Andhra Pradesh Vaidya Vidhan Parishad (Amendment) Bill, 1987.
- \*34. The Andhra Pradesh Apartments (Promotion of Constitution and Ownership) Bill, 1987.
35. The Andhra Pradesh Motor Vehicles Taxation (Amendment) Bill, 1987.
36. The Andhra Pradesh Public Libraries (Amendment) Bill, 1987.
37. The Andhra Pradesh Public Libraries (Second Amendment) Bill, 1987.

#### BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Appropriation (Vote on Account) Bill, 1987.
2. The Bihar Property Virupan Niwaran Bill, 1985.
3. The Bihar Tenancy (Amendment) Bill, 1987.
4. The State Water Board and Sewerage Board (Amendment) Bill, 1987.
5. The Sugarcane Supply and Purchase Regulation (Amendment) Bill, 1987.
6. The Bihar Sugar Undertakings (Acquisition) Amendment Bill, 1987.
7. The Bihar Appropriation Bill, 1987.
8. The Tana Bhagat Ryot Agricultural Land Recancellation (Amendment) Bill, 1987.
9. The Bihar State Weaker Sections Legal Assistance (Amendment) Bill, 1987.
10. The Bihar Gazetted Officers Ad hoc Appointment and Regulation Bill, 1987.
11. The Bihar Land Reform (Maximum Ceiling Fixation and Excess Land Acquisition) (Amendment) Bill, 1987.
12. The Patna Corporation Bill, 1987.

#### BIHAR LEGISLATIVE COUNCIL

1. Bihar Ukh Aapurti evam Kharid ka Viniyaman (Sanshodhan) Vidheyak, 1987.
2. Bihar Chini Upkram (Anjan) (Sanshodhan) Vidheyak, 1987.
3. Bihar Viniyog Lekhanudan Vidheyak, 1987.

4. Bihar Viniyog Vidheyak, 1987.
5. Tana Bhagat Ryot Krishak Boomi Pratyavartan (Sanshodhan) Vidheyak, 1987.
6. Bihar Rajya Kamzor Varg Vidhik Sahayata (Sanshodhan) Vidheyak, 1987.
7. Bihar Rajpatrit Padadhikari Tadardh Niyukti Niyamitikaran Vidheyak, 1987.
8. Bihar Bhoomi Sudhar Adhiktam Seema Nirddharan aur Adhishesh Boomi Arjan (Sanshodhan) Vidheyak, 1987.
9. Patna Nagar Nigam (Sanshodhan) Vidheyak, 1987.
10. Patna Nagar Nigam (Sanshodhan) evam Vidhiyanyakaran (Sanshodhan) Vidheyak, 1987.
11. Bihar Private Shiksha Sanstha (Adhigrahan) Vidheyak, 1987.

GUJARAT LEGISLATIVE ASSEMBLY

- \*1 The Provincial Insolvency (Gujarat Amendment) Bill, 1986.
- \*2. The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Bill, 1986.
3. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1987.
4. The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Bill, 1987.
5. The Gujarat Panchayats (Amendment) Bill, 1987.
6. The Bombay Land Revenue (Gujarat Amendment) Bill, 1987.
7. The Gujarat Contingency Fund (Temporary Increase) Bill, 1987.
8. The Gujarat Motor Vehicles (Requisitioning and Control) Bill, 1987
9. The Bhavnagar University (Amendment) Bill, 1987.
10. The Bombay Electricity Duty (Gujarat Amendment) Bill, 1987.
11. The Bombay Stamp (Gujarat Amendment) Bill, 1987.
12. The Gujarat Panchayats (Second Amendment) Bill, 1987.
13. The Gujarat (Supplementary) Appropriation Bill, 1987.
14. The Gujarat Appropriation (Excess Expenditure) Bill, 1987.
15. The Gujarat Appropriation (Excess Expenditure) (Second) Bill, 1987.
16. The Bombay Sales of Motor Spirit Taxation (Gujarat) Amendment) Bill, 1987.
17. The Gujarat Sales Tax (Amendment) Bill, 1987.
18. The Bombay Motor Vehicles Tax (Gujarat Amendment) Bill, 1987.
19. The Gujarat Entertainments Tax (Amendment) Bill, 1987.
20. The Gujarat Appropriation Bill, 1987.
21. The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Bill, 1987.

## HARYANA VIDHAN SABHA

- \*1. The Indian Electricity (Haryana Amendment) Bill, 1987.
2. The Punjab Entertainments Duty (Haryana Amendment and Validation) Bill, 1987.
3. The Punjab Backward Classes (Grant of Loans) Haryana Amendment Bill, 1987.
4. The Punjab Gram Panchayat (Haryana Amendment) Bill, 1987.
5. The Punjab Panchayat Samitis (Haryana Amendment) Bill, 1987.
6. The Haryana Appropriation (No. 1) Bill, 1987.
7. The Haryana Appropriation (No. 2) Bill, 1987.
8. The Haryana Appropriation (No. 3) Bill, 1987.
9. The Haryana Appropriation (No. 4) Bill, 1987.
10. The Punjab Excise (Haryana Amendment) Bill, 1987.
11. The Haryana General Sales Tax (Amendment) Bill, 1987.
12. The Haryana Legislative Assembly (Facilities to Members) Amendment Bill, 1987.
13. The Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 1987.

## HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation (Amendment) Bill, 1987.
2. The Himachal Pradesh Appropriation Bill, 1987.
3. The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1987.
4. The Himachal Pradesh Tenancy and Land Reforms (Amendment) Bill, 1987.
5. The Himachal Pradesh Appropriation (No. 2) Bill, 1987.
6. The Himachal Pradesh Appropriation (No. 3) Bill, 1987.
7. The Punjab Pre-emption Himachal Pradesh (Repealing) Bill, 1987.
8. The Himachal Pradesh Cooperative Land Development Banks (Amendment) Bill, 1987.
9. The Himachal Pradesh Village Common Lands Vesting and Utilisation (Amendment) Bill, 1987.
10. The Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 1987.
11. The Himachal Pradesh Legislative Assembly (Allowances and Pensions of Members) (Amendment) Bill, 1987.
12. The Himachal Pradesh Agricultural Produce Markets (Amendment) Bill, 1987.
13. The Himachal Pradesh General Sales Tax (Amendment) Bill, 1987.

KARNATAKA LEGISLATIVE ASSEMBLY

1. **The Karnataka Local Authorities (Prohibition of Defection) Bill, 1987.**
2. **The Karnataka Industrial Areas Development (Amendment) Bill, 1987.**
3. **The Karnataka Religious Buildings and Places Bill, 1987.**
4. **The Karnataka Inams Abolition Laws (Amendment) Bill, 1987.**
5. **The Karnataka Entertainment Tax (Amendment) Bill, 1987.**
6. **The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum-Grabbers (Amendment) Bill, 1987.**
7. **The Karnataka Zilla Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats (Amendment) Bill 1987.**
8. **The Registration (Karnataka Amendment) Bill, 1987.**
9. **The Karnataka Money Lenders (Amendment) Bill, 1987.**
10. **The Karnataka Legal Aid Board (Amendment) Bill, 1987.**
11. **The Karnataka State Universities (Amendment) Bill, 1987.**
12. **The Karnataka Urban Development Bill, 1987.**
13. **The Karnataka Stamp (Amendment) Bill, 1987.**
14. **The Code of Criminal Procedure (Karnataka Amendment) Bill, 1987.**
15. **The Karnataka Appropriation Bill, 1987.**
16. **The Karnataka Appropriation (No. 2) Bill, 1987.**
17. **The Karnataka Entertainments Tax (Second Amendment) Bill, 1987.**
18. **The Karnataka Tax on Professions, Trades, Callings and Employment (Amendment) Bill, 1987.**
19. **The Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein (Amendment) Bill, 1987.**
20. **The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1987.**
21. **The Karnataka Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 1987.**
22. **The Karnataka Stamp (Second Amendment) Bill, 1987.**
23. **The Karnataka Sales Tax (Amendment) Bill, 1987.**
24. **The Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein (Amendment) Bill, 1987.**
25. **The Agricultural Income Tax (Amendment) Bill, 1987.**
26. **The Karnataka Universities of Agricultural Sciences (Amendment) Bill, 1987.**
27. **The Public Works (Extension of Limitation) (Karnataka Amendment) Bill, 1987.**
28. **The Entertainment Tax (Third Amendment) Bill, 1987.**
29. **The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1987.**
30. **The Karnataka Ministers' Salaries and Allowances (Amendment) Bill, 1987.**

## KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Industrial Area Development (Amendment) Bill, 1987.
2. The Karnataka Inams Abolition Laws (Amendment) Bill, 1987.
3. The Karnataka Entertainment Tax (Amendment) Bill, 1987.
4. The Karnataka Money Lenders (Amendment) Bill, 1987.
5. The Registration (Karnataka Amendment) Bill, 1987.
6. The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum-Grabbers (Amendment) Bill, 1987.
7. The Karnataka Local Authorities (Prohibition of Defection) Bill, 1987.
8. The Karnataka Legal Aid Board (Amendment) Bill, 1987.
9. The Karnataka Zilla Parishads, Talluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats (Amendment) Bill, 1987.
10. The Karnataka Appropriation Bill, 1987.
11. The Karnataka Appropriation (No. 2) Bill, 1987.
12. The Karnataka Entertainment Tax (Second Amendment) Bill, 1987.
13. The Karnataka Tax on Professions, Trades, Callings and Employment (Amendment) Bill, 1987.
14. The Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale Therein (Amendment) Bill, 1987.
15. The Karnataka Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 1987.
16. The Karnataka Sales Tax (Amendment) Bill, 1987.
17. The Karnataka Agricultural Income Tax (Amendment) Bill, 1987.
18. The Karnataka Stamp (Amendment) Bill, 1987.
19. The Karnataka Stamp (Second Amendment) Bill, 1987.
20. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1987.
21. The Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein (Second Amendment) Bill, 1987.
22. The Code of Criminal Procedure (Karnataka Amendment) Bill, 1987.
23. The Karnataka State Universities (Amendment) Bill, 1987.
24. The Karnataka Universities of Agricultural Sciences (Amendment) Bill, 1987.
25. The Public Wakfs (Extension of Limitation) Karnataka Amendment) Bill, 1987.
26. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1987.
27. The Karnataka Ministers Salaries and Allowances (Amendment) Bill, 1987.
28. The Karnataka Entertainment Tax (Third Amendment) Bill, 1987.

**KERALA LEGISLATIVE ASSEMBLY**

1. **The Kerala Municipalities (Amendment) Bill, 1987.**
2. **The Kerala Municipal Laws Amendment (Amending) Bill, 1987.**
3. **The Kerala Appropriation Bill, 1987.**
4. **The Kerala Appropriation (Vote on Account) Bill, 1987.**

**MADHYA PRADESH LEGISLATIVE ASSEMBLY**

1. **The Madhya Pradesh Rajbhasha (Sanshodhan) Vidheyak, 1987.**
2. **The Madhya Pradesh Viniyog (No. 1) Vidheyak, 1987.**
3. **The Madhya Pradesh Viniyog (Lekhanudan) Vidheyak, 1987.**

**MEGHALAYA LEGISLATIVE ASSEMBLY**

1. **The Meghalaya Appropriation (Vote on Account) Bill, 1987.**
2. **The Meghalaya Appropriation (No. 1) Bill, 1987.**
3. **The Meghalaya Appropriation (No. II) Bill, 1987.**
4. **The Meghalaya Appropriation (No. III) Bill, 1987.**
5. **The Meghalaya Purchase Tax (Amendment) Bill, 1987.**
6. **The Meghalaya Amusements and Betting Tax (Amendment) Bill, 1987.**

**NAGALAND LEGISLATIVE ASSEMBLY**

1. **The Nagaland Appropriation (No. 1) Bill, 1987.**
2. **The Nagaland Appropriation (No. 2) Bill, 1987.**
3. **The Nagaland Appropriation (No. 3) Bill, 1987.**
4. **Rules for the Administration of Justice and Police in Nagaland (Fourth Amendment) Bill, 1987.**

**PUNJAB VIDHAN SABHA**

1. **The Punjab Appropriation (No. 1) Bill, 1987.**
2. **The Punjab Appropriation (No. 2) Bill, 1987.**
- \*3. **The Punjab General Sales Tax (Amendment and Validation) Bill, 1987.**
- \*4. **The Punjab School Education Board (Amendment) Bill, 1987.**
5. **The Punjab Rural Development Bill, 1987.**



- \*6. **The Northern India Canal and Drainage (Punjab Amendment) Bill, 1987.**
- \*7. **The Punjab Passengers and Goods Taxation (Amendment) Bill, 1987.**

**SIKKIM LEGISLATIVE ASSEMBLY**

- 1. **The Sikkim Relief Undertaking Bill No. 1 of 1987.**
- 2. **The Sikkim Sewerage and Sewage Disposal Bill No. 2 of 1987.**
- 3. **The Sikkim Motor Vehicles Taxation (Amendment) Bill No. 3 of 1987.**
- 4. **The Sikkim Appropriation Bill No. 4 of 1987.**
- 5. **The Sikkim Appropriation Bill No. 5 of 1987.**

**TAMIL NADU LEGISLATIVE ASSEMBLY**

- 1. **The Tamil Nadu Contingency Fund (Amendment) Bill, 1987**
- 2. **The Pachaiyappa's Trust (Taking over of Management) Amendment Bill, 1987.**
- 3. **The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Bill, 1987.**
- 4. **The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Bill, 1987.)**
- 5. **The Kelavarappalli Reservoir Scheme (Acquisition of Land) Bill, 1987.**
- 6. **The Tamil Nadu Appropriation (Vote on Account) Bill, 1987.**
- 7. **The Tamil Nadu Appropriation Bill, 1987.**
- 8. **The Tamil Nadu Agricultural Produce Marketing (Regulation) Bill, 1987.**

**TRIPURA LEGISLATIVE ASSEMBLY**

- 1. **The Tripura Appropriation (No. 2) Bill, 1987.**
- \*2. **The Code of Criminal Procedure (Tripura Second Amendment) Bill, 1987.**
- \*3. **The Tripura Sales Tax (Fourth Amendment) Bill, 1987.**
- \*4. **The Tripura Amusements Tax (Second Amendment) Bill, 1987.**
- \*5. **The Tripura Excise Bill, 1987.**
- \*6. **The Tripura University Bill, 1987.**
- 7. **The Tripura Appropriation Bill, 1987.**
- \*8. **The Salary, Allowances and Pension of Members of the Legislative Assembly (Tripura) (Sixth Amendment) Bill, 1987.**
- \*9. **The Salaries and Allowances of Ministers (Tripura) (Fourth Amendment) Bill, 1987.**

**UTTAR PRADESH LEGISLATIVE ASSEMBLY**

1. The Uttar Pradesh Area Development (Amendment) Bill, 1987.
2. The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Bill, 1987.
3. The Uttar Pradesh Public Services (Tribunals) (Amendment) Bill, 1987.
4. The Uttar Pradesh Co-operative Societies (Amendment) Bill 1987
5. The Uttar Pradesh Appropriation (Second Supplementary 1986-87) Bill, 1987.
6. The Uttar Pradesh Appropriation (Vote on Account) Bill, 1987.

**WEST BENGAL LEGISLATIVE ASSEMBLY**

- \*1. The West Bengal Official Language (Amendment) Bill, 1987.
- \*2. The Bengal Amusements Tax (Amendment) Bill, 1987.
3. The West Bengal Appropriation Bill, 1987.
4. The West Bengal Appropriation (Vote on Account) Bill, 1987.

**UNION TERRITORIES****GOA DAMAN AND DIU LEGISLATIVE ASSEMBLY**

- \*1. The Goa, Daman and Diu Civil Courts (Amendment) Bill, 1987.
- \*2. The Goa, Daman and Diu Official Language Bill, 1986.
3. The Goa, Daman and Diu Supplementary Appropriation Bill, 1987.
4. The Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1987.
- \*5. The Goa, Daman and Diu Land Revenue Code (Amendment) Bill, 1987.
- \*6. The Goa, Daman and Diu University (Amendment) Bill, 1987.
- \*7. The Goa, Daman and Diu Highways (Amendment) Bill, 1987.

---

\*Awaiting assent.

## APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD 1 JANUARY TO 31 MARCH, 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 Delhi Municipal Corporation (Amendment) Ordinance, 1987 (No. 1 of 1987)	5.2.87	23.2.87	—	Replaced by Legislation
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The Andhra Pradesh Land Grabbing (Prohibition) (Amendment) Ordinance, 1986.	—	6.1.87	—	Replaced by Legislation
2.	The Andhra Pradesh Interest Free Sales Tax Loans for Industries (Imposition of Ceiling) Ordinance, 1987.	9.2.87	21.3.87	—	—do—
3.	The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 1987.	24.2.87	21.3.87	—	—do—
BIHAR					
1.	The Indian Stamp (Bihar Amendment) Ordinance, 1986.	—	—	—	—
2.	The Bihar Agriculture University Second Ordinance, 1986.	—	—	—	—
3.	The Bihar Contingency Fund (Second Amendment) Ordinance, 1986.	—	—	—	—

4	The Bihar Entertainment Tax (Amendment and Validation) Second Ordinance, 1986.	—	—	—	—
5	The Bihar Sugarcane (Supply and Purchase Regulation) (Amendment) Second Ordinance, 1986	—	—	—	—
6	The Bihar Sugar Undertakings (Acquisition) (Amendment) Second Ordinance, 1986.	—	—	—	—
7	The Patna Nagar Corporation (Amendment & Validation) (Amendment) Second Ordinance, 1986.	—	—	—	—
8	The Bihar State University (Constituent College) Service Commission Second Ordinance, 1986	—	—	—	—
9	The Bihar Intermediate Education Second Ordinance, 1986.	—	—	—	—
10	The Bihar Private Secondary School (Management and Control Adoption) (Amendment) Second Ordinance, 1986.	—	—	—	—
11	The Patna University (Amendment) Third Ordinance, 1986.	—	—	—	—
12	The Bihar State University (Amendment) Third Ordinance, 1986.	—	—	—	—
13	The Bihar Private Educational Institution (Adoption) Second Ordinance, 1986.	—	—	—	—
14	The Bihar State Weaker Section Legal Assistance (Amendment) Ordinance, 1986.	—	—	—	—
15	The Bihar Gazetted Officers Ad-hoc Appointment Regularisation Ordinance, 1986.	—	—	—	—
16	Tana Bhagat Ryot Agricultural Land Recancellation (Amendment) Ordinance, 1986.	—	—	—	—
17	The Patna University (Second Amendment) Ordinance, 1986.	—	—	—	—

1	2	3	4	5	6
18.	The Bihar State University (Second Amendment) Ordinance, 1986.	—	—	—	—
19.	The Bihar Non-Government Educational Institution (Adoption) Ordinance, 1986.	—	—	—	—
20.	The Bihar Private Engineering College (Adoption) Ordinance, 1986.	—	—	—	—
21.	The Patna University (Third Amendment) Ordinance 1986.	—	—	—	—
22.	The Bihar State University (Third Amendment) Ordinance, 1986.	—	—	—	—
23.	The Patna Corporation (Amendment) Ordinance, 1986.	—	—	—	—
24.	The Bihar Land Reform (Maximum Ceiling Fixation and Excess and Acquisition) (Amendment) Ordinance, 1986.	—	—	—	—
25.	The Bihar Contingency Fund (Third Amendment) Ordinance, 1986.	—	—	—	—
26.	The Bihar Legislature (Members' Salaries Pension and Allowances) (Second Amendment) Ordinance, 1986.	—	—	—	—
27.	The Nalanda Open University Ordinance, 1987.	—	—	—	—
28.	The Bihar Non-Government Secondary School (Management and Control Adoption) (Amendment) Ordinance, 1987.	—	—	—	—

	GUJARAT			Replaced by Legislation
1. The Gujarat Panchayats (Amendment) Ordinance, 1986.	26.9.86	27.1.87	—	—do—
2. The Gujarat Contingency Fund (Temporary Increase) (Third) Ordinance, 1986.	22.10.86	—do—	—	—do—
3. The Gujarat Motor Vehicles (Requisitioning and Control) Ordinance, 1986.	2.12.86	—do—	—	—do—
4. The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Ordinance, 1986.	18.12.86	—do—	—	—do—
5. The Bombay Inams (Kutch Area) Abolition (Gujarat Second Amendment) Ordinance, 1986.	—do—	—do—	—	—do—
6. The Bombay Land Revenue (Gujarat Amendment) Ordinance, 1986.	26.12.86	—do—	—	—do—
<b>HARYANA</b>				
1. The Punjab Backward Classes (Grant of Loans) Haryana Amendment, Ordinance, 1987.	10.1.87	23.2.87	—	Replaced by Legislation
<b>HIMACHAL PRADESH</b>				
1. The Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation (Amendment) Ordinance, 1987.	11.2.87	2.3.87	14.4.87	Replaced by Legislation.
<b>MADHYA PRADESH</b>				
1. The Raipur Krishi Vishvavidyalaya Adhyadesh, 1987.	20.1.87	6.3.87	—	—
2. The Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran (Sanshodhan) Adhyadesh, 1987.	11.2.87	6.3.87	—	—

1	2	3	4	5	6
			TAMIL NADU		
1.	The Pachaiyappa's Trust (Taking Over of Management) Amendment Ordinance, 1987.	7.1.87	28.2.87	—	—
2.	The Tamil Nadu Contingency Fund (Amendment) Ordinance, 1987.	29.1.87	—do—	—	—
3.	The Kelavarapalli Reservoir Scheme (Acquisition of Land) Ordinance, 1987.	14.2.87	—do—	—	—
			TRIPURA		
1.	The Code of Criminal Procedure (Tripura Third Amendment) Ordinance, 1987.	16.2.87	6.3.87	—	Replaced by Legislation.
			UTTAR PRADESH		
1.	The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1987.	21.1.87	2.3.87	19.3.87	Replaced by Legislation
2.	The Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1987.	28.1.87	—do—	24.3.87	—do—
3.	The Uttar Pradesh Zilla Parishad (Alpakalik Vyavastha) (Sanshodhan) Adhyadesh, 1987.	31.3.87	—	—	—
4.	The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesh, 1987.	—do—	—	—	—
			WEST BENGAL		
1.	The Bengal Amusements Tax (Amendment) Ordinance, 1986.	19.12.87	25.3.87	—	—
2.	The West Bengal Official Language (Amendment) Ordinance, 1987.	9.2.87	25.3.87	—	—



**UNION TERRITORIES**

**GOA, DAMAN AND DIU**

- |    |   |         |        |         |                         |
|----|---|---------|--------|---------|-------------------------|
| 1. | The Industrial Disputes (Goa, Daman and Diu) Ordinance, 1986. | 8.12.86 | 4.2.87 | 17.3.87 | —                       |
| 2. | The Goa University (Amendment) Ordinance, 1986.               | 22.9.87 | —do—   | —do—    | Replaced by Legislation |



21. Tamil Nadu	39	25	—	—	13(k)	1	39	—
22. Tripura	2	—	—	—	—	—	2	—
23. Uttar Pradesh	85	83	—	—	2(l)	—	85	—
24. West Bengal	42	16	—	—	8(m)	—	42	—
UNION TERRITORIES								
25. Andaman & Nicobar Islands	1	1	—	—	—	—	1	—
26. Chandigarh	1	1	—	—	—	—	1	—
27. Dadra & Nagar Haveli	1	—	—	—	—	1	1	—
28. Delhi	7	7	—	—	—	—	7	—
29. Goa, Daman and Diu	2	2	—	—	—	—	2	—
30. Lakshadweep	1	1	—	—	—	—	1	—
31. Pondicherry	1	1	—	—	—	—	1	—
32. Nominated (Anglo-Indian)	2	—	—	—	—	2	2	—
	544	412	30	22	59	16	539	4

\* Excluding the Speaker

- (a) Janata — 1; CPI(M) — 1; and BJP — 1.
- (b) AGP — 6.
- (c) Janata — 3; and CPI — 2.
- (d) Janata — 1; and BJP — 1.
- (e) J&K National Conference — 3.
- (f) Janata — 4.
- (g) Muslim League — 2; Kerala Congress — 2; and Janata — 1.
- (h) Janata — 2.
- (i) Janata — 1
- (j) Akali Dal (Badal) — 3; and Akali Dal (Bamala) — 2.
- (k) AIADMK — 11; and DMK — 2.
- (l) Lok Dal — 2.
- (m) CPI — 3; RSP — 3; and Forward Bloc — 2.

## B. PARTY POSITION IN RAJYA SABHA (As on 1 May, 1987)

Sl. No.	States/Union Territories	Seats	Cong. (I)	Janata	CIP(M)	BJP	Others	Unattached	Total Vacancies	
1	2	3	4	5	6	7	8	9	10	11
	STATES									
1.	Andhra Pradesh	18	7	1	—	—	10(a)	—	18	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	1	—
3.	Assam	7	5	—	—	—	2(b)	—	7	—
4.	Bihar	22	16	—	—	3	3(c)	—	22	—
5.	Gujarat	11	8	—	—	1	—	2	11	—
6.	Haryana	5	5	—	—	—	—	—	5	—
7.	Himachal Pradesh	3	3	—	—	—	—	—	3	—
8.	Jammu & Kashmir	4	2	—	—	—	1(d)	1	4	—
9.	Karnataka	12	5	6	—	—	—	1	12	—
10.	Kerala	9	3	—	2	—	4(e)	—	9	—
11.	Madhya Pradesh	16	13	—	—	3	—	—	16	—
12.	Maharashtra	19	17	1	—	1	—	—	19	—
13.	Manipur	1	1	—	—	—	—	—	1	—
14.	Meghalaya	1	1	—	—	—	—	—	1	—
15.	Mizoram	1	1	—	—	—	—	—	1	—
16.	Nagaland	1	1	—	—	—	—	—	1	—
17.	Orissa	10	9	1	—	—	—	—	10	—
18.	Punjab	7	5	—	—	—	2(f)	—	7	—
19.	Rajasthan	10	8	—	—	1	—	1	10	—
20.	Sikkim	1	1	—	—	—	—	—	1	—

21. Tamil Nadu	18	4	—	—	—	14(g)	—	18	—
22. Tripura	1	—	—	1	—	—	—	1	—
23. Uttar Pradesh	34	26	1	—	—	7(h)	—	34	—
24. West Bengal	16	1	—	11	—	4(i)	—	16	—
UNION TERRITORIES									
25. Delhi	3	3	—	—	—	—	—	3	—
26. Pondicherry	1	1	—	—	—	—	—	1	—
27. Nominated	12	5	—	—	—	—	7	12	—
	244	152	10	14	9	47	12	244	—

- (a) Telugu Desam — 10.  
 (b) Assam Gana Parishad (AGP) — 2.  
 (c) C.P.I. — 2; and Lok Dal — 1.  
 (d) National Conference — 1.  
 (e) Kerala Congress — 1; Muslim League — 1; Janata (G) — 1; and CPI — 1.  
 (f) Akali Dal — 2.  
 (g) AIADMK — 11; and DMK — 3.  
 (h) Lok Dal — 7.  
 (i) Forward Bloc — 2; R.S.P. — 1; and CPI — 1.



Jammu & Kashmir L.C. (As on 1.1.87)	36	2	—	—	—	—	—	—	—	16(f)	1	19	17
Karnataka L.A. (As on 1.4.87)	225	66	139	—	2	—	2	4	—	—	11	224*	—
Karnataka L.C. (As on 1.4.87)	63	12	18	—	6	—	—	—	—	—	5	41*	21
Kerala L.A. (As on 1.4.87)	141	33	7	1	—	6	35	16	29(g)	10	10	137*	3
Madhya Pradesh L.A. (As on 1.4.87)	321	249	5	—	58	1	—	—	1(h)	5	5	319*	1
Manipur L.A. (As on 1.7.86)	60	39	—	—	—	—	—	—	12(i)	8	8	60	—
Meghalaya L.A. (As on 1.4.87)	60	38	—	—	—	—	—	—	20(j)	1	1	59*	—
Mizoram L.A. (As on 1.4.87)	40	13	—	—	—	—	—	—	27(k)	—	—	40	—
Nagaland L.A. (As on 1.4.87)	60	40	—	—	—	—	—	—	17(l)	2	2	59	1
Punjab L.A. (As on 1.1.87)	117	31	1	—	5	—	—	1	71(m)	4	4	113	4
Rajasthan L.A. (As on 1.1.87)	200	115	10	27	38	—	—	1	—	9	9	200	—
Sikkim L.A. (As on 1.4.87)	32	4	—	—	—	—	—	—	30(n)	1	1	32	—
Tamil Nadu L.A. (As on 31.3.87)	235	62	3	—	—	—	5	2	149(o)	3	3	224*	10



States/Union Territories	Seats	Cong(I)	Janata	Lok Dal	BJP	Cong.(S)	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
Tripura L.A. (As on 1.4.87)	30	11	—	—	—	—	38	—	8(p)	3	60	—
Uttar Pradesh L.A. (As on 1.4.87)	426	267	20	83(q)	16	—	2	6	5(r)	26	425	1
Uttar Pradesh L.C. (As on 31.12.86)	108	36	—	7	2	—	—	2	13	—	60	48
West Bengal L.A. (As on 1.4.87)	295	40	—	—	—	—	187	11	56(s)	—	294	1
UNION TERRITORIES												
Delhi Metropolitan Council (As on 20.11.86)	61	39	1	1	19	—	—	—	—	—	60	1
Goa, Daman & Diu L.A. (As on 1.4.87)	33	22	—	—	—	—	—	—	9(t)	2	33	—
Pondicherry L.A. (As on 1.7.86)	33	18	1	—	—	—	—	—	12(u)	1	—	1

NOTES: \*Excluding the Speaker.

(a) Telugu Desam Party — 200; Majlis-Ittehad-Ul-Muslimeen — 4; and Marxist Communist Party of India — 1.

(b) People's Party of Arunachal Pradesh — 2.

(c) Assam 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) Muslim League — 15; Kerala Congress — 5; Revolutionary Socialist Party — 5; and Kerala Congress (Mani Group) — 4.
- (h) Nominated — 1.
- (i) United Democratic Front — 10; Manipur People's Party — 1; and K.N.A. — 1.
- (j) Hills People Union — 16; Hills State People Democratic Party — 3; and Hills State People Democratic Party(L) — 1.
- (k) Mizo National Front — 25; and People's Conference Party — 2.
- (l) Nagaland National Democratic Party — 17.
- (m) Shiromani Akali Dal — 71.
- (n) Sikkim Sangram Parishad — 30.
- (o) All India Anna Dravida Munnetra Kazhagam — 130; Dravida Munnetra Kazhagam — 12; Indian Union Muslim League — 2; Gandhi Kamraj National Congress — 2; All India Forward Bloc — 2; and Republican Party of India (Khobargade) — 1.
- (p) Tripura Upajati Juba Samity — 6; and RSP — 2.
- (q) Lok Dal(A) — 53; and Lok Dal(B) — 30.
- (r) Congress(J) — 4; and Nominated — 1.
- (s) Forward Bloc — 26; Revolutionary Socialist Party — 18; 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; and Muslim League — 1.
- (t) Maharashtrawadi Gomantak Party — 8; and Goa Congress — 1.
- (u) All India Anna Dravida Munnetra Kazhagam — 6; Dravida Munnetra Kazhagam — 5; and Pondicherry Maanila Makkal Munnai — 1.