

# THE JOURNAL OF PARLIAMENTARY INFORMATION

**PARLIAMENTARY DEMOCRACY IN INDIA**

**—Margaret Alva**

**LOKPAL IN INDIA**

**—Mary Parmar**



**VOLUME XXXIII, No. 1**

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

*Editor:* DR. SUBHASH C. KASHYAP

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

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### *Articles*

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## EDITORIAL NOTE

The first article in this issue of the *Journal* on "Parliamentary Democracy in India" by Shrimati Margaret Alva, Minister of State in the Departments of Youth Affairs, Sports and Women and Child Development, traces the functioning of democratic institutions in this country and emphasizes that democracy is not entirely an import from the West; it was in existence at the grass-roots level in ancient India. The Minister makes a comparative study of the functioning of democracy in India *vis-a-vis* Great Britain and the United States and highlights the merits of our system. Dwelling on the role played by Parliament in India, she asserts that Parliament has functioned "beyond just running the government" and that "it has been an instrument of social change and it basically reflects the society outside". In view of the commitments made by Parliament to the people for creating a new society for fighting injustice and of being an instrument of service to the people, Shrimati Alva concludes with a note of advice that the Government, the judiciary and the bureaucracy together with the watchdog Press, should function in a system of checks and balances.

In the second article on "Lokpal in India", Shrimati Mary Parmar traces the birth of the institution of *Ombudsman* in Sweden for handling complaints against administrative and judicial actions and its adoption by various countries to the world promoted by its success in the land of its origin. Outlining the efforts made at various fora in India to highlight the need for having an adequate machinery to deal with grievances of individuals against the administration, the author refers to legislative measures brought forward for establishing such an institution with particular emphasis on the provisions of the Lokpal Bill 1985. In conclusion, Shrimati Parmar opines that "if the unsatisfactory functioning of Lokayuktas in various States is any indication foretelling the fate of Lokpal, effective provisions need to be made in the very beginning itself to ensure his effective functioning or else the laxity in discharge of functions by the Lokpal would lead to the need for creating another institution to watch his functioning."

Shrimati Pratibha Devisingh Patil was elected Deputy Chairman of Rajya Sabha on 18 November 1986. A feature on the election has been included in this issue.

The Fourth Regional Seminar on Parliamentary Practice and Procedure for Asia, South-East Asia and Africa Regions of the Commonwealth Parliamentary Association was held in Bangalore from 29 to 31 December 1986. We publish in this issue a feature on the Seminar which includes a summary of the more significant points from the Addresses delivered by Dr. Bal Ram Jakhar, Speaker of Lok Sabha and President of the Indian Parliamentary Group; Shri R. Venkataraman, Vice-President of India and Chairman of Rajya Sabha and Shri B. G. Banakar, Speaker of Karnataka Legislative Assembly. The subjects discussed at the Seminar were "Role of Members of Parliament in Contemporary Society" and "Parliamentary Devices to Ensure Implementation of Government Assurances". We also include synopses of the keynote Addresses on the above subjects respectively by Shri Ramakrishna Hegde, Chief Minister of Karnataka and Shrimati Pratibha Devisingh Patil, Deputy Chairman of Rajya Sabha and Vice-President of the Indian Parliamentary Group.

His Excellency Mr. Mikhail S. Gorbachev, General Secretary of the Central Committee of the CPSU, addressed the members of Parliament during his visit to our country in November 1986. Also included in this issue is a feature on the event comprising the synopses of Mr. Gorbachev's Address and speeches delivered by the Prime Minister, Chairman of Rajya Sabha and the Speaker of Lok Sabha on the occasion.

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

We extend our heartiest felicitations to Shri Korambajil Ahmed Haji on his election as Deputy Speaker of the Kerala Legislative Assembly.

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

—Subhash C. Kashyap

## PARLIAMENTARY DEMOCRACY IN INDIA\*

MARGARET ALVA

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At the time of India's independence, there were many who decided the parliamentary system of democracy. They said that it would never work in this country because we were millions of illiterate people exploited for centuries who had not been allowed to take decisions for ourselves and we as voters were unable to decide the destiny of the Government and participate in the democratic system. At that time there was so much doubt whether the parliamentary system would work or not. But today when we look back at the period after independence, we feel a sense of satisfaction since many of the third world countries which became free with us at about the same time have gone off the democratic track. They became either military dictatorships or totalitarian one-party systems or such other forms of government thus proving that the democratic system could not work there. On the other hand we have gone through many ups and downs—we have faced partition and change of governments at the Centre as well as in States. We have had traumatic experiences like assassinations and yet this system has withstood and participated in the smooth transfer of power from one group to another and again from one generation, as it were, to another without violence and without the type of events which normally one would expect such events to be accompanied with.

Parliament in India has played a role beyond just running of the government. It has been an instrument of social change and

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\*Adapted from the Address delivered by the author to the probationers of Indian Audit and Accounts Service and Indian Civil Accounts Service under the auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat, on 3 February 1986.



it basically reflects the society outside. One often hears or comes across various kinds of criticism through the Press or by experts like where have all the stalwarts gone or that the debate is poor in the Parliament. It may be emphasized that like the administration, Parliament is reflection of the reality outside. It is a very positive trend that representation in Parliament is not really of the classes, it is essentially of the masses of the country. Eighty per cent of our people are rural people, an overwhelming number of whom are uneducated and deprived. They come from the tribal or backward and not so developed areas. At the sophisticated centres like Bombay and Delhi one normally comes across the educated and the upper class people, but they do not represent the reality of India. People vote to Parliament members who they think can see eye to eye with them, represent them and understand their problems better than anybody else. It is not true that standards have come down. Statistics testify that the younger generation is more committed. Now there are many more full-time members of Parliament and politicians than we ever had before.

Speaking historically, democracy is not something that we have borrowed from the West. There are too many who think that the British had brought democracy like English language and cricket and left it behind. It is not really so. Democracy at the grass-roots level has been in existence in India since good old days. We had local *samitis* which were spoken about extensively and we also had the village republics mentioned in Kautilya's *Arthashastra*. In the South we had, perhaps, the high water-mark of local people's democracy under the *Cholas*. So, at various times, we have had a system of people's participation and involvement in running their local governments. We did have petty rulers besides monarchy and various other systems, but basically local people had a great deal of their own system for sorting out problems. However, in the modern sense everyone looks upon Indian democracy as a kind of a carbon copy of the British system, but it is not so. We had a Constituent Assembly which met for almost three years and debated in detail each aspect of the Constitution which we were to adopt. Its members had studied the constitutions of the United States, of Britain and of European countries and were familiar with various historical changes. After resolving differences and wide deliberations over alternative drafts, they adopted a Constitution which was the longest document in the world. They still made a provision for making any amendment in the Constitution. Despite the Constitution being an exhaustive

document covering all aspects of government, we have had as many amendments as became necessary since Independence. Whenever any change was needed, Parliament amended the Constitution and brought it in line with the thinking of the people.

We have a federal pattern, wherein there is Parliament at the Centre and elected legislatures in the States. The Parliament has two Houses, i.e. the House of the People (Lok Sabha) and the Council of the States (Rajya Sabha). General elections are held once in five years and the people vote their representatives directly to the Lok Sabha. There is indirect election for the Rajya Sabha. Elected representatives in the State Assemblies vote the representatives of the State to the Upper House. The term of each member of Rajya Sabha is six years.

Parliament is the central point of our democratic functioning and has a place of pride in our polity. Everything that happens in Parliament is a reflection of the people's hopes and aspirations. It is meant to be the spokesman and the first servant of the people. It is supposed to work for the good of the people, since it represents them.

The United States also has a federal pattern. They have the Senate and the House of Representatives. However, there is direct election for the Senate and all the States have equal representation there. It is not so in India, for example, Karnataka has 12 seats, while Kerala has less and Uttar Pradesh has much more. Depending upon population, certain number of seats have been fixed for each State and the Assemblies elect their representatives, thus reflecting the opinion of the State in the Rajya Sabha. The Upper House cannot be dissolved and one-third of its membership retires every second year. Every member of the House gets six years' term but after every two years one-third of the members retire and a new lot comes in. If there is a change in a Government in any State, that would be reflected in the new lot which comes in the next two years. Rajya Sabha is meant to maintain a certain amount of continuity so that changes do not occur fast and the system keeps going in a more methodical way. The Upper House is supposed to belong to elders thinkers experienced and a sort of more matured politicians. However, in the recent past too many younger people have come to the Rajya Sabha, leading to more interesting debates.

It may be emphasized here that Parliament is not something which we have borrowed completely from the British. It is pertinent to point out two or three major differences. The British do

not have a federal system; they have a unitary system, they do not have States, they do not have independent State Assemblies and so on. They do have two Houses. They have the House of Commons elected directly and the House of Lords which is supposed to be essentially an hereditary kind of a Chamber for the classes as against masses. They have hereditary Head of State, viz. the Queen, whereas in India we have an elected Head of State who has regular functions, definite term and who, therefore, is a representative of the people in the real sense. In India, there is an electoral college for the Presidential election comprising of elected members of Parliament and the State Assemblies. In Britain, Parliament is supreme; there is no challenge against the verdict of Parliament, whereas in India, a law passed by Parliament could be challenged in the Courts by a citizen as being *ultra vires* of the Constitution. Therefore, the final word is not with Parliament. The judicial review of a legislation passed by Parliament does not exist in Great Britain. It is a common saying that British Parliament has the right to say that a man is not a man but a woman. There is no appeal in a court of law against even such a decision of Parliament. Besides that, India has a detailed written Constitution which the British do not have and most of their system is based on conventions and customs. We have also developed, over the years, many conventions which do not exist in the British Parliament. We have given up many of the ceremonial customs which the British Parliament follows. For instance, in Westminster where the Parliament in Britain meets there used to be a tabernacle behind the Speaker's Chair and people used to go and bow in reverence to the altar behind the Chair. That does not exist in our Parliament. But we bow to the Chair. In British Parliament, there is a morning procession comprising of people wearing wigs and various other ceremonial dresses. We have given up those things. However, our Parliament like the British Parliament follows the convention of essentially upholding the right to individual freedom. It reflects the opinions of the people. It can challenge the Government, it can criticise the Government and a member of Parliament is absolutely protected when he or she speaks in Parliament on any issue. One cannot proceed legally against him or her for anything said on the floor of the House. But there is a Privileges Committee which looks into any misuse of freedom of a member or an attack by any person on the freedom of a member.

Parliament has three basic functions. One is law-making. It is important to know that no law can be introduced, passed and

implemented without a seal of Parliament on it. The rules also can be changed only within the framework of the law. The other function of the Parliament is to sanction money from the public exchequer for Government's expenditure. Every year the Budget as well as every grant of any Ministry has to be presented in the Parliament and approved by it. The Audit Department which is like a watch-dog has to ensure that the accounts are maintained properly and various Departments of the Government spend money within certain framework. Besides Parliament, the Finance Ministry also makes sure that nothing goes beyond the limits fixed by the Parliament. Parliament's third function is to control the administration. When we talk of responsibility to the Parliament, it means that important functions like implementation of policy decisions of the Government and decisions of Parliament are carried out by the permanent civil service. There had been a great deal of debate in the past on how committed the civil service should be. There had been a talk of the committed civil service versus independent or uninvolved civil service. The question is how far that permanent civil service falls in line?

In the United States, there is no permanent civil service. There exists the spoils system, whereby with new Government taking over, the whole civil service goes out. The new set-up brings in a new set of people, because it feels that people of its own choice can implement the programmes committed to the people. On the contrary, the British system has a permanent civil service, except for certain top officials who are shifted or changed. But, generally the system continues. Under the British system, the permanent civil service is committed to the policies and programmes of the Government because the people have voted a particular party to form the Government on the basis of its manifesto declared before the election.

In India, sometimes there are Central programmes which are to be implemented by the States where there are Governments run by other parties. There arises the question of priority of implementation of Centrally-sponsored schemes by the State Governments. Very often there is a conflict whether the State administration is implementing those schemes effectively or not. So, these are the problems here which are to be sorted out.

Coming over to legislation, so many laws have been passed for improving the socio-economic conditions of our people. It was felt that in order to protect the women of certain sections of the society,

some legislations had to be passed. There has been a widespread debate on the question of dowry these days. A legislation in this regard has been made since dowry is a social evil. In the case of child-marriage abolition, a legislation has been passed with various other social measures. The question of land reforms also came in a big way at a particular time. The landless were not able to raise their voice and yet Parliament legislated a law even though there were vested interests and powerful lobbies of landlords and others. Other matters like reservations for Scheduled Castes & Scheduled Tribes and various other things have been done with the intention of taking social measures and creating a new society to which we were committed right from the days of our freedom movement. Our leaders had said that the democracy in this country and the freedom movement were not meant to be the ends in themselves. Independence and democracy were to serve as means to an end and the political freedom was meant to create a society where justice would prevail. The responsibility was cast on Parliament to legislate to create a new society and give a new direction to our developmental processes. We have certain built-in checks and balances in our system. We have an independent judiciary, the Parliament and the bureaucracy. All the three functions of the Government are not performed by one agency. But the basic responsibility of the bureaucracy is to Parliament. It is the Minister, who is the head of his Ministry and he literally presents the programmes of his Ministry before the Parliament and ensures that they are implemented by the Ministry. The Minister-in-charge is the spokesman for his Ministry in Parliament and answers the questions for its performance. He is also responsible for anything that goes wrong with his Ministry.

A question is very often raised about defending the bureaucracy on the floor of the House. A bureaucrat should never ask a question about something on which he is agitated, because the Minister is bound to defend it on the floor of the House. And once he does that he is bound to justify it. But if a person goes to him and explains that a particular officer has done something wrong, he has to listen to him. But on the floor of the House he is going to defend his Ministry or Department.

Very often it is also asked how the bureaucracy is related to Parliament. It may be mentioned in this regard that every day there is a Question Hour in the Parliament. Each Ministry is allotted a particular day, five to six Ministries each day. There are questions for written and oral answers. When the questions for oral answers, i.e. the Starred Questions, come before the House for

answers, any number of supplementaries allowed by the Chair have to be answered by the Minister. Those could be most embarrassing sometimes. The Minister has to face that. That is the people's voice. Besides that, there are questions for written answers, *i.e.* the Unstarred Questions.

Sometimes the Minister says, 'We will look into it; we will implement it.' Anything that Parliament considers as an assurance has to be faithfully implemented. There is a watchdog committee of the House, the Committee on Government Assurances, which goes into every assurance given on the floor of the House and summons representatives of the Ministry to appear before it to find out whether the assurances given have been implemented or not. The Minister cannot just say something on the floor of the House and get away with it. Whatever has been assured to the Parliament has got to be implemented.

There are also some innovations in the Indian Parliament, which do not exist in the British Parliament. One is the calling attention motion. It is on a matter of urgent public importance. With the permission of the Chair, a member can bring such a matter before the House for discussion. We also have Half-an-Hour discussion, which is based on answers already given in the House. If a member is not satisfied with any such answer, he can ask for Half-an-Hour discussion.

There are three important committees of Parliament which keep track of the Government expenditure. One is the Committee on Public Undertakings. It goes into the working of various undertakings and looks into the misuse of money etc. and reports to the Parliament on the functioning of Government undertakings. Another is the Public Accounts Committee, which is headed by an Opposition member of the Lok Sabha. It is a watchdog Committee on the finances of the Government and looks into all public money which has been allotted and spent. Lastly, there is the Estimates Committee which also plays a very important role. The Chairman of all these Committees are from Lok Sabha. While the Committee on Public Undertakings and the Public Accounts Committee have members from both the Houses, the Estimates Committee has members only from Lok Sabha.

Regarding the powers of the two Houses, it may be mentioned that both the Houses have equal powers in everything except in financial matters and in voting out the Government. Vote of no-confidence in Lok Sabha means dismissal of the Government, but Rajya Sabha does not have that power. In all financial matters,

Lok Sabha has the final say. Rajya Sabha can suggest an amendment, but if it is again passed in Lok Sabha in its original form without accepting the amendment, Lok Sabha has the final say, because it represents the people.

There is also a general convention in Parliament that no officer can be named on the floor of the House; no charges can be made against somebody who cannot defend himself or herself in Parliament. It is generally an attack on the Government or the Minister. At times when some controversy is raised in either House, it is for the Minister to defend. But if any officer comes out openly and criticises the Government or its policy, there is a provision for a debate in the House and for necessary action as directed by Parliament for violation of certain norms.

It may be pertinent to mention that the composition of Lok Sabha has been changing. In the first two Lok Sabhas, the lawyers dominated. They constituted single largest group; 36 and 31 per cent in the first and second Lok Sabha respectively. Their representation has now gone down to 18 per cent. From the Third Lok Sabha onwards the number of agriculturists has been constantly increasing and now they are the single largest group in Parliament. While it was 27 per cent in the Third Lok Sabha, it has been around 39 per cent in the Seventh and Eighth Lok Sabhas. The rural side and the agricultural representation have, therefore, been going up in Parliament reflecting really the composition of our society.

Similarly there has been an enhanced representation of full-time political and social workers in the Parliament. About 19 per cent members of the present Lok Sabha belong to the category of the full-time political people which is much higher than before.

The members claiming to be journalists and writers have, however, declined in terms of the representation. They constitute just about 1.3 per cent in the present Lok Sabha as compared to 10 per cent in the first two Lok Sabhas.

The number of women members is constantly on the increase. The Parliament presently has the largest number of women members ever since our independence. There are seventy women members in the two Houses. They constitute 8.3 per cent in the present Lok Sabha as compared to 4.4 per cent in the Lok Sabha. So the number of women members in the Eighth Lok Sabha has

almost doubled. But, women are still under-represented. A distinguishing feature of the present Lok Sabha is the unusually large number of younger people and the people who have come to the Parliament for the first time. About 47 per cent have come to the Parliament for the first time and about 22 per cent have no previous legislative experience.

Parliament is really a mini India. All the religions, languages, regions, classes and castes that one can think of in the country, are represented in the Parliament. And what is important is that members sit, debate, discuss, differ and generate all the heat that they can, but ultimately they decide things together as a Parliament. An Act or decision of the Parliament when it is finally passed, is no more a decision of an individual or a Party or a Group, but it is a decision of the majority and the minority altogether. That is the strength of this system. Members can differ and can make their own opinion but finally they decide that the majority opinion has to prevail in a democracy. Because that is the majority which the people have voted to Parliament for governance. Therefore, it is very important for the civil servants to realise that Parliament is really the central point for their activities and entire commitment to the Indian people. How they interpret the laws and how they implement them in their own little way, will decide how effectively the system will work.

We speak about corruption, delays, red-tapism, bureaucratic indifference and various other things. The younger people joining the civil services have a particular responsibility. There is need to change the approach to get rid of red-tapism and make our scheme working for ourselves. Unless we think of new lines and seek changes, the things will remain where they are. If someone wants to move forward to respond for us and keep commitments, which the Parliament had made to the people for creating a new society for fighting injustice, of being instrument of service to the people, then the Government, the judiciary and the bureaucracy together—the three main arms—with of course the watching Press, can maintain checks and balances.

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## LOKPAL IN INDIA

MARY PARMAR

It is highly gratifying that the long-awaited *Ombudsman* may soon enter the Indian arena to combat corruption. The voice raised in 1966 by the Administrative Reforms Commission has appeared to be a wild cry all these years. However, with the introduction of the Lokpal Bill in the first year in office by the present Government gives some hope that this dream would be a reality soon.

*Birth of the Ombudsman:* The Swedish word, *Ombudsman* refers to an officer appointed by the legislature to handle complaints against administrative and judicial actions.

To trace the birth of *Ombudsman*, it would be necessary to go to its native land Sweden and turn back the pages of history. King Charles XII in 1713 created the institution of *Hogste Ombudsmannen* to ensure effective enforcement of law and order and to exercise supervision over the public servants to see that they discharged their duties in the public interest.

In 1719, came the *Justitiekansler*, the changed name for *Hogste Ombudsmannen*, but it was just the old wine in a new bottle. The functions and duties of the *Justitiekansler* did not undergo any substantial change. During 1766 to 1772 his position was, however, changed and his appointment was made by the then existing representative bodies and not by the King.<sup>1</sup>

King Gustavus III staged a *coup d'etat* in 1772 and *Justitiekansler* again became an office in the confidence of the King and the

<sup>1</sup>Donald C. Rowat (Ed.): *The Ombudsman-Citizen's Defender*, 1965, pp. 17-18.

Council. The democratic Constitution adopted by the Swedish Parliament in 1809\* provided for division of powers among the King, the Parliament and the Judiciary. Although the King was given broad powers, Parliament was also endowed with varied means of exercising control over Government's actions, one of such means being the appointment to the newly created additional office of *Justitieombudsman* who was to ensure that the courts and administrative authorities respected the rights of the citizens.<sup>2</sup>

Due to the increasing pressure on the office of the *Justitieombudsman*, the military administration had to be excluded from its purview and a new office known as the *Militieombudsman* was created on 19 May 1915. The two offices were turned into a single institution with three *Ombudsmen* in 1968 since it was felt that *Justitieombudsman* was overburdened with complaints while the *Militieombudsman* had less work. Their duties included general supervision over all courts of law, the civil service, military laws and the military services.<sup>3</sup>

In November 1975, Swedish Parliament adopted a new system under which there are four *Ombudsmen*, one of whom is elected by Parliament to act as Chief Ombudsman and Administrative Director of Ombudsmen's office. He coordinates the work of other *Ombudsmen* and, in consultation with them, delineates the areas of government over which they have responsibility for looking into complaints. The four *Ombudsmen* cover all agencies of government, both Central and local.<sup>4</sup>

Over the years, *Ombudsman* has emerged as a strong and successful institution providing succour to the aggrieved citizens and also as a successful defender of civil liberties. In Sweden, the consumers' interests have also been safeguarded by the *Ombudsman*. He has also emerged as an interpreter of law since a number of laws have been amended at his initiative, whenever he found any such law to be improper, unsatisfactory or vague. The Swedish *Ombudsman* has proved to be an impartial investigator who handles the public complaints in a simple and effective manner.

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\*The Constitution of 1809, which had been amended several times, has since been replaced by Sweden's present Constitution which came into force in 1975.

2. M.P. Jain: *Lokpal - Ombudsman in India*, 1970, PP. 11-12&24.

3. *The Statesman's Year Book*, 1986-87. P. 1134.

4. Frank Stacey : *Ombudsmen Composed*, 1978, p. 2.

The success of *Ombudsman* in Sweden has prompted several countries of the world to adopt this institution though under different nomenclatures like Parliamentary Commissioner for Administration in United Kingdom and Parliamentary Commissioner in New Zealand. Finland adopted this institution in 1919, Denmark in 1955, Federal Republic of Germany in 1957, Norway in 1961, New Zealand in 1962, United Kingdom in 1967 and Israel in 1971 at the national level. Many other countries like Australia, United States, Italy, France, Canada have also followed suit by establishing such an institution at the regional or provincial levels.<sup>5</sup>

*Need for Ombudsman in India:* Soon after independence in 1947, India plunged into the task of national development, which led to enormous increase in the State activities. The State had to spend huge funds at its disposal by the public functionaries who were vested with enormous powers. The vast powers gave birth to bribery, nepotism, taking advantage of position and similar other malpractices. An important factor responsible for the short-fall in the implementation of the development plans was thus the corruption coupled with inadequacy of administrative capability and integrity.

The early sixties witnessed an intensive public debate\* on the need for having an adequate machinery to deal with grievances of individuals against the administration.<sup>6</sup> A great deal of interest in the Press, the Parliament and State Legislatures was aroused after the Santhanam Committee appointed by the Central Government in 1962 to look into the problem of corruption, *inter alia*, recommended the setting up, at the Centre, of a Directorate General of Complaints and Redress. The Government, however, felt that the problem of public complaints was a big one and would require a separate agency or machinery.<sup>7</sup>

The desirability of having an institution on the pattern of *Ombudsman* was strongly stressed in Lok Sabha on 3 April 1963 during the debate on the demands for grants of Law Ministry.

5 R. K. Dhawan : *Public Grievances and the Lokpal*, 1981, pp. 165-166.

\*The institution of Ombudsman was recommended at the Seminars on *Ombudsman* held by the Third All India Law Conference at New Delhi in August 1962 and Madras Provincial Bar Association at Madras in October, 1963, and discussed at the Third All India Law Ministers conference.

6. *Inerim Report of the Administrative Reference Commission on Problems of Redress of citizens' Grievances*, 1966, pp. 5-6; and *Lokpal*, Lok Sabha Secretariat; 1986, p. 2.

7. R. K. Dhawan, *op. cit.* p. 8.

While replying to the debate, the Law Minister gave a non-committal reply.<sup>8</sup> However, Prime Minister Shri Jawahar Lal Nehru later said that the idea had "fascinated" him. On 22 April 1964, during discussion on a resolution in Lok Sabha, there was general support on the need for having an impartial machinery for dealing with day-to-day grievances of the common citizen, which would inspire public confidence. The then Minister of State in the Ministry of Home Affairs hinted that the Vigilance Commission would try to perform the functions of the *Ombudsman* in respect of corruption and assured that the question of evolving a suitable machinery for dealing with the grievances of citizens against the administration would be separately examined.<sup>9</sup> A resolution was moved in the Lok Sabha on 9 April 1965 for the constitution of a committee of members of Parliament to examine *inter alia* the setting up of the institution of *Ombudsman*.<sup>10</sup>

The persistent call for administrative reforms led to the constitution in early 1965, of a Special Consultative Group of Members of Parliament on administrative reforms. The Group appointed three sub-committees, including one on administrative tribunals and machinery for the redress of grievances at the Centre. It, however, could not complete its work on the matter of citizens' grievances. Meanwhile, there was a growing demand and strong public opinion for the appointment of an all-India Administrative Reforms Commission. This led the Government of India to set up a high-level Administrative Reforms Commission on 5 January 1966 under the Chairmanship of Shri Morarji Desai, to examine various aspects of the functioning of the administrative system including, "the adequacy of the existing arrangement for the redress of grievances; and the need for introduction of any new machinery for special institution for redress of grievances," and suggest ways and means to bring about improvement in the administration.<sup>11</sup>

The framers of the Indian Constitution were well aware of the need to shield the citizens against the arbitrary acts of the State and had thus provided for safeguards like the fundamental rights, an independent judiciary and a parliamentary form of Government responsible to the people's representatives. However, these could be invoked in the case of major issues and that too by enterprising

8. *L. S. Deb.* (3rd. Series), Vol. XVI, cc. 7556—93.

9. *Ibid.*, Vol. XXX, cc. 12356—416.

10. *Ibid.*, Vol. XLI, cc. 8848—50.

11. M.P. Jain, *op. cit.*, pp. 1—6.

and resourceful persons only. They are, therefore, not suitable for redressal of the grievances of common man.

To supplement the constitutional measures referred to, the necessity of setting up an agency which was close to the common man, found expression in the institution of the Lokpal recommended by the Administrative Reforms Commission. The Commission had recommended a two-tier machinery, namely Lokpal at the Centre and one Lokayukta each at the State level for redressal of people's grievances. This institution was considered as a panacea for all administrative and political ills. The importance given by the Commission to the Lokpal was clearly reflected in its interim Report which was on the procedure and machinery for redressal of citizens' grievances.<sup>12</sup> The Commission contemplated the institution of the Lokpal and the Lokayukta to be demonstrably independent and impartial. The proceedings were to be conducted in private and were to be informal in character. The Lokpal was to be a non-political man having a status comparable with the highest judicial functionary in the country. In accordance with its recommendations, the Commission suggested a draft Bill for introduction in Parliament for the establishment of the institution of the Lokpal and the Lokayukta.

*Lokpal Bills in Parliament:* The Lokpal and Lokayuktas Bill introduced in Lok Sabha in May 1968 was passed in August 1969. But it could not get through the Rajya Sabha and the fourth Lok Sabha was dissolved. The Bill was re-introduced in 1971 but could not finally be passed by Parliament. In 1977, another Lokpal Bill was introduced in Lok Sabha and thereafter it was referred to a Joint Committee which submitted its report in 1978 to Lok Sabha recommending certain amendments in the Bill. The Bill lapsed again with the dissolution of the sixth Lok Sabha.

*Lokpal Bill, 1985:* The Lokpal Bill, 1985 was introduced in Lok Sabha on 26 August 1985 by the Minister of Law and Justice, Shri Asoke Kumar Sen and was referred to a Joint Committee consisting of 30 members from Lok Sabha and 15 members from the Rajya Sabha.

The Bill provides that the Lokpal would inquire into complaints alleging offences under the Prevention of Corruption Act or under Chapter IX of the Indian Penal Code (offences relating to public servants) and that such complaints could only be against

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<sup>12</sup> Interim Report of the Administrative Reforms Commission, *op. cit.*

present or former Union Cabinet Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries. The Bill excludes from its purview the Prime Minister, President, Vice-President, Lok Sabha Speaker, Chief Justice or any other Judge of the Supreme Court, Comptroller and Auditor-General of India, Chief Election Commissioner and the Chairman and members of the Union Public Service Commission.

The Bill also stipulates that any person other than a public servant may make a complaint to the Lokpal accompanied by an affidavit and a security deposit of Rs. 1,000/-. As a safeguard against filing of false complaints, the Bill provides for imprisonment for a term which will not be less than one year but which may extend to three years and also a fine which may extend to Rs. 50,000, for a person making frivolous charges. The Lokpal may dismiss a complaint if it is frivolous or pertains to an alleged offence committed five years prior to the date of complaint.

The Lokpal would have authority to order any public servant or any other person to furnish information or produce documents relevant to any enquiry. He would have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of certain matters. After the enquiry is over, the Lokpal would submit his report to the Prime Minister who in turn would inform the Lokpal within three months on the action taken or proposed to be taken. The Bill provides that it will not affect the constitution of or the continuance of functioning or exercise of powers by, any Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 before it is enacted. It also provides that no inquiry under the Commissions of Inquiry Act could be made about a matter in respect of which a complaint could be made to the Lokpal except on the recommendation, or with the concurrence, of the Lokpal.

The Bill provides that the Lokpal would be appointed by the President in consultation with the Chief Justice of India. The Lokpal who would be either a serving or a retired Supreme Court Judge or a person eligible to be appointed as a Supreme Court Judge, would draw a salary equivalent to that of the Chief Justice of India. He would hold office for a single term of five years and would not be removed except by an order made on the ground of proved misbehaviour or incapacity after an inquiry. He would be debarred from holding any office of profit under Central or a State Government after he ceases to hold office.

*An Appraisal of the Lokpal Bill, 1985*

*Lokpal and the Prime Minister:* There are many points in favour of exclusion of the Prime Minister from the ambit of the Lokpal. One of them is the need for a strong Centre in which the Prime Minister holds pivotal positions. He holds in his hand numerous strings of the Indian administration and hence he has to devote a lot of time to the complex and multifarious socio-economic and political needs of the country. Much of his valuable time would be wasted replying to the charges levelled against him and he would be in the dock time and again even for trivial acts of omission and commission if he is brought within the purview of Lokpal. He will have to play a defensive role, and this will impinge upon the dynamic initiative expected of him.

Secondly, the Prime Minister should be regarded as an institution and not as a person. The personality of the individual occupying the office, of course, plays a significant part. The functioning of the office should not be hindered unnecessarily. There is enough provision in our parliamentary form of Government to hold the Prime Minister responsible for misconduct. For example, the people's verdict in the 1977 General Elections reflected their anguish and dealt a harsh blow to the Government.

Thirdly, to safeguard the nation's sovereignty from both external and internal dangers, the Prime Minister should be strong and firm and not a subdued person fearing to be chided by the father-figure Lokpal time and again. However, there is a need to make enough provision to empower the Lokpal to seek necessary clarification in case a civil servant or a Minister has acted on the verbal or written orders of the Prime Minister. Many instances could be cited when in the name of the Prime Minister, his associates and even his office staff have indulged in unlawful and corrupt practices thus bringing disgrace to the name of the Prime Minister, who was not even aware that his name was being misused by vested interests. To make provision for seeking clarification from the Prime Minister would act as a deterrent against unlawful activities of such persons or interests.

Another point in favour of the exclusion of the Prime Minister from the purview of the Lokpal is that the Prime Minister has to handle huge amount of money and most of the information he comes across while discharging his official duties has to be kept away from public gaze. Since the Lokpal has the extraordinary power to summon any document, conceding the demand of Opposition

parties for inclusion of the Prime Minister within the purview of the Bill would mean opening the Pandora's box. The institution of Lokpal can also be used for mudslinging. Therefore, to keep the high office of the Prime Minister out of the purview of the Lokpal is a right step in the direction of upholding its dignity.

*The Lokpal and his investigation machinery:* The type of investigation machinery to be provided to the Lokpal is an important matter. If the Lok Pal has to rely on the available regular investigation machinery like the police, CID, CBI etc., the accused especially if he is a Minister, would have an unassailable advantage. Only a few would take the risk of challenging a Minister and face his wrath. An ordinary citizen would certainly avoid inviting trouble and inconvenience. Due to several factors and various reasons, a common man has also become apathetic to the social cause. The type of protection that would be guaranteed against the harassment from the henchmen of the Minister to the common man is yet another question. The need for setting up an independent investigation agency directly under the control of the Lokpal is, therefore, necessary.

Another issue to be considered is whether the Lokpal would be one person or more than one. One head is better than two or two heads are better than one—that is the question. Due to the complex nature of investigations that Lok Pal would be required to undertake and for his continuous availability in office, it is very necessary that two or more Lokpals should be appointed. The plea of the Opposition that there should be three Lokpals needs consideration.

*Lokpal and the Civil Servant:* The provision that the Government servants cannot approach the Lokpal for redressal of their grievances has been rightly made since it would prevent the institution of Lokpal from being used as means of airing of bureaucratic infighting. If civil servants are permitted to approach the Lokpal, the question of duality of punishment and enquiry would also arise since article 311 of the Constitution provides for security of tenure and prescribes a procedure for conducting enquiry against a Government official and his subsequent removal. The Executive would have to hold separate inquiry for imposing punishment on a delinquent official in that case.

*Lokpal and the citizen:* The institution of Lokpal for fighting corruption has to be fitted into the Indian socio-economic set-up. There is not enough for everybody in the Indian society. An average citizen is so engrossed and pre-occupied in fulfilling the basic needs of life that he hardly has time for other things. This is the



main reason for his being so apathetic to his duties towards the nation and the society. Therefore, it is necessary that provision for the satisfaction of his basic necessities is made. Not only our whole socio-economic structure needs innovation, the Indian character is also required to undergo change. In order to make Lokpal a successful institution the above factors need vigorous consideration.

Another Indian experience is that too much emphasis is laid on enacting laws. But once they are enacted, all is forgotten at the implementation stage. People can play a major role here. An enlightened citizen must critically watch the steering of the ship of the State and ensure that it reaches its destination. Without an active citizenry the work well begun remains half done.

*Lokpal and the Civil Servant:* The provision that the Government should be open to the public. To keep the proceedings or reports secret from the public would mean keeping them in the dark. This would defeat the very purpose for which the Lokpal would be appointed. There is likelihood of cases being hushed up on the expiry of the term of the Lokpal, hence all the more need for keeping the proceedings open. However, there are others who favour keeping this institution away from the glare of publicity because by working silently and discreetly there would be no loss of face for Government departments. But this point is overruled in a free democratic country where the Press plays a vital role in educating the public.

*Conclusion:* The Lokpal can act as a watchdog against corruption and injustice and it is hoped that he would reinforce the confidence of the people in the functioning of the country's democratic system. The institution of Lokpal has been criticised on the ground that it produces timidity and kills initiative among the public functionaries as someone is there with roving eyes and constantly breathing down their necks. It is also said that it would increase red-tapism as every decision would be noted down with elaborate reasons. There is the possibility of the Lokpal overstepping his jurisdiction. But these objections and all other aspect can be taken care of, if the right person is selected.

It is hoped that the Lokpal experiment would be different from that of the unsatisfactory functioning of the Lokayuktas in various States. If the working of the Lokayuktas is any indication foretelling the fate of Lokpal, effective provisions need to be made in the very beginning itself to ensure his effective functioning or else the laxity in discharge of functions by the Lokpal would lead to the need for creating another institution to watch his functioning.

## ELECTION OF DEPUTY CHAIRMAN OF THE RAJYA SABHA

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

Shri M. M. Jacob, who was elected as Deputy Chairman of the Rajya Sabha on 26 February 1986, resigned his office with effect from 22 October 1986 consequent upon his appointment as Minister of State for Parliamentary Affairs. The office of the Deputy Chairman of Rajya Sabha having thus fallen vacant, the Chairman, under rule 7 of the Rules of Procedure and Conduct of Business in the Rajya Sabha fixed 18 November 1986, as the date for holding election to the said office.

Through a notice issued by the Secretary-General on 12 November 1986, all members of the Rajya Sabha were requested to give notice of the motion for election of Deputy Chairman by 12 noon on 17 November 1986.

In all, twelve notices of motion for election to the office of Deputy Chairman were received out of which only seven notices were duly moved in the House.

The first motion moved by Leader of the House Shri Vishwanath Pratap Singh and seconded by Minister of State for Parliamentary Affairs Shri M. M. Jacob was put to the House and upon the motion having been adopted, Shrimati Pratibha Devisingh Patil was declared elected to the office of Deputy Chairman.

Congratulating Shrimati Patil on her election as Deputy Chairman. Shrimati Kanak Mukherjee, whose name was proposed by the

Opposition for the office of the Deputy Chairman, expressed the hope that with the help of the Opposition and with the help of all the parties, left, right and centre, Shrimati Patil would uphold the prestige, honour and dignity of the House.

Extending his felicitations to Shrimati Patil, Prime Minister, Shri Rajiv Gandhi, hoped that her experience in the political field, in the cooperative movement, in social work, in the field of women's rights and in the legislature, both as the Leader of the Opposition and on the Government side, would help her in carrying the whole House with her. "The Rajya Sabha", observed the Prime Minister, "is a Chamber full of vigour and quality with a lot of responsible debate and serious debate, matched sometimes by animation....and I have no doubt that she will be impartial and fair and she will have the full support of the Government benches and...the Opposition benches as well."

Leaders of various parliamentary groups offered felicitations to Shrimati Patil and gave assurance of full cooperation.

Joining the Prime Minister and leaders of various groups in felicitating Shrimati Patil, the Chairman, Shri R. Venkataraman, welcomed her to the seat and observed :

"She brings to bear in the discharge of her new responsibilities a very rich and vast experience. She has been a member. She has been a Minister. She has sat in the Opposition and she has had the experience of representing India in some of the most important conferences relating to women's rights. She has been a representative in the Nairobi Conference. She has represented India... in Austria. And she has visited a number of other countries. Therefore, her experience is very vast and very rich. I am quite sure that she will be of very great help and will be a sort of relief to me also. I offer her my felicitations and wish her a very successful career".

Expressing her grateful thanks to the Prime Minister and the leaders of various political groups in the House for their compliments, Shrimati Pratibha Devisingh Patil said that she was thankful to the members for electing her as their Deputy Chairman. She deemed it a privilege to occupy the Chair. Shrimati Patil reminded the House that Chairman, Deputy Chairmen and Government would come and go but the dignity and decorum of the House would always go on record to preserve and mark the history of the Indian

parliamentary system. In conclusion, she assured the House that she would always seek guidance from the Chairman in conducting the business of the House.

*Shrimati Pratibha Devisingh Patil—A Life Sketch*

Shrimati Pratibha Devisingh Patil, daughter of Shri Narayanrao, was born at Jalgaon in Maharashtra on 19 December 1934. She received her education at M.J. College and Government College in Bombay. Married to Shri Devisingh Ramsingh Shekhawat, she has one son and one daughter.

An active social and political worker, Shrimati Patil joined Congress(I) in 1978. She organised Women Home Guards in Jalgaon District and was the Commandant at the time of Chinese aggression. She had held positions as Vice-Chairman of National Federation for Co-operative Urban Banks and Credit Societies; Managing Director of Shrama Sadhna Trusts; and member of the Standing Committee of All India Women's Council.

In 1962, Shrimati Patil was elected to the Maharashtra Legislative Assembly of which she remained a member till 1985. During this period she had held the office of Deputy Minister in the State Government with different portfolios. She had also been the Leader of Opposition Congress(I) in the Maharashtra Legislative Assembly from July 1979 to February 1980. Shrimati Patil was elected to the Rajya Sabha in June 1985.

During her college days, Shrimati Patil showed a keen interest in indoor games. She had been a champion in table tennis and won many a shield in Inter-College Tournaments.

Shrimati Patil has travelled widely in India and abroad. She attended the International Council of Social Welfare Conferences at Nairobi and Puerto Rico, led a delegation to Austria to participate in the Conference on "Status of Women" and went to Bulgaria as a member of the A.I.C.C. Delegation in 1985.

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**FOURTH REGIONAL SEMINAR ON PARLIAMENTARY  
PRACTICE AND PROCEDURE FOR ASIA, SOUTH-  
EAST ASIA AND AFRICA REGIONS OF THE  
COMMONWEALTH PARLIAMENTARY  
ASSOCIATION**

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The Fourth Regional Seminar on Parliamentary Practice and Procedure for Asia, South-East Asia and Africa Regions of the Commonwealth Parliamentary Association (CPA) was held at Vidhan Soudha in Bangalore from 29 to 31 December, 1986 under the auspices of the Indian Parliamentary Group which functions as the India Branch of the Commonwealth Parliamentary Association. Dr. Bal Ram Jakhar, Speaker of Lok Sabha and President of the India Branch of the CPA delivered the Welcome Address and Shri R. Venkataraman, Vice-President of India and Chairman of Rajya Sabha inaugurated the Seminar on 29 December 1986. The Thanks-giving Address was delivered by Shri B. G. Banakar, Speaker of Karnataka Legislative Assembly. Shri Ramakrishna Hegde, Chief Minister of Karnataka delivered same day the keynote Address on "Role of Members of Parliament in Contemporary Society". Shrimati Pratibha Devisingh Patil, Deputy Chairman of Rajya Sabha and Vice-President of the India Branch of the CPA delivered the keynote Address on "Parliamentary Devices to Ensure Implementation of Government Assurances" on 31 December 1986. We reproduce below a summary of more significant points from these Addresses.

*Editor*

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**WELCOME ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA AND  
PRESIDENT OF THE INDIA BRANCH OF THE COMMONWEALTH PARLIA-  
MENTARY ASSOCIATION**

The two subjects chosen for discussion—'Role of Members of Parliament in Contemporary Society' and 'Parliamentary Devices

to Ensure Implementation of Government Assurances'— are of vital importance. The common thread running through both these subjects is the concern, be it of parliamentarians or of the very institution of Parliament itself, to work for the social good to ensure welfare of the people and justice in society.

The very existence and sustenance of our parliamentary democracies, particularly of the developing countries depend largely upon the way the members of Parliament perform their roles not only inside the legislative institution but also in the larger society of which they are an integral part. The role-performance of a member of Parliament is indeed a complex and delicate task, for he combines in himself many roles, at times even contradictory. And the success of a member of Parliament depends upon how best he blends these multifarious roles and carries out his duties and responsibilities.

For the people, the member of Parliament is some kind of a 'welfare officers' or 'case worker'. Quite often, the member of Parliament may have to intercede with the public functionaries for finding solutions to the common man's problems and the redressal of his grievances. This dimension of the role of the members of Parliament assumes great significance in countries like ours where the illiterate, the poor and other socially handicapped, are in real need of help in some way or the other.

In a democracy, the members of Parliament are always accountable to the people. There has to be a continuous rapport and understanding between the people and the members of Parliament. Even inside the legislature they have to be the crusaders of the people's cause. Various parliamentary devices are there to enable members to raise matters on the floor of the House. Members of Parliament as representative of the people have to act as catalysts of social change. Be it inside the legislature or outside in the larger society, the members of Parliament have to play a very significant and constructive role keeping in mind the good of the people and society.

The second subject assumes relevance in the context of the Committee system as an instrument of ensuring governmental accountability to legislature and through it to the people. In the Committee constellation in our Parliament, the Committee on Government Assurances has come to play a very significant role in ensuring that what is promised by our Ministers on the floor of the

House is actually implemented by the Government. The Committee takes care of the stage between promise and performance. We all know that the key to development and progress of a country lies in actual implementation of the programmes and projects by its Government. The establishment of this Committee is an example of how parliamentary surveillance could always be strengthened and made more effective. The Committee scrutinizes the assurances, promises, undertakings, etc. given by Ministers on the floor of the House from time to time and reports on the extent to which such assurances have been implemented and whether such implementation has taken place within the minimum time necessary for the purpose.

INAUGURAL ADDRESS BY SHRI R. VENKATARAMAN, VICE-PRESIDENT OF  
INDIA AND CHAIRMAN OF RAJYA SABHA

Parliamentarians are elected on the basis of an election manifesto which contains programmes and policies which the member as a constituent of his party will preserve during his term of membership. When the Parliamentarian is returned to the House, he gets a mandate to fulfil those policies and programmes. Thus a two way process is established in which the Parliamentarians' policies and programmes are placed before the electorate and the electorate gives the member a mandate to carry out those programmes. It behoves every parliamentarian to be true and loyal to the mandate he has received from the people. Several issues not covered by the manifesto often times come up in Parliaments and on such occasions, it is the duty of the member to act in a manner consistent with the broad policy enunciated in the manifesto.

Another important duty of a parliamentarian is to keep the people informed of the actions and activities of Parliament.

Parliamentarians are obliged to seek the support of the less privileged and vulnerable sections of society. It is the duty of the parliamentarians to endeavour to improve the conditions of this section in every direction, economic, social and educational. The parliamentarian must actively promote both official and non-official efforts to ameliorate the conditions of the people he represents. The task of parliamentarians of developing countries is greater in this regard than those of his counterparts in developed countries.

The parliamentarian has to be the watch-dog of public interest and should ensure purity in public life. Not only should he not use or abuse his privilege for his personal benefit or advantage but

must be watchful to see that public waste and extravagance is prevented and that society does not suffer through mismanagement and waste.

Member's role in our contemporary society is multi-faceted. He has to be active, vigilant, helpful and industrious, if he wishes to fulfil this role effectively.

The achievement of a Welfare State through legislation implies enactment of laws at a fast and rapid pace, often times, in areas where there are no precedents. Bills drafted in hurry and adopted in haste result in a plethora of legal disputes and consequent uncertainty of law. Legislators should, therefore, devote more attention to the enactment of laws. They should offer constructive suggestions while participating in the debates and in other activities in different spheres. They should treat politics as a serious business and parliamentary career as a full-time job.

The members have also to play their role as educators of the people. They have to create an enlightened public opinion which, I consider, is a pre-requisite for the success of democracy. A member of Parliament is thus placed in a unique position. He provides a link between the people and the Government.

The ever widening activity of Government in Welfare State is reflected most strikingly in the phenomenon of Subordinate Legislation. A Committee on Subordinate Legislation to go into rule making powers of the Executive is one of the most important features of the parliamentary process. It is in the work of this Committee that legislative role of Parliament meshes in with the administrative role of the Executive providing the essential linkage between law and the rhythms of daily life. Members of Parliament, irrespective of whether they have a legal background or administrative experience, can bring to bear a fund of practical common sense based on their experience of public life in the field of Subordinate Legislation.

The other topic relates to the implementation of Government Assurances. In the Lok Sabha, on the initiative of Speaker Mavalankar in 1953, a Committee on Government Assurances was constituted. Later in 1972, such a Committee was also set up in the Rajya Sabha. There are certain expressions which constitute assurances. These are culled out from the parliamentary debates and forwarded to Ministries concerned for implementation. The House



is regularly informed of action taken with regard to the implementation of these assurances. The Committee on Government Assurances further goes into the question whether the assurances given on the floor of the House were implemented fully or partially or there was inordinate delay in their implementation. If Ministries find difficulty in implementing any assurance, they may report to the Committee and it is for the Committee to examine it and make a report to the House.

Sometimes, Ministers resort to the easy escape from tight positions by saying that the matter will be looked into. Such cases, have to be examined by the Committee to see if the promised examination did take place and if so what was the result. In this area the Committee on Government Assurances has been doing commendably well. This Committee is a procedural innovation of the Indian Parliament and is a very effective device to get the Ministerial assurances implemented. This in turn ensures parliamentary accountability of the Executive.

**THANKS-GIVING ADDRESS BY SHRI B. G. BANAKAR, SPEAKER, KARNATAKA LEGISLATIVE ASSEMBLY**

We have in this country a parliamentary system of Government with Cabinet responsibility. The successive elections held in the country have belied the apprehensions in some quarters about the strength of democracy in this country. It is no longer disputed that democracy has taken strong roots and the democratic spirit permeates every citizen in this country. This gives rise to hope for a better future in India.

No doubt there are several gaps and lacunae in the type of democracy we are practising in some of the Commonwealth countries. But it is always a struggle for betterment and the process goes on endlessly. There is an emergent need for the people of all peace-loving nations to come together to save the world from a catastrophe. The Parliament in India has several times expressed its deep anguish at the horrors that a nuclear war would inflict upon the world.

It is an irony indeed that when some people of the world are wallowing in wealth and luxury, large numbers of people do not have enough to eat, or to clothe or to live under a shelter. The sooner this contrast in life is ended, the safer would be the world for us to live in. You cannot suppress the economic and social aspirations of millions of people for all times to come. Our Parliament has time and again pointed out this disparity to the richer nations.

The Parliaments of the Commonwealth countries could play an effective role in trying to highlight the fact that the under-developed countries cannot remain in that pathetic condition for long and the richer countries cannot exploit our markets for any length of time.

The members of Parliament have to keep in constant touch with the people so that there would be an uninterrupted reflection of people's wants in the portals of Parliament. It is also true that overstressing of particular lapses in administration should not occupy much of the time of the Houses of Parliament to the detriment of real and concrete issues that intimately affect the lives of the people. The representatives of people have to be ever on the vigil to haul up the administration, and to put it on proper gear so that it can play a purposeful role in the economic, social and political development of the country as a whole.

It is common knowledge that the Ministers of Government face embarrassing situations when confronted with facts within the knowledge of members. Quite often the Government representatives in the House are ill-informed about matters concerning administration and when pressurised for positive assurances by the members an attempt is made to escape from a difficult situation by stating in generic terms that the point raised by the member would be considered by the Government. These assurances are forthcoming more liberally during Question Hour. It is the bounden duty of the House to ensure that the Government keep to their word and sincerely make attempts to see that the promises are examined and if possible carried out. We have a Committee on Government assurances in the Parliament and the State Legislatures. All the assurances made by the representatives of Government are taken together and the Committees sit for the accountability of the Government representatives on those assurances. This is a continuous and long drawn out procedure. Where the assurances committees are constantly on the vigil, there is greater compliance from the Government. It would also be a signal warning to the Government not to hold out empty assurances.

**KEYNOTE ADDRESS BY SHRI RAMAKRISHNA HEGDE, CHIEF MINISTER OF  
KARNATAKA ON "ROLE OF MEMBERS OF PARLIAMENT IN  
CONTEMPORARY SOCIETY"**

The primary duty of a parliamentarian is to represent his constituency and serve to the best of his ability the interests of his constituents. The relationship between a parliamentarian and the electorate does not stop immediately after the elections. He should be

in close touch with the electorate throughout his term and should articulate their needs and expectations. Complaints and grievances of individuals would have to be looked into. This role is of great importance in developing countries like ours where majority of the people are illiterate and poor.

In this context it is necessary to emphasise the need for strong and effective constituency units of the parties represented in the Parliament. The local unit should also have a say in the selection of candidates for the election. This arrangement helps in developing local leadership and keeps the MP alert. In the developed countries these bodies provide political leaders with experience at the grass-root to play greater roles at the State and national levels.

The developmental activities offer a member of Parliament plenty of opportunities to bring about changes and improvement in his constituency and in the process help the nation as a whole to progress. It should be rewarding to see the efforts of a parliamentarian bearing fruits.

A member who does his duty to his constituents has little time left for anything else. In other words, he becomes almost a professional politician. The duties of the member are multifarious and include long hours of reading, participation in social functions, preparation of speeches and delivery both inside and outside the House, correspondence, drafting questions, amendments, motions, etc. For a present day politician, it is extremely difficult to combine outside work with the membership of the House. There are a number of employments from which a member has to resign on his election to Parliament. An important issue is the expenses incurred by a member while carrying out his duties connected with his membership.

A member of Parliament will have to play an effective role in the House. He can participate in legislative, financial and other business of the House. He can help in the scrutiny of the performance of the Government and redress public grievances. He can argue for desirability or otherwise of a particular Bill and greatly influence emerging legislations. He can provide useful guidance in subordinate legislation or for implementing the legislation. Through knowledge of rules and procedures is a *sine qua non* for a parliamentarian to be effective. He will have to adopt the right procedure to achieve his objective. Proper usage of time is of great importance. Parliamentary practices, procedures and conventions impart stability and predictability in the transactions of business and ensure effective contribution by one and all.

It is necessary to mention about the traditions of each House developed through decades and the need to preserve them. There is need to introduce conventions and practices which would create a friendly and conducive atmosphere.

An area of interest is the codification of parliamentary privileges and the need to draw a code of conduct for MPs including the disclosure by them of personal and pecuniary interest in matters coming before parliament. These matters should receive the support of all parties and should have a dependable form of sanction.

There is an urgent need to establish a proper system designed to make Parliament more effective and the Government more accountable. The Select Committees of the House of Commons covering the main departments introduced in 1979 have proved very useful. It has been observed that the Committees' work has been viewed by members not as an alternative to the House, but rather as a supplement to it and as a means to enrich its debates. If members have to play a better role, the best course appears to be to establish in India and in other countries of this region a similar system. This would ensure greater parliamentary scrutiny without affecting Parliament's functioning. These Committees could provide a forum where members would get adequate opportunity and make constructive contributions. The Committees can carry out close and more systematic scrutiny on a continuing basis of Government's performance. The involvement of the member could be greater and it would provide an opportunity for specialisation.

In India, the need for reform is urgent in view of the growing complexity of Governmental functioning and steady reduction of time for serious and detailed discussion of Governmental policies in Parliament. The Committee system would provide for a deeper analysis of the Budget by a compact body and help members specialise. It would also help the passage of the Budget in a shorter period with greater scrutiny. It would ensure efficiency in the working of the departments.

Members are leaders of the community. They will have to harmonise the interests of their constituencies and those of the nation. The interest of the nation should be uppermost in the mind of an MP. Local or group interests should not be pursued beyond a point.

A member of Parliament is a source of inspiration for many. He is a leader who can make others follow his footsteps. In most of the developing countries rapid changes are taking place in the political,

economic and social systems. He has a vital role to play in the transformation of these systems.

It is indeed important what form of democratic system exists. But what is more important is whether it has certain basic attributes—a Government by consensus, well established political institutions and organised political parties and stable and effective administration. The developing countries are yet to undergo any significant political modernization. Economic development and social reform go hand in hand with political development. In fact, these are mutually reinforcing. The parliamentarians should, therefore, evince interest in political modernization and in the establishment of political institutions which would provide for political stability.

Political modernization should cover rationalisation of authority and differentiation of structure apart from expansion of political participation through decentralisation. The most important aspect of political modernisation is the participation by social groups of the entire society in politics at all levels. This is accomplished by the development of new institutions including political parties to organise their participation. Political parties are the distinctive organisations of modern politics. The function of a party is to organise participation, bring together separate interests and serve as a link between social forces and the Government. In so doing the parties reflect the logic of politics.

KEYNOTE ADDRESS BY SHRIMATI PRATIBHA DEVISINGH PATIL, DEPUTY CHAIRMAN, RAJYA SABHA AND VICE-PRESIDENT OF THE INDIA BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION ON "PARLIAMENTARY DEVICES TO ENSURE IMPLEMENTATION OF GOVERNMENT ASSURANCES"

In a parliamentary democracy the Executive is responsible to Parliament for all its acts of commission and omission. The control which Parliament exercises over the Executive emanates from the principle that Parliament represents the will of the people, and therefore, has a right to oversee the working of the Executive so as to ensure that its policies and programmes remain in consonance with the hopes and aspirations of the people. The manifold parliamentary procedures afford opportunities to members to enforce ministerial responsibility. During debates and discussions under various rules, the members evaluate the performance of the Government in diverse fields bring to its notice drawbacks and shortcomings in the policies and programmes being implemented and ventilate public grievances and seek their redressal.

While participating in the proceedings of the House and replying to debates, the Ministers give assurances or promises either to take action on a matter or to consider it or to furnish the information asked for by members. In order to effectively oversee the working of the Executive and enforce its accountability, a Committee on Government Assurances in each House of Parliament has been set up to keep a watch on the implementation of assurances given by the Ministers on the Floor of the House. This Committee serves as a watchdog on the functioning of the Government. This Committee is wholly an Indian innovation in the parliamentary procedure of the world.

Identification of Government assurances in the proceedings of the House is not an easy task. Differences may arise between Parliament and the Executive as to which words or expressions constitute assurances, undertakings, etc. The determination of forms of assurances is, therefore, essential for the proper working of any kind of parliamentary machinery designed to oversee implementation of government assurances.

Needless to say, if an assurance is not fulfilled within a reasonable time, it may lose its significance. In order to ensure that the assurances are fulfilled in the shortest possible period some reasonable time-limit has to be prescribed. In our Parliament an assurance is required to be fulfilled within a period of three months from the date of the assurance. This time-limit has to be strictly observed. But if there are any genuine and practical difficulties in implementing an assurance within the prescribed time-limit, it is open to the government to approach the Committee and seek extension of time. If necessary, the Committee can summon officers of the concerned Ministries to give evidence about the action taken by Government for implementing the assurances. This undoubtedly helps in securing speedy implementation of the assurances. After examining the action taken by Government to implement the assurances, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary for the purpose, the Committee reports its conclusions and recommendations to the House.

With the passage of time the Committee has been gaining popularity even with the public. Organisations, associations and individuals approach it for redressal of their grievances regarding non-fulfilment of particular assurances given by the Ministers on the

floor of the House. The Committee considers each case on merits and tries to help the aggrieved persons. (

Both the Committees on Government Assurances of the Indian Parliament have been working very effectively. They have been acting as arms of the Parliament in the matter of enforcing executive accountability. As a result of the continuous vigil kept by the Committees over the implementation of Government assurances, the Ministers have now become more careful in giving assurances, and their departments have been showing promptness in taking action thereon.

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*Professor Madhu Dandavate:* .... The Home Minister who made the statement should have been here.

*Shri P. Chidambaram:* He is replying in the Rajya Sabha. He will be here in 10—15 minutes. The other House is also debating this issue. He is now on his legs.

*Professor Madhu Dandavate:* I am happy, Sir, he will come back with elders.

*Mr. Speaker:* Yes, Sir, on the elderly advice.

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

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**HIS EXCELLENCY, MR. MIKHAIL S. GORBACHEV'S  
ADDRESS TO MEMBERS OF PARLIAMENT**

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On 27 November 1986, His Excellency, Mr. Mikhail S. Gorbachev, General Secretary of the Central Committee of the CPSU, addressed the members of Parliament in the Central Hall of the Parliament House. We reproduce below the synopsis of his Address as well as of the welcome speech by Shri R. Venkataraman, Vice-President of India and Chairman of Rajya Sabha, speech by Shri Rajiv Gandhi, Prime Minister of India and the thanks-giving speech by Dr. Balram Jakhar, Speaker of Lok Sabha and President of the Indian Parliamentary Group.

*Editor*

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**WELCOME SPEECH BY SHRI R. VENKATARAMAN, VICE-PRESIDENT OF  
INDIA AND CHAIRMAN OF RAJYA SABHA.**

Gathered here to welcome you in this historic Central Hall of the Parliament of India, Mr. General Secretary, are members of the Lok Sabha and the Rajya Sabha, Members of the Indian Parliament have had the privilege of welcoming the Soviet leadership in this very hall more than once. Likewise, Indian Prime Ministers, Shri Jawaharlal Nehru, Shrimati Indira Gandhi and Shri Rajiv Gandhi returned these visits to the Soviet Union, each visit strengthening the bonds of friendship and furthering the area of co-operation. India fondly remembers the support offered to the Indian struggle for freedom by your great leader, V. I. Lenin.

Our administration for the Soviet people dates back to the time of your Revolution. Our beloved Prime Minister, Jawaharlal Nehru, visited your country in 1925 and came back fully impressed with your planned economy. What Jawaharlal Nehru wished



for India was not just a change of political structure, important as that was but a transformation of a despondent society into a sanguine one combining the pride of its past with a vision of its future. In this journey on which Nehru initiated us, we have received from the Soviet Union, constant and consistent support.

Indo-Soviet economic collaborations constitute an altogether unique and exemplary saga. These are based on the principle of mutual respect for each other with no strings attached.

The complementarity between our two countries has not been confined to inter-governmental activity alone. Cultural exchanges on a people-to-people basis have given to the profile of Indo-Soviet relations, the features of human warmth. We are looking forward to the great cultural manifestations that lie ahead: The Festival of India in the Soviet Union and the Festival of the Soviet Union in India. These will re-articulate the spirit of the Treaty of Peace and Friendship signed by the two nations in 1971.

Our shared perceptions of the Global problems have helped draw us together closer and closer. The leaderships of both countries are firmly set against the nuclear arms race that threatens the human species with annihilation, star wars that seeks to pollute even outer space and escalation of tensions. We also share the view that peace and progress are indivisible and that there can be no progress without peace. The ready and spontaneous response of the Soviet Union to the six-nation initiative and your own positive proposals at Reykjavik for nuclear disarmament, fill the world with hope that these efforts will not go in vain.

**ADDRESS BY HIS EXCELLENCY, MR. MIKHAIL S. GORBACHEV, GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE CPSU\***

On behalf of my country I would like to share with you our vision of the world, bridging it with the thoughts and aspirations of millions of people in your country.

I shall speak of things that are equally cherished by our two peoples and of things that are equally disturbing to them. Joint action and cooperation between the Soviet Union and India constitute a significant factor in world politics and perform a constructive function in the system of international relations.

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\*Original in Russian.

The proximity of positions held by the Soviet Union and the great India on the fundamental problems of our time is indisputable as is their commitment to peace and equitable cooperation, to disarmament and the prevention of nuclear war.

Nor is there any doubt that at this alarming juncture in the life of mankind we are equally determined to work persistently for saving the peoples of the Earth from a nuclear Apocalypse, for building a world order that would rule out *diktat* or violence and enable every people to chose freely its own road of development.

To me personally, it is quite obvious that much of what we call new political thinking manifested itself internationally for the first time in relations between the Soviet Union and India. And the fact that differences of socio-political system and ideology and our national, cultural and other distinctions have not hampered our dialogue is extremely important as a guiding example for others.

Our ancestors "travelled across three seas" to reach India and reveal to their countrymen the treasures of India's soul and mind. Today we come to India to reinforce the principles of our diversified bilateral cooperation and open up new vistas for it. A new agreement on Economic and Technological Cooperation, the largest in the history of Soviet-Indian relations, has been signed. We have come here in order to promote, together with the leaders of India, the reaffirmation of the concept of peace as the supreme and universal human value.

The Declaration of principles for a nuclear-weapon-free and non-violent world signed by the Prime Minister, Mr. Rajiv Gandhi, and myself serves this noble purpose since we are not merely proclaiming the principles of a world free from nuclear weapons or violence but are already implementing those principles in practical international action.

The Soviet programme for a phased elimination of all nuclear arms and other weapons of mass destruction before the end of this century, the concept of building a comprehensive system of international peace and security, our moratorium on nuclear explosions, our various other peace initiatives is consistent with the position of the Delhi Six and with India's belief in the power of common sense and the possibility of ensuring peace and progress for the present and future generations.

We are gratified to note that the Soviet Union and India share the same approach to the idea of establishing a comprehensive system of international security. The Delhi Declaration is a new step in promoting this concept of a durable, assured peace, a peace with a new quality.

Universal peace for every nation begins at the threshold of one's home. That is why stability and security in Asia are a common concern for both India and the Soviet Union. For our national homes to be strong, they need peace, and for peace in the world to remain undamaged, we must reinforce all the supports on which a house is built.

India is an acknowledged leader of the Non-Aligned Movement; what is more, it is a member in high standing of the world community. Therefore, today we intend to make some suggestions here, addressing them both to India as a major world power and to most other countries which want to bring international affairs to a more constructive level.

*First.* In the nuclear age, when the threat to people's lives has become universal, when the realisation of inter-relationship and mutual responsibility is becoming vitally important for everyone, international institutions and organisations acquire greater significance.

Lately the community of nations has grown, in the United Nations. The role of the United Nations is bound to increase due to the significant growth of its membership and the independent attitudes of its members. We are convinced that in the nuclear and space age the United Nations can and must increase its contribution to strengthening peace, as envisaged at the time it was founded.

The Soviet Union wants the potential of this universal international organisation to be used more effectively than in the past, which must be achieved, *inter alia*, by making its proceedings and its main bodies more democratic.

In general, we are in favour of enhancing in every way the authority of the United Nations, of strengthening its political, legal and moral standing.

*Second.* Outer space above the Earth surrounds the whole of mankind and no one should be indifferent to how it is used. It is

our profound conviction that space, this common property of mankind, should be exclusively peaceful and that what we need is Star Peace and not Star Wars. We are prepared to cooperate with any country in exploring outer space.

We think that the developing countries, with their authority, their desire to cooperate in coping with these tasks and their interest in putting space exploration on the track of peace and broad-based international cooperation, are to play an important role in the endeavour. Therefore, today we make a proposal to establish, with the help of the leading space powers, an international centre to carry out joint research and develop space technologies at the request of developing countries, for example satellites, to explore natural resources.

*Third.* As you know, the Soviet Union and India support the United Nations decision to convene not later than in 1988, an international conference for the purpose of implementing the United Nations Declaration on the Indian Ocean as a Zone of Peace. Demilitarisation of the Indian Ocean must finally get under way.

The peoples of our two countries have much that brings them closer together.

A high degree of humanism is also evident in the policies of our two countries: both the Soviet and the Indian people tend to think not only in terms of their own security or interests, but also to relate them to universal security and the aspirations of the whole of mankind.

Today, the danger of war means more than heavy stress, a burden injurious to mental health. The arms race diverts enormous material, intellectual and various other resources and consequently denies people the necessary means to improve their existence, and hence limits their ability to enrich society through creative work. It is necessary to cut down the material wherewithal for the arms race and to channel the resources to development.

We cannot fail to recall in this context that Indira Gandhi, the great daughter of the Indian people, was among the first political leaders who realised that this is the way to meet the global challenges facing mankind. The Soviet Union, too, has been consistently emphasising that disarmament would lead not only to a more secure world, but also to a higher standard of living.

Our positions on this matter coincide with the positions of India and of the Delhi Six. We support an early convening of the UN Conference on the relationship between disarmament and development.

Ending the arms race would also effectively promote the implementation of the idea of a new world economic order. It would also make it easier to solve the problem of foreign debt, which for many countries is now not only a grave economic challenge but also has political consequences.

The problem of disarmament has many dimensions, each of them accentuating the need for its solution. But what is particularly unacceptable is replacing the race in some types of weapons with a race in other weapons. If we were to disarm in one area only to build up weapons of mass destruction in another area, that would not be disarmament but a fraud.

I am referring to the SDI which, according to world-famous experts, threatens to level yet another enormous hole in the pockets of people in many countries. World public opinion is being told that besides being a defensive programme, the SDI also stimulates the development of non-military economies and would bring about higher employment and even greater prosperity. I would just say here that the cynical proponents of this programme make no secret that with the help of the SDI they not only intend to dictate to other countries how they should live but also want to increase their national product by impoverishing others.

May I in conclusion once again turn to Soviet-Indian relations. They rest on the reliable foundation of our Treaty of Peace, Friendship and Cooperation. Its supreme meaning lies in the reciprocal commitment to act should a complicated situation arise for one side or both.

Such situations did arise. Both the Soviet Union and India have remained faithful to their commitments and acted in accordance with the spirit and the letter of our Treaty.

Friendship and cooperation between the Soviet Union and the Republic of India have stood the test of time. Instrumental in this have been the ties and contacts between our Parliaments, which should be further developed.

SPEECH BY SHRI RAJIV GANDHI, PRIME MINISTER OF INDIA

Ever since our independence, we have borne in mind the fact that freedom, prosperity and peace are indivisible. We have laboured for India's economic development, for India's strength. At the

same time we have striven for peace and cooperation throughout the world. Our policy of Nonalignment is an expression of the spirit of the reconciliation that animated our non-violent struggle for freedom.

Reconciliation and peace are what the world needs today. General Secretary Gorbachev cherishes just such a vision of peace. We were heartened by his ready acceptance of the successive proposals of the Six-Nation Five-Continent Initiative for disarmament. His own proposals at Reykjavik go far beyond what we attempted. They are remarkable for their sweep and boldness. In the interest of humanity, all nuclear-weapon countries must come together in a binding compact to eliminate nuclear weapons and prevent the spread of confrontation to Outer Space.

Your visit shows the importance that the Soviet Union attaches to friendship with India. It gives us an opportunity to demonstrate how greatly we value the friendship of your great country. It is a friendship which has supported us in our moments of anxiety and helped us in building a modern economy.

THANKS-GIVING SPEECH BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA  
AND PRESIDENT OF THE INDIAN PARLIAMENTARY GROUP\*

Ever since our independence, we have in this Parliament, endeavoured to provide impulses and ideas which would promote peace, friendship and cooperation between nation States across continents and would lead to the emergence of a new pattern in international relations in Asia and in the World.

Our late Prime Minister Mrs. Gandhi made weighty contributions to strengthening and consolidating the Non-aligned Movement and for shaping of an Asian identity.

India has just assumed the Chairmanship of the South Asian Association for Regional Cooperation which is a concrete expression of our common intention to pool the experience and talents of the countries of this region for battering the lives of one of the most populated parts of the world.

Indo-Soviet relations are founded on deep mutual common respect for the well-defined principles of international relations. We welcome your understanding of Non-Alignment which is a recognition that a country's independence of thought is a sound basis on

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\*Original in Hindi.

which to build a similarity of approach to current international issues. Your speech shows your deep faith, Excellency, in preserving world peace, creating the necessary conditions for it, and bringing about of a new world order both political and economic, which would assure equity, justice and independence.

Indo-Soviet friendship has grown from strength to strength, and as a natural corollary, this friendship has found practical expression in almost all fields of human endeavour—economic, social and cultural, scientific and technological. Economic and technological cooperation extended by Soviet Union has helped us considerably in building up a strong industrial base and a self-reliance economy. Our relations have stood the test of time and withstood pressures of all kinds.

Both our peoples are of the firm conviction that in the present era the most pressing question confronting humanity is to stop the nuclear race, beginning with stopping nuclear tests and to prevent the extension of weapons to outer space. The Indian people have studied with appreciation the many imaginative proposals made by Your Excellency with a view to ridding the world of the nuclear weapon menace by the turn of the century. We also have welcomed your practical action in ordering a moratorium on nuclear weapon testing and we hope that other major nuclear weapon nations join in this significant action. Our parliamentarians play an active part in several international forums dedicated to bringing about a world which would be free of nuclear weapons and where outer space would be used only for peaceful purposes. These shared objectives and a resounding echo in the Declaration on a Nuclear-weapon-free and Non-violent world which Your Excellency and the Indian Prime Minister have signed.

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*Shri Raj Kumar Rai:* Sir, he has the cheek to say all those things.

*Shri G. G. Swell:* He is speaking with his tongue in cheek!

## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCE AND SYMPOSIA

*Conference of Chairmen of Committees on Subordinate Legislation of Parliament and State Legislatures:* The Fourth Conference of Chairmen of Committees on Subordinate Legislation of Parliament and State Legislatures in India was held in New Delhi on 29 and 30 November, 1986. Besides, the Chairmen of Committees on Subordinate Legislation of Lok Sabha and Rajya Sabha, 20 Chairmen of such Committees from State legislatures attended the Conference. The Conference was inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha. The inaugural address was followed by an address by Shri Mool Chand Daga, Chairman, Committee on Subordinate Legislation of Lok Sabha and Chairman of the Conference.

The Conference discussed matters pertaining to the following aspects of the Committee on Subordinate Legislation:

1. Framing of Statutory Orders.
2. Framing of rules in relation to Boards.
3. Laying of subordinate legislation on the Table.
4. Scope of functions of Committee on Subordinate Legislation.
5. Prior scrutiny of rules.
6. Scrutiny of orders framed by Autonomous Bodies.
7. Constitution of Joint Committee in a bicameral State Legislature.
8. Framing of Act under Article 309 of the Constitution.
9. Petitions regarding Subordinate Legislation framed by the Executive.



10. Governing of all-India Service Officers by State Government Rules.
11. Modification or Annulment of Rules framed under Delegated Powers.
12. Implementation of recommendations of the Committee.

*Symposium on 'Our Constitution and Working of Parliamentary Democracy in India'*: A symposium on 'Our Constitution and Working of Parliamentary Democracy in India' was held under the auspices of the Indian Parliamentary Group on 26 and 28 November 1986. Dr. Bal Ram Jakhar, Speaker, Lok Sabha inaugurated the symposium in the Central Hall, Parliament House on 26 November 1986. The business session was held on 28 November 1986 in the Parliament House Annexe, New Delhi.

#### INDIAN PARLIAMENTARY DELEGATION ABROAD

*Mauritius*: On the invitation of the Legislative Assembly of Mauritius, an Indian Parliamentary Delegation led by Dr. M. Thambi Durai, Deputy Speaker, Lok Sabha visited Mauritius from 16 to 21 January 1987. Besides the leader, the Delegation consisted of Dr. Chandra Shekhar Tripathi, Shrimati Sumati Oraon and Sarvaswari Dharam Pal Singh Malik, Mostafa Bin Quasem, R. R. Sahu, and Syed Masudal Hossain, all members of Parliament. Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was Secretary to the Delegation

#### PARLIAMENTARY DELEGATIONS FROM ABROAD

*Australia*: In response to an invitation from India, a 7-member Australian parliamentary Delegation led by Honourable Mrs. Elaine Elizebeth Darling, MP visited India in November 1986. The Delegation called on Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri R. Venkataraman, Vice-President of India and Chairman of Rajya Sabha on 17 November 1986. Dr. Jakhar hosted a banquet in their honour on the same day. A meeting between the Delegation and members of our Parliament was held on 18 November 1986. Besides Delhi, the Delegation also visited Agra, Bangalore, Mysore, Bombay and Madras.

*Netherlands*: In response to an invitation from India, an 8-member Dutch parliamentary Delegation led by His Excellency Dr. D. Dolman, Speaker of Second Chamber of the States-General of the Netherlands visited India in November 1986. The Delegation

called on Shri R. Venkataraman, Vice-President of India and Chairman, Rajya Sabha on 21 November 1986 and Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 24 November 1986. A meeting between the Delegation and members of our Parliament was held on 24 November 1986. Dr. Jakhar hosted a banquet in honour of the Delegation.

**BUREAU OF PARLIAMENTARY STUDIES AND TRAINING**

During the period 21 November 1986 to 20 January 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/Central Services:* Three Appreciation Courses on parliamentary processes and procedures were organised by the Bureau, viz. Fourth Appreciation Course for Indian Economic Service Probationers—24 to 28 November 1986; Appreciation Course for Probationers of IRSE and IRSEE Services—1 to 5 December 1986; and Sixth Appreciation Course for Indian Railways Accounts Service, Indian Railways Personnel Service and Indian Railways Traffic Service Probationers—8 to 12 December 1986.

*Appreciation Course Seminar for Youth Coordinators and Professors/Lecturers for organising Model Parliaments:* The Bureau conducted the Third Appreciation Course for Youth Coordinators under the Department of Youth Affairs from 25 to 28 November 1986 with a view to assist them to organise Model Parliaments among the non-student youth. Shri K. Ramamurthy, Chairman, Committee on Public Undertakings inaugurated the Course. With a view to encourage professors/lecturers of Delhi University and its affiliated colleges, to organise Model Parliaments, a Seminar was organised for them on 16 January 1987. Shri N. N. Mehra, Joint Secretary, Lok Sabha Secretariat inaugurated the Seminar.

*Attachment of Officers of State Legislative Assembly Secretariats with the Lok Sabha Secretariat:* At the request of the Assam Legislative Assembly Secretariat, the Bureau organised Attachment Programmes for (a) three Officers of that Secretariat from 20 December 1986 to 2 January 1987; and (b) five Senior Assistants of that Secretariat from 31 December 1986 to 6 January 1987 to enable them to study the procedures relating to parliamentary questions.

At the request of the Himachal Pradesh Vidhan Sabha Secretariat, the Bureau organised an Attachment Programme for Shri L. S. Kashyap, Officer on Special Duty of that Secretariat from 18 to

24 December 1986 to enable him to study the working of Table Office, Privileges Section, Library and Reference Division.

*Training Courses for Officers of State Legislatures:* A training course for Reporters of State Legislature Secretariats was organised from 22 to 29 December 1986, which was attended by 55 Reporters from various State Legislature Secretariats. Shri N. N. Mehra, Joint Secretary, Lok Sabha Secretariat inaugurated the Course.

*Attachment of Parliamentary Fellows of Institute of Constitutional and Parliamentary Studies:* An Attachment Programme for Parliamentary Fellows of the Institute of Constitutional and Parliamentary Studies was organised from 29 December 1986 to 2 January 1987. The Programme was attended by 20 participants including seven from foreign countries.

*Study Visits:* At the request of various training institutions in the capital and other educational institutions, the Bureau organised 13 Study Visits for, among others, (i) Sales Tax Administrators; (ii) Officers of DGS&D; (iii) Students of Government Polytechnic Mysore; and (iv) U.P. State Civil Service (Executive Branch) Officers.

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*Shri P. R. Kumaramangalam:* At least the intention should be appreciated.

*Professor Madhu Dandavate:* The road to hell is paved with best intentions!

(L. S. Deb., 12 March 1987)

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## PRIVILEGE ISSUES

## RAJYA SABHA

*Propriety of Government issuing Notifications having revenue implications on the eve of the Budget Session:* On 11 November 1986, the Chairman (Shri R. Venkataraman) observed that on 4 March 1986, he had given a ruling in the House on the question of propriety of Government issuing Notifications exempting various items from payment of customs duty just on the eve of the Budget. He had in his ruling *inter alia* mentioned that the question whether the exemptions had been given properly or in normal circumstances could at best be looked into by the Committee on Public Accounts. A reference was accordingly made to that Committee.

The Chairman noted that he had since received the observations of the Public Accounts Committee on the reference made. The Committee had recorded that while there should be strict compliance with the principle that no proposal involving taxation should be given effect to by the Government unless and until Parliament had discussed, debated and approved it, a certain degree of flexibility must exist to enable the Government to deal with an emergent situation in the light of public interest. The Committee had minutely examined the Notifications laid on 25 and 27 February, 1986 and felt that 15 out of 49 Notifications ought to have been held back until Parliament had had an opportunity to consider them. According to the Committee, in the case of those 15 Notifications, there did not appear to have existed the necessary degree of urgency of public interest that would have justified an exception to the general rule.

Shri Venkataraman further noted that the Committee had also observed that the amount of revenue involved in the grant of exemptions was not marginal but was conspicuously large. As estimated

by the Committee, exemptions granted under the Customs and Central Excise laws during the years 1983-84, 1984-85 and 1985-86 were to the tune of Rs. 1,115 crores, Rs. 1,283 crores and Rs. 1,924 crores respectively. The Committee had, in particular, taken note of the fact that the exemptions granted in the revenue accruing from customs alone amounted to 16.62 per cent of the total revenue during 1985-86, added the Chairman.

Referring to the concluding observation of the Committee that post-notification approval by Parliament was no substitute for a prior debate and discussion of taxation proposals specially when they departed from the approved Budget, the Chairman expressed the hope that the Government would take due note of that and endeavour to ensure that resort to issuing Notifications having revenue implications would be minimal.

## STATE LEGISLATURES

### GUJARAT LEGISLATIVE ASSEMBLY

*Alleged misleading of the House by a Minister:* On 5 August 1986, the Speaker (Shri Natwarlal C. Shah) announced that a member, Shri Ashok Bhatt, had given notice of a question of privilege under rule 250 of Gujarat Legislative Assembly Rules against the Minister for Health. Shri Bhatt had stated therein that during the Question Hour on 12 March 1986, another member Shri Keshubhai Patel had, at the time of supplementary questions on the Starred Question pertaining to withdrawal of cases of adulteration in oil in Rajkot district asked a question, *viz.* "whether the Hon'ble Minister was ever associated in one or the other way with the organisation in respect of which he has withdrawn the case?" To that question the Minister for Health had replied, "I have not withdrawn this case. My opinion was also not asked. The Home Department had decided to withdraw the case before I had become the Minister. The decision is not taken by the Department in my charge." The Speaker observed that Shri Ashok Bhatt had alleged that the Minister had misled the House since his reply was far from truth. In support of his statement he had produced copies of the letters dated 3 September and 16 October 1985 written to the Director of Food and Drugs Control Administration and the Additional Government Pleader of Rajkot respectively by the Health and Family Welfare Department.

The Speaker informed the House that he had asked the Minister for Health to clarify that issue. He added he had, after minutely

studying the issues raised by Shri Ashok Bhatt, the letters produced by him and the clarification given by the Minister, noticed that two issues were involved in that case. The first of them was the criminal suit No. 362/84 filed in the Court of Judicial Magistrate (First Class) of Rajkot against the officer of the godown of the Gujarat Cooperative Marketing Society Limited (GUJCOMASOL) situated at Navagam for keeping sub-standard wheat while the second pertained to the application requesting to involve subsequently all the Directors of the GUJCOMASOL as co-accused in the case.

The Speaker noted that when the issue, whether the Minister for Health had withdrawn the case filed against the organisation with which he had been associated, was raised in the House during the Question Hour, the Minister had replied that he had not withdrawn the case and that the decision was not taken by the Department in his charge. The Speaker observed that obviously that organisation was GUJCOMASOL and the Minister for Health had been one of its Directors and, therefore, he had given his replies keeping in mind the application requesting to treat Directors of the GUJCOMASOL as co-accused in the case and the Government's decision thereon. The Speaker added that he had himself ascertained that the Registrar of Co-operative Societies, who was himself *ex-officio* Director of the Board of Directors, had considered the question of withdrawal of the application requesting to treat the Directors of the GUJCOMASOL as co-accused in the case, for the first time on 21 December 1984 and the Assistant Director of Food and Drugs Control Administration, Rajkot had, *vide* his letter dated 2 January 1985, asked to withdraw the application and also sent a copy of that letter to the Government pleader. On the strength of that letter, the Collector of Rajkot had *vide* his letter dated 11 January 1985, asked the Government pleader to withdraw the said application. The Speaker noted that all that had been decided before Shri Vallabhbai became the Health Minister on 11 March 1985 and hence when the issue was referred to in the House the Minister for Health had replied as above in the House. The Speaker observed that the Minister for Health was right in the matter as the same pertained to the suit against the organisation with which he was associated. He had given his replies in the House under the presumption that the House was interested in withdrawal of the case against the Directors of the GUJCOMASOL, added the Speaker.

The Speaker further observed that the other issue of the case was the original criminal suit No. 362/84 against the Godown Officer. As stated by the Minister for Health, the suit had also been subsequently withdrawn and the process of withdrawing the suit was

initiated on the basis of his own recommendation to the Home Department made after he had become the Minister. The Home Department had taken a decision in the matter on 28 September 1985 but as per the advice of the Legal Department such decisions was intimated to the Government pleader not by the Home Department but by the Health Department *vide* their letter dated 16 October 1985.

Regarding the withdrawal of the original suit against the Godown Officer, the Speaker felt it was true that the Home Department had taken a decision to withdraw the suit but in the impugned case, as two issues *viz.* (1) withdrawal of the original suit against the Godown Officer, and (2) withdrawal of the application requesting to treat the Directors of the GUJCOMASOL as co-accused, were involved, what the Minister for Health had, while replying on the issue of withdrawal of the application requesting to treat the Directors of GUJCOMASOL as co-accused stated in the House was not correct. But, he added as stated by the Minister for Health, Shri Ashok Bhatt's original question pertained to the withdrawal of cases of adulteration in oil in Rajkot district while the present case pertained to the storing of wheat and hence he did not have with him adequate details to reply to a supplementary question which pertained to an issue altogether different from the original question. He had with him no file necessary to reply to that supplementary question and so he had replied that a separate question would have to be asked.

In view of the above, the Speaker felt that while replying to the supplementary question, the Minister for Health had confused those two issues and being so confused he had replied that in the impugned case the decision to withdraw the application requesting to treat the Directors of the GUJCOMASOL as co-accused was taken by the Home Department and not the Health Department. He added that the Minister for Health had stated in his clarification that at that time he did not possess full and complete details of the whole issue and that he had not made a detailed study of the same. Further he had stated that he had inadvertently referred to the Home Department in his reply. He had also expressed regret for his mistake and said that he had neither the intention nor could have any commit a breach of privilege.

The Speaker ruled that since the Minister for Health had explained the circumstances under which he had committed the mistake and had also expressed his regret for the same, no further action was required in the matter.

## TRIPURA LEGISLATIVE ASSEMBLY

**Alleged casting of aspersions on the Speaker and members by a newspaper:** On 28 December 1983, a member (Shri Bidya Chandra Deb Barma), gave notice of a question of privilege against the Editor of *Syandan*, a daily newspaper, for allegedly casting asperations on the Speaker and members in an editorial published in its issue dated 28 December 1983 under the caption "Example is good but too much of anything is bad". The impugned editorial read\* *inter alia* as follows:

"The second example has been set by no less a person than the Speaker, Legislative Assembly. On the concluding day of this session he has cast aspersions on the press representative. He alleged that some of the press representatives from the press gallery had discussion with some hon. members inside the House while sitting and thereby denigrated the dignity and sanctity of the House. Inside the Legislative Assembly hall only the elected representatives have the right of discussion. This is their privilege. They have the right to intimidate others and even they can stamp a knife on the desk. They have the privilege of denigrating the dignity of the House, simply because they are hon. members. But in others' case, you cannot even open your mouth. If you do so, it is the contempt of the House. In this way the sanctity of the House is lost. It is the first time that in the name of upholding the sanctity of the House the hon. Speaker has passed a ruling against press representatives. But here in this case, there is ample scope for doubt as to what extent he himself maintained the dignity of law. If some press representatives sitting in the press gallery have some discussion with some hon. members, in that case he could have pursued the matter according to the set procedure. But instead of doing that he has cast aspersions on the representatives as a whole.

Another example has been set by the hon. Speaker of the Legislative Assembly. It is good thing to uphold the dignity and sanctity of the Legislature; but it should not be done by casting aspersions on the press representatives. By doing so he has denigrated the dignity of the office of the hon. Speaker. He will be recommended for very specially by the press representatives for this kind of action."

\*Original in Bengali.



On 12 March 1984, the Speaker referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after examining Shri Bidya Chandra Deb Barma and Shri Subal Kumar Dey, Editor of *Syandan*, in their Thirty-second Report presented to the House on 22 January 1986, reported *inter alia* that Shri Bidya Chandra Deb Barma, the complainant who appeared before the Committee on 29 July 1985 stated that he had nothing else to say beyond his written allegation already submitted which had been under examination of the Committee and which had *prima facie* been established.

The Committee further reported that on the same day, on being summoned Shri Subal Kumar Dey, Editor of *Syandan* also appeared before the Committee and his statement was recorded. The Committee added that according to the Rules of Procedure, the recorded statement of Shri Dey was sent to him, for signature, but by his letter dated 3 September 1985, he returned the same without signing and stating in clear terms that he did not make any such statement. He also prayed for giving him a certified copy of the previous proceedings.

The Committee observed that they met again on 23 November 1985 to take decision over the letter received from the Editor of *Syandan*. After going through the statement recorded on the previous occasion, the Committee were fully convinced that the copy of the statement which had been sent to the Editor was of the statement actually made by him in connection with the alleged breach of privilege. The Committee had no doubt that the Editor had intentionally avoided signing and authenticating his statement which was made before them and felt that such refusal also amounted to another breach of privilege. But in the facts and circumstances of the case the Committee did not like to proceed further with the matter.

The Committee further observed that the next point that arose for consideration before them was whether the impugned editorial which appeared in the newspaper *Syandan* on 28 December 1983, actually amounted to a breach of privilege or not. The Committee noted that it was a breach of privilege and contempt of the House to make speeches, or to print or publish any labels reflecting on the character or proceedings of the House or its Committees, or on any member of the House for or relating to his character or conduct as a member of the Legislature. The Committee further noted that speeches and writings reflecting on the House or its Committees or

members were punished by the House as a contempt on the principle that such acts 'tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them'. The members of the Committee were of the opinion that the House might punish not only contempts arising out of facts of which the ordinary courts would take cognizance but also those of which they could not. Thus a libel on a member of Legislature might amount to a breach of privilege without being a libel under the civil or criminal law. The Committee therefore, observed that it was clear that if any reflection was made on the character of any member or proceedings of the House or its Committees, the reflection amounted to breach of privilege.

The Committee felt that in the instant case it was abundantly clear from the editorial published in the newspaper *Syandan* that it did cast reflections on the Speaker of the House and on his functioning while the session was in progress. The Committee noted that the editorial, therefore, was a clear aspersion on the conduct of the Speaker in conducting the business of the House. The Committee, therefore, unanimously opined that the contemptuous remark against the Speaker made in the editorial amounted to a gross breach of privilege of the Speaker, the members and the House as a whole and recommended that Shri Subal Kumar Dey, Editor, *Syandan* be admonished by the Speaker at the Bar of the House.

On 24 January 1986, the House adopted the Report of the Committee of Privileges. Accordingly, Shri Subal Kumar Dey, Editor, *Syandan* was summoned by the Speaker to appear at the Bar of the House on 27 January 1986 to receive admonition. Shri Dey, however, disobeyed the summons by not appearing in person before the Bar of the House. The House therefore, adopted a Resolution on 27 January 1986 that Shri Dey be reprimanded by the Speaker at the Bar of the House in the next Session of the Assembly.

In accordance with the decision taken by the House, Shri Dey was summoned again to appear at the Bar of the House in the subsequent Session of the Assembly on 29 March 1986 to receive reprimand, but he refused to receive the summons and did not appear before the Bar of the House on the appointed day.

On the appointed date and time, the Speaker informed the House about the refusal by Shri Subal Kumar Dey to accept summons and sought the decision of the House as to what course of action should be taken against him in the circumstances. The Chief Minister was of the view that the Editor had further aggravated his offence by not

appearing at the Bar of the House to receive reprimand though summoned, but he felt that the House should not proceed to take any serious action against him for committing further offence. He, therefore, proposed that Shri Dey be reprimanded by the Speaker in the House in his absence and the reason for reprimanding him in his absence should be recorded and published. This view of the Chief Minister was approved by the House. The Speaker accordingly reprimanded Shri Subal Kumar Dey, Editor, *Syandan* in his absence on 29 March 1986.

#### UTTAR PRADESH VIDHAN SABHA

*Alleged misleading of the House by a member:* On 25 February 1986, the Speaker observed that on 27 September 1985, Sarvashri Mata Prasad Pandey and Kiran Pal Singh, members, had given notice of a question of privilege against Shri Raja Mohammad Amir Mohammad Khan, another member. The members had contended in their notice that on 6 August 1985, while giving his personal explanation in the House Shri Amir Mohammad Khan had given wrong information and in trying to prove the validity of his membership he had misled the House. The Speaker added that Sarvashri Pandey and Singh had also stated that after giving his personal explanation, Shri Amir Mohammad Khan got his correct name entered in the Voters List on 10 August 1985, which was improper.

The Speaker further observed that the matter concerning the membership of Shri Amir Mohammad Khan was raised in the House on 19 and 22 July 1985 and that he had given ruling thereon on 20 August 1985. He added he had then observed that it was not within the jurisdiction of the House to consider the legal validity of the election of a member and that the election could not be challenged in any other manner save through an election petition. He, therefore, ruled that in such circumstances he did not think it proper to allow the matter to be raised in the House as a question of privilege.

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## PROCEDURAL MATTERS

## LOK SABHA

*Members not permitted to stand in the aisle of the Chamber:* On 7 November 1986, soon after the Question Hour, when some members tried to register their protest against receiving some invitation cards in Hindi while standing in the aisle of the Chamber, the Speaker observed that it did not *behave* them to stand in the aisle.

*Existance of 'Zero Hour':* On 12 November 1986, soon after the Question Hour amidst interruptions, a member (Shri Saifuddin Chowdhary) stated that 'Zero Hour' was not the period to raise points of order. Thereupon the Speaker, *inter alia*, observed that there existed no 'Zero Hour' under the Rules.

*Tabling of notice does not entitle the member to raise matter in the House:* On 12 November 1986, soon after the Question Hour, a member (Shri S. Jaipal Reddy) sought to raise the question of admissibility of various notices tabled by him. Thereupon the Speaker, *inter alia*, observed that tabling of notices did not entitle him to raise the matter in the House.

*Importance of parliamentary work:* On 25 November 1986, during discussion on the situation arising out of floods and drought in various parts of the country, the Minister of State in the Ministry of Agriculture (Shri Yogendra Makwana) submitted that the discussion might end by 5 p.m. as he had to attend to a Calling Attention in Rajya Sabha since his senior Minister was busy in a function. The Chair took exception to the submission of the Minister and, *inter alia*, observed: "But I am sorry, Mr. Makwana, you cannot say like that because even according to the original agenda listing this item, you will have to continue this discussion till six O'clock. So, how can you...stop the discussion at five?...As far as the Minister

is concerned, the parliamentary work is more important than any other function. So, there is no excuse." The discussion continued till 7.02 p.m. and Shri Makwana replied to the debate.

*Supremacy of the House in fixing time for discussion on a subject:* On 27 November 1986, before the commencement of the discussion under rule 193 regarding performance of Indian sportsmen at the tenth Asian Games held at Seoul, scheduled to be taken up at 2 p.m. a member (Shri Braja Mohan Mohanty) submitted that under rule 194(2), one hour might be allowed for such discussion at or before the end of the sitting and therefore the discussion could not start at 2 p.m. He further submitted that this rule be suspended before taking up the discussion. Another member (Shri Raj Mangal Pandey) also suggested suspension of the rule. The Deputy Speaker thereupon, *inter alia*, observed: "The House is creating the rules and formulating the rules. That is going on. When we passed this Resolution (*i.e.* Motion regarding 31st Report of Business Advisory Committee), at that time some members could have raised this question relating to rules. At that time, all the hon. members accepted that. I do not know why once again, we are going back. The House is supreme. It has accepted. That is all."

*Ministers cannot be insisted on to speak in a particular language:* On 28 November 1986, during discussion on a Private Member's Resolution regarding Growth of Rural Economy, the mover (Shri D. N. Reddy) submitted that the Minister should speak in English. The Chair, thereupon, observed that the Minister might speak in whatever language he liked to speak and that the Chair could not insist on him to speak in a particular language.

*Laying on the Table rules framed or amended in pursuance of a statute:* On 28 November 1986, when the Speaker called the Minister of State in the Ministry of Communications (Shri Sontosh Mohan Dev) to make a statement regarding revision of tariffs for P&T services, some members objected that it was a budgetary measure and, therefore, the Government could not increase the rates in that manner. Thereupon, the Speaker observed that a Minister could not be prevented from laying on the Table rules framed or amended in pursuance of a statute. However, it was open to the members either to accept, reject or modify the rules through a separate motion.

*Speaker's power to giving the floor:* On 1 December 1986, during Prime Minister's reference to the killings of several bus passengers in Punjab, a member (Shri Dinesh Goswami) pointed out that the Prime Minister had given the floor to him. The Speaker, thereupon,

observed that it was the Speaker who gave the floor. He added that neither he had given the floor to Shri Goswami nor was he going to give him at that moment. He reiterated Speaker's power to decide on the issue.

*Delay in laying rules framed by Government:* On 2 December 1986, while replying to the discussion on the situation in Punjab, the Home Minister (Shri Buta Singh) informed the House that certain rules which had been framed by the Government under the Terrorist and Disruptive Activities (Prevention) Act, 1985 and notified in the Gazette of India on 13 November 1986, would be laid on the Table of the House shortly. The delay in laying the rules was objected to by several members. The Speaker, thereupon, drew attention to the provision in the Act itself that "every rule made by the Central Government under this Act shall be laid, as soon as may be, after it is made before each House of Parliament, while it is in session." When a member pointed out that under section 21 of the Act, the rules were required to be laid on the Table of the House within one month, the Speaker observed that there should have been no delay and called upon the Minister to be careful in future also.

*Chair's limitations with regard to directing the Government to give more information:* On 3 December 1986, during Half-an-hour discussion on closure of Government of India presses at Calcutta the mover (Kumari Mamata Banerjee) submitted that the Minister had not answered the points raised by her. She was also supported by another member (Shri Somnath Chatterjee). The Chair, thereupon, observed that as per the rules, the Minister could not be directed to answer more than what he wanted to say.

*Speech without permission not to form part of record:* On 4 December 1986, during the course of discussion on general economic situation in the country, when a member (Shri Sriballav Panigrahi) kept on speaking beyond the allotted time, the Deputy Speaker ordered that whatever the member had spoken without his permission would not form part of the record. Accordingly, the speech made without the Chair's permission was not recorded.

*Ruling given earlier by the Chair upheld:* On 5 December 1986, after the Question Hour a member (Shri Saifuddin Chowdhary) submitted that certain portions of his speech quoted from a document on 4 December 1986 during discussion on Calling Attention regarding reported damage caused to invaluable pieces of art sent for exposition at the Festival of India held in France and the

United States of America, had not gone on record. The Speaker, disallowing the member's contention, ruled: "...[If the Deputy Speaker had allowed it, it will be on record and I will see that it is done. If he had disallowed it, it will not be so. So simple it is. I uphold what he has said.]"

*Expunction of allegatory remarks against Governors:* On 8 December 1986, while speaking during combined discussion on Constitution (Fifty-fifth Amendment) Bill, 1986 and State of Arunachal Pradesh Bill, 1986, a member (Dr. Sudhir Roy) made certain allegatory and incriminatory references to Governors. Those references were ordered by the Speaker to be expunged from the record.

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*Shrimati Basavarajeswari* : I could not follow what you have said.

*Shri Yogendra Makwana* : Madam : ..... Sir, .....

*Mr. Speaker* : This is a clear case of privilege!

*Shri Yogendra Makwana* : Sorry, Sir, I was addressing you, not her.

*Mr. Speaker* : ..... Is that why you said "Madam"?

(L.S. Deb., 23 March, 1987)

## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 October to 31 December 1986)

### INDIA

#### DEVELOPMENTS AT THE CENTRE

**Elections to Rajya Sabha:** CPI(M) candidate **Shri Ram Narayan Goswami** from West Bengal and **Shri Mufti Mohammed Sayed**, Union Tourism Minister and President of Jammu and Kashmir Pradesh Congress(I) were declared elected to Rajya Sabha on 9 and 15 October respectively. CPI(M) leader **Shri Samar Mukherjee** was declared elected unopposed to the Rajya Sabha from West Bengal on 22 December. The vacancy was caused by the death of **Shri Shantimoy Ghosh** of CPI(M).<sup>1</sup>

**Cabinet reshuffle:** On 22 October, in a major reshuffle, Prime Minister **Shri Rajiv Gandhi** inducted seven new Ministers into his Council of Ministers and dropped five Ministers thus raising its strength to 58 as against 56 previously.

The new Ministers were; **Sarvashri Arjun Singh, J. Vengala Rao, Bhajan Lal, Priya Ranjan Das Munshi, Chintamani Panigrahi, M.M. Jacob** and **R. Probhu**. Those dropped were: **Sarvashri Arun Nehru, V.N. Gadgil, Abdul Ghafoor, Sitaram Kesri** and **Khurshid Alam Khan**.

The following is the complete list of the Council of Ministers, as on 22 October 1986, including their portfolios:

**Cabinet Ministers:** Prime Minister **Shri Rajiv Gandhi:** Defence, Planning, Science and Technology, Atomic Energy and Space; **Shri P. V. Narasimha Rao:** Human Resources Development and Health; **Shri V. P. Singh:** Finance; **Shri Buta Singh:** Home Affairs; **Shri P. Shiv**

1. *Telegraph*, 10 October, 1986; *Indian Express*, 16 October, 1986; and *Free Press Journal*, 23 December, 1986.



Shankar: *Commerce*; Shri N. D. Tiwari: *External Affairs*; Shrimati Mohsina Kidwai: *Urban Development*; Shri G. S. Dhillon: *Agriculture and Rural Development*; Shri A.B.A. Ghani Khan Choudhury: *Programme Implementation*; Shri Arjun Singh: *Communications*; Shri J. Vengala Rao: *Industries*; Shri Bhajan Lal: *Environment and Forests*; Shri A. K. Sen: *Law and Justice*; Shri H.K.L. Bhagat: *Parliamentary Affairs, and Food and Civil Supplies*; Shri K. C. Pant; *Steel and Mines*, Mufti Mohd. Syed: *Tourism*; and Shri Vasant Sathe: *Energy*.

*Ministers of State (Independent Charge)*: Shri P.A. Sangma: *Labour*; Shrimati Rajendra Kumari Bajpai: *Welfare*; Shri Ram Niwas Mirdha: *Textiles*; Shri Ajit Panja: *Information and Broadcasting*; Shri Madhavaro Scindia: *Railways*; Shri B. Shankaranand: *Water Resources*; Shri Jagdish Tytler: *Civil Aviation*; Shri Rajesh Pilot: *Surface Transport*; and Shri Brahm Dutt: *Petroleum and Natural Gas*.

*Ministers of State*: Shri P. Chidambaram: *Home Personnel, Public Grievances and Pensions*; Shri Ghulam Nabi Azad: *Food and Civil Supplies*; Shri K. R. Narayanan: *Science and Technology; Ocean Development, Atomic Energy, Electronics and Steel*; Shri K. Natwar Singh: *External Affairs*; Shri Shiv Raj Patil: *Defence Production*; Shri Sukh Ram: *Planning*; Shri Chintamani Panigrahi: *Home*; Shri P.R. Das Munshi: *Commerce*; Shri R. Prabhu: *Fertilizers*; Shri M. M. Jacob: *Parliamentary Affairs*; Shri Sontosh Mohan Dev: *Communications*; Shri Arun Singh: *Defence Research and Development*; Shri B.K. Gadhvi: *Expenditure*; Shri Dalbir Singh: *Urban Development*; Shri Eduardo Faleiro: *External Affairs*; Shri H.R. Bhardwaj: *Law and Justice*; Shri Janardhana Poojary: *Finance*; Shri K.K. Tewari: *Public Enterprises*; Shrimati Krishna Sahi: *Education and Culture*; Shrimati Margaret Alva: *Youth Affairs, Sports, Women and Child Development*; Shri M. Arunachalam: *Industrial Development*; Shri Ramanand Yadav: *Rural Development*; Shri R. K. Jaichandra Singh: *Chemicals and Petrochemicals*; Shrimati Ram Dulari Sinha: *Mines*; Shrimati Saroj Khaparde: *Health*; Shrimati Sheila Dikshit: *Parliamentary Affairs*; Shrimati Sushila Rohatgi: *Power*; Shri Yogendra Makwana: *Agriculture and Cooperation*; Shri Z.R. Ansari: *Environment and Forests*.

*Deputy Ministers:*

Shri Biren Singh Engti: *Personnel, Public Grievances and Pension*; Shri Gridhar Gomango: *Welfare*; and Shri S. Krishna Kumar: *Textiles*.<sup>2</sup>

*Deputy Chairperson of Rajya Sabha:* Shrimati Pratibha Devisingh Pati Congress (I) nominee, was elected Deputy Chairperson of Rajya Sabha through a voice vote on 18 November, defeating the combined Opposition candidate, Shrimati Kanak Mukherjee of CPI(M).<sup>3</sup>

*Bye-election results:* Congress (I) candidates Shrimati Manorama Singh and Shri M.M. Ghorpade were declared elected on 25 November respectively from Banka (Bihar) and Raichur (Karnataka) Lok Sabha constituencies, defeating their nearest Janata rivals Shri George Fernandes and Shri Raja Amarppa Naik.<sup>4</sup>

*MP's election upheld:* On 1 December the Supreme Court upheld the election of Dr. B.L. Shailesh, Congress(I) member from Chail parliamentary constituency in Uttar Pradesh on the ground that the allegations of corrupt practices filed by Shri Ram Rakesh were not proper.<sup>5</sup>

Justice K. Jayachandra Reddy of the Andhra Pradesh High Court upheld the election of Shri H. A. Dora of Telugu Desam Party from Srikakulam parliamentary constituency on 4 December.<sup>6</sup>

*Arunachal Pradesh Statehood Bills:* On 8 December, Lok Sabha passed a Bill to confer Statehood on Arunachal Pradesh and another Bill to amend the Constitution to confer on the State Governor special powers with respect to law and order.<sup>7</sup> The two Bills were passed by Rajya Sabha on 9 December.

*New Chief Justice:* President Zail Singh administered oath of office to Shri Raghunandan Swaroop Pathak as the eighteenth Chief Justice of India at a function in Rashtrapati Bhavan on 21 December.<sup>8</sup>

2. *Hindustan Times*, 24 October, 1986.

3. *Times of India*, 19 November 1986;

4. *Times of India*, 25 November 1986; and *Hindu*, 2 November 1986.

5. *Statesman*, 3 December, 1986.

6. *Statesman*, 5 December 1986.

7. *Telegraph and Times of India*, 9 December 1986.

8. *Indian Express*, 22 December 1986.

## AROUND THE STATES

## ANDHRA PRADESH

*New Minister:* Shri Bandaru Ratnasabhpath was sworn in as a Cabinet Minister on 17 November, thus raising the strength of the Cabinet to 30.<sup>9</sup>

*Resignation by Minister:* Minister for Technical Education and Sports, Shri Ayyana Patrudu submitted his resignation from the Cabinet on 9 December in the wake of the controversy following the sanction given by him for introduction of a Computer course in the controversial Deccan Engineering College.<sup>10</sup>

## BIHAR

*Bye-election results:* In the bye-election results declared on 25 November, Shri Janardhan Yadav of BJP won the Banka Assembly seat defeating his rival Shri Tamuddin Ansari. Lok Dal retained the Rosera seat with its nominee Shri Gajendra Pradsad Singh defeating Satyanarain Choudhury of Congress-I. Shri Ravindra Kumar Yadav of Congress-I won the Jhajha Assembly seat defeating the Janata candidate Shri Sheonandan Jha. Shri Ramashray Prasad Singh of Congress-I won the Kouch Assembly seat defeating his Lok Dal rival Shrimati Phulwa Devi.<sup>11</sup>

## HARYANA

*Bye election result:* Chief Minister Shri Bansi Lal was declared elected on 24 November to the State Legislative Assembly from Tosham constituency in Bhiwani district, defeating his nearest independent rival, Shri Ram Swaroop, by over 80,000 votes.<sup>12</sup> Later he vacated his Lok Sabha seat on 10 December.

*Resignation by MLA:* Congress (I) MLA Shri O.P. Mahajan resigned from the House on 3 December following the Speaker's refusal to allow him to raise the issue of the massacre of bus passengers at Hoshiarpur in Punjab on 30 November.<sup>13</sup>

*Expansion of Cabinet:* Chief Minister Shri Bansi Lal inducted six more Ministers, two of Cabinet rank, into his Council of Ministers, on 6 December raising its strength to 20. The new Cabinet

<sup>9</sup> *Hindustan Times*, 18 November 1986.

<sup>10</sup> *Indian Express*, 10 December 1986.

<sup>11</sup> *Hindu*, 26 November 1986 and *Times of India*, 25 November 1986.

<sup>12</sup> *Statesman*, 25 November 1986.

<sup>13</sup> *Hindustan Times*, 4 December 1986.

Ministers were Sarvashri Amar Singh Dhanak and Tayyab Hussain, while Shri Jagdish Nehra, Shrimati Kartar Devi, Shri Lachman Das Arora and Dr. Om Prakash were designated as Minister of State.<sup>14</sup>

#### JAMMU AND KASHMIR

*New Chief Minister:* Dr. Farooq Abdullah was sworn in as the Chief Minister of Jammu and Kashmir by Governor Shri Jagmohan on 6 November and a coalition Government, headed by him, was formed on 7 November.<sup>15</sup>

*Allocation of portfolios:* The following allocation of portfolios in his Council of Ministers was announced by Dr. Farooq Abdullah on 9 November :

*Chief Minister:* Dr. Farooq Abdullah: *Home, Planning, Industries, Information and General Administration;* Shri Choudhary Mohammad Aslam: *Finance Taxation;* Shri Ghulam Mohiuddin Shah: *Works, Power and Housing;* Shri Ataulah Suhrawardy: *Education and Social Welfare;* Shri Master Beli Ram: *Agriculture and Rural Development;* Shri R. S. Chibb: *Tourism and Forests;* Shri Mir Lasjan: *Transport and Food Supplies;* Shri Abdul Ahad: *Revenue and Law;* Shri Abdul Salam Deva: *Labour and Animal Husbandry;* and Shri Moola Ram: *Health and Family Planning.*<sup>16</sup>

#### KARNATAKA

*Bye-election results:* Janata Party won all the three seats in the bye-elections held on 23 November. Shri P.M. Chikkaboriah was declared elected to the Chamaraja seat by defeating his Congress(I) rival Shri B.N. Kenge Gowda. The Kellambela seat went to Shri B. Ganganna who defeated the Congress(I) candidate Shri S. Hanumanthaiah. From Srirangapattana constituency Shrimati Vijayalakshmi Gowda was declared elected, defeating Congress(I) candidate Shri A. C. Srikantaiah.<sup>17</sup>

#### KERALA

*Resignation by Deputy Speaker:* On 7 October, the Speaker of the Legislative Assembly Shri V. M. Sudheeran accepted the

<sup>14</sup>. *Indian Express*, 7 December 1986.

<sup>15</sup>. *Times of India*, 7 November 1986 and *Indian Express*, 8 November 1986.

<sup>16</sup>. *Free Press Journal*, 10 November 1986.

<sup>17</sup>. *Hindustan Times*, 25 November 1986.

resignation of Shri V.M. Hamsakunju from the Deputy Speakership submitted on his own accord on 6 August.<sup>18</sup>

*New Deputy Speaker:* A nominee of Congress(I) led ruling Front, Shri Korambajil Ahmed Haji of the Indian Union Muslim League, was elected Deputy Speaker of the Legislative Assembly on 20 October.<sup>19</sup>

#### MADHYA PRADESH

*Bye-election results:* Shri Hasnat Siddiqui of Congress(I) was declared elected from Bhopal South constituency defeating Shri Kailash Sarang of BJP on 25 November. Shrimati Kamla Choure of Congress(I) defeated her BJP rival Shri Ramrao Mahale to win the Saunsar constituency. Shri Jaswant Singh of Congress(I) defeated BJP candidate Shri Bhagwan Singh at Bareilly. Shri Murli-dhar Maheshwari of BJP won the Piparia seat defeating Shri Ganpat Singh Patel of Congress (I).<sup>20</sup>

#### MAHARASHTRA

*Council Election Results:* Congress(I) and Congress(S) shared three seats each in the State Legislative Council elections from six local body constituencies, the results of which were declared on 1 December. Congress-I candidates won Pune, Sangli and Nanded seats while Congress-S bagged the seats in Jalgoan, Yavatmal and Bhandara. An independent candidate was elected to the Council from Amravati division post-graduates' constituency on 2 December.<sup>21</sup>

#### MIZORAM

*New Governor:* Former Assam Chief Minister, Shri Hiteswar Saikia was sworn in as the Lt. Governor of Mizoram on 10 December.<sup>22</sup>

#### NAGALAND

*Resignation by Chief Minister:* Chief Minister S. C. Jamir announced his resignation on 27 October.<sup>23</sup>

<sup>18</sup>. *The Hindu*, 8 October 1986.

<sup>19</sup>. *Hindustan Times*, 21 October, 1986.

<sup>20</sup>. *Hindustan Times*, 26 November, 1986.

<sup>21</sup>. *Hindu*, 2 December 1986; and *Indian Express*, 3 December 1986.

<sup>22</sup>. *Telegraph*, 11 December 1986.

<sup>23</sup>. *Times of India*, 28 October 1986.

*New Chief Minister:* Shri Hokishe Sema, member of the Rajya Sabha, was sworn in as Chief Minister on 29 October. The oath of office and secrecy was administered by Governor Shri K.V. Krishna Rao.<sup>24</sup>

*New Cabinet:* Three Cabinet Ministers and five Ministers of State were sworn in by Governor Shri K.V. Krishna Rao on 4 November raising the strength of the Ministry of Shri Hokishe Sema to 24. The Cabinet Ministers were: Shri Nyeang Pheng Konyak, Shri Yokten Konyak and Shri T. Rothornd. The Ministers of State were: Shri C. Nkolen Konyak, Shri Shiakpong Konyak, Shri T. Ngulle, Shri A. Nyammyie and Shri Hoketo Sema.<sup>25</sup>

#### ORISSA

*Bye election result:* Janata candidate Shri Chaitanya Prasad Majhi was declared elected to the Rairangpur seat defeating his nearest Congress (I) rival, Shri Rasabati Majhi on 24 November.<sup>26</sup>

*Dismissal of Ministers:* Three Ministers, spearheading the movement demanding the ouster of Chief Minister Shri J. B. Patnaik, were dismissed from the Ministry on 19 December. They were: Shri Gangadhar Mohapatra (Finance and Law), Shri Bhajaman Behera (Harijan and Tribal Welfare) and Shri Hemnanda Biswal (Minister of State for Health and Family Welfare).<sup>27</sup>

#### PUNJAB

*Dismissal of Ministers:* Governor Shri S.S. Ray dismissed Education Minister Shri Basant Singh Khalsa and Minister of State for Technical Education Shri Nirmal Singh Kahlon from the Council of Ministers on 1 December, on the advice of Chief Minister Shri Surjit Singh Barnala, thus reducing the strength of the Ministry to 29.<sup>28</sup>

#### RAJASTHAN

*MLA's election set aside:* Justice N.M. Kasliwal of the Rajasthan High Court set aside the election of BJP MLA, Shri Shiv Charan Singh, from Karauli constituency and directed the Election Commission to conduct the election again.<sup>29</sup>

<sup>24</sup>. *Times of India*, 30 October 1986.

<sup>25</sup>. *Hindu*, 5 November 1986.

<sup>23</sup>. *Hindustan Times*, 25 November 1986.

<sup>27</sup>. *Hindu*, 20 December 1986.

<sup>28</sup>. *Indian Express*, 2 December 1986.

<sup>29</sup>. *Hindustan Times*, 23 October 1986.

## TAMIL NADU

**Cabinet reshuffle:** In a Cabinet reshuffle on 21 October, Chief Minister Shri M.G. Ramachandran dropped ten of his colleagues and reinducted a former Minister into the Cabinet. The Ministers dropped were: Shri R. M. Veerappan (Information); Shri K. Kalimuthu (Agriculture); Shri C. Aranganayagam (Education); Shri H.V. Hande (Health); Shri T. Veerasamy (Commercial Taxes); Shri N. Nullusamy (Housing); Shri M. R. Govendan (Backward classes); Shri Y.S.M. Yusuf (Irrigation); Shrimati Gomathi Srinivasan (Social Welfare) and Shrimati Vijayalakshmi Palanisamy (Khadi);

Former Labour Minister Shri K.A. Krishnaswamy was reinducted in the Cabinet.

The following is the re-allocation of portfolios among the ministers consequent on the changes in the Cabinet:

Shri M. G. Rama chandran, Chief Minister: *Indian Administrative Service, Indian Police Service and other All-India Services, District Revenue Officers and Home*; Shri V. R. Neduchezhian: *Finance, General, Administration, Revenue, Cooperation, Legislature, Elections, Statistics, Youth Service Corps and Ex-Servicemen*; Shri S. Ramachandran: *Food, Price Control, Census, Employment and Training, Indian Overseas, Refugees and Evacuees, Iron and Steel Control, Newsprint Control, Stationery and Printing, and Government Press*; Shri K. A. Krishnaswamy: *Local Administration, Labour, Municipal Administration, Panchayats and Panchayat Unions, Community Development and Rural Indebtedness and Labour*; Shri K. Rajaram: *Industries and Agriculture, Large-scale Industries, Mines and Minerals, Electronics, Science and Technology, Agriculture, Agricultural Refinance, Agricultural Engineering Wing and Agro-Engineering, Agro-Service Cooperative Societies, Water Supply and Drainage Boards*; Shri P. U. Sanmugam: *Prevention of Corruption, Health and Environmental Pollution Control, Backward Classes and Fisheries*; Shri C. Ponnaiyan: *Education and Law, Official Language, Tamil Development and Culture, Law Courts, Prisons, Deputy Collectors, Legislation on Weights and Measures, Debt Relief including Legislation on money lending, chits, Legislation of Companies and molasses*; Shri S. Muthuswamy: *Transport, Nationalised Transport, Motor Vehicles Acts, Ports and Highways*; Shri S. Thirunavukkarasu: *Handlooms and Textiles, Housing and Slum Clearance Boards, Town Planning and Accommodation Control*; Shri V. V. Swaminathan: *Prohibition and Excise, Animal Husbandry; Milk Dairy Development, Registration and Stamp Act Information and Publicity, Film Technology, Tourism,*

*Tourism Development Corporation, Cinematograph Act, Hindu Religious and Charitable Endowments, Forests, Cinchona, Planning, Archaeology, Passports and Electricity; Sri R. Soundarajan: Nutritious meals, Social Welfare including Women and Children's Welfare, Beggar Homes, Orphanages, Correctional Administration, Khadi, Bhoodan and Gramdan; Sri Anoor P. G. Jagdeesan: Rural Industries including Village, Cottage and Small Industries; Sri T. Ramaswamy: Commercial Taxes; Sri A. Arunachalam: Adi Dravida Welfare, Hill Tribes and Bonded Labour; Sri K. K. S. S. R. Ramachandram: Public Works Department, Irrigation including Minor Irrigation and Works.*<sup>30</sup>

*Expulsion of MLAs:* The State Assembly in a resolution passed by 131 votes for and 24 against, expelled 10 DMK members including the group leader Sri K. Anbazhagan, who had burnt copies of or excerpt from the Constitution in public in the course of their anti-Hindi agitation on 22 December. Their seats in the House were also declared vacant.

Besides Sri Anbazhagan, the others losing their membership were: Sarvashri S. Balan, A. Selvarasan, Parithi Elamvazhuthi, P. Ponnurangam, M. Ramanathan, R. Chinnaswamy, M. Abraham, Sri C. Arumugam and V. K. Raju.

The resolution moved by the Leader of the House Sri V. R. Nedunchezian stated that by their act members had violated the oath they had taken under article 188 of the Constitution and rule 4(1) of the Tamil Nadu Legislative Assembly Rules.<sup>31</sup>

#### TRIPURA

*Bye-election result:* The ruling CPI(M) candidate Sri Jitendra Sarkar, was declared elected to the Teliampura seat defeating Congress (I) candidate Sri Ashoke Baidyan on 44 November.<sup>32</sup>

#### UTTAR PRADESH

*Council Election result:* Sri Krishan Pal Singh retained his U.P. Vidhan Parishad seat from Gorakhpur-Faizabad graduates' constituency defeating his nearest rival Sri Parsuram Mani Tripathi, by 3,316 votes in the biennial election on 29 October.<sup>33</sup>

<sup>30</sup>. *Hindu*, 22 October 1986.

<sup>31</sup>. *Hindu*, 23 December 1986.

<sup>32</sup>. *Hindustan Times*, 25 November 1986.

<sup>33</sup>. *Telegraph*, 30 October 1986.



## WEST BENGAL

*Death of MLA:* Congress(I) MLA Shri Abanti Mishra died on 11 October at a Government hospital in Calcutta after suffering from cancer.<sup>34</sup>

## DEVELOPMENTS ABROAD

## AFGHANISTAN

*Resignation of President:* President Mr. Babrak Karmal resigned on 20 November and the country's Revolutionary Council accepted the resignation.<sup>35</sup>

*Acting President:* Mr. Haji Mohammad Chamkani was appointed acting President of Afghanistan in succession to Mr. Babrak Karmal on 23 November.<sup>36</sup>

*New President:* The meeting of Revolutionary Council Presidium in Kabul elected on 24 December, the ruling Communist Party leader Mr. Najibullah as the Council President, an office which made him the Head of State.<sup>37</sup>

## BANGLADESH

*Re-election of President:* Mr. H. M. Ershad was elected President on 16 October in the third election which was boycotted by the major Opposition parties. Mr. Ershad who contested the poll as a nominee of the ruling Jatiya Party, of which he is the Chairman was much ahead of the other 11 candidates. On 23 October, Mr. H. M. Ershad was sworn in as the ninth President of Bangladesh by Chief Justice Mr. A. H. F. Munim.<sup>38</sup>

*New Cabinet:* A 35-member Council of Ministers headed by Mr. Mizanur Rahman Chowdhury was sworn in on 24 October. Besides the Prime Minister, the Cabinet had 25 Ministers, 6 Ministers of State and 3 Deputy Minister.<sup>39</sup>

*New Vice-President:* President Ershad appointed former Justice Minister Mr. A. K. M. Nurul Islam as the country's Vice-President on 30 November.

<sup>34</sup>. *Indian Express*, 12 October 1986.

<sup>35</sup>. *Free Press Journal*, 21 November 1986.

<sup>36</sup>. *Indian Express*, 24 November 1986.

<sup>37</sup>. *Hindu*, 25 December 1986.

<sup>38</sup>. *Times of India*, 12 October 1986; and *Statesman*, 24 October 1986.

<sup>39</sup>. *Telegraph*, 26 October 1986.

*Expansion of Ministry:* Five new Cabinet Ministers were appointed and one State Minister was elevated to Cabinet rank. Four persons were appointed as State Ministers and five as Deputy Ministers.

Among the new Cabinet members were three long-standing advisors to Gen. Ershad, Mr. Mohammad Sayeed Uzzaman, Mr. A. K. Khandker and Mr. Mahbubur Rahman.

Five Ministers of the previous Cabinet were dropped who included two former military officers—Major-General Mohabat Jan Chowdhury (retd.) and Air Vice Marshal Mr. Aminul Islam (retd.)<sup>40</sup>.

#### CENTRAL AFRICAN REPUBLIC

*Re-election of President:* According to National Commission, General Andre Kolingba was declared re-elected. President of the Central African Republic on 27 November, in the referendum held on 21 November<sup>41</sup>.

#### CUBA

*Re-election of President:* President Fidel Castro was unanimously re-elected President of the Council of State by the Deputies of Cuba's National Assembly on 26 December.<sup>42</sup>

#### DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

*Re-election of Kim Il Sung:* Mr. Kim Il Sung, General Secretary of the Workers' Party of Korea, was re-elected President of the Democratic People's Republic of Korea (North Korea) at the first Session of the Supreme People's Assembly on 29 December<sup>43</sup>.

#### EGYPT

*New Prime Minister:* President Hosni Mubarak accepted the resignation of Prime Minister Mr. Ali Lutfi and his fourteen-month old Cabinet on 10 November, and asked Mr. Atef Sedki, a renowned economist to form the new Cabinet<sup>44</sup>.

*New Cabinet:* Prime Minister Mr. Atef Sedki constituted a new Cabinet retaining several key figures from the previous Government of Mr. Ali Lutfi<sup>45</sup>.

<sup>40</sup>. *Indian Express*, 1 December 1986.

<sup>41</sup>. *Indian Express*, 30 November 1986.

<sup>42</sup>. *Hindu*, 30 December 1986.

<sup>43</sup>. *Times of India*, 30 December 1986.

<sup>44</sup>. *Telegraph*, 11 November 1986.

<sup>45</sup>. *Telegraph*, 13 November 1986.

## ETHIOPIA

*Resignation by Foreign Minister:* Foreign Minister, Mr. Goshu Wolde announced his resignation on 27 October, saying he would no longer serve a Government whose policies were leading his country into "misery and destruction"<sup>46</sup>.

## FRANCE

*Resignation by Minister:* Minister of Research and High School Education, Mr. Alain Devaquet submitted his resignation on 6 December following the Government's withdrawal of some parts of the proposed education reform Bill which had drawn massive student protest<sup>47</sup>.

## GREECE

*Cabinet reshuffle:* Prime Minister Mr. Andreas Papandreau replaced four Cabinet Ministers and abolished 11 Deputy Cabinet posts on 30 October in a Government reorganisation following losses by his Socialists in local elections<sup>48</sup>.

## HONG KONG

*Death of Governor:* Hong Kong Governor Sir Edward Youde passed away in Beijing on 4 December<sup>49</sup>.

## ISRAEL

*Resignation by Minister:* Interior Minister, Mr. Rabbi Yitzhak Peretz announced his resignation on 31 December in protest against a court decision ordering him to recognise a Christian-born US immigrant as Jewish<sup>50</sup>.

## LAOS

*Exit of President:* Veteran Indo-Chinese revolutionary, Mr. Souphanouvong stepped down as President because of failing health on 30 October. Deputy Prime Minister Mr. Phoumi Vongvichit was appointed acting President on the same day<sup>51</sup>.

<sup>46</sup>. *Telegraph*, 29 October 1986.

<sup>47</sup>. *Times of India*, 7 December 1986.

<sup>48</sup>. *Indian Express*, 1 November 1986.

<sup>49</sup>. *Times of India*, 6 December 1986.

<sup>50</sup>. *Statesman*, 5 January, 1987.

<sup>51</sup>. *Times of India*, 1 November 1986.

## MOZAMBIQUE

*Death of President:* President Samora Machel was killed when his plane with 38 people on board crashed near the South African border town of Komatipoort on 19 October. Some of the President's Cabinet colleagues and members of the ruling Frelimo Party were also on board the plane.<sup>52</sup>

*New President:* Foreign Minister Mr. Joaquim Chissano was elected as the new President on 3 November<sup>53</sup>.

## PAKISTAN

*Resignation by Cabinet:* The eleven-month old Cabinet, excepting Prime Minister Mr. Mohammed Khan Junejo resigned on 20 December, following ethnic riots in Karachi which left more than 200 people dead.

According to an official statement issued in Islamabad, the Ministers submitted their resignations to Prime Minister Junejo "to enable him to reconstitute his Cabinet to deal with problems facing the country<sup>54</sup>."

*New Cabinet:* President Zia-ul-Haq administered the oath of office to a 16-member Ministry (12 full Ministers and 4 junior Ministers) on 22 December. There were no new faces in the team although some Ministers exchanged portfolios. Foreign Minister Mr. Sahibzada Yaqub Khan and Finance Minister Mr. Yasin Khan Wattoo retained their posts. Prime Minister Mr. Muhammed Khan Junejo also retained the Defence portfolio. Some of the prominent Ministers dropped were Mr. Khanqan Abbasi, Mr. Shah Mohammad Buro. General Jamal Said Mian, Mr. Yousaf Reza Gilani and Mr. Maosood Reza Gilani<sup>55</sup>.

## PHILIPPINES

*Dismissal of Defence Minister:* In order to give a fresh start to her Government, President Mrs. Corazon Aquino dismissed Defence Minister Mr. Juan Ponce Enrile on 23 November, who had allegedly been plotting a coup<sup>56</sup>.

<sup>52</sup>. *Free Press Journal*, 21 October 1986.

<sup>53</sup>. *Hindu*, 4 November 1986.

<sup>54</sup>. *Times of India*, 21 December 1986.

<sup>55</sup>. *Telegraph* and *Hindustan Times*, 23 December 1986.

<sup>56</sup>. *Times of India*, 24 November 1986.

*Replacement of more Ministers:* In a nationally-televised speech on 28 November, President Corazon Aquino announced the dismissal of Mr. Rogaciano Mercado, the Minister of Public Works and Mr. Ernesto Maceda, the Deputy Minister of Agriculture, from her Cabinet on charges of corruption and mismanagement. She also announced the appointment of Mr. Coiente Jayme and Mr. Carlos Dominguez in their places respectively<sup>57</sup>.

#### SAUDI ARABIA

*Replacement of Minister:* On 30 October, King Fahd relieved Mr. Ahmed Zaki Yamani, Oil Minister since 1962, of his job without giving any reason for the decision and allotted Oil Ministry as the additional charge to the Planning Minister Mr. Hisham Nazar<sup>58</sup>.

#### SINGAPORE

*Cabinet reshuffle:* On 29 December, Brig. Gen. Lee Hsien Loong, acting Minister for Trade and Industry was named as full Minister. The other promotees were Mr. Lee Yock Suan and Mr. King Kan Seng<sup>59</sup>.

#### SOUTH AFRICA

*Removal of Ministers:* On 4 November, President Peter Botha dropped two controversial hardliners, Law and Order Minister Mr. Louis le Grange and Information Chief Mr. Louis Nel, from his Cabinet in a shak-up<sup>60</sup>.

#### DEMOCRATIC REPUBLIC OF YEMEN

*Election of President:* South Yemen's Parliament elected on 6 November, its interim President Mr. Haider Abubaker al-Attas, as the Head of State for a five-year term.<sup>61</sup>

#### TRINIDAD AND TOBAGO ISLANDS

*General elections:* The Opposition National Alliance for Reconstruction (NAR) won a landslide victory in parliamentary elections in Trinidad and Tobago Islands on 16 December, ending the 30-year-old stronghold of the ruling People's National Movement (PNM).<sup>62</sup>

<sup>57</sup>. *Telegraph*, 29 November 1986.

<sup>58</sup>. *Statesman*, 31 October 1986.

<sup>59</sup>. *Hindu*, 31 December 1986.

<sup>60</sup>. *Times of India*, 5 November 1986.

<sup>61</sup>. *Hindu*, 8 November 1986.

<sup>62</sup>. *Hindustan Times*, 17 December 1986.

*New Prime Minister:* The head of the newly-formed National Alliance for Reconstruction, Mr. A. N. R. Robinson was sworn in as the new Prime Minister on 17 December. He replaced the People's National Movement Chief Mr. George Chambers<sup>63</sup>.

#### TUNISIA

*General elections:* President Habib Bourguiba's ruling party won all the 125 seats on 3 November in Tunisia's general election. The voting was boycotted by Opposition groups, some of whom accused the authorities of artificially boosting the turn-out figures<sup>64</sup>.

#### U.S.S.R.

*Retirement of Deputy Prime Minister:* Ivan Arkhipov retired as the first Deputy Premier of the Soviet Union because of ill health on 3 October<sup>65</sup>.

*New Minister:* Mr. Lev Ryabev was appointed the new head of medium machine-building Ministry on 22 November, which oversees the country's civilian and military nuclear industries, in succession to Mr. Yefim Slavsky<sup>66</sup>.

*Dismissal of Ministers:* Deputy Health Minister Mr. Piotr Burgassov and Mr. Alexi Safonov were dismissed on 5 December, reportedly for their failure to perform their jobs properly<sup>67</sup>.

*Exit of Minister:* Health Minister Mr. Sergei Burenko was dropped on health grounds on 29 December<sup>68</sup>.

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<sup>63</sup>. *Statesman*, 18 December 1986.

<sup>64</sup>. *Statesman*, 5 November 1986.

<sup>65</sup>. *Times of India*, 6 October 1986.

<sup>66</sup>. *Hindu*, 24 November 1986.

<sup>67</sup>. *Indian Express*, 7 December 1986.

<sup>68</sup>. *Indian Express*, 30 December 1986.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY  
INTEREST

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The State of Mizoram Bill, 1986 and the Constitution (Fifty-third Amendment) Bill, 1986, establishing the State of Mizoram and making special provisions with respect to the State were passed by Lok Sabha and Rajya Sabha on 5 and 7 August 1986, respectively and received President's assent on 14 August 1986. The Constitution (Fifty-fourth Amendment) Bill, 1986 and the High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1986, providing for increase in the salaries of High Court and Supreme Court Judges and improvement in their conditions of service were passed by Lok Sabha and Rajya Sabha on 12 and 14 August 1986, respectively. The former received President's assent on 14 March 1987 and the latter on 26 August 1986. The State of Arunachal Pradesh Bill, 1986 and the Constitution (Fifty-fifth Amendment) Bill, 1986 establishing the State of Arunachal Pradesh and granting special powers to the Governor of the State, were passed by Lok Sabha and Rajya Sabha on 8 and 9 December 1986, respectively. The former received President's assent on 24 December 1986 and the latter on 23 December 1986.

We reproduce here the texts of these Acts.

—Editor

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THE STATE OF MIZORAM ACT, 1986

*An Act to provide for the establishment of the State of Mizoram  
and for matters connected therewith.*

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

PART I

PRELIMINARY

1. Short title: This Act may be called the State of Mizoram Act, 1986.

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

- (a) “Administrator” means the administrator appointed by the President under article 239 of the Constitution;
- (b) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (c) “article” means an article of the Constitution;
- (d) “Election Commission” means the Election Commission appointed by the President under article 324;
- (e) “existing Union territory of Mizoram” means the Union territory of Mizoram as existing immediately before the appointed day;
- (f) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or any part of the existing Union territory of Mizoram;
- (g) “sitting member”, in relation to either House of Parliament or of the Legislative Assembly of the existing Union territory of Mizoram, means a person who, immediately before the appointed day, is a member of that House or that Assembly;
- (h) “treasury” includes a sub-treasury.

## PART II

### ESTABLISHMENT OF THE STATE OF MIZORAM

3. *Establishment of the State of Mizoram:* On and from the appointed day, there shall be established a new State, to be known as the State of Mizoram, comprising the territories which immediately before that day were comprised in the existing Union territory of Mizoram.

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

- (a) under the heading “I. THE STATES”, after entry 22, the following entry shall be inserted, namely:—

“23. Mizoram The territories specified in section 6 of the North-Eastern Areas (Reorganisation) Act, 1971.”;



- (b) under the heading "II. THE UNION TERRITORIES", entry 8 relating to Mizoram shall be omitted and entry 9 shall be re-numbered as entry 8.

### PART III

#### REPRESENTATION IN THE LEGISLATURES

##### *The Council of States*

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

- (a) entries 23 and 24 shall be re-numbered as entries 24 and 25 respectively, and before entry 24 as so re-numbered, the following entry shall be inserted, namely:—  
 "23. Mizoram. . . . 1";
- (b) entry 25 shall be omitted.

6. *Allocation of sitting member:*—(1) On and from the appointed day, the sitting member of the Council of States representing the existing Union territory of Mizoram shall be deemed to have been duly elected under clause (4) of article 80 to fill the seat allotted to the State of Mizoram in that Council.

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

7. *Amendment of section 27A of Act 43 of 1950:*—On and from the appointed day, in section 27A of the Representation of the People Act, 1950, in sub-section (4), the word "Mizoram" shall be omitted.

##### *The House of the People*

8. *Allocation of seat in the existing House of the People:* (1) On and from the appointed day, the allocation of seats to the State of Mizoram in the House of the People and the number of seats to be reserved for the Scheduled Tribes of that State shall be one; and the First Schedule to the Representation of the People Act, 1950, shall be deemed to be amended, accordingly.

(2) On and from the appointed day, the parliamentary constituency of the existing Union territory of Mizoram shall be deemed to be the parliamentary constituency of the State of Mizoram and the

Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall be construed accordingly.

9. *Provision as to sitting member:* The sitting member of the House of the People representing the constituency which, on the appointed day, by virtue of the provisions of section 8 becomes the constituency of the State of Mizoram, shall be deemed to have been elected under sub-clause (a) of clause (1) of article 81 to the House of the People by that constituency.

### *The Legislative Assembly*

10. *Provision as to Legislative Assembly:* On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Mizoram to be filled by persons, chosen by direct election from assembly constituencies shall be forty; and the second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly.

11. *Delimitation of constituencies:* (1) The Election Commission shall before the appointed day, and in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the State of Mizoram under section 10 to single-member territorial constituencies and delimit them, having regard to the provisions of the constitution and to the following provisions, namely:—

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

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

- (a) the sitting member of the House of the People referred to in section 9; and
- (b) such six of the members of the Legislative Assembly of the existing Union territory of Mizoram as the Speaker thereof may nominate:

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

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

(4) The Election Commission shall—

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

(5) As soon as may be after such publication, every such orders relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory of Mizoram.

12. *Power of Election Commission to maintain delimitation orders up-to-date:* (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

- (a) correct any printing mistake in any order made under section 11 or any error arising therein from inadvertent slip or omission;
- (b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

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

13. *Amendment of Scheduled Castes Orders:* (1) On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the First Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, shall stand amended as directed in the Second Schedule.

14. *Amendment of Scheduled Tribes Orders:* (1) On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Third Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, shall stand amended as directed in the Fourth Schedule.

## PART IV

### HIGH COURT

15. *Common High Court for Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram:* (1) On and from the appointed day,—

(a) there shall be a common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram to be called the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram) (hereinafter referred to as the common High Court);

(b) the Judges of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the common High Court.

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

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

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

“(b) for the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh, to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram;”;

(b) the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura shall be deemed to be the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall be entitled to practise as an advocate in the common High Court.

(3) All persons who immediately before the appointed day, are advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura shall as from that day, become advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura:

Provided that as among the Advocates-General of the States of Assam, Manipur, Meghalaya Mizoram, Nagaland and Tripura, the right of audience shall be determined with reference to their dates of enrolment as advocates.

17. *Practice and procedure in the common High Court:* Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall, with the necessary modifications, apply in relation to the common High Court.

18. *Custody of seal of the common High Court:* The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall, with the necessary modifications apply with respect to the custody of the seal of the common High Court.

19. *Form of writs and other processes:* The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall; with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

20. *Powers of Judges:* The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura and with respect to all matter, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

21. *Principal seat and other places of sitting of the common High Court:* (1) The principal seat of the common High Court shall be at the same place at which the principal seat of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura is located immediately before the appointed day.

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

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

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram as the Chief Justice may with the approval of the Governor of the State concerned, appoint.

22. *Procedure as to appeals to Supreme Court:* The law in force immediately before the appointed day relating to appeals

to the Supreme Court from the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.

23. *Transfer of proceedings from the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura to the common High Court:* (1) All proceedings pending in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura immediately before the appointed day shall, from such day, stand transferred to the common High Court.

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

24. *Interpretation:* For the purposes of section 23,—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgement or decree passed or made by that court or Judge.

25. *Right to appear or to act in proceedings transferred to the common High Court:* Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura and was authorised to appear or to act in any proceedings transferred from the said High Court to the common High Court under section 23 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.

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

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

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

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

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

28. *Reports relating to the accounts of the existing Union territory of Mizoram:* (1) The reports of the Comptroller and Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union territory of Mizoram in respect of any period prior to the appointed day, shall be submitted to the Governor of Mizoram who shall cause them to be laid before the Legislative Assembly of the State.

(2) The Government may, by order,—

(a) declare any expenditure incurred out of the Consolidated Fund of the existing Union territory of Mizoram on any service in respect of any period prior to the appointed day during the financial year 1986-87 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

29. *Allowances and privileges of Governor of Mizoram:* The allowances and privileges of the Governor of Mizoram shall, until provision in that behalf is made by Parliament by law under



clause (3) of article 153, be such as the President may, by order determine.

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

## PART VI

### ASSETS AND LIABILITIES

31. *Property, assets, rights, liabilities, obligations, etc.*: (1) All such property and assets within the existing Union territory of Mizoram as are held immediately before the appointed day by the Union for purposes of governance of that Union territory shall, on and from that day, pass to the State of Mizoram unless the purposes for which such property and assets are so held are Union purposes:

Provided that the cash balances in the treasuries in the Union territory of Mizoram before the appointed day shall, as from that day, vest in the State of Mizoram.

(2) All rights, liabilities and obligations (other than those relating to, or in connection with, a Union purpose), whether arising out of any contract or otherwise, which are, immediately before the appointed day,—

(a) the rights, liabilities and obligations of the Central Government arising out of or in connection with, the governance of the Union territory of Mizoram; or

(b) the rights, liabilities and obligations of the Administrator of the existing Union territory of Mizoram in this capacity as such, or of the Government of that Union territory,

shall, on and from the appointed day, be the rights, liabilities and obligations of the Government of the State of Mizoram.

(3) The right to recover arrears of—

(a) any tax or duty being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution; or

(b) any duty referred to in article 268; or

(c) any tax under the Central Sales Tax Act, 1956,

which have fallen due in the existing Union territory of Mizoram shall pass to the State of Mizoram.

(4) The provisions of this section shall not apply to or in relation to,—

(a) any institution, undertaking or project the expenditure in relation to which is immediately before the appointed day, met from and out of the Consolidated Fund of India;

(b) any property which has been placed by the Union at the disposal of the administration of the existing Union territory of Mizoram subject to the condition that the ownership thereof will continue to vest in the Union.

*Explanation.*—For the purposes of this section—

(a) “liability” includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong;

(b) “Union purposes” means the purposes of Government relating to any of the matters mentioned in the Union List.

## PART VII

### PROVISIONS AS TO SERVICES

32. *Provision relating to All India Services:* Every member of the Indian Administrative Service, the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Mizoram shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Mizoram on the same terms and conditions of service as are applicable to him under the relevant cadre rules:

Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

*Explanation.*—In this section “cadre rules” means the Indian Administration Service (Cadre) Rules, 1954 the Indian Police Service (Cadre) Rules, 1954, or the Indian Forest Service (Cadre) Rules, 1966, as the case may be.

33. *Provisions relating to other services:* (1) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the Administrator of the Union territory of Mizoram shall, unless otherwise directed by an order of the Central Government, be deemed to have been allocated for service as from that day in connection with the affairs of the State of Mizoram:

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

(2) The provisions of this section shall not apply in relation to persons to whom the provisions of section 32 apply.

34. *Other provisions as to services:* (1) Nothing in this section or section 33 shall be deemed to affect on or after the appointed day the operations of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the State of Mizoram:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person referred to in section 33 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person deemed to have been allocated under section 33 in connection with the administration of the Union territory of Mizoram, shall be deemed to have been rendered in connection with the affairs of the State of Mizoram for the purposes of the rules regulating his conditions of service.

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

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

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

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

37. *Prohibition of representation after certain period:* Notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order:

Provided that the Central Government may, *suo motu* or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.

38. *Power of Central Government to give directions:* The Central Government may give such directions to the Government of the State of Mizoram as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

## PART VIII

### LEGAL AND MISCELLANEOUS PROVISIONS

39. *Amendment of article 210, article 239A, article 240, article 244, the Fifth Schedule and the Sixth Schedule to the Constitution:* On and from the appointed day—

- (a) in article 210, in clause (2), after the proviso, the following proviso shall be inserted, namely:—

‘Provided further that in relation to the Legislature of the State of Mizoram, this clause shall have effect as if for the words “fifteen years” occurring therein, the words “forty years” were substituted’;

- (b) in article 239A, in clause (1), the word, “Mizoram” shall be omitted;

- (c) in article 240, in clause (1),—

- (i) entry (f) shall be omitted;

- (ii) in the provisos, the word “Mizoram” shall, be omitted;

(d) in article 244,—

(i) in clause (1), for the words “Meghalaya and Tripura”, the words “Meghalaya, Tripura and Mizoram” shall be substituted;

(ii) in clause (2), for the words “Meghalaya and Tripura and the Union territory of Mizoram”, the words “Meghalaya, Tripura and Mizoram” shall be substituted;

(e) in the Fifth Schedule, in paragraph 1, for the words “Meghalaya and Tripura”, the words “Meghalaya, Tripura and Mizoram” shall be substituted;

(f) in the Sixth Schedule,—

(i) in the heading, for the words “the States of Assam, Meghalaya and Tripura and in the Union territory of Mizoram”, the words “the States of Assam, Meghalaya, Tripura and Mizoram” shall be substituted;

(ii) in paragraph 12B, for the words “Union territory”, wherever they occur, the word “State” shall be substituted;

(iii) in paragraph 17, after the words “or Tripura” at both the places where they occur, the words “or Mizoram” shall be inserted;

(iv) in paragraph 20, in sub-paragraph (1), for the words “Union territory”, the word “State” shall be substituted.

40. *Amendment of Act 28 of 1958:* On and from the appointed day, in the Armed Forces (Special Powers) Act, 1958, in the long title and in sub-section (2) of section 1, for the words “Meghalaya, Nagaland and Tripura and the Union territories of Arunachal Pradesh and Mizoram”, the words “Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh” shall be substituted.

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

(i) in clause (h) of sub-section (1) of section 2, the word “, Mizoram” shall be omitted;

(ii) in section 33, in the proviso to sub-section (2), for the words “the Legislative Assemblies of the Union territories of Arunachal Pradesh and Mizoram”, the words “the Legislative Assembly of the Union territory of Arunachal Pradesh” shall be substituted;

(iii) in section 44,—

- (a) the second proviso to sub-section (1) shall be omitted;
- (b) in sub-section (2), for the words “each of the Union territories of Arunachal Pradesh and Mizoram”, the words “the Union territory of Arunachal Pradesh” shall be substituted.

**42. Amendment of Act 84 of 1971: On and from the appointed day, in the North Eastern Council Act, 1971.—**

(a) in section 2, for clauses (b) and (c), the following clauses shall be substituted, namely:—

(b) “north eastern area” means the area comprising the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh;

(c) “State” includes the Union territory of Arunachal Pradesh;’;

(b) for clause (b) of sub-section (1) of section 3, the following clause shall be substituted, namely:—

“(b) the Chief Ministers of the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and of the Union territory of Arunachal Pradesh;”

**43. Continuance of existing laws and their adaptations:** (1) All laws in force, immediately before the appointed day, in the existing Union territory of Mizoram shall continue to be in force in the State of Mizoram until altered, repealed or amended by a competent Legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the State of Mizoram of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

*Explanation.*—In this section, the expression “appropriate Government” means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the Government of the State of Mizoram.

44. *Power to construe laws:* Notwithstanding that no provision or insufficient provision has been made under section 43 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Mizoram, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

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

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

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

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

48. *Power to make rules:* (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

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

**THE FIRST SCHEDULE**

[See section 13 (1)]

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

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

(1) In paragraph 2, for the figures “XIX”, the figures “XX” shall be substituted;

(2) In the Schedule, after Part XIX, the following Part shall be inserted, namely:—

**“PART XX—Mizoram**

1. Bansphor
2. Bhuinmali or Mali
3. Brittial-Bania or Bania
4. Dhupi or Dhobi
5. Dugla or Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo or Jhalo-Malo
9. Kaibartta or Jaliya
10. Lalbegi
11. Mahara
12. Mehtar or Bhangi
13. Muchi or Rishi
14. Namasudra
15. Patni
16. Sutradhar.”.

**THE SECOND SCHEDULE**

[See section 13(2)]

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

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

(1) In paragraph 2, for the word and figures “Parts I to IV”, the words and figures “Parts I to III” shall be substituted;

(2) In paragraph 4, for the words and figures “Parts III and IV”, the word and figures “Part III” shall be substituted;

(3) In the Schedule, PART III, *Mizoram* shall be omitted and Part IV shall be renumbered as Part III.



## THE THIRD SCHEDULE

[See section 14(1)]

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

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

(1) In paragraph 2, for the figures "XVI", the figures "XVII" shall be substituted;

(2) In the Schedule, after Part XVI, the following Part shall be inserted, namely:—

*"PART XVII.—Mizoram*

1. Chakma
2. Dimasa (Kachari)
3. Garo
4. Hajong
5. Hmar
6. Khasi and Jaintia (including Khasi, Synteng or Pnar, War, Bhoi or Lyngngam)
7. Any Kuki tribes, including,—
  - (i) Baite or Biete
  - (ii) Changsan
  - (iii) Chongloi
  - (iv) DOUNGEL
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Guite
  - (viii) Hanneng
  - (ix) Haokip or Hauptit
  - (x) Hoalai
  - (xi) Hengna
  - (xii) Hongsungh
  - (xiii) Hrangkhwal or Rangkhoh
  - (xiv) Jongbe
  - (xv) Khawchung
  - (xvi) Khawathlang or Khothalong
  - (xvii) Khelma

- (xviii) Kholhou
- (xix) Kipgen
- (xx) Kuki
- (xxi) Lengthang
- (xxii) Lhangum
- (xxiii) Lhoujem
- (xxiv) Lhouvun
- (xxv) Lupheng
- (xxvi) Mangjel
- (xxvii) Missao
- (xxviii) Riang
- (xxix) Sairhem
- (xxx) Selnam
- (xxxi) Singson
- (xxxii) Sitlhou
- (xxxiii) Sukte
- (xxxiv) Thado
- (xxxv) Thangngeu
- (xxxvi) Uibuh
- (xxxvii) Vaiphei

- 8. Lakher
- 9. Man (Tai-Speaking)
- 10. Any Mizo (Lushai) tribes
- 11. Mikir
- 12. Any Naga tribes
- 13. Pawi
- 14. Synteng.”.

#### THE FOURTH SCHEDULE

[See section 14(2)]

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

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

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

(2) In paragraph 3, for the words and figures "Parts II and III", the word and figures "Part II" shall be substituted;

(3) In the Schedule, Part II shall be omitted and Part III shall be renumbered as Part II.

## THE CONSTITUTION (FIFTY-THIRD AMENDMENT) ACT, 1986

### *An Act further to amend the Constitution of India.*

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

1. *Short title and commencement:* (1) This Act may be called the Constitution (Fifty-Third Amendment) Act, 1986.

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

2. *Insertion of new article 371 G:* After article 371F of the Constitution, the following article shall be inserted, namely:—

*Special provision with respect to the State of Mizoram:* "371G. Notwithstanding anything in this Constitution,—

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Mizos,

(ii) Mizo customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Mizo customary law,

(iv) ownership and transfer of land,

shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides:

Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986

(b) the Legislative Assembly of the State of Mizoram shall consist of not less than forty members."

## THE CONSTITUTION (FIFTY-FOURTH AMENDMENT) ACT, 1986

### *An Act further to amend the Constitution of India.*

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

1. *Short title:* This Act may be called the Constitution (Fifty-Fourth Amendment) Act, 1986.

2. *Amendment of article 125:* In article 125 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be paid to the Judges of the Supreme Court such salaries as may be determined by Parliament by law and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.”.

3. *Amendment of article 221:* In article 221 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be paid to the Judges of each High Court such salaries as may be determined by Parliament by law and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.”.

4. *Amendment of Second Schedule:* In the Second Schedule to the Constitution, in Part D,—

(a) in sub-paragraph (1) of paragraph 9,—

(i) for the figures and word “5,000 rupees”, the figures and word “10,000 rupees” shall be substituted;

(ii) for the figures and word “4,000 rupees”, the figures and word “9,000 rupees” shall be substituted;

(b) in sub-paragraph (1) of paragraph 10,—

(i) for the figures and word “5,000 rupees”, the figures and word “9,000 rupees” shall be substituted;

(ii) for the figures and word “3,500 rupees”, the figures and word “9,000 rupees” shall be substituted;

## ANNEXURE

### EXTRACTS FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

125. (1) *Salaries, etc., of Judges:* There shall be paid to the Judges of the Supreme Court such salaries as are specified in the Second Schedule.

\* \* \* \* \*

221. (1) *Salaries, etc., of Judges:* There shall be paid to the Judges of each High Court such salaries as are specified in the Second Schedule.

\* \* \* \* \*

## SECOND SCHEDULE

[Articles 59(3), 65(3), 75(6), 97, 125, 148(3), 158(3), 164(5), 186 and 221].

\* \* \* \* \*

## PART D

PROVISIONS AS TO THE JUDGES OF THE SUPREME COURT AND OF THE HIGH COURTS

9. (1) There shall be paid to the Judges of the Supreme Court in respect of time spent on actual service, salary at the following rates per mensem, that is to say:—

The Chief Justice	..	5,000 rupees.
Any other Judge	..	4,000 rupees:

Provided that if a Judge of the Supreme Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service in the Supreme Court shall be reduced—

- (a) by the amount of that pension, and
- (b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and
- (c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

\* \* \* \* \*

10. (1) There shall be paid to the Judges of High Courts, in respect of time spent on actual service, salary at the following rates per mensem, that is to say.—

The Chief Justice	..	4,000 rupees.
Any other Judge	..	3,500 rupees:

Provided that if a Judge of a High Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or

under the Government of a State or any of its predecessor Governments, his salary in respect of service in the High Court shall be reduced—

- (a) by the amount of that pension, and
- (b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and
- (c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

\* \* \* \* \*

## THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1986

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

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

### CHAPTER I

#### PRELIMINARY

1. *Short title and commencement:* (1) This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986.

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

### CHAPTER II

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

2. *Amendment of section 4:* In section 4 of the High Court Judges (Conditions of Service) Act, 1954 (hereafter in this Chapter referred to as the High Court Judges Act), in sub-section (2), in clause (a),—

- (a) in sub-clause (i), the word “and” occurring at the end shall be omitted;

(b) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) where the Judge had, prior to his appointment as such, held any pensionable post under the Union or a State, the period of leave earned by him in the said post, so, however, that such period shall not exceed one hundred and eighty days in terms of leave on full allowances; and”.

**3. Amendment of section 17A:** In section 17A of the High Court Judges Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, dies, whether before or after retirement in circumstances to which section 17 does not apply, family pension calculated at the rate of fifty per cent of the pension admissible to him on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of half of the family pension so admissible.

*Explanation.*—For the purposes of determining the person or persons entitled to family pension under this sub-section,—

(i) in relation to a Judge who elects or is eligible to receive pension under Part I of the First Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group ‘A’, shall apply;

(ii) in relation to a Judge who elects to receive pension under Part II or Part III of the First Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons

entitled to family pension shall apply and his service as a Judge being treated as service therein.

(2) Where any Judge, who has elected to receive the pension payable to him under Part II or Part III of the First Schedule, retires, or dies in circumstances to which section 17 does not apply, gratuity if any, shall be payable to the person or persons entitled thereto under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that gratuity.”;

(b) in sub-section (3), in clause (iii), for the words “thirty thousand rupees”, the words “fifty thousand rupees” shall be substituted;

(c) in the *Explanation*, for the words, brackets and figures “sub-sections (2) and (3)”, the word, brackets and figure “sub-section (3)” shall be substituted.

4. *Insertion of new section 20A:* After section 20 of the High Court Judges Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 5th day of September, 1977 namely:—

*Deposit Linked Insurance Scheme:* “20A. The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules, 1960, shall apply to every Judge whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.”.

5. *Substitution of new sections for sections 22B and 22C:* In the High Court Judges Act, for sections 22B and 22C, the following sections shall be substituted, namely:—

*Conveyance facilities:* “22B. Every Judge shall be entitled to a staff car and one hundred and fifty litres of petrol every month or the actual consumption of petrol per month, whichever is less.

*Sumptuary allowance:* 22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of five hundred rupees per month and three hundred rupees per month respectively.”.



**6. Amendment of the First Schedule:** In the First Schedule to the High Court Judges Act,—

(a) in Part I, after paragraph 10, the following paragraph shall be inserted, namely:—

'11. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—

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

**"2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be—**

(a) for service as Chief Justice in any High Court Rs. 4,500 per annum for each completed year of service; —

(b) for service as any other Judge in any High Court. Rs. 3,430 per annum for each completed year of service;

Provided that the pension shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.”;

(ii) paragraphs 3 to 5 shall be omitted;

(iii) in paragraph 6, for the word and figure “paragraph 5”, the word and figure “paragraph 2” shall be substituted;

(iv) for paragraph 8, the following paragraph shall be substituted, namely:—

**“8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 54,000 per annum.”;**

(v) in paragraph 9, for the figures “6,000”, the figures “15,750” shall be substituted;

(vi) paragraph 10 shall be omitted.’;

(b) in Part III, after paragraph 3, the following paragraph shall be inserted, namely:—

**4. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—**

(i) in paragraph 2,—

(A) in clause (b), for the figures “500” and “2,500”, the figures “1,600” and “8,000” shall respectively be substituted;

(B) after clause (b), the following proviso shall be inserted, namely:—

“Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.”;

(ii) paragraph 3 shall be omitted.

### CHAPTER III

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

7. *Amendment of section 4:* In section 4 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereafter in this Chapter referred to as the Supreme Court Judges Act), in sub-section (2), in clause (a), in sub-clause (iii), for the words “four months in terms of leave on half allowances”, the words “one hundred and eighty days in terms of leave on full allowances” shall be substituted.

8. *Amendment of section 16A:* In section 16A of the Supreme Court Judges Act,—

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

“(1) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986,—

(a) dies before retirement, family pension calculated at the rate of fifty per cent. of the pension admissible to him on the date of his death shall be payable to the person or persons entitled thereto and

the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of half of the family pension so admissible; and

- (b) dies after retirement, family pension calculated at the rate of half of the pension so admissible to him shall be payable to the person or persons entitled thereto.

*Explanation.*—For the purposes of determining the person or persons entitled to family pension under this sub-section,—

(i) in relation to a Judge who elects or is eligible to receive pension under Part I of the Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group 'A', shall apply;

(ii) in relation to a Judge who elects to receive pension under Part II or Part III of the Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.”.

(b) in sub-section (2), in clause (iii), for the words “thirty thousand rupees”, the words “fifty thousand rupees” shall be substituted;

(c) in the *Explanation*, for the words “In this section”, the words, brackets and figure “in sub-section (2)” shall be substituted.

9. *Insertion of new section 20A* : After section 20 of the Supreme Court Judges Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 5th day of September, 1977, namely:—

*Deposit Linked Insurance Scheme*: “20A. The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules, 1960, shall apply to every Judge whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.”.

10. *Substitution of new section for section 23A:* In the Supreme Court Judges Act, for section 23A, the following section shall be substituted, namely:—

*Conveyance facilities :* “23A. Every Judge shall be entitled to a staff car and one hundred and fifty litres of petrol every month or the actual consumption of petrol per month, whichever is less.”.

11. *Amendment of section 23B:* In section 23B of the Supreme Court Judges Act, for the words “five hundred rupees per month and three hundred rupees”, the words “one thousand two hundred and fifty rupees per month and seven hundred and fifty rupees” shall be substituted.

12. *Amendment of the Schedule:* In the Schedule to the Supreme Court Judges Act,—

(a) in Part I, after paragraph 6, the following paragraph shall be inserted, namely:—

‘7. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—

(i) in paragraph 2,—

(A) in clause (b), for the figures “470”, “20,000” and “1,200”, the figures “1,235”, “37,500” and “3,150” shall respectively be substituted;

(B) in the proviso, for the figures “26,000”, the figures “60,000” shall be substituted;

(ii) to paragraph 3, the following proviso shall be added namely:—

“Provided that the pension under this paragraph shall in no case exceed Rs. 54,000 per annum.”.

(iii) in paragraph 5, for the figures “7,500”, the figures “19,700” shall be substituted;

(iv) paragraph 6 shall be omitted;.

(b) in Part III, after paragraph 3, the following paragraph shall be inserted, namely:—

‘4. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High

Court and Supreme Court Judges (Conditions of Service) *Amendment Act, 1986*, the foregoing provisions of this **Part shall have effect subject to the modifications that—**

(i) in paragraph 2.—

(A) in clause (b), for the figures “500” and “2,500”, the figures “1,600” and “8,000” shall respectively be substituted;

(B) after clause (b), the following proviso shall be inserted, namely:—

“Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 60,000 per annum in the case of the Chief Justice and Rs. 54,000 per annum in the case of any other Judge.”;

(ii) paragraph 3 shall be omitted.

## THE STATE OF ARUNACHAL PRADESH ACT, 1986

*An Act to provide for the establishment of the State of Arunachal Pradesh and for matters connected therewith.*

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

### PART I

#### PRELIMINARY

1. *Short title:* This Act may be called the State of Arunachal Pradesh Act, 1986.

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

- (a) “Administrator” means the Administrator appointed by the President under article 239;
- (b) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (c) “article” means an article of the Constitution;
- (d) “Election Commission” means the Election Commission appointed by the President under article 324;
- (e) “existing Union territory of Arunachal Pradesh” means the Union territory of Arunachal Pradesh as existing immediately before the appointed day;

- (f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or any part of the existing Union territory of Arunachal Pradesh;
- (g) "sitting member", in relation to either House of Parliament or of the Legislative Assembly of the existing Union territory of Arunachal Pradesh, means a person who, immediately before the appointed day, is a member of that House or that Assembly;
- (h) "treasury" includes a sub-treasury.

## PART II

### ESTABLISHMENT OF THE STATE OF ARUNACHAL PRADESH

3. *Establishment of the State of Arunachal Pradesh:* On and from the appointed day, there shall be established a new State, to be known as the State of Arunachal Pradesh comprising the territories which immediately before that day were comprised in the existing Union territory of Arunachal Pradesh.

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

- (a) under the heading "I. THE STATES", after entry 23, the following entry shall be inserted, namely:—

"24. Arunachal Pradesh The territories specified in section 7 of the North-Eastern Areas (Reorganisation) Act, 1971.";

- (b) under the heading "II. THE UNION TERRITORIES", entry 8 relating to Arunachal Pradesh shall be omitted.

## PART III

### REPRESENTATION IN THE LEGISLATURES

#### *The Council of States*

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

- (a) entries 24 and 25 shall be re-numbered as entries 25 and 26 respectively, and before entry 25 as so re-numbered, the following entry shall be inserted, namely:—

"24. Arunachal Pradesh. ....1":

- (b) entry 26 shall be omitted.

6. *Allocation of sitting member*: (1) On and from the appointed day, the sitting member of the Council of States representing the existing Union territory of Arunachal Pradesh shall be deemed to have been duly elected under clause (4) of article 80 to fill the seat allotted to the State of Arunachal Pradesh in that Council.

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

7. *Amendment of section 27A of Act 43 of 1950*: On and from the appointed day, in section 27A of the Representation of the People Act, 1950, in sub-section (4), for the words "The electoral college for each of the Union territories of Arunachal Pradesh and Pondicherry", the words "The electoral college for the Union territory of Pondicherry" shall be substituted.

8. *Allocation of seats in the existing House of the People*: (1) On and from the appointed day, the allocation of seats to the State of Arunachal Pradesh in the House of the People shall be two; and the First Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly.

(2) On and from the appointed day, the two parliamentary constituencies of the existing Union territory of Arunachal Pradesh shall be deemed to be the parliamentary constituencies of the State of Arunachal Pradesh and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall be construed accordingly.

9. *Provision as to sitting members*: The sitting members of the House of the People representing the constituencies which, on the appointed day, by virtue of the provisions of section 8 become the constituencies of the State of Arunachal Pradesh shall be deemed to have been elected under sub-clause (a) of clause (1) of article 81 to the House of the People by those constituencies.

#### *The Legislative Assembly*

10. *Provision as to Legislative Assembly*: On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Arunachal Pradesh to be filled by person chosen by direct election from assembly constituencies shall be forty; and the Second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly.

11. *Provisional Legislative Assembly*: (1) Notwithstanding anything contained in this Act (including provisions relating to the

strength of the Legislative Assembly of the State of Arunachal Pradesh), on and from the appointed day and until the Legislative Assembly of that State has been duly constituted and summoned to meet for the first session, there shall be a provisional Legislative Assembly which shall consist of members elected by the territorial constituencies of the Legislative Assembly of the existing Union territory of Arunachal Pradesh.

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

(3) The provisional Legislative Assembly constituted under this section shall, for so long as it is in existence, be deemed to be the Legislative Assembly of the State of Arunachal Pradesh and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution.

12. *Speaker and Deputy Speaker:* The persons who immediately before the appointed day are the Speaker and the Deputy Speaker of the Legislative Assembly of the Union territory of Arunachal Pradesh, shall be the Speaker and the Deputy Speaker, respectively of the provisional Legislative Assembly of the State of Arunachal Pradesh on and from that day.

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

#### *Delimitation of constituencies*

14. *Delimitation of constituencies:* (1) The Election Commission shall, in the manner herein provided, distribute, whether before or after the appointed day, the seats assigned to the Legislative Assembly of the State of Arunachal Pradesh under section 10 to single-member territorial constituencies and delimit them having regard to the provisions of the Constitution and to the following provisions namely:—

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard



shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and

- (b) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

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

- (a) the sitting members of the House of the People referred to in section 9; and
- (b) such six of the members of the Legislative Assembly of the existing Union territory of Arunachal Pradesh or, as the case may be, the provisional Legislative Assembly referred to in section 11 as the Speaker thereof may nominate:

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

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

(4) The Election Commission shall—

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

(5) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory of Arunachal Pradesh or, as the case may be, the provisional Legislative Assembly referred to in section 11.

15. *Power of Election Commission to maintain delimitation orders up-to-date:* (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under section 14 or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the existing Union territory of Arunachal Pradesh, the provisional Legislative Assembly referred to in section 11 or the Legislative Assembly of the State of Arunachal Pradesh, as the case may be.

16. *Amendment of Scheduled Castes Orders:* (1) On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the First Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, shall stand amended as directed in the Second Schedule.

17. *Amendment of Scheduled Tribes Orders:* (1) On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1951, shall stand amended as directed in the Third Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, shall stand amended as directed in the Fourth Schedule.

#### PART IV

#### HIGH COURT

18. *Common High Court for Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh:* (1) On and from the appointed day,—

(a) there shall be a common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh to be called the Gauhati High Court (the High Court of Assam, Nagaland, Megha-

laya, Manipur, Tripura, Mizoram and Arunachal Pradesh) (hereinafter referred to as the common High Court);

- (b) the Judges of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the common High Court.

(2) The expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura in such proportion as the President may, by order, determine.

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

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

“(b) for the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura; Mizoram and Arunachal Pradesh;”;

- (b) the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall be deemed to be the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall be entitled to practice as an advocate in the common High Court.

(3) All persons who, immediately before the appointed day, are advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall as from that day, become advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram:

Provided that as among the Advocates-General of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya; Mizoram; Naga-

land and Tripura, the right of audience shall be determined with reference to their dates of enrolment as advocates.

20. *Practice and procedure in the common High Court:* Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with the necessary modifications, apply in relation to the common High Court.

21. *Custody of seal of the common High Court:* The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with the necessary modifications, apply with respect to the custody of the Seal of the common High Court.

22. *Form of writs and other processes:* The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with necessary modifications apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

23. *Powers of Judges:* The law in force immediately before the appointed day with respect to powers of the Chief Justice, single Judges and division courts of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and with respect to all matters, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

24. *Principal seat and other places of sitting of the Common High Court:* (1) The principal seat of the common High Court shall be at the same place at which the principal seat of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram is located immediately before the appointed day.

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

Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the common High

Court and the Governor of the State in which the bench or benches is or are proposed to be established.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh as the Chief Justice may, with the approval of the Governor of the State concerned, appoint.

25. *Procedure as to appeals to Supreme Court*: The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.

26. *Transfer of proceedings from the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram to the common High Court*: (1) All proceedings pending in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram immediately before the appointed day shall, from such day, stand transferred to the common High Court.

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

27. *Interpretation*: For the purposes of section 26,—

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

28. *Right to appear or to act in proceedings transferred to the common High Court*: Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court.

of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and was authorised to appear or to act in any proceedings transferred from the said High Court to the common High Court under section 26 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.

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

## PART V

### AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

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

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

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

31. *Reports relating to the accounts of the existing Union Territory of Arunachal Pradesh*: (1) The reports of the Comptroller and Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union Territory of Arunachal Pradesh in respect of any period prior to the appointed day, shall be submitted to the Governor of Arunachal Pradesh who shall cause them to be laid before the Legislative Assembly of the State.

(2) The Governor may, by order,—

- (a) declare any expenditure incurred out of the Consolidated Fund of the existing Union Territory of Arunachal Pradesh on any service in respect of any period prior to the appointed day during the financial year 1936-87 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and
- (b) provide for any action to be taken on any matter arising out of the said reports.

32. *Allowances and privileges of Governor of Arunachal Pradesh:* The allowances and privileges of the Governor of Arunachal Pradesh shall, until the Governors (Emoluments, Allowances and Privileges) Act, 1982, comes into force, be such as the President may, by order, determine.

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

## PART VI

### ASSETS AND LIABILITIES

34. *Property, assets, rights, liabilities, obligations, etc.:* (1) All such property and assets within the existing Union Territory of Arunachal Pradesh as are held immediately before the appointed day by the Union for purposes of governance of that Union Territory shall, on and from that day, pass to the State of Arunachal Pradesh unless the purposes for which such property and assets are so held are Union purposes:

Provided that the cash balances in the treasuries in the existing Union Territory of Arunachal Pradesh before the appointed day shall, as from that day, vest in the State of Arunachal Pradesh.

(2) All rights, liabilities and obligations (other than those relating to, or in connection with, a Union purpose), whether arising out of any contract or otherwise, which are, immediately before the appointed day,—

(a) the rights, liabilities and obligations of the Central Government arising out of, or in connection with, the governance of the existing Union Territory of Arunachal Pradesh; or

(b) the rights, liabilities and obligations of the Administrator of the existing Union Territory of Arunachal Pradesh in his capacity as such, or of the Government of that Union Territory.

shall, on and from the appointed day, be the rights, liabilities and obligations of the Government of the State of Arunachal Pradesh.

(3) The right to recover arrears of—

(a) any tax or duty being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution; or

(b) any duty referred to in article 268; or

(c) any tax under the Central Sales Tax Act, 1956,

which have fallen due in the existing Union Territory of Arunachal Pradesh, shall pass to the State of Arunachal Pradesh.

(4) The provisions of this section shall not apply to, or in relation to,—

(a) any institution, undertaking or project the expenditure in relation to which is, immediately before the appointed day met from and out of the Consolidated Fund of India;

(b) any property which has been placed by the Union at the disposal of the administration of the existing Union territory of Arunachal Pradesh subject to the condition that the ownership thereof will continue to vest in the Union.



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

- (a) “liability” includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong;
- (b) “Union purposes” means the purposes of Government relating to any of the matters mentioned in the Union List.

## PART VII

### PROVISIONS AS TO SERVICES

35. *Provision relating to All-India Services:* Every member of the Indian Administrative Service, the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Arunachal Pradesh shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Arunachal Pradesh on the same terms and conditions of service as are applicable to him under the relevant cadre rules:

Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

*Explanation.*—In this section, “cadre rules” means the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 or the Indian Forest Service (Cadre) Rules, 1966, as the case may be.

36. *Provisions relating to other services:* (1) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the Administrator of the existing Union territory of Arunachal Pradesh shall, unless otherwise directed by an order of the Central Government, be deemed to have been allocated for service as from that day in connection with the affairs of the State of Arunachal Pradesh:

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

(2) The provisions of this section shall not apply in relation to persons to whom the provisions of section 35 apply.

37. *Other provisions as to services:* (1) Nothing in this section or section 36 shall be deemed to affect on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the State of Arunachal Pradesh:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person referred to in section 36 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person deemed to have been allocated under section 36 in connection with the administration of the existing Union territory of Arunachal Pradesh, shall be deemed to have been rendered in connection with the affairs of the State of Arunachal Pradesh for the purposes of the rules regulating his conditions of service.

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

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

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

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

40. *Prohibition of representation after certain period:* Notwithstanding anything to the contrary contained in any law or rule for

the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order :

Provided that the Central Government may, *suo motu* or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.

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

## PART VIII

### LEGAL AND MISCELLANEOUS PROVISIONS

42. *Amendment of article 210, article 239A and article 240 of the Constitution:* On and from the appointed day,—

- (a) in article 210, in clause (2), in the second proviso, for the words “Legislature of the State of Mizoram”, the words “Legislatures of the States of Arunachal Pradesh and Mizoram” shall be substituted;
- (b) in article 239A, in clause (1), for the words “, Pondicherry and Arunachal Pradesh”, the words “and Pondicherry” shall be substituted;
- (c) in article 240, in clause (1),—
  - (i) entry (g) shall be omitted;
  - (ii) in the provisos, for the words “Pondicherry or Arunachal Pradesh”, the words “or Pondicherry” shall be substituted.

43. *Amendment of Act 28 of 1958:* On and from the appointed day, in the Armed Forces (Special Powers) Act, 1958, in the long title and in sub-section (2) of section 3, for the words “Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh”, the words “Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura” shall be substituted.

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

- (i) in clause (h) of sub-section (1) of section 2, for the words “Pondicherry and Arunachal Pradesh”, the words “and Pondicherry” shall be substituted;
- (ii) in section 33, in sub-section (2), the proviso shall be omitted;
- (iii) in section 44, sub-section (2) shall be omitted.

**45. Amendment of Act 84 of 1971:** On and from the appointed day, in the North-Eastern Council Act, 1971,—

- (a) in section 2, for clauses (b) and (c), the following clause shall be substituted, namely:—

‘(b) “north-eastern area” means the area comprising the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.’;

- (b) in section 3, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

“(b) the Chief Ministers of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.”.

**46. Continuance of existing laws and their adaptations:** (1) All laws in force, immediately before the appointed day, in the existing Union territory of Arunachal Pradesh shall continue to be in force in the State of Arunachal Pradesh until altered, repealed or amended by a competent Legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the State of Arunachal Pradesh of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

*Explanation.*—In this section, the expression “appropriate Government” means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government and as respects any other law, the Government of the State of Arunachal Pradesh.

47. *Power to construe laws:* Notwithstanding that no provision or insufficient provision has been made under section 46 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Arunachal Pradesh, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

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

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

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

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

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

51. *Power to make rules:* (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

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

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

### THE FIRST SCHEDULE

[See section 16(1)]

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

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

- (1) in paragraph 2, for the figures “XX”, the figures “XXI” shall be substituted;
- (2) in the Schedule, after Part XX, the following Part shall be inserted, namely:—

#### “PART XXI.—*Arunachal Pradesh*

1. Bansphor
2. Bhuimali or Mali
3. Brittial Bania or Bania
4. Dhupi or Dhobi
5. Dugla or Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo or Jhalo-Malo
9. Kaibartta or Jaliya
10. Lalbegi
11. Mahara
12. Mehtar or Bhangi
13. Muchi or Rishi
14. Namasudra
15. Patni
16. Sutradhar.”

### THE SECOND SCHEDULE

[See section 16(2)]

#### AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) (UNION TERRITORIES) ORDER, 1951

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

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

(2) in paragraph 4, for the figures "1956," the figures **and** word "1956 and" shall be substituted and the portion beginning with the words "and any reference to a **Union territory**", and ending with the words, brackets and figures "the **North-Eastern Areas (Reorganisation) Act, 1971**" shall be omitted;

(3) in the Schedule, **PART III.—Arunachal Pradesh** shall be omitted.

### THE THIRD SCHEDULE

[See section 17(1)]

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

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

(1) in paragraph 2, for the figures "XVII", the figures, "XVIII" shall be substituted;

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

#### "PART XVIII.—*Arunachal Pradesh*

All tribes in the State including:—

1. Abor
2. Aka
3. Apatani
4. Dafia
5. Galong
6. Khampti
7. Khowa
8. Mishmi
9. Momba
10. Any Naga tribes
11. Sherdukpen
12. Singpho."

## THE FOURTH SCHEDULE

[See section 17(2)]

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

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

(1) in paragraph 2, for the words and figures “Parts I and II”, the word and figure “Part I” shall be substituted;

(2) In paragraph 3, the portion beginning with the words “and any reference”, and ending with the words, brackets and figures “the North-Eastern Areas (Reorganisation) Act, 1971” shall be omitted;

(3) in the Schedule, PART II.—*Arunachal Pradesh* shall be omitted.

### THE CONSTITUTION (FIFTY-FIFTH AMENDMENT) ACT, 1986

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

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

1. *Short title and commencement:* (1) This Act may be called the Constitution (Fifty-fifth Amendment) Act, 1986.

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

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

*Special provision with respect to the State of Arunachal Pradesh:* “371H. Notwithstanding anything in this Constitution,—

(a) the Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgment,



the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Arunachal Pradesh, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order:

(b) the Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than thirty members.”

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## SESSIONAL REVIEW

## EIGHTH LOK SABHA

## SEVENTH SESSION

The Eighth Lok Sabha which commenced its seventh session (Winter Session) on 4 November 1986 was adjourned *sine die* on 9 December 1986. A brief resume of the important discussions held and other business transacted during this period is given below:

## A. DISCUSSIONS

*Lapses in security arrangements at Rajghat:* Moving an Adjournment Motion on 4 November 1986 regarding serious lapses in security arrangements on 2 October 1986 at Rajghat, Professor Madhu Dandavate sought to know the exact structure of the security system and Special Protection Group (SPG) charged with the security of the President and the Prime Minister.

Intervening in the discussion in which 16 other members\* participated, the Minister of Home Affairs, Sardar Buta Singh, at the outset, deeply regretted for the serious lapses in the security measures taken by the personnel of agencies connected with Prime Minister's security. Sharing the concern and shock expressed by members at the attempt made on the life of Prime Minister, Sardar Buta Singh said that after the incident, comprehensive review of the security arrangements had been carried out and measures to strengthen them had been taken. He further said that a case had already been registered

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\*Other members who took part in the discussion were : Sarvashri C. Madhav Reddy, P. Koiandaivelu, Dinesh Goswami, Indrajit Gupta, Bhagwat Jha Azad, Saifuddin Chowdhary, G. G. Swell, R. S. Sparrow, Ajay Mushran, P. R. Kumaramangalam, V. Kishore Chandra S. Deo, Balkavi Bairagi, Zainul Basher, N. V. N. Somu, Saif-ud-Din Soz and Professor Nirmala Kumari Shaktawat.

with the Police Station and its investigation had been entrusted to C.B.I. An Inquiry Committee headed by the Cabinet Secretary had given its report and follow-up action was being taken. In an open society like India, it was difficult to guarantee 100 per cent fool-proof security he added.

Sardar Buta Singh said that the security system was slightly modified in 1985 when SPG was brought in, and the role assigned to SPG was protection of the Prime Minister at his residence and offices in Delhi and approximate protection to him at all times and all places. He added that no specific role had been assigned to NSG in regard to the security of Prime Minister, NSG was concerned with combating terrorist activities. Coordination efforts were being strengthened and arrangements were being geared up to ensure that the security guidelines were very clearly laid down.

The motion was negatived after Professor Madhu Dandavate had replied to the debate.

*Agitation for a separate State launched by the Gorkha National Liberation Front:* On 6 November 1986, making a statement in response to a Calling Attention notice by Shri Saifuddin Chowdhary, the Minister of Home Affairs, Sardar Buta Singh said that the agitation of the Gorkha National Liberation Front (GNLF) was reported to be mainly for the creation of "Gorkhaland" as a separate State within the Union of India and for the abrogation of the Indo-Nepal Friendship Treaty of 1950. He said that Government of India were opposed to the division of West Bengal and had categorically rejected the demand for a separate State of Gorkhaland.

The demand for the abrogation of the Indo-Nepal Friendship Treaty of 1950, the Minister stated, was misplaced and unwarranted and could not be accepted. He expressed the hope that the Government of West Bengal would take note of the backwardness of the Darjeeling hills area and make a special effort to promote the development of the area and its people. He also called upon the State Government to initiate a dialogue with the concerned people to remove discontent and bring about order and normalcy in the affected areas, since the responsibility of maintaining law and order squarely lay with the State Government through its district authorities.

*Explosion of nuclear device by Pakistan and supply of AWACS by U.S.A. to Pakistan:* Raising a discussion on 6 November, 1986, Shri Balwant Singh Ramoowalia said that Pakistan had consistently

been trying to destabilise India by sending infiltrators and also supplying arms and money to them. He wanted the Government to spell out concrete measures that were being taken to meet the threat to the security of the country. Participating in the discussion, Shri Dinesh Goswami said that security environment in India and the sub-continent was at its worst because of the arming of Pakistan by the United States and increased U.S. military presence in the region. Shri Indrajit Gupta pointed out that AWACS being an offensive military hardware proposed to be given by the Americans to Pakistan, the Government should do something to counter it.

Replying to the discussion in which 10 other members\* participated, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh informed the House that two issues, namely, the proposed sale of AWACS to Pakistan and Pakistan's nuclear capabilities were related to a wider question, which was the long-term strategic perception of the United States and the role assigned that in recent years, the role of Pakistan had appeared to assume greater importance in those strategic perceptions of the United States and therefore, India could not remain indifferent to those developments. The Minister observed that the proposed sale of AWACS made a qualitative difference and posed a serious problem for India. The Government of India had made her anxieties known to the U.S. Administration, but their response did not in any way mitigate her anxieties, he added.

Sardar Buta Singh also informed the House that Pakistan Government had been trying to obtain the necessary ingredients for producing a bomb from all possible sources. The Government of India, while wanting to devote as much of her resources and finances as possible for developmental programmes of the country, would make necessary sacrifices to defend the country if such a necessity arose, the Minister assured the House.

*Visit of I.L.E. Mr. Mikhail Gorbachev, General Secretary of the Central Committee of the CPSU:* Making a statement on 2 December 1986 on the visit to India of His Excellency Mr. Mikhail Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, from 25 to 28 November 1986. Prime Minister, Shri Rajiv Gandhi said that he had held long and intensive

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\*Other members who took part in the discussion were : Sarvashri G. G. Swell, Somnath Chatterjee, Dinesh Singh, M. Subba Reddy, K. P. Singh Deo, Braja Mohan Mohanty, S. Jaipal Reddy and B. R. Bhagat.

discussions with Mr. Gorbachev on a wide spectrum of issues—bilateral, regional and international—and signed several bilateral agreements. The agreements in the economic, commercial, consular and cultural areas reflected the growing strength and dynamism of relationship between the two countries. They also decided to give a major thrust to cooperation in science and technology and reaffirmed the continuing validity of the Treaty of Peace, Friendship and Cooperation. The Joint Statement issued at the conclusion of Mr. Gorbachev's visit reflected close proximity on identity of perceptions of the two countries on international issues. The visit of Mr. Gorbachev, the Prime Minister added, would have enduring significance for further development of Indo-Soviet relations and the contribution of both the countries to peace and stability.

*Prime Minister's visits to Harare and other countries:* Making a statement on 13 November 1986 on his attending the Eighth Conference of Non-aligned countries at Harare from 1 to 7 September and his official visits to Indonesia, Australia, New Zealand and Thailand from 13 to 20 November 1986, Prime Minister, Shri Rajiv Gandhi said that the 25th anniversary of the Non-aligned Movement was marked by a Special Commemorative Session recalling the signal contribution of the Movement to world peace. India's role, as Chairperson of the Movement in consolidating the unity, strength and cohesion of the Movement was highly appreciated at the summit. The Chairmanship of the Movement was handed over to Zimbabwe, he added.

The focus of the summit, Shri Gandhi noted, was on three most fundamental issues—human rights in South Africa, freedom for Namibia and the right of all humanity to live in a world free from the constant threat of nuclear extinction. The Conference, he added, adopted a special Declaration on South Africa and established the AFRICA Fund, that is Fund for Action For Resisting Invasion, Colonialism and Apartheid. The Fund Committee would be chaired by India with Zambia as Vice-Chairman.

Shri Gandhi said that the Harare Appeal on Disarmament adopted by acclamation, reflected the Movement's commitment to peace and disarmament and concern at the growing threat to human survival.

Referring to his visits to Indonesia, Australia, New Zealand and Thailand, the Prime Minister said that it provided him an opportunity for translating the goodwill that existed for India in South-East Asia and the Pacific into more substantive political relationships and expanding trade and economic cooperation.

*Ethnic problem of Tamilians in Sri Lanka:* Raising a discussion on 11 November 1986, Shri Bhattam Srirama Murthy said that a lasting solution to the ethnic problem in Sri Lanka could be achieved through discussions and negotiations and suggested that the arrested leaders of Tamil Movement should be made a party to the negotiations.

Replying to the discussion in which 13 other members\* participated, the Minister of State in the Ministry of External Affairs, Shri K. Natwar Singh informed the House that as a result of efforts made by the Government of India, Sri Lankan Government came out with a package of proposals and on their basis the Tamil United Liberation Front had agreed to reopen direct discussions with the Sri Lankan authorities. He noted that based on those discussions, Sri Lankan Government sent 'new formulations and proposals', which dealt with the amendment to the Constitution of that country to provide for the creation of provincial councils and devolution of powers to them; allocation of subjects between the provinces and the Central authorities; and details of devolution in respect of law and order and land settlement. The Government of India, the Minister added, were making every endeavour to ensure that the momentum of progress gained over the last few months was not dissipated. He informed the House that the Government was of the firm view that only the negotiated political settlement could resolve the ethnic crisis in Sri Lanka in a manner which would ensure that the Sri Lankan Tamils obtained their legitimate rights within the framework of the unity and integrity of that country.

*Terrorist activities in Punjab:* Raising a discussion on 18 November 1986, on recent spurt in terrorist activities in Punjab and other parts of the country Shri Bhattam Srirama Murthy called upon the States and the Centre to make concerted efforts to evolve an effective strategy and put a halt to terrorism.

Replying to the discussion in which 14 other members† participated, the Minister of Home Affairs, Sardar Buta Singh attributed

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\*Other members who took part in the discussions were : Sarvashri P. Kolandai-velu, Shyam Lal Yadav, Suresh Kurup, Sharad Dighe, Syed Shahabuddin, R. Jeevarthinam, P. J. Kurien, Naresh Chandra Chaturvedi, Narayan Choubey, P. R. Kumaramangalam, Balwant Singh Ramoowalia, Abdul Rashid Kabuli and Dr. G. S. Rajhans.

†Other members who took part in the discussion were : Sarvashri Indrajit Gupta, Dinesh Goswami, Jagar Nath Kausal, Saifuddin Chowdhary, R. S. Sparrow, Thampian Thomas, Bhola Nath Sen, Chiranji Lal Sharma, P. Selvendran, Saleem I. Shervani, P. K. Thungon, Chandrajit Singh Athwal, Janak Raj Gupta and Balwant Singh Ramoowalia.

terrorism in Punjab to religious support. The religious functionaries, who were also leaders of a political party, had not only participated in the Bhog ceremony of dreaded terrorists carrying a prize of rupees one lakh each, but also declared them martyrs. The Government, the Minister declared, would deal with them like 'enemies of the country'. Reiterating Centre's help to Punjab Government, he said that terrorism had to be dealt with on national level and appealed to all political parties to involve themselves in the gigantic task of isolating a handful of people who were playing into the hands of enemies of the country.

In a statement made on 1 December 1986 regarding situation arising out of killing of several persons in Punjab on 30 November 1986 Prime Minister, Shri Rajiv Gandhi, at the outset, expressed on behalf of the whole House, deep condolences and sympathies to the families affected by the incident. The Government, he added, had decided to take a number of courses of action. Under the system as it stood, the Centre could not directly intervene in the law and order situation of the State. Even the Terrorist and Disruptive Activities (Prevention) Act did not confer any executive authority on the Centre, which was always with the State Government. All the same, keeping in view the political, the religious and the law and order factors existing in Punjab, it was the responsibility of the Centre to see that unity, integrity and law and order situation in the country was maintained and the Central Government would not shirk that responsibility, he assured the House.

In another statement made on the subject on the same day, the Minister of Home Affairs, Sardar Buta Singh gave details of the killings and said that according to information furnished by the State Government, when a PEPSU Roadways Transport Corporation bus plying from Faridkot to Pathankot reached near Bhagola on 30 November 1986, it was forcibly diverted to the link road by four terrorists who were also travelling in the same bus. The terrorists escaped on a scooter after firing on the passengers 22 passengers had died and 8 were injured.

Initiating the discussion on the statement, Professor Madhu Dandavate asked the Government to give up their *ad hoc* approach in dealing with the problem of Punjab and implement effectively the existing laws to tackle the situation.

Intervening in the discussion, Prime Minister, Shri Rajiv Gandhi reiterated that there was no specific substantive provision in the Constitution which allowed them to take direct action. The Central

Government did not get substantive powers under section 5(1) of the Terrorist and Disruptive Activities (Prevention) Act to arrest, investigate, hold trial and prosecute. However, the Government were looking into specific offence of terrorism under which they could intervene directly. Shri Gandhi maintained that at no time Government had deviated from the spirit or the letter of the Punjab and Assam Accords. The Central Government were stuck on the Chandigarh and the canal aspects because of unwillingness of the Punjab Government to do certain things suggested by the Commission.

Replying to the resumed discussion on 2 December 1986 in which 20 other members\* participated, the Minister of Home Affairs, Sardar Buta Singh informed the House that as per decisions taken by the Government, additional powers had been conferred on the State Government officers to detect terrorists accused of having committed offences under the Act and investigate into the terrorist offences and prosecute them. Powers had also been given for forfeiture and confiscation of properties of all persons found guilty of terrorist offences including aiding, abetting and harbouring the terrorists. The necessary areas were being identified for being declared as disturbed areas, he added. The Armed Forces (Punjab and Chandigarh) Amendment Act, 1983 had been invoked so as to make the armed forces act along with the police authorities for enforcement of law and order. Such officers and authorities in the State had also been given additional duties to ensure safety and security of public transport. Dealing with the misuse of religious places, Sardar Buta Singh assured the House that places of worship would not be allowed to be used for the activities against the unity and integrity of the country.

*Second Conference of the South Asian Association for Regional Cooperation (SAARC):* On 19 November 1986, making a statement on Second Conference of South Asia Association for Regional Cooperation (SAARC), held in Bangalore on 16 and 17 November, Prime Minister, Shri Rajiv Gandhi said that the summit marked an important stage in the evolution of the world's largest and most re-

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\*Other members who took part in the discussion were: Sarvashri Dinesh Goswami, Shripati Mishra, B. R. Bhagat, Saifuddin Chowdhary, A. C. Shanmugan, Arif Mohammed Khan, R. S. Sparrow, Mohd. Mahfooz Ali Khan, Naresh Chandra Chaturvedi, Saif-ud-din Soz, Rana Vir Singh, Balwant Singh Ramoowalia, C. P. Thakur, Vir Sen, G. L. Dogra, Zainul Basher, Shyam Lal Yadav, Kali Prasad Pandey, Chiranji Lal Sharma and Dr. Datta Samant.



cent regional association. It reaffirmed members countries' faith in promoting the common good of peoples through cooperative solutions to shared problems.

Shri Gandhi stated that areas of cooperation identified in the summit were agriculture, forestry, meteorology, natural disaster management, upliftment of women and child development. The member countries' cooperation had been institutionalised with the decision to set up a permanent Secretariat in Kathmandu for monitoring and coordinating the implementation of programmes.

Replying to the discussion on the statement of the Prime Minister on 20 November 1986 in which 15 other members\* participated, the Minister of External Affairs, Shri Narayan Datt Tiwari observed that Bangalore Declaration was a good beginning for evolving common policies in the field of international economic issues. The Declaration unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property. He noted that SAARC Secretariat which would start functioning in Kathmandu from 16 January 1987 would convene a meeting of the Experts Group set up to deal with the problem of terrorism and the Group's work would be completed before the next meeting of the Council of Ministers to be held in May 1987 in Delhi.

In a statement on bilateral talks with Heads of Government/State during Second SAARC Summit made in the House on 24 November 1986, the Minister of External Affairs, Shri Narayan Datt Tiwari informed the House that following a meeting between Prime Minister, Shri Rajiv Gandhi and the Prime Minister of Pakistan, Mr. Junejo, it was agreed that the two countries would work out detailed measures of cooperation *inter alia* in controlling illicit crossing, drug trafficking, smuggling and terrorism along the border.

Referring to the discussions of Shri Rajiv Gandhi with President of Sri Lanka, Mr. J. R. Jayewardene, Shri Tiwari said that it was reaffirmed that the solution of the ethnic problem in Sri Lanka should be found on the basis of a negotiated political settlement without compromising the unity and territorial integrity of Sri Lanka.

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\*Other members who took part in the discussion were : Sarvashri Dinesh Goswami, P. Kolandaivelu, G. G. Swell, B. B. Ramaiah, R. S. Sparrow, Saifuddin Chowdhary, Sharad Dighe, V. S. Krishna Iyer, Sripati Mishra, Narayan Choubey, Raj Kumar Rai, N. V. N. Somu, Vijay N. Patil, Dr. G. S. Rajhans and Professor P. J. Kurien.

During Prime Minister's discussions with the President of Bangladesh, Shri Tiwari said that it was decided to extend the mandate of the Indo-Bangladesh Joint Committee on River Waters by another six months, i.e. upto 21 May 1987. Shri Tiwari added that Prime Minister's discussions with the Heads of State of Bhutan, Nepal and the Maldives would help enlarge the areas of mutual understanding and further strengthen the traditional friendly ties that existed between India and those countries.

*Need to preserve sanctity and dignity of National Symbols:* Raising a discussion on 28 November 1986, Shri C. Madhav Reddy urged upon the Government to take immediate action to remove the lacunae in the Prevention of Insults to the National Honour Act.

Intervening in the discussion on 2 December 1986, Prime Minister, Shri Rajiv Gandhi said that as the National Anthem and the Flag embodied the soul and spirit of the nation, the Government would not allow those symbols to be reduced in value or cut down. The Government had not accepted the Supreme Court judgment in the Emmanuel case and would pursue the matter through legal means, failing which the constitutional means would be made use of to ensure the sanctity and dignity of National Symbols.

Winding up the discussion on 3 December 1986 in which 17 other members\* participated, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram contended that honouring the Constitution and the national flag and singing of the National Anthem were not matters needing the sanction of a law. Being a part of the responsibility of citizenship, the honour and respect to them should be a natural act. The law, he maintained, did not require an amendment. All that it required was that those who were charged with interpretation of the law should do so in the true spirit of the law and not import ideologies and arguments that tended to undermine the Indian value system, Indian Constitution, Indian Emblems and Symbols. Reiterating that the Government had not accepted and would never accept the Supreme Court judgment, Shri Chidambaram said that the Attorney-General had filed a write petition under article 32 of the Constitution, requesting the Court to state the correct legal position.

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\*Other members who took part in the discussions were : Sarvashri D. P. Yadav, Bholanath Sen, Suresh Kurup, Balkavi Bairagi, S. Jaipal Reddy, P. R. Kumaramangalam, P. Selvendran, Amitabh Bachchan, Aziz Kureshi, Amar Roypradhan, Braja Mohan Mohanty, Shantaram Naik, Kali Prasad Pandey, Kevur Bhushan, Dr. G. S. Rajhans, Kumari Mamata Banerjee and Shrimati Geeta Mukherjee.

**Increasing atrocities on Women:** On 1 December 1986 making a statement in response to a Calling Attention notice by Dr. Chinta Mohan, the Minister of Home Affairs, Sardar Buta Singh stated that the Government viewed with great concern the incidents of atrocities on women, particularly frequent incidents of bride burning and of dowry deaths and had taken action to plug loopholes in the existing legislation dealing with dowry cases in order to make the law more effective and stringent. Provisions had also been made by the Dowry Prohibition (Amendment Act, 1984) for enhanced punishment for giving or taking dowry. The decision by the State Governments to appoint Dowry Prohibition Officers he added, would also greatly help in effective implementation of Act. Besides, the Government had also issued instructions to all State Governments and Union Territories about the steps to be taken in cases of unnatural death of married women during the first 10 years of their marriage.

In regard to criminal offences against women such as rape, sale of girls for flesh trade, the Minister said that the Immoral Traffic (Prevention) Act, 1986 had enhanced the period of imprisonment where offences were committed against minors and children. It had also been decided to appoint Trafficking Police Officers who would have the power to investigate offences involving more than one State and to set up Special Courts for trying offences which had inter-State ramifications. The Government had provided Rs. 4.31 crores as grant payable to the State Governments for the recruitment of 2,153 women constables. The Government was extending grant-in-aid to voluntary organisations for establishing and running of Short Stay Homes. In addition, Voluntary Action Bureau was set up by the Central Social Welfare Board in May 1982 to meet the challenge of crimes against women and children and to create awakening and social consciousness among citizens, the Minister concluded.

**Economic situation in the country:** On 3 December 1986, the Minister of Finance, Shri Vishwanath Pratap Singh moving a motion for consideration of the House, claimed that the existing economic situation in the country was characterised by several favourable factors. The economy had grown at 5 per cent during the last 6 years as against the preceding long-term growth rate of 3.5 per cent. The infrastructure sectors of the economy were performing very well and the price situation had been under control. Tax revenues, particularly personal income tax revenues, continued to display remarkable buoyancy. The foreign exchange reserves were at a comfortable level. In regard to two major areas of concern namely, the balance of payments and rapid growth of Government expenditure,

Shri Singh assured the House that the Government would take all necessary measures to ensure that self-reliance was not compromised by excessive dependence on foreign borrowings and would also undertake a thorough review of expenditure of the centre with a view to pruning non-essential and low priority expenditure.

Resuming the inconclusive debate on 5 December 1986, the Minister of Energy, Shri Vasant Sathe said that tremendous wealth could be generated by making proper utilization of natural as well as human resources and the talent available in the country. Referring to the public sector, he said that it could contribute substantially in resource mobilisation.

Replying to a three-day discussion in which 18 other members\* participated, the Minister of Finance, Shri Vishwanath Pratap Singh termed the public sector a 'political necessity' and a bulwark against total take-over by the private sector, not only of economy but also of politics. Its performance had shown marked improvement in many sectors including power generation, railways and coal mining.

Defending deficit financing, Shri Singh said that although the budget deficit in 1985-86 was Rs. 4,490 crores as compared to Rs. 2,427 crores in 1979-80, as a percentage of the gross domestic product, the deficit of 1.91 per cent in 1985-86 was smaller than 2.26 per cent in 1979-80.

#### B. LEGISLATIVE BUSINESS

*Citizenship (Amendment) Bill, 1986\*\**. Moving that the Bill be taken into consideration on 10 November 1986, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram said that of late, a large number of persons of Indian origin entered the territory of India from Bangladesh, Sri Lanka and other neighbouring countries, as well as from African and Asian countries and had been residing in India. He added that with a view to make conditions for the grant of Indian citizenship more stringent, it was proposed to make amendments to sections 3, 5 and 6 of the Citizenship Act.

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\*Other members who took part in the discussion were : Sarvashri Y. S. Mahajan, Bholu Nath Sen, Somnath Chatterjee, Virdhi Chander Jain, Sriballav Panigrahi, M. M. Patel, Murli Deora, Vir Sen, Kadambur M. R. Janarthanan, Tarun Kanfi Ghosh, Narayan Choubey, Pivus Tiraky, Rana Vir Singh, Atish Chandra Sinha, Muhiram Saikia, C. Janga Reddy, Chinta Mohan and Dr. Datta Samant.

\*\*The Bill was introduced by the Minister of Home Affairs, Sardar Buta Singh, on 4 November 1986.

Participating in the discussion, Shri Dinesh Goswami urged the Government to make necessary amendment in the Citizenship Rules to see that none other than the Central Government could grant citizenship certificate in terms of the Assam Accord.

Winding up the discussion in which 13 other members\* participated, Shri Chidambaram said that a large number of people had been coming to India because India was looked upon as a country with greater opportunities. The country, he pointed out, could not bear the clandestine entry of a large number of people and the Bill was a first step to tighten up citizenship provisions. He assured the House that the Bill did not affect the Assam Accord at all.

The motion for consideration was adopted and the Bill was passed.

*Indian Post Office (Amendment) Bill, 1986\*\**: On 14 November 1986 moving that the Bill be taken into consideration, the Minister of State in the Ministry of Communications, Shri Sontosh Mohan Dev said that in the recent years, there had been a phenomenal increase in commercial traffic of mail and consequent changes in the pattern of mail flow, warranting modifications in the provisions of the original Act of 1898. The Bill sought to impose stricter penalties for violation of the Act besides providing for search and seizure of letters illegally conveyed by private couriers. It also sought to make changes in the provisions of the original Act so as to take into account the high volume of commercial traffic and provide better and decentralised facilities to the common man.

Winding up a three-day discussion, on 18 November 1986 in which 22 members† participated, the Minister informed the House that while making amendments, the Government had accepted, more or less, all the important recommendations of the Law Commission.

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\*Other members who took part in the discussion were : Sarvashri H. A. Dora, Bholanath Sen, Sriballav Panigrahi, Somnath Chatterjee, Dharam Pal Singh Malik, Syed Shahabuddin, A. Charles, S. Jagathrakshakan, Ram Pujan Patel, P. Namgyal, Gokul Saikia, Dr. G. S. Rajhans and Kumari Mamata Banerjee.

\*\*The Bill was introduced by the Minister of State in the Ministry of Communications, Shri Sontosh Mohan Dev, on 10 November 1986.

†Members who took part in the discussion were : Sarvashri V. Tulsi Ram, Virldhi Chander Jain, Syed Shahabuddin, Girdhari Lal Vyas, Rammodilal Jatav, Suresh Kurup, Sharad Dighe, Mool Chand Daga, A. C. Shanmugam, Shantaram Naik, Ram Singh Yadav, Aatur Rahman, Ramashray Prasad Singh, Amar Roypradhan, Dharam Pal Singh Malik, Somnath Rath, Mohd. Mahfooz Ali Khan, Harish Rawat, P. Appalanarasimham, Bhadrashwar Tanti, Dr. (Shrimati) Phulrenu Guha and Shrimati Geeta Mukherjee.

Amendments to section 4 of the Act provided for search of vehicles and premises of private couriers and also for seizure of incriminating mail. It was meant to protect the monopoly rights of the Indian post offices. The monopoly of the Government was only in respect of mail and documents of certain categories carried by the private couriers. The Government would take all possible care to check any abuse of the measure, but if a situation arose where a group of people or a political party tried to indulge in creating communal disharmony or terrorist activities, the Government would be firm and would intercept their mail.

The Bill was passed.

*Constitution (Fifty-fifth Amendment) Bill, 1986 and State of Arunachal Pradesh Bill, 1986\**: On 8 December 1986, moving that the Bills be taken into consideration, the Minister of Home Affairs, Sardar Buta Singh said that the State of Arunachal Pradesh Bill sought to confer Statehood on Arunachal Pradesh. It also sought to provide total number of forty seats in the Legislative Assembly of the new State of Arunachal Pradesh. The Bill further provided that the existing Assembly of the Union Territory would be deemed to be the provisional Legislative Assembly for the new State, until elections were held after expiry of the five-year term of the existing Assembly. The Government of the State, he added, would be vested with special responsibility with regard to law and order and would exercise his individual judgment on the action to be taken on various matters after consulting the Council of Ministers.

Participating in the discussion, Shri C. Madhav Reddy said that a time-limit should be placed on the special powers being given to the Governor. Shri Indrajit Gupta urged for early elections to the new Assembly. Shri Dinesh Goswami pleaded that the proposed Assembly should have a membership of at least sixty.

Intervening in the discussion Prime Minister, Shri Rajiv Gandhi assured the House that customary laws and cultural identity of the people of Arunachal Pradesh would be fully protected. Allaying the apprehension of some members about special powers being given to the Governor, Shri Gandhi observed that it was essential since Arunachal Pradesh was a very sensitive area.

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\*The Bills were introduced by the Minister of Home Affairs, Sardar Buta Singh, on 5 December 1986.

Replying to the discussion in which 17 other members\* participated, the Minister of Home Affairs, Sardar Buta Singh said that the Bill would open a new chapter in the history of Arunachal Pradesh. The North-Eastern Zonal Council had done many commendable tasks resulting in all-round development of Arunachal Pradesh. The development of the region would be further accelerated with the provisions of the Bill, he added.

Referring to the grant of Statehood to Goa, Andaman and Lakshadweep, Sardar Buta Singh said that such demands generally emanated from the people and decisions were taken as per prevailing circumstances.

The motion for consideration of the Constitution (Fifty-fifth Amendment) Bill was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting. The Bill was passed by the requisite majority in accordance with the provisions of article 368 of the Constitution. The motion for consideration of the State of Arunachal Pradesh Bill was adopted and the Bill was passed.

### C. QUESTION HOUR

In all, 15,858 notices of Questions (11,437 Starred, 4,356 Unstarred and 65 Short Notice Questions) were received. Out of these, 480 Questions were admitted as Starred and 5,057 as Unstarred (including one Starred and 4 Unstarred Questions which appeared in Supplementary Lists of Questions). No Short Notice Question was admitted during the session. 9 Starred and 75 Unstarred Questions were deleted/postponed/transferred from one Ministry to another.

On 9 December 1986 a statement with reasons for correcting the reply given on 24 November 1986 to Unstarred Question No. 3031 was laid on the table.

*Daily average of Questions:* Each list of Questions for oral answers contained 20 questions except that of 13, 17, 18 and 24 November and 1, 3 and 5 December 1986 which contained 21 questions each and of 14 November 1986 which contained 22 questions. The questions in excess of 20 in these lists were either postponed or

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\*Other Members who took part in the discussion were : Professor N. G. Ranga, Professor Meijinlung Kamson and Sarvashri G. S. Swell, Sudhir Roy, P. K. Thungon, Wangpha Lowang, Shantaram Naik, Y. S. Mahajan, Syed Shahabuddin; N. Tombi Singh, N. Soundararajan, P. Shanmugam, Manoranjan Bhakta; P. Namgyal, Chingwang Konyak, Balwant Singh Ramoowalia and P. M. Sayeed.

transferred from earlier dates. On an average 7 questions per sitting were orally answered on the floor of the House. The maximum number of Starred Questions answered on the floor of the House on a day was 8 on 5 and 19 November and 5 December 1986 and the minimum number was 4 on 21 November 1986.

*Half-an-Hour Discussions:* In all, 101 notices of Half-an-Hour Discussions were received during the session. Out of these, 16 notices were admitted and 10 were discussed on the floor of the House. Of the remaining 6, one could not be discussed in the House due to the discussion regarding situation arising out of killings by terrorists in Punjab and 5 could not be discussed as members did not get the first priority in ballot. 11 notices lapsed and 74 were disallowed.

#### D. OBITUARY REFERENCES

During the session, obituary references were made to the passing away of Shri T. Anjiah, sitting member, Sarvashri Sudhansu Bhushan Das, Datta Katti, G. S. Reddy, S. A. Muruganantham, Jnani Ram, Sanaka Buchhikotaiah, Vadehi Charan Parashar, Vishnu Sharan Dublish, R. Dharmalingam and Dr. Imteyaz Ahmad, all ex-members; and Mr. Samora Machel, President of Mozambique. Members stood for a short while as a mark of respect to the deceased.

### RAJYA SABHA

#### HUNDRED AND FOURTIETH SESSION\*

The Rajya Sabha met for its Hundred and Fortieth Session on 4 November 1986 and adjourned *sine die* on 10 December 1986. A resume of some of the important discussions held and other business transacted during the Session is given below.

#### A. DISCUSSIONS

*Security lapses and inadequate security arrangements at Rajghat:* On 4 November 1986, Shri Jaswant Singh called the attention of the Minister of Home Affairs to the security lapses and inadequate security arrangements for high dignitaries at Rajghat, Delhi on 2 October 1986 and the steps taken by the Government to revamp the security set-up in Delhi.

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



Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram said that the Government fully shared the concern and shock of members and the people of the country at the attempt made on the life of the Prime Minister, when he had gone to pay homage at the Samadhi of Mahatma Gandhi on 2 October 1986. He added that the Government condemned the dastardly attempt.

Shri Chidambaram recognised that there were serious lapses in the security measures taken by the personnel of the agencies connected with the VVIP's security and deeply regretted the same. He informed the House that five Delhi Police personnel, including the Additional Commissioner of Police (Security), had been placed under suspension for grave negligence of duty.

The Minister said that a Committee headed by the Cabinet Secretary was constituted to inquire into the sequence of events leading to, and all facts relating to, the attempt on the life of the Prime Minister; to fix responsibility for security lapses; and to suggest specific measures necessary for strengthening the security arrangements for the Prime Minister. He added that the Committee had submitted its report on 31 October 1986 and follow-up action was being taken. Shri Chidambaram assured the members that no effort would be spared to ensure the safety of the President and the Prime Minister.

*Floods and drought situation in various parts of the country:* On 6 November 1986, Shri Parvathaneni Upendra called the attention of the Minister of Agriculture to the situation arising out of floods and drought in various parts of the country and the steps taken by Government in that regard.

Making a statement on the subject, the Minister of Agriculture, Dr. G. S. Dhillon said that reports had been received from a number of States and Union Territories on the damage due to floods and heavy rains. The Government had also received reports of inadequate rainfall in some areas resulting in loss of crops. Expressing the Government's deep concern at the reports of loss of life, property and crop damage due to natural calamities, he noted that the Central Government had been keeping itself posted with the situation as reported from time to time by the concerned State Governments. However, he added, it was primarily the responsibility of the State Governments to provide relief to the affected people. Under the pattern of assistance approved on the basis of recommendations of the Eighth Finance

Commission, the State Governments had substantially increased margin money (half of which was contributed by the Central Government) for providing relief in cases of natural calamities. The State Governments undertook immediate relief measures with their own resources, including the funds available in the form of margin money, if a natural calamity took place, noted the Minister.

Dr. Dhillon expressed the hope that the State Government would meet with any situation created by natural calamities with the resources at their command including margin money. However, if a natural calamity was of such a magnitude that the State was unable to manage with its own resources, it might send a Memorandum to the Central Government seeking Central assistance. Where such a Memorandum was received, the Central Government might depute a team, to assess the requirement of expenditure for relief and repairs/restoration or have the matter considered by an inter-Ministerial Group. Assistance was sanctioned, thereafter, on the recommendations of the high-level Committee on Relief by the Government of India, the Minister stated.

*Agitation by Gorkha National Liberation Front for a separate Gorkhaland:* On 13 November 1986, Shri Dipen Ghosh called the attention of the Minister of Home Affairs to the agitation launched by the Gorkha National Liberation Front for a separate Gorkhaland and the action taken by the Government in that regard.

Making a statement on the subject, the Minister of Home Affairs, Sardar Buta Singh said that the agitation of the Gorkha National Liberation Front (GNLF) was mainly for the creation of a separate State of "Gorkhaland" within the Union of India and for the abrogation of the Indo-Nepal Friendship Treaty of 1950. He added that the Government of India was opposed to the division of West Bengal and had categorically rejected the demand for a separate State of Gorkhaland. The Government of West Bengal had proposed regional autonomy for the Darjeeling hills area and an amendment of the Constitution for the purpose, but the Government of India was not in favour of any amendment of the Constitution.

The Minister requested the House to join him in issuing an appeal to the leaders of the GNLF to give up their misplaced demands and adopt peaceful and democratic methods for the redressal of the genuine grievances of the people. The Minister also requested the Government of West Bengal and particularly the

Chief Minister to display the statesmanship that was necessary at the moment and initiate dialogue with all concerned to remove discontent and bring about order and normalcy in the affected areas.

Intervening in the discussion, Prime Minister, Shri Rajiv Gandhi said that the Central Government had helped and would continue to help the State Government to maintain law and order. But the CPI(M) cadres should not take it as their responsibility to confront the GNLFF supporters in the tea-gardens and elsewhere. He added that the existing problem in Darjeeling district owed a great deal to the philosophy of the CPI(M) which fed the sentiment for separatism. The whole situation in Darjeeling being much too delicate, the Prime Minister earnestly appealed to the CPI(M) to give up their short-sighted political strategy. The Congress(I) was prepared to work with them to solve the problem, the Prime Minister concluded.

*Motion regarding general economic situation in the country:*  
On 2 December 1986, the Minister of Finance, Shri Vishwanath Pratap Singh, moving the motion that the general economic situation in the country be taken into consideration, said that the economic situation was characterised by several favourable factors. The momentum of economic growth was being maintained. He added that it was a matter of particular satisfaction that in the first two years of the Seventh Plan it had been possible to finance over 40 per cent of the Central plan target in real terms at 1984-85 prices and that was unprecedented. He noted that the programmes for the poor had been substantially stepped up. The infrastructure sectors of the economy were performing very well. The price situation was under control. New issues in the capital market had reached record levels. Tax revenues, particularly personal income-tax revenues, continued to display a remarkable buoyancy and the foreign exchange reserves were at a comfortable level, the Minister informed the House.

The Minister further said that the Government had recently come forward with an important paper providing a long-term perspective on agricultural prices which sought to provide an assurance to farmers on remunerative prices in an environment of stability. The Government undertook a number of initiatives in industrial policy last year to accelerate the growth of output and employment in industry. On the fiscal front the continued buoyancy of tax revenues testified to the soundness of the far-reaching tax policy

reforms that had been undertaken in the course of last 20 months, the Minister stated.

The Minister concluded by saying that the Government was undertaking a thorough review of expenditure of the Centre with a view to pruning non-essential and low-priority expenditure and had already taken a number of decisions in that direction.

Replying to the debate\* on 4 December 1986, Shri Vishwanath Pratap Singh said that a new convention was being started in the current year with a view to involve Members of Parliament and the public at large in the budget-making process and that was why the document regarding resources and expenditure for the year 1987-88 had been presented to the House. He requested the Members to consider the Budget as an organic whole and give their suggestions accordingly.

All the amendments moved were negatived by the House.

#### B. LEGISLATIVE BUSINESS

*The Indecent Representation of Women (Prohibition) Bill, 1986*†: On 12 November, 1986, the Minister of State in the Department of Youth Affairs and Sports and Women and Child Development, Shrimati Margaret Alva, moving the motion for consideration of the Bill, said that the same had been brought forward with the intention of prohibiting indecent representation of women through advertisements or in publications writings, figures; or in any other manner. She added that the term 'indecent representation of women had been defined in the Bill but the question whether a particular matter was obscene had necessarily to be left to the judicial wisdom of the courts.

Shrimati Alva observed that although there were provisions in that regard in the Indian Penal Code, it was felt that there was a need for a separate Act. The Government had no intention of curbing the freedom of expression. In fact certain specific exemptions had been made in the Bill, the Minister explained.

\* Other members who took part in the discussion were : Sarvashri M. A. Baby, N.K.P. Salve, G. Swaminathan, Vithalbai Motiram Patel, M. S. Gurupadaswamy, Lakshmi Kant Jha, Jagdish Desai, Atal Bihari Vajpayee, Rameshwar Thakur, Chaturanan Mishra, Vithalrao Madhavrao Jadhav, Pranab Mukherjee, Darbara Singh, Virendra Verma, Krishna Kumar Birla, Bir Bhadra Pratap Singh, Chitta Basu, Keshavprasad Shukla, Ghulam Rasool Matto, Nirmal Chatterjee, Dinkarrao Govindrao Patil and Dr. G. Vijaya Mohan Reddy, Dr. Ratnakar Pandey, Dr. Rudra Pratap Singh, Professor C. Lakshmana and Thakur Jagatpai Singh.

† The Bill was introduced on 20 August, 1986.

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

*The Citizenship Amendment Bill, 1986\** : On 19 November, 1986, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Home Affairs, Shri P. Chidambaram moving the motion for consideration of the Bill said that the Citizenship Act was enacted way back in 1955. Of late, a large number of persons of Indian origin had entered the territory of India from Bangladesh, Sri Lanka and other neighbouring countries as well as from other African and Asian countries and were residing in India. With a view to make conditions for the grant of Indian citizenship more stringent, it was proposed to make five amendments to sections 3, 5 and 6 of the Citizenship Act.

Elaborating the objects for making changes in the Citizenship Act, 1955, the Minister observed:

- (i) Person born in India after the amendment will become citizen of India by birth only if at the time of his birth either of his parents is a citizen of India as against the existing provisions of accrual of citizenship of India to every person born irrespective of his parents' citizenship.
- (ii) There is also a proposal to raise the qualifying period of stay for grant of Indian citizenship from six months to five years in respect of persons of Indian origin. Further, in respect of the provision regarding eligibility of citizenship through marriage, it is being extended to persons married to Indian citizens as against only women married to Indian citizens at present. However, the qualifying period of stay for this purpose would be five years against one year at present.
- (iii) Persons other than citizens of Commonwealth countries will require a minimum qualifying period of 10 years' stay for grant of Indian citizenship under section 6(1) as against five years at present.
- (iv) The definition of 'Indian origin' is also proposed to be changed in such a way that the person will derive

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\* The Bill, as passed by the Lok Sabha, was laid on the Table on 12 November 1986.

Indian origin if he or either of his parents were born in undivided India as against the present provision of providing not only parents but any of his grandparents having been born in India as a sufficient condition to deem him to be of Indian origin.

The Bill was passed on the same day.

*The Delhi Apartment Ownership Bill, 1986\**: On 5 December, 1986, the Minister of Urban Development, Shrimati Mohsina Kidwai moving the motion for consideration of the Bill, said that an apartment ownership legislation for Delhi had been a long-felt need especially in the changing pattern of the urban scene. She noted that the need for an apartment ownership legislation for Delhi had arisen in order to provide for the ownership of an individual apartment and to make such apartment heritable and transferable as a unit of property. The apartment owners in a multistoreyed building could at best have only an undivided co-ownership in the land along with the other apartment holders under the existing laws. This co-ownership of the land came in the way of easy transferability of the property. Also when a person was in need to mortgage the property to raise a loan, it was not possible for him to do so. The Minister added that another reason for having the legislation was to conserve the undivided interests of the apartment owners in common areas. The proposed legislation would clearly define common facilities and services. The legislation was proposed to be made applicable to buildings on leasehold and freehold land, built by a private builder or the DDA.

The Minister said that so far as Cooperative Housing Societies were concerned, the Act would apply only in so far as it would make the apartment an individual unit of property to be jointly owned by the Cooperative Society and the member of the Cooperative Society to whom the apartment was allotted. Apart from this, the maintenance of common facilities, the right of transferability, etc. would be as provided in the relevant rules under the Cooperative Societies Act, she added.

Suitable provisions had been made in the Bill for protecting the interests of the lessor in the case of leasehold properties, the Minister concluded.

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\* The Bill, as passed by the Lok Sabha, was laid on the Table on 2 May, 1986.

The Bill was passed on 8 December, 1986.

*The Constitution (Fifty-fifth Amendment) Bill, 1986 and The State of Arunachal Pradesh Bill, 1986\**: On 9 December, 1986, the Minister of Home Affairs, Sardar Buta Singh said that the State of Arunachal Pradesh Bill, 1986 sought to establish a new State of Arunachal Pradesh comprising the territories of the existing Union Territory of Arunachal Pradesh. He added that considering the population of Arunachal Pradesh, its area, its history of democratic functioning, the peaceful conditions prevailing therein, the nationalist outlook of its people and all other relevant factors, the Government of India had decided to accept their demand for Statehood. The Bill was modelled on the lines of earlier Reorganisation Acts. The new State of Arunachal Pradesh would be established from a date to be notified by the Central Government. The Minister informed the House that the Bill sought to provide that the total number of seats in the Legislative Assembly in the new State of Arunachal Pradesh would be forty. The existing Assembly of the Union Territory would be deemed to be the provisional Legislative Assembly of the new State until elections were held on the expiry of the five-year term of the existing Assembly. The existing common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram would be the common High Court for the State of Arunachal Pradesh also.

The Constitution (Fifty-fifth) Amendment Bill, 1986 sought to provide that the Legislative Assembly of the new State of Arunachal Pradesh should consist of not less than thirty members. The Bill also sought to insert article 371H as it was considered necessary and desirable that the Governor of the State of Arunachal Pradesh should be vested with special responsibility with regard to law and order. This was, however, a transitory provision and the Bill provided that this special responsibility would cease when the President, by order, so directed, the Minister concluded.

The motion for consideration of the Constitution (Fifty-fifth Amendment) Bill, 1986 was adopted, the clauses etc. were adopted and the Bill was passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting. There was complete unanimity in passing the Bill.

The motion for consideration of the State of Arunachal Pradesh Bill, 1986 was adopted, the clauses etc. were adopted and the Bill was passed on the same day.

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\* Discussed together.

### C. QUESTION HOUR

During the Session, 7,393 notices of Questions (6,790 Starred; 597 Unstarred and 6 Short Notice Questions) were received. Out of these, 471 Starred Questions and 3,412 Unstarred Questions were admitted. No Short Notice Question was admitted.

*Daily Average of Questions:* Each of the lists of Starred Questions contained 19 to 21 Questions. On an average 6 Questions were orally answered on the floor of the House, per sitting. The maximum number of Questions orally answered was 9 on 4 December, 1986 and the minimum number of Questions orally answered was 3 on 4 November and 1 December, 1986.

The minimum number of questions admitted in the Unstarred Questions lists was 90 on 21 November, 1986, and the maximum number was 231 on 4 December, 1986. The average came to 142.

*Half-an-Hour Discussion:* In all 9 notices of Half-an-Hour Discussion were received during the Session and 3 were admitted.

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

### D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Shri Shantimoy Ghosh, sitting member, Sarvaswari Maganlal Bhagwanji Joshi, T. Anjaiah, N. C. Sekhar, V. E. Raju and Dr. Salig Ram, all ex-members and President Samora Machel of Mozambique. Members stood in silence for a shortwhile as a mark of respect to the deceased.

## STATE LEGISLATURES

### BIHAR LEGISLATIVE COUNCIL

The 95th Session of the Bihar Legislative Council commenced on 20 August, 1986 and continued upto 20 September, 1986.

*Obituary References:* Obituary references were made to the passing away of Shri Jagjivan Ram, M.P. and former Deputy Prime Minister, Shri Chandra Shekhar Singh, Minister of State, Government of India and former Chief Minister, Bihar and some former members of the Bihar Legislative Assembly and the Council.



## HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

The Sixth Session of the Himachal Pradesh Legislative Assembly, which commenced on 20 November, 1986 and was adjourned *sine die* on 28 November 1986, was prorogued by the Governor of the State on 5 December, 1986.

*Financial Business:* Chief Minister Shri Virbhadra Singh who holds the portfolio of Finance also, presented the Supplementary Budget Demands (first batch) amounting to Rs. 40,21,02,445 on 20 November, 1986. General discussion was held on 24, 25 and 26 November, 1986 and the demands were voted on 27 November, 1986. Twenty-two out of 24 demands were guillotined without discussion.

*Ratification of the Constitution (54th Amendment) Bill, 1986:* The Constitution (Fifty-fourth Amendment) Bill 1986 was ratified on 20 November, 1986.

*Obituary References:* Obituary references were made to the passing away of Dr. Salig Ram, former member of the Assembly and Shri J. N. Bhardwaj former member of Rajya Sabha from Himachal Pradesh.

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## APPENDIX 1

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

1. PERIOD OF THE SESSION	4 November to 9 December 1986	
2. NUMBER OF SITTINGS HELD		26
3. TOTAL NUMBER OF SITTING HOURS	175 hours and 38 minutes	
4. NUMBER OF DIVISIONS HELD		5
5. GOVERNMENT BILLS :		
(i) Pending at the commencement of the session	..	7
(ii) Introduced	..	2
(iii) Laid on the Table as passed by Rajya Sabha	..	4
(iv) Returned by Rajya Sabha with any amendment/ recommendation and laid on the Table	..	3
(v) Referred to Select Committee	..	Nil
(vi) Referred to Joint Committee	..	1
(vii) Reported by Select Committee	..	Nil
(viii) Reported by Joint Committee	..	Nil
(ix) Discussed	..	31
(x) Passed		30
(xi) Withdrawn	..	Nil
(xii) Negative	..	Nil
(xiii) Part-discussed	..	Nil
(xiv) Discussion postponed	..	Nil
(xv) Returned by Rajya Sabha without any recommendation	..	3
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	..	Nil
(xvii) Pending at the end of the Session	..	9
6. PRIVATE MEMBERS, BILLS :		
(i) Pending at the Commencement of the Session	..	172
(ii) Introduced	..	24
(iii) Laid on the Table as passed by Rajya Sabha	..	Nil
(iv) Returned by Rajya Sabha with any amendment and laid on the Table	..	Nil



		Nil
(v) Reported by Select Committee	..	3
(vi) Discussed	..	Nil
(vii) Passed	..	1
(viii) Withdrawn	..	1
(ix) Negatived	..	Nil
(x) Circulated for eliciting opinion	..	1
(xi) Part-Discussed	..	Nil
(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	..	10
(xvi) Pending at the end of the Session	..	184
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 :</b> (Matters of Urgent Public Importance)		
(i) Notices received	..	401
(ii) Admitted	..	11
(iii) Discussion held	..	8
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 1987 :</b> (Calling-attention to matters of Urgent Public Importance)		
Statements made by Minister	..	12
<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>		
<b>11. STATUTORY RESOLUTIONS :</b>		
(i) Notices received	..	11
(ii) Admitted	..	2
(iii) Moved	..	2
(iv) Adopted	..	1
(v) Negatived	..	1
(vi) Withdrawn	..	Nil
<b>GOVERNMENT RESOLUTIONS</b>		
(i) Notices received		Nil

(ii) Admitted	..	Nil
(iii) Moved	..	Nil
(iv) Adpoted	..	Nil
<b>13. PRIVATE MEMBER'S RESOLUTIONS</b>		
(i) Received	..	5
(ii) Admitted	..	5
(iii) Discussed	..	2
(iv) Adopted	..	Nil
(v) Negatived	..	1
(vi) Withdrawn	..	Nil
(vii) Part-discussed	..	1
(viii) Discussions postponed	..	Nil
<b>14. GOVERNMENT MOTIONS</b>		
(i) Notices received	..	2
(ii) Admitted	..	2
(iii) Discussed	..	1
(iv) Adopted	..	Nil
<b>15. PRIVATE MEMBERS MOTIONS</b>		
(i) Notices received	..	323
(ii) Admitted	..	105
(iii) Moved	..	1
(iv) Discussed	..	1
(v) Adopted	..	1
(vi) Negatived	..	Nil
(vii) Withdrawn	..	Nil
(viii) Part-discussed	..	Nil
<b>16. MOTIONS RE. MODIFICATION OF STATUTORY RULE</b>		
(i) Received	..	Nil
(ii) Admitted	..	Nil
(iii) Moved	..	Nil
(iv) Discussed	..	Nil
(v) Adopted	..	Nil

(vi) Negatived	..	Nil
(vi) Withdrawn	..	Nil
17. NUMBER OF PARLIAMNTARY COMMITTEES CREATED, IF ANY DURING THE SESSION	..	Nil
18. TOTAL NUMBER OF VISITORS PASSES ISSUED DURING THE SESSION	..	24,267
19. MAXIMUM NUMBER OF VISITORS PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	..	1277 on 26, November 1986
20. NUMBER OF ADJOURNMENT MOTIONS		
(i) Brought before the House	..	17
(ii) Admitted and discussed	..	1
(iii) Barred in view of adjournment motion admitted on the subject	..	16
(iv) Consent withheld by Speaker outside the House	..	85
(v) Consent given by Speaker but leave not granted by the House	..	Nil
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred	..	480
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	..	5057
(iii) Short Notice Questions	..	Nil
22. WORKING OF PARLIAMENTARY COMMITTEES		

Sl.No.	Name of the Committee	No. of sittings held during the period 1 October to 31 December 1986	No. of Reports presented to the House during the Session
1	2	3	4
(i)	Business Advisory Committee . . . . .	5	5
(ii)	Committee on Absence of Members . . . . .	1	1
(iii)	Committee on Public Undertakings . . . . .	10	1
(iv)	Committee on Papers Laid on the Table . . . . .	2	..
(v)	Committee on Petitions . . . . .	2	..

1	2	3	4
(vi)	Committee on Private Members' Bills and Resolutions . . . . .	5	5
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	13	1
(viii)	Committee of Privileges . . . . .	3	..
(ix)	Committee on Government Assurances . . . . .	4	..
(x)	Committee on Subordinate Legislation . . . . .	5	2
(xi)	Estimates Committee . . . . .	10	2
(xii)	General Purposes Committee . . . . .	1	..
(xiii)	House Committee . . . . .	1	1
(xiv)	Public Accounts Committee . . . . .	16	9
(xv)	Railway Convention Committee . . . . .	4	1
(xvi)	Rules Committee . . . . .	..	..
<b>JOINT SELECT COMMITTEES</b>			
(i)	Joint Committee on Offices of Profit . . . . .	2	..
(ii)	Joint Committee on Salaries and Allowances of Members of Parliament . . . . .	1	..
(iii)	Joint Committee on Lok Pal Bill, 1985 . . . . .	1	..
(iv)	Joint Committee on Railways Bill, 1986 . . . . .	1	..
23.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . .	..	..
24.	PETITIONS PRESENTED . . . . .	..	..
25.	NUMBER OF NEW MEMBERS SWORN WITH DATE . . . . .	..	..

*No. of Members sworn*

*Date on which sworn*

2

28-11-1986 and 4-12-1986

## APPENDIX II

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND FORTIETH SESSION OF RAJYA SABHA

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1. PERIOD OF THE SESSION . . . . .	4 November to 10 December 1986
2. NUMBER OF SITTINGS HELD . . . . .	27
3. TOTAL NUMBER OF SITTING HOURS . . . . .	173 hours and 20 minutes
4. NUMBER OF DIVISIONS HELD . . . . .	5
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the session . . . . .	9
(ii) Introduced . . . . .	4
(iii) Laid on the Table as passed by Lok Sabha . . . . .	25
(iv) Returned by Lok Sabha with any amendment . . . . .	Nil
(v) Referred to Select Committee by Rajya Sabha . . . . .	Nil
(vi) Referred to Joint Committee by Rajya Sabha . . . . .	Nil
(vii) Reported by Select Committee . . . . .	Nil
(viii) Reported by Joint Committee . . . . .	Nil
(ix) Discussed . . . . .	32
(x) Passed . . . . .	26
(xi) Withdrawn . . . . .	1
(xii) Negatived . . . . .	Nil
(xiii) Part-discussed . . . . .	Nil
(xiv) Returned by Rajya Sabha without any recommendation . . . . .	6
(xv) Discussion postponed . . . . .	Nil
(xvi) Pending at the end of the Session . . . . .	5
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session . . . . .	33
(ii) Introduced . . . . .	12
(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 . . . . .	4

(vii) Withdrawn	. . . . .	3
(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	. . . . .	42
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)</b>		
(i) Notices received	. . . . .	2
(ii) Admitted	. . . . .	2
(iii) Discussion held	. . . . .	2
<b>8. NUMBERS OF STATEMENTS MADE UNDER RULE 180 (Calling attention to Matters of Urgent Public Importance)</b>		
Statements made by Ministers	. . . . .	9
<b>9. Half-an-hour discussions held</b>	. . . . .	3
<b>10. STATUTORY RESOLUTIONS</b>		
(i) Notices received	. . . . .	2
(ii) Admitted	. . . . .	2
(iii) Moved	. . . . .	1
(iv) Adopted	. . . . .	Nil
(v) Negatived	. . . . .	Nil
(vi) Withdrawn	. . . . .	1
<b>11. GOVERNMENT RESOLUTIONS</b>		
(i) Notices received	. . . . .	2
(ii) Admitted	. . . . .	2
(iii) Moved	. . . . .	1
(iv) Adopted	. . . . .	1
<b>12. PRIVATE MEMBERS' RESOLUTIONS</b>		
(i) Received	. . . . .	7
(ii) Admitted	. . . . .	7

(iii) Discussed . . . . .	1
(iv) Withdrawn . . . . .	Nil
(v) Negatived . . . . .	Nil
(vi) Adopted . . . . .	Nil
(vii) Part-discussed . . . . .	Nil
(viii) Discussion postponed . . . . .	Nil
<b>13. GOVERNMENT MOTIONS</b>	
(i) Notices received . . . . .	3
(ii) Admitted . . . . .	3
(iii) Moved . . . . .	2
(iv) Adopted . . . . .	2
(v) Part-discussed . . . . .	Nil
<b>14. PRIVATE MEMBERS' MOTIONS</b>	
(i) Received . . . . .	244
(ii) Admitted . . . . .	244
(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 . . . . .	1
(ii) Admitted . . . . .	1
(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' PERSONS ISSUED</b>	2,631
<b>18. TOTAL NUMBER OF PERSONS VISITED</b>	4,406
<b>19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED</b>	241 on 4 Dec. 1986

20. **MAXIMUM NUMBER OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED** . . . . . 447 on 4 Dec. 1986
21. **TOTAL NUMBER OF QUESTIONS ADMITTED**
- (i) Starred . . . . . 471
- (ii) Unstarred . . . . . 3,412
- (iii) Short-Notice Questions . . . . . Nil
22. **DISCUSSION ON THE WORKING OF THE MINISTRIES** . . . Nil
23. **WORKING OF PARLIAMENTARY COMMITTEES**

Name of Committee	No. of meetings held during the period 1st October to 31st December 1986	No. of Reports presented during the Session
(i) Business Advisory Committee	6	—
(ii) Committee on Subordinate Legislation . . . . .	5	—
(iii) Committee on Petitions . . . . .	5	—
(iv) Committee of Privileges . . . . .	—	—
(v) Committee on Rules . . . . .	—	—
(vi) Committee on Government Assurances . . . . .	4	—
(vii) Committee on Papers Laid on the Table . . . . .	3	4
24. <b>NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE</b> . . . . .	—	2
25. <b>PETITIONS PRESENTED</b> . . . . .	—	Nil

26. **NAME OF NEW MEMBERS SWORN WITH DATES**

S.No.	Name of members sworn	Date on which sworn
1	2	3
1.	Shri Mufti Mohamad Sayeed	4-11-1986
2.	Shri Ramnarayan Goswami	4-11-1986



## 27. COUNTRY REFERENCES

S. No.	Name	Sitting Member/ Ex-Member/Other Dignitaries
1.	Mr. Samora Machel	President of Mozambique
2.	Shri Shantimoy Ghosh	Sitting member
3.	Shri Maganlal Bhagwanji joshi	Ex-member
4.	Shri T. Anjaiah	-do-
5.	Dr. Salig Ram	-do-
6.	Shri N.C. Sekhar	-do-
	Shri V.B. Raju	-do-

### APPENDIX III

STATEMENTS SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD . 1 OCTOBER TO 31 DECEMBER 1986

Legislature	Duration	Sitting	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
<b>STATES</b>							
Andhra Pradesh L.A.	..	..	..	..	..	..	..
आन्ध्र प्रदेश विधानसभा	..	..	..	..	..	..	..
Arunachal Pradesh L.A.	20-12-86 to 29-12-83	1	..	..	..	..	..
Asasam L.A.	10-12-86 to 19-12-86	8	3(3)	..	919(843)	11(11)	33(12)
Bihar L.A.	..	..	..	..	..	..	..
Bihar L.C.	..	..	..	..	..	..	..
Gujarat L.A.	..	..	..	..	..	..	..
Haryana L.A.	25-11-86 to 3-12-86	7	20(19)	..	74(64)	12(11)	..
Himachal Pradesh L.A.	20-11-86 to 28-11-86	7	6(6)	..	548(323)(a)	50(115)(b)	3
Jammu & Kashmir L.A.	..	..	..	..	..	..	..
Jammu & Kashmir L.C.	..	..	..	..	..	..	..
Karnataka L.A.	..	..	..	..	..	..	..
Karnataka L.C.	..	..	..	..	..	..	..
Kerala L.A.	20-10-86 to 27-11-86 and 29-12-86 to 31-12-86	28 } 3 }	31(28)	..	7,715(2,172)(c)	(4,323)	5(7) 1
Madhya Pradesh L.A.	15-12-86 to 26-12-86	7	15(15)	1	1,236(280)	896(1,192)	8(1)

1	2	3	4	5	6	7	8
Maharashtra L.A.	..	..	..	..	..	..	..
Maharashtra L.C.	..	..	..	..	..	..	..
Manipur L.A.	..	..	..	..	..	..	..
Meghalaya L.A.	12-12-86 to 19-12-86	5	2(2)	..	..	76(70)	..
Mizoram L.A.	..	..	..	..	..	..	..
Nagaland L.A.	..	..	..	..	..	..	..
Orissa L.A.	..	..	..	..	..	..	..
Punjab L.A.	15-12-86 to 18-12-86	5	12(12)	..	271(165)	20(11)	2(1)
Rajasthan L.A.	..	..	..	..	..	..	..
Sikkim L.A.	..	..	..	..	..	..	..
Tamil Nadu L.A.	12-11-86 to 22-12-86	11	24(23)	..	954(273)	195(195)	15(15)
Tripura L.A.	19-12-86 to 26-12-86	5	3(2)	..	553(396)	4(102)(d)	1
Uttar Pradesh L.A.	..	..	..	..	..	..	..
Uttar Pradesh L.C.	..	..	..	..	..	..	..
West Bengal L.A.	..	..	..	..	..	..	..
UNION TERRITORIES							
Delhi Metropolitan Council	..	..	..	..	..	..	..
Goa, Daman & Diu L.A.	..	..	..	..	..	..	..
Pondicherry L.A.	..	..	..	..	..	..	..

otes: (i) Figures in Cols. 4 and 5 indicate the number, respectively of Government and Private Members' Bills introduced with the number of Bills passed in brackets.

(ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.

(a) The figure 323 includes 13 notices postponed from the previous Session.

(b) The figure 115 includes 59 Starred notices classified as Unstarred and 17 notices postponed from previous Session

(c) The figure 7,715 includes the total number of Unstarred notices also.

(d) The figure 102 includes 98 Starred notices converted into Unstarred.



## Appendices

Haryana L.A.	1(1)	13	2	..	4	18	9	11	15(1)	..	2	16	18(1)	4	..	..	
Himachal Pradesh L.A.	3(3)	10(1)	3	..	2(1)	10(10)	5	9(3)	11(4)	..	..	..	9(21)	..	..	6(h)	
Jammu & Kashmir L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Jammu & Kashmir L.C.	..	..	..	..	..	..	4	..	..	3	..	..	..	..	..	..	
Karnataka L.A.	..	6	..	..	2	13(1)	5	11	7(1)	..	7	..	11	..	2	11(i)	
Karnataka L.C.	..	..	6	..	2	..	..	..	..	..	..	..	..	..	..	..	
Kerala L.A.	9(9)	8	11(2)	13(6)	4(2)	20(13)	9(1)	10(3)	11(4)	..	8	5	10(16)	1(1)	..	32(25)	
Madhya Pradesh L.A.	2(2)	6(1)	6(1)	1(1)	5(1)	7(6)	2(1)	5(1)	3	..	3	..	5(2)	2(1)	..	7(k)	
Maharashtra L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Maharashtra L.C.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Manipur L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Meghalaya L.A.	1	6	..	..	4	1	4	4	5	..	..	..	(8)	..	..	..	
Mizoram L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Nagaland L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Orissa L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Punjab L.A.	1(1)	23	12	..	7	24(1)	23	17	24	..	7	22	25	..	..	17(1)	
Rajasthan L.A.	..	18	12	..	18	14	20	36(m)	36	..	16	17	19	15	..	..	
Sikkim L.A.	..	..	..	..	..	..	..	..	1	..	1	..	3	..	..	..	
Tamilnadu L.A.	2	1(1)	7(1)	..	..	21(5)	5	..	4	..	1	1	24(7)	1(1)	..	2(n)	
Tripura L.A.	2(2)	..	1	..	3	1	2	4(0)	..	..	..	..	..	..	..	..	
Uttar Pradesh L.A.	..	8	17	..	5	39	12	14	20	..	..	3	9	4	3(p)	17(q)	
Uttar Pradesh L.C.	..	24	28	..	17	..	..	..	..	..	..	..	..	..	..	1(r)	
West Bengal L.A.	..	7	6	..	..	6	5	9	16	..	4	1	9	..	..	..	
<i>Union Territories</i>																	
Delhi Metropolitan Council	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Goa, Daman & Diu L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pondicherry L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

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

(a) Committee on the Welfare of Scheduled Castes—10 sittings; and Committee on the Welfare of Scheduled Tribes—5 sittings.

- (b) **House Committee on C.I. Wells**—7 sittings; **House Committee on Mining Corporation**—10 sittings; **House Committee on Carbidet**—1 sitting; **House Committee on A.P. Markfed**—9 sittings; **House Committee on Rajahmundry Municipality**—4 sittings; **House Committee on Bairagh Mutt**—4 sittings; **House Committee on LIDCAP**—3 sittings; **House Committee on Padmalaya Studios**—1 sitting; and **House Committee on Former Minister's Furniture**—2 sittings.
- (c) **Backward Classes Committee**—10 sittings.
- (d) **Questions and Calling Attention Committee**—104 sittings; and **Nivedan Committee**—115 sittings.
- (e) **Questions and Calling Attention Committee**—32 sittings; **Leprosy Control Committee**—31 sittings; **Special Committee (Patna Municipal Corporation)**—20 sittings; **Suran Rekha Dam Enquiry Committee**—13 sittings; and **Tal Development Area Committee**—7 sittings.
- (f) **Committee on the Welfare of Scheduled Castes**—7 sittings; and **Committee on the Welfare of Scheduled Tribes**—6 sittings.
- (g) **Panchayati Raj Committee**—11 sittings; and **Committee on the Welfare of Socially and Educationally Backward Classes, Nomedic Tribes and Denotified Tribes**—2 sittings.
- (h) **Committee on Papers Laid on the Table**—3 sittings; and **Official Language Implementation Committee**—3 sittings.
- (i) **Committee on the Welfare of Backward Classes**—8 sittings; **Committee on Papers Laid on the Table**—1 sitting; and **Special Committee on Regional Imbalances**—2 sittings.
- (j) **Subject Committee on Agriculture and Integrated Rural Development**—2 sittings and 1 report; **Subject Committee on Land Revenue, Forests and Fisheries**—5 sittings and 6 reports; **Subject Committee on Irrigation and Power**—4 sittings and 1 report; **Subject Committee on Industry and Minerals**—1 sitting; **subject Committee on Public Works, Transport and Communications**—4 sittings and 3 reports; **Subject Committee on Social Services**—6 sittings and 4 reports; **Subject Committee on Food, Housing and Labour**—3 sittings and 1 report; **Subject Committee on Economic Affairs**—2 sittings and 2 reports; **Subject Committee on Local Administration and Cooperation**—4 sittings and 5 reports; and **Subject Committee on Home Affairs**—1 sitting and 2 reports.
- (k) **Committee on Papers Laid on the Table of the House**—7 sittings.
- (l) **Committee on Papers Laid/To be Laid on the Table**—17 sittings.
- (m) **Committee on the Welfare of Scheduled Castes**—22 sittings; and **Committee on the Welfare of Scheduled Tribes**—14 sittings.
- (n) **Committee on Papers laid on the Table**—2 sittings.
- (o) **Committee on the Welfare of Scheduled Castes**—1 sitting; and **Committee on the Welfare of Scheduled Tribes**—3 sittings.
- (p) **Joint Committee relating to Members' Accommodation**—2 sittings; **Select Committee on the U.P. Journalists' Welfare and Pension Fund Bill, 1985**—1 sitting.
- (q) **Parliamentary Research, Reference and Study Committee**—2 sittings; and **Questions and Reference Committee**—15 sittings.
- (r) **Select Committee on U.P. Krishi Evam Pradyogik Vishwavidyalaya (Sanshodhan) Vidheyak, 1981**—1 sitting.
- (s) **Financial and Administrative Delays Committee**—21 sittings; **Compilation of Ruling Committee**—22 sittings; **Parliamentary Studies Committee**—12 sittings; **Sansadiya Evam Samajik Sabhav Committee**—3 sittings; and **Questions and Reference Committee**—24 sittings.

## APPENDIX IV

**LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT  
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1986**

S. No.	Title of the Bill	Date of assent by the President
1	2	3
1	The Sales Promotion Employees (Conditions of Service) Amendment Bill, 1986 . . . . .	23-11-1986
2	The Estate Duty (Amendment) Bill, 1986 . . . . .	26-11-1986
3	The Industrial Finance Corporation (Amendment) Bill, 1986 . . . . .	26-11-1986
4	The Citizenship (Amendment) Bill, 1986 . . . . .	28-11-1986
5	The Appropriation (Railways) No. 4 Bill, 1986 . . . . .	28-11-1986
6	The Juvenile Justice Bill, 1986	1-12-1986
7	The Dock Workers (Safety, Health and Welfare) Bill, 1986 . . . . .	7-12-1986
8	The Appropriation (No. 5) Bill, 1986 . . . . .	9-12-1986
9	The Delhi Fire Prevention and Fire Safety Bill, 1986 . . . . .	12-12-1986
10	The Coal Mines Nationalisation Laws (Amendment) Bill, 1986 . . . . .	15-12-1986
11	The Delhi Apartment Ownership Bill, 1986 . . . . .	23-12-1986
12	The Atomic Energy (Amendment) Bill, 1986 . . . . .	23-12-1986
13	The Indecent Representation of Women of (Prohibition) Bill, 1986	23-12-1986
14	The Child Labour (Prohibition and Regulation) Bill, 1986	23-12-1986
15	The Customs and Excise Revenues Appellate Tribunal Bill, 1986 . . . . .	23-12-1986
16	The Bureau of Indian Standards Bill, 1986 . . . . .	23-12-1986
17	The Constitution (Fifty-Fifth Amendment) Bill, 1986 . . . . .	23-12-1986
18	The Customs Tariff (Amendment) Bill, 1986 . . . . .	23-12-1986
19	The Central Excise Tariff (Amendment) Bill, 1986 . . . . .	23-12-1986
20	The Shipping Development Fund Committee (Abolition) Bill, 1986 . . . . .	24-12-1986
21	The Indian Post Office (Second Amendment) Bill, 1986 . . . . .	24-12-1986
22	The Consumer Protection Bill, 1986 . . . . .	24-12-1986
23	The State of Arunachal Pradesh Bill, 1986 . . . . .	24-12-1986



1	2	3
24	The Prevention of Food Adulteration (Amendment) Bill, 1986 . . . . .	24-12-1986
25	The Drugs and Cosmetics (Amendment) Bill, 1986 . . . . .	24-12-1986
26	The Standards of Weights and Measures (Enforcement) Amend- ment Bill, 1986 . . . . .	24-12-1986
27	The Essential Commodities (Amendment) Bill, 1986 . . . . .	24-12-1986
28	The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1986	24-12-1986
29	The Standard of Weights and Measures (Amendment) Bill, 1986 . . . . .	25-12-1986
30	The Agricultural Produce (Grading and Marking) Amendment Bill, 1986 . . . . .	25-12-1986

## APPENDIX V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD 1 OCTOBER TO 31  
DECEMBER 1986

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### STATES

#### ASSAM LEGISLATIVE ASSEMBLY

- 1 The Assam Contingency Fund (Amendment) Bill, 1986 . . . .
- 2 The Assam Industries (Sales Tax Concessions) Bill, 1986 . . . .
- 3 The Assam Appropriation (No. IV) Bill, 1986 . . . .

#### HARYANA VIDHAN SABHA

- \*1 The Haryana Ceiling on Land Holdings (Amendment) Bill, 1986.
- 2 The Punjab Agriculture Produce Markets (Haryana Amendment) Bill, 1986.
- 3 The Haryana Development and Regulation of Urban Areas (Amendment) Bill, 1986.
- 4 The Faridabad Complex (Regulation and Development) Amendment Bill, 1986.
- 5 The Haryana Forest Development (Repeal) Bill, 1986.
- 6 The Haryana General Sales Tax (Third Amendment) Bill, 1986.
- 7 The Haryana Co-operative Societies (Third Amendment) Bill, 1986.
- 8 The Punjab Land Revenue (Haryana Amendment) Bill, 1986.
- 9 The Haryana Land Holdings Tax (Repeal) Bill, 1986.
- \*10 The Indian Stamp (Haryana Amendment) Bill, 1986.
- \*11 The Indian Electricity (Haryana Amendment) Bill, 1986.
- 12 The Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Bill, 1986.
- 13 The Haryana Legislative Assembly (Facilities to Members) Bill, 1986.
- 14 The Haryana Legislative Assembly Speaker's Pension and Medical Facilities (Repeal) Bill, 1986.
- 15 The Haryana Legislative Assembly (Allowances and Pension of Members) Second Amendment Bill, 1986
- 16 The Haryana Appropriation (No. 3) Bill, 1986.
- 17 The Kurukshetra University Bill, 1986.
- 18 The Haryana General Sales Tax (Fourth Amendment and Validation) Bill, 1986.
- 19 The Medical College Rohtak (Conditions of Service of Teachers) Bill, 1986.
20. The Punjab Town Improvement (Haryana Amendment) Bill, 1986.

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\*Awaiting assent

## HIMACHAL PRADESH VIDHAN SABHA

- 1 The Himachal Pradesh Appropriation (No. 4) Bill, 1986.
- 2 The Essential Commodities (Himachal Pradesh Amendment) Bill, 1986.
- 3 The Himachal Pradesh Passengers and Goods Taxation (Amendment) Bill, 1986.
- 4 The Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Bill, 1986.
- 5 The Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1986.
- 6 The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Bill, 1986.

## KERALA LEGISLATIVE ASSEMBLY

- 1 The Kerala Appropriation (No. 10) Bill, 1986.
- 2 The Kerala Survey and Boundaries (Amendment) Bill, 1986.
- 3 The Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Bill, 1986.
- 4 The Kerala Co-operative Societies (Amendment) Bill, 1986.
- 5 The Kerala Preservation of Trees Bill, 1984.
- 6 The Kerala Private Forests (Vesting and Assignment) Amendment Bill, 1986.
- 7 The Kerala Forest (Amendment) Bill, 1986.
- 8 The Kerala Marine Fishing Regulation (Second Amendment) Bill, 1986.
- 9 The Kerala General Sales Tax (Amendment) Bill, 1986.
- 10 The Kerala Command Areas Development Bill, 1986.
- 11 The Kerala Motor Vehicle Taxation (Amendment) Bill, 1986.
- 12 The Gandhiji University (Amendment) Bill, 1986.
- 13 The Universtiy Laws (Amendment) Bill, 1986.
- 14 The Kerala Money Lenders (Amendment) Bill, 1986.
- 15 The Gandhiji University (Second Amendment) Bill, 1986.
- 16 The Kerala Civil Courts (Amendment) Bill, 1986.
- 17 The Kerala Tolls (Amendment) Bill, 1986.
- 18 The Kerala Advocates Welfare Fund (Amendment) Bill, 1986
- 19 The Kerala Agricultural University (Amendment) Bill, 1986.
- 20 The Kerala Fishermen Welfare Societies (Amenedment) Bill, 1986.
- 21 The Cochin University of Sciences and Technology Bill, 1986.
- 22 The Kerala Municipalities (Amendment) Bill, 1986.
- 23 The Kerala Municipalities (Second Amendment) Bill, 1986.
- 24 The Kerala Municipal Corporations (Amendment) Bill, 1986.

- 25 The Town Planning (Amendment) Bill, 1986.
- 26 The Kerala Labour Welfare (Amendment) Bill, 1986.
- 27 The Kerala Payment of Pension to the Members of Legislature (Amendment) Bill, 1985.
- 28 The Kerala Payment of Pension to the Members of Legislature (Amendment) Bill, 1986.
- 29 The Kerala Appropriation (No. 11) Bill, 1986.

**MADHYA PRADESH VIDHAN SABHA**

- 1 Madhya Pradesh Sahkari Society (Dwitiya Sanshodhan) Vidheyak, 1986.
- 2 Madhya Pradesh Lok Abhikaranon Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanwayan (Sanshodhan) Vidheyak, 1986.
- 3 Madhya Pradesh Krishi Upaj Mandi (Dwitiya Sanshodhan) Vidheyak, 1986,
- 4 Madhya Pradesh Van Upaj (Vyapar-Viniyaman) Sanshodhan Vidheyak, 1986.
- 5 Madhya Pradesh Lok-Ayukta Evam Up-Lokayukta (Sanshodhan) Vidheyak, 1986.
- 6 Madhya Pradesh Paiyjal Parirakshan Vidheyak, 1986.
- 7 Madhya Pradesh Panchayat (Sanshodhan) Vidheyak, 1986.
- 8 Madhya Pradesh Abkari (Dwitiya Sanshodhan) Vidheyak, 1986.
- 9 Madhya Pradesh Samanya Vikray-Kar (Vishesh-Upbandh) Vidheyak, 1986.
- 10 Madhya Pradesh Viniyog (No. 3) Vidheyak, 1986.
- 11 Madhya Pradesh Viniyog (No. 4) Vidheyak, 1986.
- 12 Madhya Pradesh Mantri (Vetan tatha Bhatta) Sanshodhan Vidheyak, 1986.
- 13 Madhya Pradesh Sthaniya Kshetra Mein Mal Ke Pravesh par Kar (Dwitiya Sanshodhan) Vidheyak, 1986.
- 14 Madhya Pradesh Vidhan Sabha Sadasya Vetan Bhatta tatha Pension (Dwitiya Sanshodhan) Vidheyak, 1986.
- 15 Madhya Pradesh Adyaksha tatha Upadhyaksha tatha Neta Pratipaksha (Vetan tatha Bhatta) Vidhi Sanshodhan Vidheyak, 1986.

**MEGHALAYA LEGISLATIVE ASSEMBLY**

- 1 The Meghalaya Appropriation (No. IV) Bill, 1986.
- 2 The Meghalaya Urban Planning and Development Authority Bill, 1986.

**PUNJAB VIDHAN SABHA**

- 1 The East Punjab Minister's Salaries (Amendment) Bill, 1986.
- 2 The Salaries and Allowances of Deputy Minister, Punjab (Amendment) Bill, 1986.
- 3 The Punjab Legislative Assembly Speaker's and Deputy Speakers Salaries (Amendment) Bill, 1986.
- 4 The Salary and Allowances of Leader of Opposition in Legislative Assembly (Amendment) Bill, 1986.

- 5 The Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Amendment Bill, 1986.
- 6 The Punjab Town Improvement Amendment Bill, 1986.
- 7 The Punjab Municipal Corporation (Amendment) Bill, 1986.
- \*8 The Punjab Motor Accidents Claims Tribunals (Validation of Adjudication) Bill, 1986.
- \*9 The Punjab Livestock and Birds' Diseases (Amendment) Bill, 1986.
- 10 The Punjab Legislative Assembly (Allowances of Members) Second Amendment Bill, 1986
- \*11 The Punjab Motor Vehicles Taxation (Amendment) Bill, 1986.
- 12 The Punjab Privately Managed Recognised Schools Employees (Security of Services) Amendment Bill, 1986.

TAMIL NADU LEGISLATIVE ASSEMBLY

- 1 The Madras City Municipal Corporation (Second Amendment) Bill, 1986.
- 2 The Coimbatore City Municipal Corporation (Second Amendment) Bill, 1986.
- 3 The Madurai City Municipal Corporation (Second Amendment) Bill, 1986.
- 4 The Tamil Nadu Municipal Laws (Second Amendment) Bill, 1986.
- \*5 The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1986.
- 6 The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 1986.
- 7 The Tamil Nadu Contingency Fund (Amendment) Bill, 1986.
- 8 The Tamil Nadu Prohibition (Third Amendment) Bill, 1986.
- 9 The Tamil Nadu Agricultural Produce Markets and the Tamil Nadu Agricultural Produce Markets (Amendment and Special Provision) Second Amendment Bill, 1986.
- 10 The Tamil Nadu Universities Laws (Amendment) Bill, 1986.
- 11 The Tamil University (Second Amendment) Bill, 1986.
- \*12 The Tamil Nadu Recognised Private Schools (Regulation) and Private Colleges (Regulation) Amendment Bill, 1986.
- \*13 The Somasundram Super Spinning Mills (Acquisition and Transfer) Bill, 1986
- 14 The Registration (Tamil Nadu Amendment) Bill, 1986.
- 15 The Tamil Nadu Entertainments Tax (Special Provisions and Validation) Bill, 1986.
- 16 The Tamil Nadu Entertainments Tax (Fifth Amendment) Bill, 1986.
- 17 The Tamil Nadu General Sales Tax (Eighth Amendment) Bill, 1986.
- 18 The Tamil Nadu General Sales Tax (Ninth Amendment) Bill, 1986.
- 19 The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Bill, 1986.
- 20 The Tamil Nadu Appropriation (No. 5) Bill, 1986.
- 21 The Tamil Nadu Appropriation (No.6) Bill, 1986.

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\*Awaiting assent

22. The Tamil Nadu General Sales Tax (Tenth Amendment) Bill, 1986.

23 The Tamil Nadu General Sales Tax (Eleventh Amendment) Bill, 1986.

TRIPURA LEGISLATIVE ASSEMBLY

1 The Tripura Appropriation (No.4) Bill, 1986.

2 The Tripura Tea Companies (Taking Over of Management of Certain Tea Units) Bill, 1986.

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## APPENDIX VI

## ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1986

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 Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986 (No. 7 of 1986)	7-10-86	4-11-86	—	Replaced by Legislation
2	The State of Mizoram (Amendment) Ordinance, 1986 (No. 8 of 1986)	30-12-86	23-2-87	Shall Cease to operate at the expiration of six weeks, from the re-assembly of Parliament during the Budget Session 1987	—
STATE GOVERNMENTS					
BIHAR					
1	Bihar Manoranjan Kar (Sanshodhan Evam Vidhi Manyakaran) Dwitiya Adhyadesh, 1986			1-10-86	.. ..
2	Bihar Chini Upkram (Arjan) (Sanshodhan) Dwitiya Adhyadesh, 1986			Do.	.. ..
3	Bihar Ookh (Aapurti Evam Kharid Ka Viniyaman) (Sanshodhan) Dwitiya Adhyadesh, 1986			Do.	.. ..
4	Patna Nagar Nigam (Sanshodhan Evam, Vidhi Manyakaran) Sanshodhan Dwitiya Adhyadesh, 1986			Do.	.. ..

5	Bihar Private Shiksha Sanstha (Adhigrahan) Dwitiya Adhyadesh, 1986	Do.	..	..
6	Bihar Rajya Vishwavidyalaya (Sanshodhan) Tritiya Adhyadesh, 1986	Do.	..	..
7	Patna Vishwavidyalaya (Sanshodhan) Tritiya Adhyadesh, 1986	Do.	..	..
8	Bihar Rajya Vishwavidyalaya (Angibhut Mahavidyalaya) Seva Aayog Dwitiya Adhyadesh 1986	Do.	..	..
9	Bihar Aakasmikta Vidhi, (Dwitiya Sanshodhan) Adhyadesh, 1986	Do.	..	..
10	Bihar Arajkiya Madhyamik Vidyalaya Prabandh Evam Niyantran Grahan Sanshodhan Dwitiya Adhyadesh, 1986.	Do.	..	..
11	Bihar Rajya Kamjor Varg Vidhik Sahayata (Sanshodhan) Adhyadesh, 1986	Do.	..	..
12	Tana Bhagat Rayet Krishik Bhoomi Pratyavartan (Sanshodhan) Adhyadesh, 1986	29-10-86	..	..
13	Bihar Rajpatrit Padadhikari Tadardh Nivriti Niyamitikaran Adhyadesh, 1986	Do.	..	..
14	Bihar Ger-Sarkari Shikshan Sanstha (Grahan ) Adhyadesh, 1986	9-12-86	..	..
15	Bihar Niji Abhiyantran Mahavidyalaya (Grahan) Adhyadesh, 1986	Do.	..	..
16	Bihar Rajya Vishwavidyalaya (Tritiya Sanshodhan) Adhyadesh, 1986	17-12-86	..	..
17	Patna Vishwavidyalaya (Tritiya Sanshodhan) Adhyadesh, 1986	Do.	..	..
18	Bihar Bhoomi Sudhar Adhiktam Seema Nirdharan Aur Adhishesh Boomi Arjan (Sanshodhan) Adhyadesh, 1986	20-12-86	..	..
19	Patna Nagar Nigam (Sanshodhan) Adhyadesh, 1986	Do.	..	..
20	Bihar Vidhan Mandal (Sadasyon Ka Vetan Bhatta Evam Pension) (Dwitiya Sanshodhan) Adhyadesh, 1986	31-12-86	..	..
21	Bihar Aakasmikta Nidhi (Tritiya Sanshodhan) Adhyadesh, 1986	Do.	..	..



1	2	3	4	5	6
	<b>GUJARAT</b>				
1	The Gujarat Panchayats (Amendment) Ordinance, 1986	26-9-86	..	..	..
2	The Gujarat Contingency Fund (Temporary Increase) (Third) Ordinance, 1986	22-10-86	..	..	..
3	The Gujarat Motor Vehicles (Requisitioning and Control) Ordinance, 1986	2-12-86	..	..	..
4	The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Ordinance 1986	18-12-86	..	..	..
5	The Bombay Inams (Kutch Area) Abolition (Gujarat Second Amendment) Ordinance, 1986	Do.	..	..	..
6	The Bombay Land Revenue (Gujarat Amendment) Ordinance, 1986	25-12-86	..	..	..
	<b>HARYANA</b>				
1	The Haryana General Sales Tax (Third Amendment) Ordinance, 1986	7-10-86	25-11-86	..	Replaced by legislation
2	The Punjab Land Revenue (Haryana Amendment) Ordinance, 1986	16-10-86	25-11-86	..	Do
3	The Haryana Land Holdings Tax (Repeal) Ordinance, 1986.	Do.	Do.	..	Do.
4	The Haryana Development and Regulation of Urban Areas (Amendment) Ordinance, 1986	20-10-86	Do.	..	Do.
5	The Punjab Agricultural Produce Markets (Haryana Amendment) Ordinance, 1986	23-10-86	Do.	..	Do.
6	The Haryana Cooperative Societies (Third Amendment) Ordinance, 1986	3-11-86	Do.	..	Do.
7	The Indian Electricity (Haryana Amendment) Ordinance, 1986	4-11-86	Do.	..	Do.

HIMACHAL PRADESH

1	The Himachal Pradesh Tax on Entry of Goods into Local Area (Amendment) Ordinance, 1986 . . . . .	18-10-83	20-11-86	5-1-87	Replaced by legislation
2	The Himachal Pradesh Passengers and Goods Taxation (Amendment) Ordinance, 1986 . . . . .	27-10-86	Do.	Do.	Do.

KARNATAKA

1	The Karnataka Government Parks (Preservation) (Amendment) Ordinance, 1986 . . . . .	16-10-86	..	..	..
2	The Karnataka Money Lenders (Amendment) Ordinance, 1986 . . . . .	Do.	..	..	..
3	The Karnataka Entertainments Tax (Amendment) Ordinance, 1986 . . . . .	17-10-86	..	..	..
4	The Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats & Nyaya Panchayats (Amendment) Ordinance, 1986. . . . .	24-10-86	..	..	..
5	The Karnataka Inams Abolition Laws (Amendment) Ordinance, 1986 . . . . .	27-11-86	..	..	..

KERALA

1	The Kerala Contingency Fund (Amendment) Ordinance, 1986 . . . . .	18-10-86	27-10-86	..	Replaced by legislation
2	The Kerala Labour Welfare Fund (Amendment) Ordinance, 1986 . . . . .	30-11-86	29-12-86	..	Do.
3	The Kerala Municipal Laws (Amendment) Ordinance, 1986 . . . . .	Do.	Do.	..	Do.
4	The Town Planning Laws (Amendment) Ordinance, 1986 . . . . .	Do.	Do.	..	Do.





## APPENDIX VII

## A. PARTY POSITION IN LOK SABHA (As on 1 April, 1987)

Sl. No.	Name of State/Union Territory	2	3	4	5	6	7	8	9	10
		Seats	Cong.(I)	Telugu Desam	CPI(M)	Other Parties	Un-attached	Total	Vacancies	
STATES										
1.	Andhra Pradesh	42	6	30	1	3(a)	2	42	..	..
2.	Arunachal Pradesh	2	2	..	..	..	..	2	..	..
3.	Assam	14	5	..	..	6(b)	3	14	..	..
4.	Bihar	54	47	..	..	5(c)	1	53	1	..
5.	Gujarat	26	24	..	..	2(d)	..	26	..	..
6.	Haryana	10	9	..	..	..	..	9	1	..
7.	Himachal Pradesh	4	4	..	..	..	..	4	..	..
8.	Jammu and Kashmir	6	3	..	..	3(e)	..	6	..	..
9.	Karnataka	28	24	..	..	4(f)	..	28	..	..
10.	Kerala	20	13	..	1	5(g)	1	20	..	..
11.	Madhya Pradesh	40	40	..	..	..	..	40	..	..
12.	Maharashtra	48	44	..	..	2(h)	2	48	..	..
13.	Manipur	2	2	..	..	..	..	2	..	..
14.	Meghalaya	2	2	..	..	..	..	2	..	..
15.	Mizoram	1	1	..	..	..	..	1	..	..
16.	Nagaland	1	1	..	..	..	..	1	..	..
17.	Orissa	21	20	..	..	1(i)	..	21	..	..
18.	Punjab	13	6	..	..	5(j)	2	13	..	..
19.	Rajasthan	25	23	..	..	..	..	23*	1	..
20.	Sikkim	1	..	..	..	..	1	1	..	..

21.	Tamil Nadu	.	.	.	.	.	.	25	..	..	13(k)	1	39	..	
22.	Tripura	.	.	.	.	.	.	..	2	..	..	..	2	..	
23.	Uttar Pradesh	.	.	.	.	.	.	83	..	..	2(l)	..	85	..	
24.	West Bengal	.	.	.	.	.	.	16	18	..	8(m)	..	42	..	
UNION TERRITORIES															
25.	Andaman & Nicobar Islands	.	.	.	.	.	.	1	..	..	..	..	1	..	
26.	Chandigarh	.	.	.	.	.	.	1	..	..	..	..	1	..	
27.	Dadra & Nagar Haveli	.	.	.	.	.	.	..	..	..	..	1	1	..	
28.	Delhi	.	.	.	.	.	.	7	..	..	..	..	7	..	
29.	Goa, Daman and Diu	.	.	.	.	.	.	2	..	..	..	..	2	..	
30.	Lakshadweep	.	.	.	.	.	.	1	..	..	..	..	1	..	
31.	Pondicherry	.	.	.	.	.	.	1	..	..	..	..	1	..	
	NOMINATED (Anglo-Indian)	.	.	.	.	.	.	..	..	..	..	2	2	..	
								544	413	30	59	16	540*	3	

\* Excluding the Speaker

(i) Janata-1; CPI(M)-1; and BJP-1.

(l) AGP-6.

(c) Janata-3; and CPI -2.

(d) Janata-1; and BJP-1.

(e) J&K National Conference-3.

(f) Janata-4.

(ii) Muslim League-2; Ker 1a Congress-2; and Janata-1.

(ll) Janata-2.

(i) Janata-1.

(j) Akali Dal (Badal)-3; and Akali Dal (Barnala)-2.

(k) AIADMK-11; and DMK-2.

(l) Lok Dal-2.

(in) CPI-3; RSP-3; and Forward Bloc-2.

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

Sl. No.	State/Union Territories	Seats	Cong (I)	Janata	CPI(M)	BJP	Others	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
STATES										
1.	Andhra Pradesh	18	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 and 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	..

1	2	3	4	5	6	7	8	9	10	11
16.	Nagaland	.	.	.	.	1	1	..	1	..
17.	Orissa	.	.	.	.	9	9	..	10	..
18.	Punjab	.	.	.	.	5	5	2(f)	7	..
19.	Rajasthan	.	.	.	.	8	8	1	10	..
20.	Sikkim	.	.	.	.	1	1	..	1	..
21.	Tamil Nadu	.	.	.	.	18	18	14(g)	18	..
22.	Tripura	.	.	.	.	1	1	..	1	..
23.	Uttar Pradesh	.	.	.	.	34	34	7(h)	34	..
24.	West Bengal	.	.	.	.	16	16	4(i)	16	..
UNION TERRITORIES										
25.	Delhi	.	.	.	.	3	3	..	3	..
26.	Pondicherry	.	.	.	.	1	1	..	1	..
	Nominated	.	.	.	.	12	5	7	12	..
		244	252	10	14	9	47	12	244	..

(a) Telugu Desam-10.

(b) Assam Gana Parishad-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.



## C. PARTY POSITION IN STATE LEGISLATURES

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
STATES												
Andhra Pradesh L.A. (As on 1-1-87)	295	51	3	..	8	..	11	10	203(a)	5	291	4(b)
Arunachal Pradesh L.A. (As on 1-1-87)	33	31	..	..	..	..	..	..	2(c)	..	33	..
Assam L.A. (As on 1-12-86)	126	24	..	..	..	4	2	..	91(d)	4	125	1
Bihar L.A. (As on 2-1-87)	325	194	13	46	17	1	1	12	11(e)	29	324*	..
Bihar L.C. (As on 1-7-86)	96	36	2	4	..	..	..	6	2(f)	1	51	45
Gujarat L.A. (As on 31-12-86)	182	147	14	..	11	..	..	..	..	9	181	1
Haryana L.A. (As on 1-1-87)	90	61	8	10	4	..	..	..	1(g)	1	85*	4
Himachal Pradesh L.A. (As on 1-1-87)	68	58	..	1	7	..	..	..	..	2	68	..
Jammu & Kashmir L.A. (As on 7-11-87)	78	26	..	..	..	..	..	..	36(h)	15	77	1
Jammu & Kashmir L.C. (As on 1-1-87)	36	2	..	..	..	..	..	..	16(i)	1	19	17
Karnataka L.A. (As on 31-12-86)	225	66	139	..	2	..	2	4	3(j)	8	224*	..

**Appendices**

1	2	3	4	5	6	7	8	9	10	11	12	13
Karnataka L.C. (As on 31-12-86)	63	12	18	..	6	..	..	..	..	5	41*	21
Kerala L.A. (As on 1-1-87)	141	37	4	..	..	6	29	12	41(k)	11	140*	..
Madhya Pradesh L.A. (As on 31-12-86)	321	249	5	..	58	1	..	..	1(l)	5	319*	1
Manipur L.A. (As on 1-7-86)	60	39	..	..	..	..	..	1	12(m)	8	60	..
Meghalaya L.A. (As on 1-1-87)	60	38	..	..	..	..	..	..	20(n)	1	59*	..
Mizoram L.A. (As on 1-7-86)	33	22	..	..	..	..	..	..	9(o)	2	33	..
Nagaland L.A. (As on 1-1-87)	60	40	..	..	..	..	..	..	17(p)	2	59	1
Punjab L.A. (As on 1-1-87)	117	31	1	..	5	..	..	1	73(q)	4	115	2
Rajasthan L.A. (As on 1-1-87)	200	115	10	27	38	..	..	1	..	9	200	..
Sikkim L.A. (As on 1-1-87)	32	1	..	..	..	..	..	..	30(r)	1	32	..
Tamil Nadu L.A. (As on 31-12-86)	.235	62	3	..	..	..	5	2	151(s)	1	224*	10
Tripura L.A. (As on 1-1-87)	60	11	..	..	..	..	38	..	8(t)	3	60	..
Uttar Pradesh L.A. (As on 1-1-87)	426	266	20	83	16	..	2	6	5(u)	25	423	3

Uttar Pradesh L.C. (As on 31-12-86)	108	36	..	7	2	..	..	2	13(v)	..	60	48
West Bengal L.A. (As on 1-1-87)	295	56	..	..	..	..	166	7	56(w)	4	289	6
UNION TERRITORIES												
Delhi Metropolitan Council (As on 20-11-86)	61	39	1	1	19	..	..	..	..	..	60	1
Goa, Daman & Diu L.A. (As on 1-10-86)	33	22	..	..	..	..	..	..	9(x)	2	33	..
Pondicherry L.A. (As on 1-7-86)	33	18	1	..	..	..	..	..	12(y)	..	..	..

Notes : \*Excluding the Speaker.

(a) Telugu Desam Party-198; Majlis Ittehad-Ul-Muslimeen-4; and Marxist Communist Party of India-1.

(b) Election of 2 Telugu Desam Party members pending in Court.

(c) People's Party of Arunachal Pradesh-2.

(d) Assam Gana Parishad-71; United Minority Front-17; and Plains Tribal Council of Assam-3.

(e) Jharkhand Mukti Morcha-9; SUCI-1; and Nominated-1.

(f) Samta Party-1; and Jarkhand Mukti Morcha-1.

(g) Member not taken oath-1.

(h) National Conference(F)-33; National Conference (K)-1; Panthers Party-1; and Peoples' Party-1.

(i) National Conference (F)-7; and National Conference(K)-9.

(j) Maharashtra Ekikaran Samiti-3.

(k) Indian Union Muslim League-18; Kerala Congress-15; Revolutionary Socialist Party-4; and National Democratic Party-4.

(l) Nominated-1.

(m) Manipur People's Party-1; United Democratic Front-10; and K.N.A.-1.

- (n) Hills People Union-16; Hills State People Democratic Party-3; and Hills State People Democratic Party(L)-1.
- (o) People's Conference-8; and Mizo Convention-1.
- (p) Nagaland National Democratic Party-17.
- (q) Shiromani Akali Dal-73.
- (r) Sikkim Sangram Parishad-30.
- (s) All India Anna Dravida Munnetra Kazhagam-132; Dravida Munnetra Kazhagam-12; Indian Union Muslim League-2; Gandhi Kamraj National Congress-2; All India Forward Bloc-2; and Republican Party of India (Khobergade)-1.
- (t) Revolutionary Socialist Party-2; and Tripura Upajati Juva Samiti-6.
- (u) Congress(J)-4; and Nominated-1.
- (v) Rashtriya Shikshak Dal-3; Shikshak Dal-7; Nirdaliya Vidhayak Dal-3.
- (w) Forward Bloc-27; Revolutionary Socialist Party-18; West Bengal Socialist Party-3; Revolutionary Communist Party of India-2; Forward Bloc (Marxist)-1; Democratic Socialist Party-2; Socialist Unity Centre of India-2; and Nominated -1.
- (x) Maharashtrawadi Gomatak Party-8; and Goa Congress-1.
- (y) All India Anna Dravida Munnetra Kazhagam-6; Dravida Munnetra Kazhagam-5; and Pondicherry Maanila Makkal Munnai-1.

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