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THE JOURNAL OF PARLIAMENTARY INFORMATION

EDITOR: C.K. JAIN

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

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

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VOL. XXXVIII, No. 1

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CONTENTS

	PAGE
EDITORIAL NOTE	1
Unveiling of the Portrait of Shri M. Ananthasayanam Ayyangar — LARRDIS	4
ARTICLES	
Parliament during and after Speaker Mavalankar — Prof. N. G. Ranga	21
Anti-Defection Law and Judicial Review — K. N. Singh	31
PARLIAMENTARY EVENTS AND ACTIVITIES	
Conferences and Symposia	38
Parliamentary Delegations visiting India	38
Bureau of Parliamentary Studies and Training	41
PRIVILEGE ISSUES	43
PROCEDURAL MATTERS	53 ✓
PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS	55
DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST	73
The Indian Succession (Amendment) Act, 1991	75
The Family Courts (Amendment) Act, 1991	77
The Banking Regulation (Amendment) Act, 1991	78
The Delhi High Court (Amendment) Act, 1991	79
The Constitution (Sixty-Ninth Amendment) Act, 1991	80
The Monopolies and Restrictive Trade Practices (Amendment) Act, 1991	82

	PAGE
SESSIONAL REVIEW	
Lok Sabha	95
Rajya Sabha	105
State Legislatures	114
SUMMARIES OF BOOKS	
Carstairs, Charles and Richard Ware (ed), <i>Parliament and International Relations</i>	115
RECENT LITERATURE OF PARLIAMENTARY INTEREST	118
APPENDICES	
I. Statement showing the work transacted during the Second Session of the Tenth Lok Sabha	121
II. Statement showing the work transacted during the Hundred and Sixty-First Session of Rajya Sabha	125
III. Statement showing the activities of the Legislatures of the States and Union Territories during the period 1 October to 31 December 1991	
IV. List of Bills passed by the two Houses of Parliament and assented to by the President during the period 1 October to 31 December 1991	133
V. List of Bills passed by the Legislatures of States and Union Territories during the period 1 October to 31 December 1991	134
VI. Ordinances issued by the Union and State Governments during the period 1 October to 31 December 1991	137
VII. Party position in Lok Sabha, Rajya Sabha and Legislatures of States and Union Territories	144

EDITORIAL NOTE

The Office of the Speaker occupies a pivotal position in a parliamentary democracy. It is a living and dynamic institution and deals with actual needs and problems of Parliament in the performance of its functions. We, in India, have had the good fortune of having eminent personalities like Dada Saheb Mavalankar and Ananthasayanam Ayyangar as Speakers of Lok Sabha in the formative years of our parliamentary polity. By their impartiality, persuasive capability and unmatched erudition, they set high standards for their successors, thus strengthening the cause of a parliamentary democratic system. If, today, we can hold our heads high and speak of a successful working democracy, it is largely due to the untiring efforts of Shri Mavalankar and Shri Ayyangar who adorned the Office of the Speaker of the supreme legislative institution in our country in the formative years after independence.

As free India's first Speaker, Shri Ganesh Vasudev Mavalankar, affectionately remembered as Dada Saheb Mavalankar, lent a rare distinction to the Office he held for several years in perhaps the most crucial period in our parliamentary history. He left an indelible impress on the Office of the Speaker, which even today, is there for all to see. Prof. N.G. Ranga, who holds the distinction of serving for the longest tenure as a parliamentarian, has had the privilege of knowing Shri Mavalankar at close quarters. In his article, "Parliament during and after Speaker Mavalankar", Prof. Ranga gives us a rare insight into the life and times of Dada Saheb, especially his parliamentary career. Drawing attention to Shri Mavalankar's many-splendoured personality, the author describes how he succeeded in raising the Speakership to the political pinnacle of parliamentary supremacy. In his inimitable style, Prof. Ranga observes that over the years, "the Lok Sabha has become much more boisterous, inviting criticism from various quarters". Looking back with nostalgia, he emphasises that the need of the hour is for members of Parliament to realize the gravity of the situation and continue to strive in their endeavours so that Parliament discharges its duties in the best interests of the nation. Only then could it be an example to the State Legislative Assemblies and all other representative institutions in the country. And that would, Prof. Ranga concludes, be the best tribute to the memory of the 'Father of the Lok Sabha', Dada Saheb Mavalankar.

If Shri Mavalankar raised Speakership to new heights, it was left to his successor, the second Speaker of Lok Sabha, Shri Madabhoshi Ananthasayanam Ayyangar to further consolidate that position.

Shri Ayyangar took up with his characteristic vigour and vision from where Shri Mavalankar left it. A scholar of distinction, a seasoned lawyer and a skilful parliamentarian, Shri Ayyangar was deeply committed to parliamentary institutions and made a very distinguished contribution to parliamentary procedure and practice by his decisions and rulings as Presiding Officer. He established many healthy conventions which have not only helped in ensuring the smooth conduct of the business in the House but also raised the prestige of Parliament in general. A grateful nation paid its homage to the memory of Shri Ayyangar in his Birth Centenary Year and on 9 December 1991, the President of India, Shri R. Venkataraman unveiled his portrait in the historic Central Hall of Parliament House. The function, organised under the auspices of the Indian Parliamentary Group (IPG), was attended, among others, by the Vice-President Dr. Shanker Dayal Sharma, the Prime Minister Shri P.V. Narasimha Rao, the Speaker, Lok Sabha, Shri Shivraj V. Patil, Union Ministers, Members of Parliament and other dignitaries. We pay our humble tributes to Shri Madabhooshi Ananthasayanam Ayyangar by covering this event as a prominent Feature in this issue.

The practice of defection is a natural adjunct of party democracy. In this sense, it is as old as the party system itself. The phenomenon of defection which had started as a process of legitimate and natural polarisation of social and political ideas and interests gradually turned into a method of changing political affiliations for power and at times, perhaps, for Pelf. It may be seen that the democratic polity in India was put to severe strains as a result of repeated and unprincipled changes in party loyalties. In 1985, the Parliament passed the Constitution (Fifty-Second Amendment) Bill, popularly known as the anti-defection Bill, which sought to put a check on this malaise of defection. Shri K.N. Singh, M.P., in his article "Anti-Defection Law and Judicial Review", analyses the provisions of this law in the light of developments involving the jurisdiction of Courts from the cases of defection decided by the Presiding Officers. Discussing the judgement delivered recently by the Constitution Bench of the Supreme Court on a batch of petitions relating to defections, the author observes that the Court has left open the question whether Parliament's decision to debar judicial review in anti-defection cases is constitutional or not. He feels that the verdict of the Supreme Court is likely to have the potential for setting the Judiciary and the Legislature on a collision course and suggests that there is a strong case for reviewing the anti-defection law. Shri Singh concludes that there is a need to devise a method which, while respecting the legislature's superiority, minimises the scope for arbitrary and motivated decisions in the cases of disqualification on grounds of defection.

This issue carries all the other regular Features, viz. Parliamentary Events and Activities, Privilege Issues, Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and

Parliamentary Interest, a resume of Sessions of Lok Sabha, Rajya Sabha and State Legislatures, Book Summary and Recent Literature of Parliamentary Interest.

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

— C.K. Jain

UNVEILING OF THE PORTRAIT OF SHRI M. ANANTHASAYANAM AYYANGAR

The portrait of Shri Madabhooshi Ananthasayanam Ayyangar, veteran freedom fighter, renowned parliamentarian and the second Speaker of Lok Sabha, was unveiled by the President, Shri R. Venkataraman at a solemn function held on 9 December, 1991 in the Central Hall of Parliament. The function was attended, among others, by the Vice-President, Dr. Shanker Dayal Sharma, the Prime Minister Shri P.V. Narasimha Rao, the Speaker, Lok Sabha, Shri Shivraj V. Patil, Union Ministers, Members of Parliament and other dignitaries. The portrait was made by the eminent artist, Prof. Vijay Mohan.

The addresses delivered by the dignitaries on the occasion are reproduced below.

—Editor

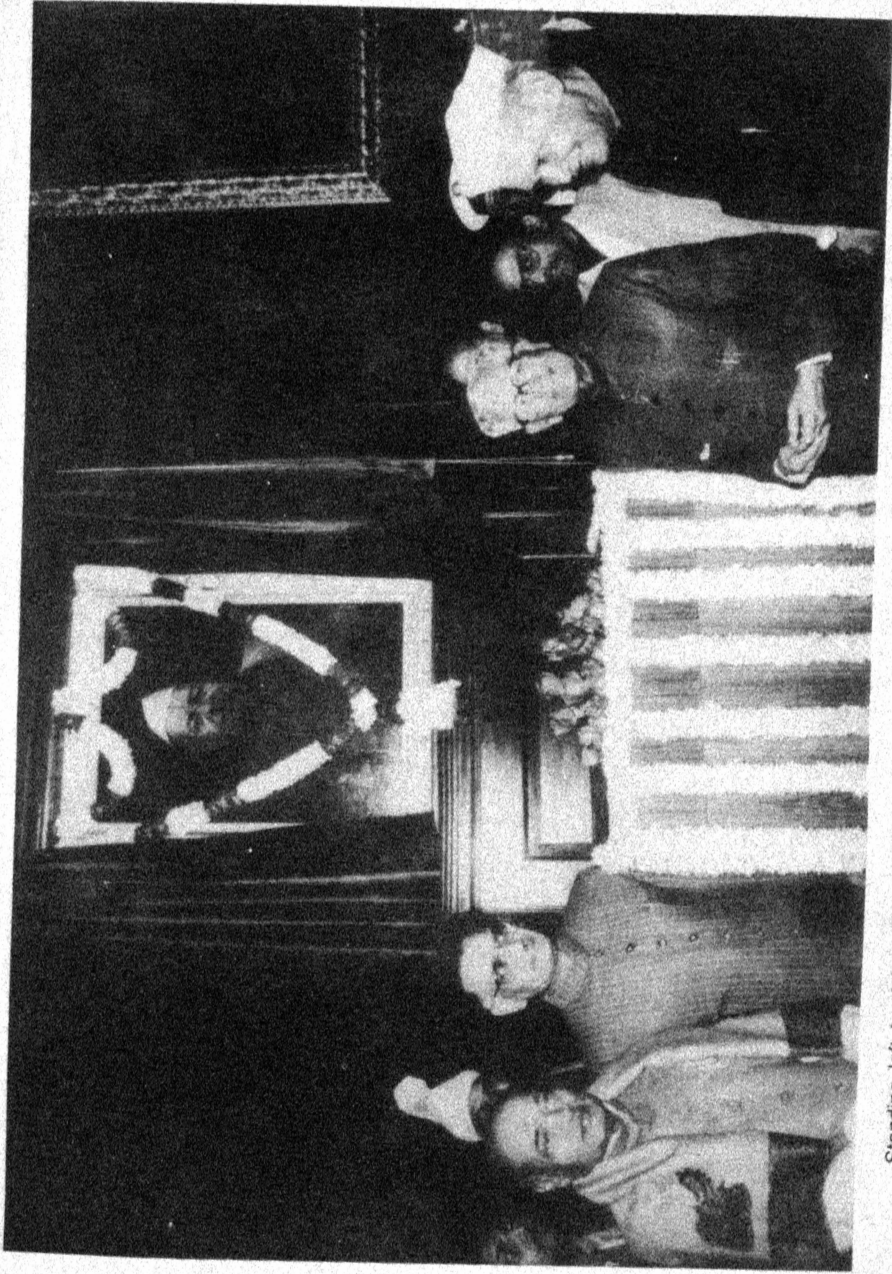
ADDRESS BY SHRI SHIVRAJ V. PATIL, SPEAKER, LOK SABHA

With great pleasure, we extend a warm welcome to the Respected Rashtrapatiji, Respected Upa Rashtrapatiji, Honourable Pradhan Mantriji, Honourable Ministers, Honourable Members, Respected members of the family of Shri Ayyangarji, and other friends who are present here.

We thank the Respected Rashtrapatiji for having agreed to unveil the portrait of the second Speaker of our Parliament and to speak to us. We thank the Respected Upa Rashtrapatiji and Honourable Prime Minister for their having agreed to speak on this occasion.

Today, we have assembled here, to commemorate the Birth Centenary of Shri Madabhooshi Ananthasayanam Ayyangar being celebrated under the auspices of the Indian Parliamentary Group. It is a humble tribute to the memory of one of the greatest Indians of this century, Shri Ayyangar, who adorned the office of Speaker, Lok Sabha, for a number of years with remarkable success, charm and dignity.

Born in not so affluent a family, Shri Ayyangar attained higher education



Standing left to right, after unveiling the portrait of Shri M. Ananthasayanam Ayyangar, are Prime Minister Shri P. V. Narasimha Rao, Speaker, Lok Sabha, Shri Shivraj V. Patil, President Shri R. Venkataraman and Vice-President and Chairman, Rajya Sabha, Dr. Shanker Dayal Sharma.

and also imbibed scholarly traditions. He opted for the legal profession as a career and soon established himself as a legal luminary. However, he was not a person to take this profession as a lucrative means to lead a comfortable life; he rather made it a device to provide justice to his fellow countrymen being exploited by and exposed to the tyrannical ways of the colonial regime.

Participation in politics was only an extension of the deeply religious personality that Shri Ayyangar's was. He never shied away from constantly and prominently wearing his Vaishnava forehead-mark. Unassuming in appearance and behaviour, Shri Ayyangar was deeply imbued with a love for Sanskrit and Sanskrit studies. Yet he had a broad outlook towards life, uninhibited by any kind of religious orthodoxy or dogmatism. As a disciple of Mahatma Gandhi, he also endeavoured to give spiritual and ethical dimensions to politics. He believed that it was his religious duty to take part in politics in the service of his fellow beings. As a moralist he believed and practised the philosophy that what was morally wrong could never be politically right. Shri Ayyangar believed in the oneness of the whole world and the universe where all could live harmoniously. His devotion to the great Indian cultural heritage is known to all of us. As a true Gandhian and as a social reformer, he commanded the respect of millions by carrying the message of social reforms to the very doorsteps of the people. Humility and unostentatiousness were his outstanding virtues. A student of mathematics and logic, he was also endowed with a ready wit which stood him in good stead every time he participated in debate.

Friends, objective conditions have always played a dominant role in shaping the minds and attitudes of individuals. As a product of an era when Indian nationalism was in its formative stage, when Indian minds had started to be agitated over the colonial exploitation, when the Indian protest against the British Raj had taken the shape of a mass movement under the leadership of Mahatma Gandhi, it was but natural that Shri Ayyangar could not be restrained from taking a plunge into the mainstream of the country's freedom struggle. He actively participated in the non-cooperation movement. But when the Indian National Congress decided to contest the elections for the Central Legislative Assembly in 1934, Ananthasayanam Ayyangar was nominated as a candidate of the party and was elected to the House with a convincing majority. Very soon, he made his presence felt in the Assembly by his vigilance, innate ability and forceful presentation of arguments. Like many other Congress leaders, Shri Ayyangar participated in the individual *satyagraha* campaign in 1940 and the "Quit India Movement" two years later and suffered long terms of imprisonment.

Shri Ananthasayanam Ayyangar was a formidable Parliamentarian in his own right. He was a powerful speaker; his inquisitive questions, straightforward and analytical approach, coherence of thought, his subtle sense of humour, and, above all, his capacity to put forth his points of view in a simple and convincing manner was superb and left a lasting impression on one and all. His vast knowledge, experience and understanding of different subjects was a constant source of inspiration to all Members of the Legislature. His unanimous election as Deputy Speaker of the Constituent Assembly (Legislative) in 1948, his continuation in the same office in the Provisional Parliament during the period 1950 to 1952, and his election again as Deputy Speaker when the First Lok Sabha met in 1952 were signal tributes to his ability and recognition of his talent and popularity. Following the demise of Shri G. V. Mavalankar, Shri Ayyangar became the natural choice for election as Speaker of Lok Sabha in March 1956. He was re-elected Speaker in May 1957 when the Second Lok Sabha met after the general elections.

As Deputy Speaker and, later as Speaker, Shri Ayyangar had tried to uphold and fortify the traditions and conventions laid down by Speaker Shri Vithalbhai Patel in the Central Legislative Assembly and Shri G. V. Mavalankar in the Provisional Parliament and the First Lok Sabha. The norms laid down by the trio have been serving as a guide to us.

Shri Ayyangar performed his role as Speaker of Lok Sabha with great dignity and above all without any bias. The Speaker must endeavour to safeguard the interests of one and all in the House, and through the House, of the people of this country. Shri Ayyangar lived upto the expectations of the Members of the House and the Indian people in performing his duty as the Speaker. It was his constant endeavour to enhance the power and prestige of Parliament and make it the supreme forum for the expression of the people's will.

After his election to the office of the Speaker in 1956, he had said:

I will not let down this country nor this Parliament, nor the prestige of this House, nor that of any member. I will stand by all the privileges that are legitimately due to the members. I will try to maintain the dignity of the House and hope and trust that I will be able to do so with your cooperation.

He stood by each word in letter and spirit while conducting the affairs of the Lok Sabha. As a true democrat, Shri Ayyangar was convinced that for democracy to be effective, every citizen must be able to feel that he was a limb of the Government and that the Government only represented him. He firmly believed that the well-being of a parliamentary democracy was assured only when respect and regard for Parliament was nurtured in the

minds of the people. Rooted as he was firmly in reality, Shri Ayyangar understood this fully and emphasised the need for a greater sense of responsibility amongst the chosen representatives of the people.

Deeply committed to parliamentary institutions, Shri Ayyangar made a distinct contribution to parliamentary procedure and practice by his decisions and rulings as the Presiding Officer. He was the successor to a great pioneer who had laid firmly the ground rule for the practice and procedure for the working of the Lok Sabha. He picked up in many spheres the thread from where Shri Mavalankar had left it and established many a sound convention for the smooth conduct of the business of the House.

It is worthwhile to recall what Panditji said while paying tributes on 11 May 1957 on the election of Shri Ayyangar as Speaker of the Second Lok Sabha:

Mr. Speaker, Sir, May I, on my own behalf and, I believe, on behalf of all the other Members of this House offer you our respectful congratulations on your election to this high office? You are not new to this office, Sir, and in electing you the House has not, if I may say so, taken a risk. We have—some of us who were also Members of the previous Parliament—come into intimate contact with you in your capacity as Speaker and previously as Deputy Speaker of this House.

... You, Sir, who come here with your considerable experience in the past of occupying this office will, we all know, supply that good leadership and keep us all in order if we forget the right path at any time.

Even after a lapse of three decades, the rulings and directions of Speaker Ayyangar on parliamentary matters are followed by the Lok Sabha. Indeed, our Parliament and our people are fortunate enough to have had Speakers like Mavalankar and Ayyangar in the formative years of this great Parliament.

Friends, the democratic way of life, for Shri Ayyangar, was not only necessary for India, but being the only solution for avoiding conflicts as far as possible in the world, needed to be spread among all nations. He was convinced that differences among peoples as between individuals, could be settled in an atmosphere of goodwill by discussion, negotiation and a free and frank exchange of views and ideas. Problems could be solved through mutual faith and trust instead of by nurturing suspicion and hatred born out of fear or of past prejudices. In this, Shri Ayyangar saw a victory for the democratic temper and an instrument for resolving human conflicts and promoting universal peace and happiness.

In this world of mortals everybody is destined to die one day, yet some achieve immortality because of their valuable contributions to society. Shri Ayyangar is one among those immortals who will always be remembered by posterity. His own words can be used as a yardstick to measure the greatness of this gentle colossus. I quote:—

I, do not believe anybody can hinder or harm anybody else. I believe in my own *Karma*—my evil deeds will certainly follow me; I look only to God and the retribution he metes out; but I honestly believe that no retribution ought to come even to an enemy.

With these words, I pay my respectful tributes to this illustrious son of India.

Thank you.

ADDRESS BY THE PRIME MINISTER, SHRI P.V. NARASIMHA RAO

Rashtrapatiji, Upa Rashtrapatiji, Mr. Speaker, Sir, Honourable Deputy Chairman, Members of Parliament and Distinguished Invitees:

When I stand in the Central Hall of Parliament, I am filled with a feeling of awe and reverence; 'awe' because it is within these sacred portals that so much of our history had been made; 'reverence' because a very large share in the making of this history goes to our distinguished parliamentarians, many of whose portraits adorn this Chamber.

The vision of our great leaders and parliamentarians, their indefatigable labours, their passion to build India and the vision of those who gave up their best years of their lives so that we could be free, pervade this august Chamber; and, they gave us the strength to go on in our endeavours to build a strong India, a just India, a prosperous India and India, where the benefits of progress go to all, particularly the weaker sections, and India firmly rooted in our individual freedom and human dignity plus collective endeavour. It is indeed befitting that the portrait of Shri Ananthasayanam Ayyangar should join the portraits of those to whom the country owes so much.

A worthy successor to the legendary Dada Saheb Mavalankar, Shri Ananthasayanam Ayyangar added lustre to the Office of the Speaker and left an indelible imprint upon our parliamentary and national life. He brought with him to the Office of the Speaker a deep knowledge of parliamentary procedures, firm convictions and determination to uphold parliamentary norms, the truth and all that was moral in public life and

also a tremendous sense of Humour which not only enlivened parliamentary proceedings but also at times enabled Shri Ayyangar to make a point more forcefully and what is more important more pleasantly. Even today, we can with profit delve into his pronouncements, interventions and rulings on subjects as diverse as adjournment motions, amendments, bills, the role of the Chair, parliamentary conventions, points of order and a whole host of other matters, and at the end of it emerge as better democrats, better patriots and better human beings.

I remember reading an interesting anecdote about Shri Ayyangar. During his Central Legislative Assembly days, he was likened to a German submarine which terrorised the British. The point of comparison, among other things, was his ability to speak at a tremendously fast pace. I understand that he spoke at almost 180 words per minute. In normal course, such a flurry of words should have been as daunting to the listener as to the speaker. But when words bring together wisdom and wit, they afford the listener a rare pleasure and posterity a chance to ponder on matters which are of crucial importance to the development of individuals, institutions, society and the nation.

Today, when we are in a critical juncture in our history we realise more than ever, the crucial role which Parliament is called upon to play in a time of crisis. Parliament's responsibility is onerous all the time but more so in times of difficulty. The nation, the people, look to their representatives to give them the lead and show a way to a more securer and brighter future.

We are today faced with a fast changing and challenging global situation both within the country and internationally. It is, to say the least, quite daunting. At the same time, the expectations of the people are also on the rise. Even while we are engaged in the task of nation building, we are faced with secessionism and terrorism. The call of the hour is unity. We must stand together as one to meet the difficulties of the present and the uncertainties of the future. More than ever, we look to Parliament as a focal point of our single-mindedness of purpose, to contend with these challenges and give to our people a better future. Parliament must be the binding force to bring our people together and their resolve to build a stronger and more prosperous India.

I am reminded in this context of Shri Ayyangar's very perceptive words on the role of parliamentarians. In his inaugural address to the 25th Conference of the Presiding Officers of Legislative Bodies, he said:

In my view, they (meaning the Members of Parliament) ought to function as a two-way channel of communication between the people and the Government. It is not enough for them merely to voice the interest and reactions of their constituencies. They have also to go back and interpret the policies and measures of the Government to the people so that they know what is happening around them and

feel a sense of participation and partnership in the administration of the country.

However difficult be the times that we face today, I have no doubt that we shall emerge successful. I have great faith in our people and in our democratic institutions which have flourished due to perceptive maturity which the people of India have in abundance; whether it is in institution building, whether it is in the creative sphere, whether it is in the science and technology fields, whether it is in economic matters or giving to the people a better quality of life, India will emerge successful and be in the front ranks of the comity of nations. We have a long and rich history. We have the wisdom of the sages. Our people have been endowed with an intellectual creativity, the envy of many. We must put all these to good use and work together as one for a purpose which transcends our individual selves for a larger purpose, the social purpose, the national purpose. Only if we transcend our mere individual selves and narrow petty ends, as distinct from their lofty ideals, we will be able to achieve the democratic purpose. Among these stalwarts, stalwarts who inspired the nation to these ideals, was Shri M. Ananthasayanam Ayyangar.

On a personal note, I must say I was very junior to him. But, I was one of those who profited greatly from his wisdom and from his company occasionally. One very significant factor, significant incident, I would like to relate here which has left a permanent impress on my mind about his catholicity. You know he was a great *Vishishtadwaita* scholar. In 1972, it so happened that we decided on behalf of the Congress Party, a candidate for the Tirupathi Assembly constituency in the 1972 election. He was a very good candidate, young candidate and President of the Students' Union of the University and we went by that. Suddenly, after everything was decided, it was discovered that he was a Christian. Now, you can imagine what consternation could have happened in the very citadel of the *Vishishtadwaita* when the Congress candidate happened to be a Christian. Everybody said he was going to be defeated. I went to Indiraji and told her. She said, you go to one person and he will help you and that is Shri M. Ananthasayanam Ayyangar. I promptly went to him and he said, 'oh this has happened, I will help you'. I still remember the way he called the people from almost every village and, of course, from Tirupathi and harangued them. Other *Vishishtadwaita* scholars, his own colleagues, his disciples, may be some of them were even contemporaries to him as great scholars as he was, they came, they argued with him, they protested. But, he said, 'No'. If I want you to vote for the Congress this time, it is because there is a Christian candidate here. This should be the reason. This should be the proof of your secularism and this secularism is ingrained in *Vishishtadwaita*. This is what he said. He linked *Vishishtadwaita* with secularism and he got this boy elected by fifteen thousand votes in the Assembly constituency.

In fact, the most important issue before us today is whether we can mobilise all we have and work together as one in unity to move purposefully into the future and while we are doing this, while we are achieving this through the only Parliament that we have, the one and the only Parliament of which we are all proud, Shri M. Ananthasayanam Ayyangar comes to my mind again and again. I am happy to be able to speak on this occasion and to see that his portrait is being unveiled.

Thank you very much.

**ADDRESS BY DR. SHANKER DAYAL SHARMA, VICE-PRESIDENT AND
CHAIRMAN, RAJYA SABHA**

Rashtrapatiji, Honourable Speaker, Pradhan Mantriji, Respected Freedom Fighters, Honourable Members of Parliament, Distinguished Guests, Ladies and Gentlemen:

It is indeed a privilege to be present at the unveiling by Rashtrapatiji of the portrait of Shri Madabhooshi Ananthasayanam Ayyangar, the Second Speaker of the Lok Sabha in this historic Central Hall of Parliament. This illustrious son of India had made an immense contribution through a lifetime of service during the struggle for freedom and in diverse tasks of national reconstruction. In the annals of parliamentary democracy in India the name of Shri Ananthasayanam Ayyangar will always be remembered with reverence and gratitude.

In the decades preceding Independence, our country was fortunate to be blessed with a number of personalities of high calibre and commitment, who devoted themselves to a life of service for the attainment of certain ideals which have stood India and indeed humanity in good stead through history.

Shri Ayyangar, a brilliant scholar and legal practitioner of distinction, put aside his professional prospects and entered the struggle for freedom. He participated in the first Non-Cooperation Movement under the leadership of the Father of the Nation in 1921-22. Subsequently, he was an inspiring activist in every major political initiative taken by the Congress to mobilise the masses, including the Civil Disobedience Movement, the individual *Satyagraha* and later the Quit India Movement. Along with many other patriots of stature, Shri Ananthasayanam Ayyangar also underwent repeated imprisonment and suffered serious personal losses on account of his participation in the struggle against imperialism. Throughout, there was a comprehensive clarity and consistency in his approach. A deep

conviction stayed with him about the moral and ethical justification for the struggle that was waged by the people of the country under Bapu for the building of a better and more humane future for India and indeed for humanity. He always saw that in this great venture, every individual had a contribution to make in his own way in terms of his own capacities and devotion. He was aware that positive change on a gigantic scale could be materialised only as a result of millions upon millions exerting themselves in one direction unmindful of the pain or the loss each personally suffered—mindful only of the urgency of achieving the ultimate objective. It was in this spirit that he lent his shoulder to the wheel and inspired many others to do so.

Shri Ayyangar will perhaps be most remembered for his invaluable contribution to the building of parliamentary democracy in India. Having come to the Central Legislative Assembly in 1934, he continued as a member till 1962, participating in the proceedings of the Constituent Assembly and successive Lok Sabhas. His political vision, legal acumen, mastery of parliamentary procedure and his dedication are reflected in the innumerable interventions made by him from time to time enriching discussions and debates in the House, and taking the people and the public mind of India closer to cherished national goals.

Having been the Deputy Speaker in the Constituent Assembly (Legislative) and the first Deputy Speaker in the First Lok Sabha, Ayyangarji succeeded another eminent Indian, Shri Dada Saheb Malankar, to the office of the Speaker in 1956, and was re-elected to that position in 1957. During his tenure as Honourable Speaker, Ayyangarji most ably continued the constructive and precedent-setting work taken in hand by his illustrious predecessor, in conjunction with the great parliamentarians of the day, including, particularly, Pt. Jawaharlal Nehru.

It may be opposite to recall the words of Pt. Jawaharlal Nehru on Shri Ayyangarji's re-election as Speaker in May 1957. I quote:.

..... it is well known that under the system of parliamentary government, while the Constitution has necessarily great force and while we have bound ourselves by oath and otherwise to abide by the terms of the Constitution, the Constitution by itself is not enough. Conventions have to grow up, habits of behaviour have to grow up and a certain tolerance of each other has to grow up, a certain attempt to understand, to adapt oneself; in other words, a House like this, Sir, has in effect to become an example to the nation at large... The Speaker occupies a very high position in accordance with our

Constitution. But, if I may say so, the office of Speaker of the Lok Sabha has become by convention, by practice, something even higher perhaps than what the Constitution says...

In these words we can see the wisdom, experience and perception of Jawaharlalji as much as the reflection of the significance of Ayyangarji's contribution.

Throughout his tenure as Speaker, Ayyangarji was conscious of the precise characteristics that need to be nurtured in our parliamentary democracy in a critical phase of world history. He used to say, I quote: "People in the world at large are watching our experiment." The growth and performance of an institution or organ of Government, of policy or precept, executive action or matters of procedural detail, all these were viewed by him through the clear and powerful lens of a democrat totally dedicated towards achieving excellence in the performance of his duty to the people of his time and to generations that follow.

To Ayyangarji's credit are a number of Rulings and Directions concerning parliamentary business, including Adjournment Motions, Questions, Bills, Resolutions, Quorum, Standing Committees, Calling Attention Notices, etc. I should like to refer to two statements by him which typify the application of his thinking. He had said in December 1947 in the Constituent Assembly. I quote.

"The Government really exists not merely for policing purposes, but for social reconstruction to increase wealth...to make every man...happy and contented. That is the primary function of the State and I, therefore, feel that a united effort, a central effort, an organised effort, must be made...for the purpose."

In regard to putting of supplementaries asked on questions, he had observed. I quote:

With regard to the number of supplementaries,...the limitation is not on account of the number...but on account of the importance of the question. It is open to the Speaker to find out whether a particular question is of sufficient importance or significance and has been answered sufficiently. If it has not been answered sufficiently, he may allow more supplementaries. If a question is completely answered even on the first supplementary, then I proceed to the next question.

These directions or observations are indicative of Ayyangarji's political perspective in the larger sense and his total effort to ensure the full and exact materialisation of the democratic process.

He was a scholar of eminence and his knowledge of Indology, comparative religion, philosophy, Sanskrit, Sanskrit literature and a wide variety of subjects comprised a great wealth which he carried effortlessly and shared generously with all who met him.

Naturally, some matters pained him and he strove to encourage the cultivation of an appropriate viewpoint by others in regard to these. He was disturbed by the prospect of communal feeling spreading and the misuse of religion for political motives, and he realised that perhaps the best way, of sensitizing people against communalism was to increase mass awareness about the true content of all religions. He used to say: I quote:

Religions, as they originally started, were merely to remove differences between man and man and to inculcate the doctrine of brotherhood in man and to elevate man...I wish that all persons who are really interested in their own religion, in Islam, in Christianity or in Hinduism will really try to imbibe this real spirit of Islam, real Christianity and real Hinduism...prophets of religion have advised...humanity as a whole to bring all people together...that they should bring about peace and happiness on earth and not create cause for discord...

Similarly, conscious of peace and brotherhood being the message of India's culture, the very spirit of India's ethos and a vital need for all humankind, he said: I quote: "The cult of violence is unnatural to our country...the cult of violence ought not to be allowed to spread."

I regard my personal association with Shri Ananthasayanam Ayyangarji as an enriching experience. There was great humanity in him in addition to patriotism, scholarship and zeal towards creative work. He was also a pious man, deeply devoted in his faith—a faith that recognized the element of divinity in all and helped a constant personal endeavour towards spiritual attainment. Born at Tiruchanur, he left his mortal frame in Tirupati.

His work enriched our future.

I pay respectful homage to the memory of this great citizen of India whose personality and lifework have made our country stronger.

ADDRESS BY THE PRESIDENT OF INDIA,
SHRI R. VENKATARAMAN

It is with a sense of real satisfaction that I join this gathering to honour the late Shri Ananthasayanam Ayyangar. A scholar, patriot and legislator of distinction, he was one of the earliest pioneers in the cause of social equality and justice in our country. I would, therefore, like to thank the Honourable Speaker of the Lok Sabha most sincerely for inviting me to unveil Shri Ayyangar's portrait on the occasion of his centenary and thereby enable me to pay my tribute to one of the finest flowers of the Indian renaissance.

Seeing his portrait that has just been unveiled and travelling down memory lane today, I am reminded of the description in the Shri Venkatesa Suprabhatam which fits the character and personality of Shri Ananthasayanam Ayyangar perfectly:

Sumukham
(Of pleasant countenance)

Suhridam
(Of Good heart)

Sulabham
(Of easy access)

Sukhajam
(Of a charitable disposition)

Shri Ayyangar was a person of a most genial disposition, an *ajaaatasatru*, who never offended anyone even though he had firm views on men and matters and expressed them candidly. The reason is not far to seek; Shri Ayyangar had an unsullied heart—*shuddha chitham*—and meant no one any harm.

A voracious reader, he was well-versed, both in English literature and in Sanskrit, and Tamil classical texts. He could offer apt quotations from all these languages to suit every occasion. Being a very fluent speaker, he deeply impressed whatever audience he addressed.

A foremost patriot and freedom fighter, Shri Ananthasayanam Ayyangar took part in all the major initiatives of the struggle. Shri Ayyangar joined the individual *Satyagraha* campaign started by Gandhiji in 1940 and received a jail sentence for 8 months. He later joined the Quit India Movement and like many other brave revolutionaries of the August movement, underwent a prolonged incarceration for two years. For one

who hailed from an orthodox Shri Vaishnava family, the rigours of jail-life posed no small inconvenience to his practice of daily rituals. But Shri Ayyangar suffered the privations and made the adjustments cheerfully, and manfully. The tradition of accepting with equanimity the joys and pains of life, handed down generations by his pious family, helped Shri Ayyangar to face all obstacles in life.

Notwithstanding his orthodox roots, Shri Ananthasayanam Ayyangar became one of the earliest to enter the fight against untouchability and the evils of our caste system. He saw with clarity that these evils were only a later encrustation on our social fabric. He soon became one of the foremost advocates for the uplift of Harijans. Their right to temple entry in particular engaged his attention. This was only natural because Shri Ananthasayanam Ayyangar had been born in the temple town of Tiruchanur near Tirupathi—the holy of holies among our shrines. Shri Ananthasayanam Ayyangar, like his distinguished contemporary Rajaji, firmly believed that there was no such thing as a high caste or a low caste but only a higher state of consciousness and a lower state of consciousness, neither of which had anything to do with birth. He realised that the denial of the right of worship to anyone on the basis of his birth was an offence against Divinity itself. His passion for temple entry was as great as his reverence for the *Vedas* and *Sastras*.

Having built up a lucrative practice in Chittoor, then part of the Madras Presidency, young Ananthasayanam was chosen as a Congress candidate to the Central Legislative Assembly. I remember the veteran legislator and educationist C.R. Reddi describing Ananthasayanam at that time as a young colt and not a war-horse. But on taking his seat in the Central Assembly, along with stalwarts such as Bhulabhai Desai, Gobind Ballabh Pant and the indomitable S. Satyamurti, Shri Ananthasayanam Ayyangar who was only in his early 40's at that time immediately made a mark. He moved up from backbenches to the front very soon and earned for himself — from a European writer—the sobriquet of "Emden of the Assembly"—an allusion to the powerful German ship of that name which bombed Madras and gave no end of trouble to the Navy during World War I. But Shri Ananthasayanam Ayyangar's volleys were not just sound and fury. He was indefatigable in his preparatory work and his speeches showed both legal acumen and a quality that was all his own—the sparkle of wit combined with wisdom. He was an ideal Private Member of the Legislature.

Shri Ananthasayanam Ayyangar made his mark equally well as a Member of the Constituent Assembly. It was my privilege to have come to

know him very well during this period since I visited New Delhi at that time along with some legal personalities from Madras for work connected with the defence of Indians charged with collaboration with the Japanese in Malaya. Shri Ananthasayanam Ayyangar gave of his time to us most generously. We valued his advice as of one who was attuned to the spirit of resurgent India. In a speech in the Constituent Assembly on the subject of Minority Rights, on 27 August 1947, Shri Ananthasayanam Ayyangar said, and I quote:

There is no doubt that differences between the Hindus and Muslims do exist... But there is also a common bond. I look forward to that day when humanity will be one, when all castes and creeds will disappear, when children who are asked as to what religion they belonged, they may say, "I do not belong to any religion but I am an Indian and take pride in being one".

He was a member of the Steering Committee and later an active member of the Provisional Parliament. I was privileged to be in Parliament from 1950 to 1957 when Shri Ayyangar was Deputy Speaker, and later Speaker. Even as Deputy Speaker, Shri Ayyangar did not cease to function as an active and alert Member whenever he was not in the chair. His interpellations were always pointed, keeping the Treasury Benches on its toes.

When the Estimates Committee of the Parliament was established first in 1950, Shri Ayyangar as Deputy Speaker became its Chairman. He skilfully conducted its meetings and established a name for it. At the first meeting, many questions of procedure arose and he resolved them to the satisfaction of every body. There was a doubt in the mind of the members of the Committee as to whom they were responsible, to whom they would report, what would become of its recommendations and who would check whether they functioned within the terms of reference. After deliberations for a few days, Shri Ayyangar ruled on the points raised with clarity and precision. He said the Committee was a creature of Parliament and would be responsible to it only, the Committee would report to the Parliament and Government being responsible to the Parliament would have to give utmost attention and respect to its suggestions. Shri Ayyangar was a sharp cross examiner and when high officials of Government appeared before the Committee, he probed the matters so deeply that both the members and witnesses were amazed at the range and scope of his knowledge and his ability to dig deeply. He conducted the discussions in the Committee so neatly that all recommendations used to be unanimous.

Before Speaker Mavalankarji's term was over, he was snatched away from us and the mantle of the Speaker's Office fell on Shri Ananthasayanam Ayyangar, whom Mavalankarji had consciously groomed for the high office.

Shri Ayyangar lived up to Members' expectations during the first tenure as Speaker of the Lok Sabha so well that he was re-elected as Speaker of the Second Lok Sabha. During Shri Ayyangar's term as Speaker, no single party had the strength to become the Leader of Opposition and we had a large number of parties with small numbers but led by men of outstanding abilities. Notwithstanding the plurality of parties and views, Shri Ananthasayanam Ayyangar managed to win the confidence of all of them by his total fairness and objectivity. He saw the office of Speaker as one which can promote cooperation amongst all parties by ensuring that debates and discussions, even on controversial matters, can be conducted without rancour. He always sought to ensure a balance between the Government and Opposition. He maintained perfect order in the House.

During his tenure as Speaker, many healthy conventions came to be established, setting important precedents for the future, ensuring the smooth conduct of business in the House, and broadly speaking, vouchsafing the image of Parliament. His rulings on the subject of Questions, Quorum and regarding Policy Statements being made by Ministers outside the House when the House is in Session, have been pace-setting. Pragmatic and businesslike that he was, Shri Ananthasayanam Ayyangar had a commonsense approach to issues, sweeping aside sterile or hair-splitting dialectics. The rights and privileges of Members, of course, were paramount but he realised that in matters like this, a line has to be drawn somewhere. He made it clear that as a matter of courtesy to the House, all enunciations of policy or change of policy or announcements of new policy must first be brought to the notice of the House while the House was in Session. Only thereafter can they be made known to others. And yet, at the same time, Shri Ananthasayanam Ayyangar cautioned the members as follows:

But as to whether a particular thing is a matter of policy or of detail, we are not here to go on giving advice to the Minister. I am sure the Hon. Minister himself is competent to decide whether it is a matter of policy or not.

This is one of the innumerable instances of his striking a fair and balanced approach to all issues.

As Speaker, Shri Ayyangar visited several countries as the head of Parliamentary Delegations. His discussions with world leaders were always most successful. He had the gift of impressing every one with his knowledge, clear enunciation of principles and progressive ideas. Once Mr. Gaitskell, the then leader of the British Labour Party, after a discussion with Shri Ayyangar, said that he and his fellow Delegates to the Commonwealth Parliamentary Conference taking place in Delhi received from Shri Ayyangar a powerful exposition of the strides made by India as also an insight into the strengths and weaknesses of the Commonwealth. Shri Ananthasayanam Ayyangar became Chairman of the Commonwealth Parliamentary Association and held that position for several years.

When the time came for Shri Ananthasayanam Ayyangar to demit office as Speaker, Member after Member paid glowing encomiums to his role. He was applauded for having upheld the dignity of the House, the prestige of the Members and, generally, the values of parliamentary democracy. It was acknowledged by members led by the Prime Minister that Speaker Ayyangar had invested the work of Parliament with real quality.

Shri Ayyangar was thereafter appointed Governor of Bihar. At the end of his tenure in Patna, he returned to his hometown, Tirupathi, where he spent the evening of his life at or near the sacred precincts of that temple-town. But he did not spare himself even there. The work of the Sanskrit Vidyapeetha at Tirupathi received his special attention. He gave the most active encouragement to Vedic studies. A connoisseur in music and the fine arts, he gave artistes valuable guidance and support.

Numerous were the charitable organisations which he helped from his own personal resources. Help to the needy was not a creed with him; it was his second nature. And when the Almighty called Ananthasayanam Ayyangar away on 19 March 1978, at the ripe age of 87, the gathering of mourners included not merely the high priests of the temple but numerous representatives of the poor and downtrodden. His friends and relations did not fail to notice that among them was a group of leprosy patients who lived in a nearby colony and whom Shri Ananthasayanam Ayyangar had been helping in his own unostentatious but genuine way. He observed in his life, the ancient tenet:

न त्वहम् कामये राज्यम्
न स्वर्गम् नाऽपुर्नभवम्
कामये दुःख तप्तानाम्
प्राणीनाम् आर्तिनाशनम्

meaning:

I seek not temporal power;

No, nor heaven either.

I do not even seek 'Release

From the cycle of Rebirths'

My only prayer is:

May Thy creatures be freed from Pain.

Shri Ananthasayanam Ayyangar lived a long and active life but, more significantly, he lived a fulfilled life. May all of us draw inspiration from his example.

PARLIAMENT DURING AND AFTER SPEAKER MAVALANKAR

PROF. N.G. RANGA

Mavalankarji was so handsome in person, charming in the Speaker's Chamber and cheerful and distant in the Speaker's Chair. When he was first elected in 1937, it was by a narrow majority in that Central Legislative Assembly with its heavy complement of nominated members! Very soon thereafter, he came to be hailed by English as well as Indian Members of the Viceroy's Executive Council as an exemplarily impartial, dignified and erudite speaker.

Mavalankar had been a great administrator. He succeeded Sardar Patel as the Chairman (Mayor) of the powerful Municipality of Ahmedabad. He evinced such genuine interest in social service that he was chosen to administer the various Gandhian institutions. Even as he was the Speaker, he undertook a tour in Andhra to inspect and inspire Gandhian Ashrams, especially the Vinay Ashram in Sitanagaram. It was then that he fell ill, and breathed his last. Even during his prolonged diabetic attacks, he would never spare himself and continued to render social service; such was his commitment to Gandhian humanism.

During the post-Independence years, with Jawaharlalji as the Prime Minister, both Speaker Mavalankarji and Nehruji vied with each other by displaying mutual respect, and appreciation. The result was the pervasive atmosphere of spontaneous dignity and decorum in the mutual relations between members as well as parties, to keep in step with that epic atmosphere. The Minister for Parliamentary Affairs, Shri Satyanarayan Sinha continued to maintain harmonious relations among the Speaker, the Prime Minister, leaders of Opposition and indeed, even individual members.

Mavalankarji had been an eminent lawyer and a distinguished Speaker of Bombay Assembly before he came to be chosen as the Speaker, first of the Central Legislative Assembly and later successively of the Provisional Parliament and the full-fledged Lok Sabha. He used to enjoy

the confidence of both Mahatma Gandhi and Sardar Patel. So he was able to appreciate and maintain the dignity and constitutional independence of the Speakership of Lok Sabha. He never thought of nor did he aspire for the position of a membership in the Cabinet. He used to love and respect Jawaharlalji, in the same way as all of us, M.Ps of the Congress Party. He raised the constitutional status of Speakership to be so independent, like his distinguished predecessor Vithalbai Patel and thus, he kept the Secretariat entirely independent of the Government. He never bothered to kow-tow to or bow before the Prime Minister nor did he subordinate himself to the Cabinet.

Mavalankarji initiated the practice of consultations with individual Ministers or groups of them, more through the good offices of the Cabinet Minister of Parliamentary Affairs. Never had he to go to the Prime Minister as such. Indeed in that way, he came to invest the Parliamentary Affairs Minister with special status and importance *vis-a-vis* the Cabinet and the leaders of all political parties in Parliament. Speakership, thus, was raised to the political pinnacle of parliamentary supremacy. Unfortunately, several Speakers at the Union as well as in the States have not thought it fit to maintain Mavalankar's practice. Some speakers have even come to be accused of bowing to the convenience of Cabinets and so, perhaps, they have failed to gain and demand the respectful observance of their rulings, exhortations or suggestions. No wonder then that the proceedings of Parliament and State Assemblies are now more like hectic disorderly verbal exchanges.

The consideration of Bills in the House is the most important function of Parliament. Mavalankarji used to study scrupulously the relevance and importance of the amendments given notice of by members, especially by those who were known to have studied the subjects concerned with the active support of the leaders of the Select Committees as well as the Secretary of the House. He used to take special care to be present in the House to guide and speed up the debates. He was loathe to leave that function to be discharged by any and every Chairman. Indeed, the Deputy Speaker was expected to devote more of his time for the Bills than has come to be the practice since then. During Mavalankar's time and up to the tenure of his successors Shri Ananthasayanam Ayyangar and Sardar Hukum Singh, most of the Bills used to be sent to the Select Committees or sometimes to the Joint Select Committees for detailed consideration before being subjected to clause by clause consideration. So, carefully considered observations were being allowed in the House during the (Preliminary, Second Reading. This practice has come to be overlooked in recent years, with the result that the House's special opportunity and ability to study in detail and consider the political and legislative aspects has come to be very much limited.

Mavalankarji used to discourage the tendency of the framers of the Bills to give wide scope for the administration to frame rules under various sections of the Bills, because he knew how dangerous it would be to let the administration gain powers behind the back of the Parliament or Ministers as it were. He used to charge the Special Parliamentary Committees elected for the consideration of such rules to be extremely cautious and conservative lest they should encroach upon parliamentary privileges, etc. Now that so many Bills have to be passed to create and empower an increasing number of Public Enterprises or Statutory Authorities to manage the ever expanding welfare activities of the Government, his exhortations have come to be highly important guidelines to the succeeding Speakers and their Secretariat. This later cursory examination of legislative proposals (Bills) may be partly due to the presentation of one or two amendments at a time to the existing laws. This helps the Government to get the Bills through more easily but is not conducive to a proper and full examination of the import of the amendments suggested. Surely Mavalankarji would not have allowed this manoeuvre. Private Members' Bills only serve the purpose of helping or prodding Ministers to realise the need to undertake either legislative or administrative steps in the direction suggested in such Bills. It is, thus, a fact that during Mavalankar's time, Parliament used to spare much more time for legislative work.

Speaker Mavalankar helped the Public Accounts Committee to attain a special importance in our parliamentary structure. His successors, notably Ananthasayanam Ayyangar, helped the emergence of the Estimates Committee and the Public Undertakings Committee. Both of them initiated the practice of appointing Parliamentary Committees for various aspects of parliamentary work such as the Committee on Subordinate Legislation to examine the rules and regulations framed by the Government under the rules making power given to administration to fill up the gaps in Bills and the Committee on Government Assurances to follow up the implementation of assurances given to Parliament by Ministers, and the like.

Of late, Ministers have begun to appoint members without the authority of Parliament or the Speaker as Chairmen of a number of Committees to supervise or administer the management of the growing number of *ad hoc* authorities to supplement or assist the working of various Public Undertakings. Indeed, such big conglomerate enterprises as Shipping, Coal, Mining, and different *ad hoc* Corporations are being allotted to members and such appointments smack of favouritism. Mavalankarji would never have allowed such developments, as they tend to weaken the impartial and independent status of a member.

In one important respect, the Rajya Sabha Rules provide an additional opportunity to members to elicit from Ministers whatever additional

information: so demanded by members after making their *suo motu* statements before the House. Such opportunities are, however, not available to members of the Lok Sabha. It is high time that the Rules are changed suitably to afford the same right and facility to members of the Lok Sabha too so that Ministers are obliged to answer questions and enlighten them and the public as to why such a governmental statement comes to be made, so that members are not deprived of such additional information.

The Committee on Government Assurances need to be energised more so that speedier responses are obtained from Ministers in regard to the assurances given to Parliament. Then alone will the administration be expected to respond more readily and willingly to the assurances volunteered by or extracted from Ministers.

There has been a radical change in the political character and social background of members during the past quarter of this century. More and more members have perhaps assumed political independence from the Gandhian-Nehruvian standards. So many more have arisen from rural and proletarian social background. There is, perhaps, some lack of urban cultural and political experience of debates and discussions with the awareness of the need for patience with the expression of differing perceptions and views.

Speakers who succeeded Mavalankarji and Ananthasayanam Ayyangar have had to be content with no more than seven to ten Starred Questions to be answered. So, the Question Hour has lost so much of its interest, both to the Press and the galleries, not to speak of the House. This fall in the political interest in the Question Hour is perhaps due to the growing weakness of the Chair and Ministers as well as the impetuous and inconsiderate soloism being displayed by some of the new class of members.

Allowing permission to move Adjournment Motions was much more of a serious issue in Mavalankarji's time. Members used to be so much more careful to press for such permission and the Speaker would allow it only on specially important issues. But, these days, even preliminary discussions are being allowed too frequently and too easily.

The most striking and exciting development is the emergence of the Zero Hour. Its growth and achievement of stability are not so much due to the inadequacy in the Rules of Procedure that were formulated in Mavalankar's time or observed by the members of those decades as to the growing weakness of the Ministries, unmanageability of members and the rising complexity of political atmosphere. It cannot be so much due to the insufferable and irrepressible urgency of day-to-day happenings. It is

to be kept in mind that there is the facility available to members of Rajya Sabha to make Special Mentions of any sudden or urgent need of the people or of an area or an institution for drawing the attention of Parliament and seeking special relief from the government. In the Lok Sabha, members can make use of the provisions of Rule 377 to raise matters of urgent public importance.

There is, however, one difference between the Zero Hour and raising of matters under Rule 377; the former takes the Minister by surprise and obliges the Minister concerned to attempt to respond to the points made by the members. Secondly, while a matter can be raised under Rule 377 by a particular member with the consent of the Speaker, in the case of the Zero Hour, effectively, any member can gain the attention of the Speaker without giving any previous notice. During the Ninth Lok Sabha, some regulations have been worked out regarding raising of matters during the Zero Hour. These are, however, yet to be formally incorporated in the rules.

If only Mavalankar had had to deal with this new pressure, he would have sensed the rising atmosphere and called a meeting of the Leaders of parties in his Chamber and would have helped them to extend the scope of the existing Rules to serve the main import of the Zero Hour facility. Unfortunately, the Zero Hour has grown into a veritable bugbear in our parliamentary practice leading to consequent loss of time available for legislative work. Mavalankarji, with his greater persuasive authority, would have certainly succeeded in ensuring that more time was available for legislative work. Anyhow, the Zero Hour has come to stay not only in Parliament but also in all State Legislative Assemblies and it threatens to swallow more and more time. We have to wait and see how members would keep order and help the public to understand their contribution to debating issues after the advent of the television.

On another plane, members of Parliament as well as the general public have been given the right to petition Parliament either for some very much needed legislation or against any Bill that is introduced in Parliament. I remember one instance when this right was used on a mass scale with very good effect. That was when lakhs of farmers (peasants) opposed the Seventeenth Amendment to the Constitution which was introduced on the initiative of no less a person than the then Prime Minister aided by the Law Minister. I had the honour of appealing to the peasants as a whole to protest against that Bill by sending "post-card petitions" each carrying as many as ten signatures or thumb-prints to the Secretary of Lok Sabha. I requested the Secretary to intimate every member every fortnight during the parliamentary recess and every week during the Session as to how many such post-cards from such and such constituencies were received.

This hitherto so much neglected parliamentary device placed in the hands of the public by Parliament was used by millions of peasants so effectively. The result was that so many members of the ruling party pleaded with Prime Minister Jawaharlal Nehru that though they were loyal and would certainly support his proposal, it would be best for him to so amend the proposed Bill as to exempt the millions of peasants owning holdings less than those holdings above the ceilings which they would all so gladly discourage and indeed prohibit or confiscate. That plea-legislative device against the unpopular Bill persuaded the Prime Minister to let the Joint Select Committee recommend the exemption of all holdings below the land ceilings from the mischief of that Bill. I had the honour of piloting the protest petition with the cooperation of the then Swatantra Party and the blessings of Rajaji.

I am also in favour of public meetings as well as mass representations for or against any proposal but it should not obstruct Parliament's proceedings. The leaders of such meetings ought to be satisfied with sending their five, ten or twenty representatives to the Speaker after their demonstrations at the Boat Club, if the meetings are held in New Delhi. It would then be the duty of the Secretariat to intimate all members about such representations and their subject matter, etc.

In the pre-independence days, there used to be Assembly Advisory Committees attached to all important Ministries which were empowered to make recommendations to the Ministers. Jawaharlalji wondered whether their continuance would not interfere with the Ministries, since parliamentary discussions would be much more useful. After a few years' of discussions, the Government agreed to have Consultative Committees elected by both Houses of Parliament. This compromise was in line with Mavalankar's advice.

During Mavalankar's Speakership, Parliament used to pay its homage to any member if he or she passed away while the House was in Session by allowing fellow members, especially Leaders of parties, to offer their tributes. Somehow, this wholesome practice is not being strictly observed now. It is said if and when any member feels impelled to speak, he should give notice and obtain permission. Presently, a brief mention is made by the Speaker detailing hardly anything more than what is stated in the 'Who is Who' of members. This is not so satisfactory; after all, a member holds such an eminent position in the public life of his constituency so as to get elected to Parliament. His obituary butes from fellow members regarding his services ought to be welcomed and allowed to be placed in the proceedings of Parliament, so that his contemporaries and succeeding generations would be able to cherish his public career. Now his memory is left to the mercy of the Press and others

outside Parliament to be appropriately recorded. Mavalankarji would not have allowed such a cursory treatment of his fellow members.

I have mixed feelings regarding the recent innovation of televising of the whole or parts of legislative debates in view of the rising tendency of a growing number of members departing from the urbane and responsible behaviour that held sway during Mavalankar's time. I wonder whether telecasting of the at times noisy and almost violent gestures and behaviour of some legislators would not weaken people's faith in democracy or might not encourage greater intolerance among people in their day-to-day discussions or debates. It is also possible that legislators may prefer to behave better and attend the Sessions more studiously and learn to emulate the sedate and Gandhian parliamentary behaviour that prevailed in Mavalankar's Parliament after seeing how unparliamentary they would make of themselves on the television and become the butt of the ridicule of college students and even school children, not to speak of the general mass of voters. It is quite possible that this. T.V. exposure may also persuade members to overcome their general tendency to be absent on so many occasions. The present unhealthy and unedifying experience of calling "Quorum Bells" too often may also become a thing of the past.

This innovation of T.V. exposure of parliamentary proceedings is fraught with a certain element of political risk. It is possible that the authorities concerned may come to be accused of being partisan with possible allegations of more, or at times less, publicity being given to the whole or parts of a debate, Ministers, Leaders, etc. The special correspondents of accredited newspapers have had to run such risks in the past and on several occasions, some of them have indeed exercised their privilege of noticing or ignoring certain speeches. The T.V., being an official agency, has to be extra-careful and avoid such possible criticism. It is, therefore, necessary as to when, if so, how far, either the Speaker or his Secretariat have to be entrusted with the responsibility of editing or approving or banning any portion or the whole of a particular debate or incident, etc.

The Anti-Defection Law has come to place the onerous duty of disqualifying a member on the Speaker—a development since the days of Shri Mavalankar. In order to discourage the evil practice of members changing their political affiliations, it has become necessary for our Legislatures to reconsider this matter and see how the Speaker can be helped to discharge his function, either by himself or with the aid or advice of a panel of Leaders of various groups within the Legislature. The

periodicity of the Conference of Speakers and Presiding Officers of Legislative Bodies in India assumes special importance in view of such problems which arise from time to time.

Ordinarily, the Speaker is not supposed to make any formal speeches in Parliament, except when tributes have to be paid to members on special occasions. But Mavalankarji initiated the practice of offering a few observations on some national issues on which he was convinced of the national consensus. This excellent practice has come to stay.

India has been an active participant in the activities of both the Inter-Parliamentary Union (IPU) and the Commonwealth Parliamentary Association (CPA) ever since the days of Speaker Mavalankar. I had the honour of being his colleague in the Ottawa Session of the Commonwealth Parliamentary Conference in 1952. Since then, there have emerged several other regional parliamentary forums. In all of them, the Speaker or the Deputy Speaker leads the Indian Parliamentary Delegation. He is expected to speak on foreign and economic policies of the country. Since he is generally aware of the policies and activities of the Government and attitude of Parliaments, he is able to present the consensus aspect of our country's democracy. The development of extra-parliamentary responsibilities of the Speaker are in harmony with the spirit of Mavalankar's conception of democracy. The Speaker of Lok Sabha holds periodic Conferences of the Speakers of States Assemblies and also of the Chairmen of such important Committees as the Financial Committees. They also meet the visiting Parliamentary Delegations from other Parliaments and expound the democratic achievements of India, etc.

During Shri Mavalankar's time, most of the speakers used to speak in English. But, by now, more than 50 per cent of the speakers speak in Hindi or their respective mother tongues. It is good that at least in Parliament, their speeches are being simultaneously translated into English and *vice-versa*.

The publication of Souvenirs and Volumes of important speeches and biographies of eminent Parliamentarians and special Monographs on important public issues by the Lok Sabha Secretariat needs to be wholeheartedly appreciated. These are after Shri Mavalankar's own heart. It will be good if the Legislative Assembly Secretariats of the States also publish similar brochures about prominent statesmen, Speakers and eminent legislators of the past and the present, who have made contributions to national and provincial public life, in and outside Parliament and Assemblies to inspire succeeding generations, especially to emulate their achievements and services.

The Parliament Library has been so well developed and many new books published in English and Hindi and in almost all the regional languages are added to its collection regularly. Yet, so much more can be done through the cooperation of librarians of the State Legislative Assemblies as also the publishers.

I feel that there is need to appoint one or two learned lawyers-cum-political scientists to work as Advisers to the Librarians. Their duty shall be to prepare necessary dossiers or files containing all available literature, records, reports of legislative and other Committees about the Bills given notice of for a Session and intimate the members of their preparation and availability in the Library. Members who take interest in and participate in parliamentary debates can thus be made aware of these and helped to consult such files. If and when members intimate their special interest in any Bill, relevant extracts or notes desired may be supplied to them to be quoted from or referred to in the debates. The Parliament Library and Reference, Research, Documentation and Information Service has been extending this service to members of Parliament. Similar services should be extended to the members of the State Assemblies also by the concerned Secretariats.

There should be a picture gallery of portraits in every Legislature. The portraits of all Speakers, Prime Ministers or Chief Ministers, recognised Leaders of Opposition and senior M.P.s or M.L.As of ten or more years of tenure should be displayed in it. This may be situated quite close to the Parliamentary or Legislative Library. Here again, the Parliamentary Museum and Archives (PMA) has made a good start which should be emulated by the State Assembly Secretariats.

Parliament has deservedly been honoured by the Government by constructing and especially naming a well equipped public Hall as the Mavalankar Hall within the spacious Complex named after the earlier Speaker Vithalbai Patel very near to the Parliament House. I am specially happy that parliamentarians and other distinguished leaders celebrated my decades' long membership of devotion to Parliament and parliamentary way of life since 1930 in just this very distinguished Mavalankar Hall and Shri P.V. Narasimha Rao, at present our Prime Minister who was then External Affairs Minister, presided over the meeting.

Over the years, the Lok Sabha has become much more boisterous inviting criticism from various quarters. The need of the hour is for members of Parliament to realize the gravity of the situation and continue to strive in their endeavours so that this supreme institution discharges its duties in the best interests of the nation. Only then could the Parliament

be an example to the State Legislative Assemblies and all other representative institutions in the country. And that would, perhaps, be the best tribute to the memory of the 'Father of the Lok Sabha', Dada Saheb Mavalankar.

ANTI-DEFECTION LAW AND JUDICIAL REVIEW

K.N. SINGH

The practice of defection is a natural adjunct of party democracy. In this sense, it is as old as the party system itself. The phenomenon of defection which had started as a process of legitimate and natural polarisation of social and political ideas and interests gradually turned into a method of changing political affiliations for power and at times, perhaps, for financial gains. It may be seen that the democratic polity in India was put to severe strain as a result of repeated and unprincipled changes in party loyalties. The practice of such unprincipled defection acquired serious proportions in the country only after the Fourth General Elections held in 1967 which did not provide the requisite majority for any political party to form governments on their own in different States. Such a situation provided a fertile ground for the seed of defection to have a luxuriant growth. Naturally, the dimensions of the politics of unbridled defection and its impact on the party position in different State Legislatures had a destabilising effect on the governments in these States.

Prior to 1967, defections were infrequent and shifting of political affiliations was resorted to only for honest and genuine reasons. Till then, in the history of independent India, less than 500 cases of defection were reported, mostly at the State level. Most of those who left their parties were guided by their conscience and had no lure of office. They did not intend to get any return for their sacrifices made during the freedom struggle. Acharya J.B. Kripalani, Narendra Dev, C. Rajagopalachari, P.D. Tandon, Ashok Mehta, Jayaprakash Narayan and many others were always guided by public morality and value-based political behaviour when they decided to leave the Congress Party. It was only on ideological grounds than for extraneous considerations.

But, in the second half of the sixties, the politics of defection came to acquire threatening dimensions. According to one survey for the years 1967-71, out of 3,500 legislators, more than 500 were found to have staged defections at one time or the other. Subsequent to the mid-term poll in 1971, the practice of to and fro defections touched perilous dimensions. In 1979, the Government of Morarji Desai fell due to a substantial number of members of Lok Sabha leaving the Janata

Parliamentary Party. During the period following the 1980 poll, defections again became quite pronounced. Governments fell due to unbridled defections in different States. It is interesting to note that between 1967 and 1983, about 2,700 defections were recorded and of these, some 15 members eventually became Chief Ministers, 212 occupied ministerial offices and a sizeable number of them came to head various statutory corporations or other like bodies.

Parliament's concern for the need to curb the malady of defection was reflected for the first time when a resolution seeking to set up a high-level Committee to look into the problem and make recommendations was passed unanimously by the Lok Sabha on 8 December 1967. Accordingly, the Government constituted a Committee under the Chairmanship of the then Union Home Minister, Shri Y.B.Chavan. The Committee, among others, consisted of Sarvashri Jayaprakash Narayan, H.N. Kunzru, C.K. Daphtary, M.C. Setalvad, M. Kumaramangalam, Madhu Limaye, Bhupesh Gupta and Ram Subhag Singh. The Committee, after going into the problem in detail, placed its report before the two Houses of Parliament on 28 February 1969. The Committee recommended, *inter alia*, that the political parties themselves should arrive at a common code of conduct for themselves; a member should be bound to stick to the party under whose aegis he won the election; defectors should not be appointed as Prime Minister or Chief Minister; and there should be a ceiling on the size of Ministries. In pursuance of the recommendations of the Committee, a draft legislation on the subject was prepared by the Government. The draft proposal, however, could not be brought before Parliament due to one reason or the other.

Four years later, in order to give effect to the recommendations of the Committee, the Government introduced the Constitution (Thirty-Second Amendment) Bill, in the Lok Sabha on 16 May 1973. The Bill was referred to a Joint Committee of the two Houses of Parliament. Before the Committee could report back to the House, the Lok Sabha was dissolved in 1977. In 1978, when the Janata Party came to power, yet another attempt was made to bring forward a Bill seeking to ban defection. But the Bill was opposed even at the introduction stage.

Ultimately, it was the Congress Government under the leadership of the Late Shri Rajiv Gandhi which succeeded in getting a law passed in 1985 by Parliament which sought to put an end to the evil of defections. The Government introduced the Constitution (Fifty-Second Amendment) Bill in the Lok Sabha on 24 January 1985. The Bill was discussed and passed on 30 January 1985. The Rajya Sabha passed it the next day. The Bill, as passed by both the Houses of Parliament, was assented to by the President of India on 15 February 1985.

Anti-Defection Law

The Constitution (Fifty-second Amendment) Act, 1985, apart from amending different articles relating to disqualification of members, added the Tenth Schedule to the Constitution which contains conditions of disqualification on grounds of defection. It provides, *inter alia*, that an elected member of Parliament or a State Legislature shall be liable to disqualification on grounds of defection if he decides to voluntarily relinquish membership of his original party or abstains from or votes in the House against the direction of such party. The acts of voting against the whip or abstention, however, will not attract the provisions of anti-defection law if these acts are condoned by the party within 15 days of such happenings.

Anti-defection law provides that the disqualification on the ground of defection shall not apply in the cases of 'splits' in and 'mergers' of the Legislature Parties. For this purpose, a 'split' will be deemed to have occurred when a group of members consisting of not less than 'one-third' of the total membership of a Legislature party either breaks away from their original party or abstains from voting or vote against the whip issued by the party. Similarly, 'merger' will be treated to have taken place if, and only if, not less than 'two-thirds' members of a Legislature Party breaks away from the original party and decides to merge with another party or opts to function as a separate group in the House.

The Tenth Schedule provides some exemption in this regard to certain classes of members. For example, a nominated member cannot be disqualified on the ground of defection, if he joins any political party within six months of his nomination as a member. Interestingly, an Independent member elected to the House has not been provided any such immunity. He will be liable to be disqualified under this law if he decides to join any political party after his election to the House.

Persons who have been elected to the office of Speaker, Deputy Speaker or the Deputy Chairman shall not be disqualified under this Act, if by reason of their election to such office, they voluntarily give up the membership of the political party to which they belonged immediately before such election and do not, so long as they continue to hold such office thereafter, rejoin that political party; or if they, having given up by reason of their election to such office their membership of the political party to which they belonged immediately before such election, rejoin such political party after they cease to hold such office.

The most important provisions in the anti-defection law are those contained in paragraph 6 and 7. Paragraph 6 states that all the questions of disqualification under the Act shall be referred to the Speaker/Chairman and their decision shall be final. In case the Speaker/Chairman himself becomes subject to such disqualification, the matter shall be referred to such member of the House as the House may elect in this behalf and his

decision shall be final. Another significant point contained in the Tenth Schedule is that all proceedings in relation to disqualification of a member under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or article 212 as the case may be. Article 122 provides that validity of any proceedings in Parliament shall not be questioned in any court of law on the ground of any alleged irregularity of procedure. Article 212 accords similar immunity in the case of proceedings of the State Legislatures.

Paragraph 7 of the Tenth Schedule contains a provision of far-reaching significance as far as the relation between the Legislature and the Judiciary is concerned. This paragraph bars the jurisdiction of courts in respect of any ruling and order of the Speaker/Chairman issued in connection with the disqualification of a member of the House under this Act.

Ever since the law came into force, doubts were raised as to the success of the law. It was argued that it is not an anti-defection but an 'anti-dissent' Act because it prohibited free and frank expression of opinions in the House by compelling a member to vote in a particular way, even if he individually disagreed with such measures. Therefore, any law which curbed or took away a member's right to take part freely in the proceedings of the House went against the spirit of participatory democracy, it was contended. A member, it was argued further, is an elected representative of the people and not of a party. Logically, a member's loyalty should be first to his constituents rather than to his party. A member while voting in the House, therefore, should be guided more by the interest of his constituents than anything else.

Similarly, the law has been described by some as the "bulk-defection Act" which, while putting a check on defection by individual members, allows defection by members *en masse* because 'splits' and 'mergers' as mentioned above, do not attract the provisions of the anti-defection law. Experience shows that splits have been engineered by a group of members for ulterior motives both at the Union and State levels.

The provision of debarring the jurisdiction of courts from the cases decided by the Speaker/Chairman has proved to be the most controversial one. It was feared that Speakers being political persons cannot be expected to keep themselves aloof from political considerations while deciding the cases under the anti-defection law. In India, Speakers generally do not formally sever their political connection after being elected. Ironically, they have to depend upon a party to get them elected the next time as they are not elected unopposed as is the practice in Britain. It is perhaps, natural, therefore, if their decisions get influenced by their political loyalties.

In several cases of defection which have come up in different States from time to time, the decision of Speakers have generated unseemly

controversies. They have given different and sometimes contradictory decisions even in similar cases. In one case, the Speaker himself was involved in the defection Act. In another case, while a Speaker was removed from his office after he disqualified some members, the succeeding Speaker requalified them just after taking over the office. In yet another bizarre case, some members were disqualified only to be requalified by the same Speaker the next day. It has also been seen that Speakers have given different rulings in similar cases of defection in different States. In such cases, the Speakers' decisions have been questioned and motives imputed by the concerned parties that such decisions were not fair. Another area where the Speaker's decisions have given rise to a lot of controversy is the practice of informing the Speaker of expulsion of some members from the party. This tactic has been adopted by party leaders to expel potential dissenters and request the Speaker/Chairman to declare them as 'unattached' in order to render it more difficult for the rest of them to manage a split and claim immunity from the provisions of anti-defection law.

Validity of the law

The decisions of the Speakers, Chairmen on disqualification had been challenged in different High Courts through different petitions. The Punjab High Court even declared paragraph 7 as invalid in one of its judgements on this law. When the matter of defection involving Janata Dal MPs was brought to the notice of the Court, it was decided to transfer all the petitions pending before various High Courts to the consideration and decision of the Supreme Court. As a result, the Supreme Court constituted a five-member Constitution Bench to consider the bunch of petitions relating to defection.

The Constitution Bench, in its majority judgement, upheld the validity of the Tenth Schedule rejecting all the argument that it was against the basic structure of the Constitution; that it took away members' right to freedom of speech and expression in the House; that it was undemocratic and unconstitutional, etc. It, however, declared para 7 of the Schedule as invalid because it was not ratified by the required number of Legislatures of States as it brought about in terms and effect a change in articles 136, 226 and 227 of the Constitution. It may be noted that while so doing, the majority treated paragraph 7 as a severable part from the rest of the Schedule.

As regards the judgement, two important points can be noticed as far as the relation between the Legislature and judiciary is concerned. First, a part of the 52nd Constitution Amendment was held invalid as the Legislature did not follow the procedure for amending the Constitution contained in article 368. Secondly, the decision of the Speakers/Chairmen under the Tenth Schedule was amenable to judicial review as they act as a 'tribunal' while deciding the cases on the ground of defection. It may be

interesting to note that the Court restricted the scope of judicial review by proclaiming that it would not cover any stage prior to the making of a decision by the Speaker/Chairman. The only exception for making an interim order would be cases of interlocutory disqualifications or suspensions which may have grave, immediate and irreversible repercussions and consequences, the majority of the judges pointed out. Another significant point to be noted in their judgement was that the Court affirmed that the order of Speakers/Chairmen was open to judicial review if it involved allegation of mala fides, non-compliance of rules of natural justice and perversity.

The judges rejected the contention that the investiture of adjudicatory functions on the Speakers or Chairmen would by itself vitiate the provisions on the ground of likely political bias. "The Chairmen or Speakers hold a pivotal position in the scheme of parliamentary democracy and are guardians of the rights and privileges of the House. They are expected to and do take far-reaching decisions in the functioning of parliamentary democracy. Vestiture of power to adjudicate questions under the 10th-Schedule in such constitutional functionaries should not be considered exceptionable", the Court said.

The noticeable feature of the majority opinion is that the Court has left open the question whether Parliament's decision to debar the judicial review in anti-defection cases is unconstitutional or not. In other words, the Court, while asserting its right to judicial review, has skirted the issue of judicial review being a part of the basic structure of the Constitution. It appears that having struck down the part affecting the Court's right to judicial scrutiny on the ground of non-ratification, the Court has put off the consideration of the basic structure issue to some future day.

The verdict of the Supreme Court is likely to have the potential for setting the Judiciary and the Legislature on a collision course. A healthy working of any system is ensured by autonomy of all the branches of the Government. No one should encroach upon the powers of the other. While judiciary should not try to impair the prerogatives of Parliament, Parliament should also respect the Court's right to ensure rule of law and natural justice.

In the light of the recent Supreme Court verdict, therefore, there is a strong case for reviewing the anti-defection law. While the decision may appear to impinge upon the independence of Legislatures, it also underlines the fact that some of the questionable decisions of the Speakers/Chairmen in certain cases had invited the Court's interference in this regard. The need, therefore, is to devise a method which, while respecting the Legislature's superiority, minimises the scope for arbitrary and motivated decisions in the cases of disqualification on grounds of defection.

The matter was considered by an emergent meeting of the Presiding Officers of both the Houses of Parliament and those of the State Legislatures in New Delhi on 11 February, 1992. The Presiding Officers took a very mature and sound stand on the relation between the legislature and the judiciary while deliberating on the issues. They were unanimous that the Court's decision should be respected. But, at the same time, the authority of Speakers/Chairmen to conduct the business of the House should not be made amenable to judicial scrutiny. They, however, were of the view that there should be provisions for an appeal against the decisions given by the Presiding Officers. For that, an authority should be identified or created which could review the decision given by the Presiding Officers. The authority could be the President or the Governor as the case may be or a body of Speakers and other persons. They further held that the anti-defection law should be amended to remove the infirmities and ambiguities noticed in it.

There is a need to have these suggestions thoroughly debated by parliamentarians, jurists, journalists and the general public before arriving at a solution which could do away with the drawbacks in the law to the maximum possible extent. It may be borne in mind that no solution is going to be complete in this regard. Sometimes, in such cases, remedy itself becomes worse than the disease. Defection is an ethical problem having political consequences. It would not be easy, therefore, to tackle the problem on the legal plane only. Keeping these facts in mind, the forthcoming Conference of Presiding Officers of the Legislative Bodies in India to be held in May this year in Gandhinagar may arrive at some final decision to be adopted by them individually for a harmonious functioning of our parliamentary democratic system.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

86th Inter-Parliamentary Conference: The 86th Inter-Parliamentary Conference was held in Santiago (Chile) from 7 to 12 October, 1991. The Indian Delegation to the Conference was led by Shri Shivraj V. Patil, Speaker, Lok Sabha. Other members of the Delegation were Dr.(Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha, Sarvashri Kashiram Rana, Peter Marbaniang, A.C. Das, S.B. Sidnal and Mentay Padmanabham, all members of the Parliament. Shri K.C. Rastogi, Secretary-General, Lok Sabha, was the Secretary to the Delegation.

The Conference discussed and adopted Resolutions on the following subjects:

- (a) Human Development-Economic Growth and Democracy: The role of Parliaments in ensuring the necessary link between freedoms, citizen involvement, economic growth and social investments.
- (b) Development of measures to prevent and intervene against genocide through international cooperation within the framework of competent international bodies such as the United Nations.
- (c) The role of Parliaments in supporting efforts to achieve a greater liberalization of international trade, in particular through a successful conclusion of the Uruguay round (placed on the Agenda as supplementary item).
- (d) Parliamentary support to democratic institutions in Haiti (placed on the Agenda as emergency supplementary item).

Besides, the Conference devoted three sittings to the "General Debate on the Political, Economic and Social Situation in the World" in which 100 Speakers took part.

PARLIAMENTARY DELEGATIONS VISITING INDIA

European Parliamentary Delegation: In response to an invitation from the Parliament of India, an 18-member European Parliamentary Delegation, led by Mr. George Stevenson, Chairman of the South Asia Delegation of the European Parliament, visited India from 5 to 11

November, 1991. The Delegation called on Shri Shivraj V. Patil, Speaker, Lok Sabha, who later hosted a banquet in their honour on 6 November, 1991. A meeting between the Delegates and members of the Indian Parliament was held on the same day. The Delegation also called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha, Shri P.V. Narasimha Rao, Prime Minister, Shri S.B. Chavan, Minister of Home Affairs, Dr. Manmohan Singh, Minister of Finance, Shri Ghulam Nabi Azad, Minister of Parliamentary Affairs and Shri L.K. Advani Leader of the Opposition in the Lok Sabha.

Maldives: In response to an invitation from the Parliament of India, a 5-member Maldivian Parliamentary Delegation, led by His Excellency Mr. Ahmed Zaki, Speaker of the Citizens' Majlis of Maldives, visited India from 16 to 23 November, 1991. On 19 November, 1991, the Delegation called on Shri Shivraj V. Patil, Speaker, Lok Sabha, who later hosted a banquet in their honour on 20 November, 1991. A meeting was also held between the Delegation and members of the Indian Parliament. The Delegation called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha, on 20 November, 1991. The Prime Minister Shri P.V. Narasimha Rao also met the Delegation over dinner on 19 November, 1991. The Delegation called on Shri Ghulam Nabi Azad, Minister of Parliamentary Affairs, on 19 November, 1991. Besides Delhi, the Delegation visited Trivandrum and Agra.

Jordan: In response to an invitation from the Parliament of India, a six-member Jordanian Parliamentary Delegation, led by Dr. Sa'ad Botross Haddadin, M.P., visited India from 5 to 12 December, 1991. The Delegation called on Shri Shivraj V. Patil, Speaker, Lok Sabha, on 5 December, 1991 who hosted a banquet in their honour later in the evening. A meeting was held between the Delegates and Members of the Indian Parliament on the same day. On 5 December, 1991 the Delegation called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha. The Delegation also called on Shri Ghulam Nabi Azad, Minister of Parliamentary Affairs and Shri Madhavsingh Solanki, Minister of External Affairs on 6 and 10 December, 1991, respectively. Besides Delhi, the Delegation visited Bangalore, Mysore and Agra.

Birth Centenary of Dr. B.R. Ambedkar: To mark the birth centenary of Dr. B.R. Ambedkar, a meeting of members of Parliament was held under the auspices of the Indian Parliamentary Group (IPG) on 26 July, 1991 in Parliament House Annexe, New Delhi. Shri Shivraj V. Patil, Speaker, Lok Sabha, presided over the function. Shri Sitaram Kesri, Minister of Welfare, Dr.(Km.) Girija Vyas, Deputy Minister in the Ministry of Information and Broadcasting, Shri P. Shiv Shanker, Shri Sudarshan Ray Chaudhuri, Shri S.P. Gautam, Shri Mukul Wasnik, Shri Ram Vilas Paswan, Shri Inderjit, Shri Satya Narayan Jatiya and Smt. Renuka Chowdhury, all members of Parliament, and Shri Yogendra Makwana, former member of Parliament, also spoke on the occasion and paid rich tributes to

Dr. Ambedkar. A Monograph on Dr. B.R. Ambedkar (both in Hindi and English), highlighting his services to the poor and the downtrodden and to the nation as chief architect of our Constitution, was also released on the occasion by Shri Shivraj V. Patil. The Monograph was brought out by the Research and Information Division of the Lok Sabha Secretariat in the "Eminent Parliamentarians Monograph Series".

Lectures on India's Freedom Struggle: To mark the birth centenary of Dr. Ambedkar, under the joint auspices of the IPG and the Parliamentarians Group on the Birth Centenary of Dr. B.R. Ambedkar, a series of lectures on "A Panoramic View of Indian Freedom Struggle" was delivered by Dr. N.G. Rajurkar, Professor, Osmania University, on 2,3,5 and 6 December, 1991 at the Parliament House Annexe. The lectures, presided over by Shri Shivraj V. Patil, Speaker Lok Sabha were attended by Union Ministers, Presiding Officers, Members of Parliament, journalists, academics and eminent personalities.

Birth Anniversary of Shri Rajiv Gandhi: To mark the birth anniversary of late Shri Rajiv Gandhi, a meeting of members of Parliament was held under the auspices of the IPG on 20 August, 1991 in the Parliament House Annexe, New Delhi. The meeting was presided over by Shri Shivraj V. Patil, Speaker, Lok Sabha. Dr. (Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha, Shri Arjun Singh, Minister of Human Resource Development, Shri Jaswant Singh, Smt. Geeta Mukherjee, Shri Mohan Singh, Shri Saifuddin Chodhury, Shri Kadambur M.R. Janardhanan, Shri Inderjit and Shri Sobhanadreeswara Rao Vadde, all members of Parliament, and Shri Piyare Lal Handoo, former Member of Parliament, spoke on the occasion and paid rich tributes to Shri Rajiv Gandhi.

Release of Monographs on Eminent Parliamentarians: As decided by the Executive Committee of the IPG, the Lok Sabha Secretariat has been bringing out Monographs/Books on eminent Parliamentarians to commemorate their contribution to the strengthening of Parliamentary Institutions in the country. Three such Monographs on the lives and works of Dr. C.D. Deshmukh, Shri Jaisukh Lal Hathi and Shri V.K. Krishna Menon were released by Shri Shivraj V. Patil, Speaker, Lok Sabha, at a function held in the Parliament House Annexe, on 26 November, 1991.

Unveiling of Portrait of Shri M.A. Ayyangar: To mark the birth centenary of Shri M. Anathasayanam Ayyangar, the second Speaker of Lok Sabha, a function was held in the Central Hall of Parliament House on 9 December, 1991. Glowing tributes were paid to the memory of Shri Ayyangar at the function. The President of India, Shri R. Venkataraman, unveiled the portrait of Shri Ayyangar in the Central Hall. The Vice-President of India and Chairman, Rajya Sabha, Dr. Shanker Dayal Sharma, Prime Minister Shri P.V. Narasimha Rao and the Speaker Lok Sabha, Shri Shivraj V. Patil, also addressed the gathering.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 October to 31 December, 1991, the following programmes/Courses were organised by the Bureau of Parliamentary Studies and Training (BPST).

Appreciation Programme in Computer Awareness for Members of Parliament: A ten-day Appreciation Programme in Computer Awareness for Members of Parliament was organised in collaboration with the Department of Electronics and the CMC Ltd. in Hindi and English from 27 November to 10 December, 1991 and 11 to 24 December, 1991, respectively.

The objective of the programme was to introduce the participants to the fundamental concepts of the Computer. The course sought to make the participants aware of the potential and limitations of the Computers and to familiarise the participants with the concepts of Personal Computers (PCs). It also sought to introduce them to popular PC-based software packages such as Word Star, Lotus and D-Base. The course stressed on the potential of Graphic Indian Script Technology (GIST) and its relevance in terms of using Indian languages in Computers. The participants were also given practical training on Computers.

Orientation Programme for Members of Andaman and Nicobar Pradesh Council: An Orientation Programme for Members of the Andaman & Nicobar Pradesh Council was organised by the BPST at Port Blair from 11 to 15 November, 1991. The Programme was inaugurated by Shri K. Kandaswamy, the seniormost Counsellor of the Andaman & Nicobar Pradesh Council. Shri Manoj Kumar Paridha welcomed the participating members. The Valedictory Address was delivered by Shri N. Vasudevan, Counsellor, Andaman & Nicobar Pradesh Council.

Seventh Training Programme in Legislative Drafting: The Seventh Training Programme in Legislative Drafting began on 26 November, 1991 and is scheduled to conclude on 20 February, 1992. The Programme is being attended by five foreign participants and one officer from the Rajya Sabha Secretariat. The Programme was inaugurated by Justice H.R. Khanna, former judge of the Supreme Court of India. After the lecture Session, participants are being given weekly assignments by the Course Director, Shri P.M. Bakshi. This is followed by an attachment of the participants with the Maharashtra Legislative Assembly Secretariat for on-the-job practical training.

Appreciation Courses for Probationers of All India and Central Services and Officers of Government of India: The following Appreciation Courses were organised by the BPST for Audit Officers of the Indian Audit & Accounts Department from 1 and 3 October 1991; 7 to 11 October 1991; and 2 to 6 December 1991; for probationers of IRTS, IRSE and IRSME from 28 October to 1 November and 9 to 13 December 1991; for MD

students of the National Institute of Health and Family Welfare and ICPS Fellows from 16 to 20 December, 1991; and for IPS Probationers from 20 to 27 December 1991.

Attachment Programmes for Officers of State Legislature Secretariats : At the request of the Secretary, Himachal Pradesh Vidhan Sabha Secretariat, an Attachment Programme for two officials of that Secretariat was organised by the BPST from 8 to 11 October 1991 to enable them to study the budget and payment system in the Lok Sabha Secretariat.

At the request of the Secretary, Karnataka Legislature, an Attachment Programme for an Internal Financial Advisor of that Secretariat was also organised by the BPST from 21 to 25 October, 1991 to enable him to study the various facilities available for members of Parliament.

Study Visits: At the request of various training and educational institutions in New Delhi and elsewhere, the BPST organised thirteen Study Visits as under: (i) Students of Sardar Patel Vidyalaya, New Delhi; (ii) Students of N.B. Thakur Law College, Nasik; (iii) Dayal Singh College, New Delhi; (iv) Teachers of the Academic Staff College, and the Jamia Millia Islamia, New Delhi; (v) Probationers of IRSEE Service; (vi) Sales Tax Officers of various Sales Tax Departments of States; (vii) Judges attending a programme at the Institute of Criminology and Forensic Sciences; (viii) Officers of Developing Countries attending a Training Programme at ISTM; (x) Officials of the Bangladesh Election Commission; (ix) Senior Lecturers attending a Refresher Course at the JNU Academic Staff College; (xi) Students of the University of Burdwan; (xii) Journalists attending a Programme at the IIMC; and (xiii) Students of Journalism of the IIMC.

PRIVILEGE ISSUES

STATE LEGISLATURES

GOA LEGISLATIVE ASSEMBLY

Alleged casting of aspersions on the Speaker by a member: On 13 February, 1991, Shri A.N. Naik, a member, gave notice of a question of privilege against Dr. Wilfred D'Souza, another member, for allegedly casting aspersions on the Speaker's decision on the disqualification issue as reported in the *The Navhind Times* in its issue dated 12 February, 1991 under the caption "WILLY LAMBASTS SIRSAT'S DECISIONS". Shri Naik took objection to the following lines in the news item which were alleged to have been made by Dr. Wilfred D'Souza:

"The disqualification of the Members by the Speaker has been stayed by Court. The Speaker's decision was arbitrary and we do not agree with it".

On 27 March 1991, the Speaker read out to the House the notice of question of privilege given by Shri A.N. Naik and observed that before giving consent to the matter, as required under the second proviso to Rule 73 of the Rules of Procedure and Conduct of Business, a hearing to the member concerned was granted. Accordingly, an explanation was received from the member, Dr. Wilfred D'Souza. After carefully going through the notice of breach of privilege received from Shri A.N. Naik, as well as the written reply received from Dr. Wilfred D'Souza, he observed that the Speaker being a symbol of the House, it was for the members to keep the dignity of the office of the Speaker and the dignity of the House as a whole. While agreeing to the explanation submitted by Dr. Wilfred D'Souza, the Speaker stated that while in a democracy everyone was entitled to give his opinion, the member should take care while giving expression to his ideas that the prestige of the House or of the Presiding Officer was in no way lowered, because the member was himself a part and parcel of the system. He observed further that in future, when there was any occasion in which the member was of the opinion that the Speaker had erred or wanted to disagree with him, he might meet him in his Chamber and make submission so that the decision of the Speaker did not become a matter of publicity or controversy, which would go against

maintaining the decorum of the House and prestige of the office of the Speaker. He also pointed out that while replying or making submission to the Speaker or the Legislature Department, members should use courteous language.

Considering the issue in totality and its background, the Speaker withheld his consent for raising the issue as breach of privilege and contempt of the House.

Alleged casting of reflections on a House Committee by a Minister: On 24 June 1991, Shri A.N. Naik, a member, gave notice of a question of privilege and contempt of the House against Shri Suresh Parulekar, the Minister for Industries, for allegedly casting reflections on the House Committee in an interview given to a journalist which was reported by *The Navhind Times* in its issue dated 22 June 1991.

Shri Naik stated *inter alia* that Shri Parulekar had insinuated in the said interview that the Report to the House Committee on "Nylon 6,6" was "highly politically motivated." He further stated that any Committee, appointed either by the House or its Presiding Officer automatically assumed the position of a mini-House with the same powers, duties and responsibilities and hence, contempt of any Committee automatically resulted in direct contempt of the House. Shri Naik observed that the Minister or any other member of the public was free to agree or disagree with the findings of a Committee, but he had no business either to attribute motives or to make insinuation of any nature. Such an act would simply amount to committing contempt of the Committee, and thereby of the House, as a whole. By passing the remarks that the House Committee on "Nylon 6,6" was 'highly politically motivated' the Minister Shri Suresh Parulekar was not only sitting on judgement but was clearly attributing motives and insinuating the members of the said Committee appointed by the House, with *mala fide* intentions.

On 25 July 1991, the Speaker, after reading out to the House the text of the notice of the question of privilege given by Shri A.N. Naik, and the comments thereon of Shri Suresh Parulekar, Minister for Industries, observed as follows:

"In the instant case the Minister insinuated that the Report of the House Committee on Nylon 6,6 was "highly politically motivated".

The Report was the outcome of the proceedings of the Committee appointed by the House and as such deserved due respect to it.

According to 'Law of Parliamentary Privileges' by Pachauri (Page 214)—

'No reflection can be made by anybody on the recommendations of a Parliamentary Committee. The Committees are entitled to the same respect as Parliament. Therefore, if anybody casts reflection

on the decisions or conduct of the Committee it is a breach of privilege of the House'."

The Speaker pointed out that in his explanation, Shri Suresh Parulekar, Minister for Industries had expressed that his main idea was to improve the economy of the State of Goa as well as to solve the grave unemployment problem facing the State. According to Shri Parulekar, his personal feelings after reading the Report on "Nylon 6,6" was that there had been an over-emphasis on the problems of pollution and procedural aspects. Due to technological advancement, the problems of pollution could be controlled and the procedural aspects could also be streamlined by enforcing discipline and adopting proper systems so that industries would be allowed to function smoothly. He, however, had stated that he did not have any intention of maligning the Committee or the Report of the Committee and that he always had high respect for democracy and the various institutions of democracy. He had expressed his regrets if any of the members of the Committee was hurt by his statement. The Speaker then observed that the Minister, while referring to the Report as 'highly politically motivated' should have kept in mind that the report was the outcome of the proceedings of the Committee appointed by the House and nobody could attribute motive to the action of the Committee. He also observed that the Minister for Industries should have refrained from making remarks that would mark the dignity and prestige of the Committee.

However, in view of the regrets expressed by the Minister, the Speaker withheld his consent to the raising of the matter in the House as a question of privilege and contempt of the House.

Alleged casting of aspersions on members by a Government Officer : On 25 July, 1991, the Speaker informed the House of the receipt of a notice of question of privilege and contempt of the House given by Shri P.R. Rane, a member, against Shri Daya Shankar, Additional Collector of Customs, for allegedly casting aspersions on members of the House in a Press Conference by alleging that two members from Saloete (without naming them) were agents of smugglers which was reported by the *Navprabha*, a Marathi daily, in its issue of 11 June 1991.

The Speaker observed that in order to constitute a breach of privilege, a libel upon a member of Parliament must concern his character or conduct in his capacity as a member of the House and must be 'based on matters arising in the actual transaction of the business of the House.' Reflections upon members otherwise than in their capacity as members would not, therefore, involve any breach of privilege or contempt of the House.

On a similar consideration, defamatory words against a particular section of the House or against a particular party in the House were not treated as constituting a contempt of the House, since the whole House was not affected.

In the instant case, no member had particularly been accused. Secondly, the issue did not base on matters arising in the actual transaction of the business of the House.

Finding that there was no *prima facie* case of question of privilege and contempt of the House, the Speaker withheld his consent to the raising of the matter as a question of privilege on the floor of the House.

Alleged misconduct by two Ministers in the House: On 26 July, 1991, Sarvashri S.V. Sirsat and M.A. Amshekar, members, gave a joint notice of question of privilege against the Minister for Legislative Affairs Shri Luizinho Faleiro and the Minister for Official Language Shri Vinay Kumar Usgaonkar for their alleged misconduct in the House by attempting to subvert the democratic process on 25 July 1991.

Sarvashri Sirsat and Amshekar stated, *inter alia*, that on 25 July 1991, during the half-an-hour discussion, it was noticed that Shri Luizinho Faleiro, Minister for Legislative Affairs, had called the members and Ministers of the ruling Party out of the Assembly. As a result, all the members of the ruling Party, including the Ministers, went out of the House, whereby there was not a single member from the ruling side in the House. The Minister concerned was supposed to reply to the points raised during the half-an-hour discussion. Going out of the Assembly by the Minister concerned as well as calling of the members and the Ministers out of the Assembly was a very deplorable attempt to subvert the democratic process. Shri S.V. Sirsat, first signatory to the notice, further stated that he would like to raise a question of privilege against Shri Luizinho Faleiro, Minister for Legislative Affairs, whose job was to maintain smooth working of the Assembly as well as to maintain quorum which he purposefully thwarted and against the Minister for Official Languages Shri Vinay Kumar Usgaonkar, who left the House and came only when there was a commotion.

On 29 July, 1991, the Speaker observed in the House that in the instant case, the notice of half-an-hour discussion was admitted and slated for 25 July 1991. The list of the business had been circulated to all the members and the Ministers of the House. They were all aware of the half-an-hour discussion that was to be held.

The Speaker stated that during the initial stages of the half-an-hour discussion, the Minister-in-charge, Shri Vinay Kumar Usgaonkar was present. However, later on, at a certain stage he was not present in the House. At this juncture, no one from the ruling Party was present in the House. Thereafter, when there was some commotion in the House, he came back to the House.

Further, Shri Luizinho, Minister for Legislative Affairs, had been alleged to have called all the Ministers and members of the ruling Party outside the House. The Speaker observed that any member might leave the House whenever he would like, provided there was quorum in the

House. Even if members left the House, they were acting on their own free will and nobody had compelled them to go out.

Citing from 'Practice and Procedure of Parliament' by Kaul and Shakhder (page 844) as regards presence of Ministers in the House, the Speaker observed as under:

There is no rule which provides that Ministers must be present in the House during its proceedings. The Speaker also has no power to enforce the attendance of any particular Minister in the House. But certain conventions regarding the presence of Ministers in the House have developed as a result of observations made by the Speaker from time to time under his inherent powers. It is now an established convention that on important occasions like Question Hour, discussion on the Budget or the President's Address or the motion regarding international situation, concerned Ministers are required to be present in the House as far as possible. On other occasions, the Minister or Minister-in-charge of the business before the House are required to be present. The Speaker has, however, made observations from time to time that Ministers in charge should be present when business relating to their Ministries and Departments directly or indirectly, is before the House.

Giving his ruling, the Speaker observed that the incident which occurred on 25 July 1991 was not a healthy one. He would not want this to occur again. The Ministers and members should take serious note that the business before the House be taken very seriously and the decorum and discipline of the House were maintained. In the light of above, the Speaker withheld his consent to raise the question of breach of privilege.

FOREIGN LEGISLATURES

SENATE (AUSTRALIA)

Alleged harassment of a witness by a Government Officer for giving evidence before a Parliamentary Committee: On 8 December 1988, Mr. Black, a member of the Senate, while presenting a report of the Standing Committee on Environment, Recreation and the Arts entitled "Drugs in Sport Inquiry: Report on the Harassment of a Witness" to the House *inter alia* stated that in brief, the report concerned a witness, Ms. Sue Howland, who was issued with a formal summons from the Committee to appear before the Committee and produce relevant papers. Immediately following her appearance before the Committee, Ms. Howland was told to leave the house in which she had been living and find other accommodation. The wording of the note received by Ms. Howland telling her to look for new accommodation, together with other information provided to the Committee by Ms. Howland, and detailed in the report, led the Committee to believe that the eviction of Ms. Howland was a direct consequence of her giving evidence to the Committee. It was, in the Committee's view, a clear case of a witness suffering harassment as a

result of giving evidence to a Parliamentary Committee. The Committee believed that it should be treated by the Senate with utmost seriousness and that prompt action was required if the progress of the Committee's inquiry into drugs in sport was not to be impeded.

On the same day, the President (Mr. Kerry Sibraa) informed the House that the matter raised by Senator Black and referred to the Standing Committee's report was clearly one which was capable of being regarded by the Senate as meeting the specified criteria, laid down by the Senate on 25 February 1988, for raising matters of privilege. The President was thus required to determine whether a motion relating to the matter should have precedence, having regard to the criteria laid down by the Senate's resolutions of 25 February 1988.

Subsequently, on the same day, Mr. Black, while raising the matter in the house, stated *inter alia*:

That the following question be referred to the Committee of Privileges: Whether there was any improper interference with a witness who gave evidence before the Senate Standing Committee on Environment, Recreation and the Arts in relation to that Committee's inquiry into the use of drugs in sport.

That, in inquiring into this matter, the Committee of Privileges have regard to the report of the Senate Standing Committee on Environment, Recreation and the Arts in relation to the harassment of a witness.

That the provisions of the resolution of 3 November 1988 relating to the powers of the Committee apply to the Committee's inquiry into the matter.

After some discussions, the motion was adopted by the House and the matter stood referred to the Committee of Privileges.

The Committee of Privileges, after examining in person Mr. Greg Blood, Librarian at the Australian Institute of Sport and Ms. Suzanne Howland, witness before the Committee on Environment, Recreation and the Arts and after considering all relevant documents and written submissions made to the Committee in their Seventeenth report presented to the House, reported *inter alia*:

"The Committee did not find it necessary to consider the terms of any commercial arrangement under which Ms. Howland was living in Mr. Blood's house as Mr. Blood's legal right to ask Ms. Howland to leave his house was not in dispute. Rather, on the basis of written evidence before it, the Committee considered it necessary to place the events surrounding Ms. Howland's appearance before the Standing Committee in the context of a ban imposed by the Institute in 1987 on her use of facilities at the Institute, and the reasons why, despite that ban, she was still using the facilities as late as

November, 1988, and questioned her accordingly. Ms. Howland has now provided the Committee with three letters from the Institute stating the terms of her ban. The Committee is puzzled as to why the bans formally imposed were in effect ignored by certain institute staff until their oral reinforcement more than a year after their imposition. This matter, however, is beyond the Committee's terms of reference other than to establish the climate in which the actions of Mr. Blood in discussing the production of documentary evidence in Ms. Howland's possession and his asking her to leave the house following her appearance before the Standing Committee were undertaken.

It is clear from the evidence before this Committee and other publicly-available evidence that there was considerable tension surrounding the question of drugs and the Institute of Sport. Mr. Blood found himself in a situation where, as he stated in evidence before the Committee, his "right to privacy and avoidance of further stress needed to be asserted over Sue's right to free speech".

The Committee has formed the view that Mr. Blood was in a state of stress throughout the period of the Institute's own inquiry into the availability of drugs at the Institute and the Senate Committee's inquiry into the subject. His concern about his association with Ms. Howland, and the implications it might have for his position at the Institute, is evident in his written submission and his oral evidence to the Committee.

It appears to the Committee that Mr. Blood took the actions he did in a state of stress and was motivated by a desire to obtain relief from the stressful situation in which he found himself.

The Report said that in his submission in response to Ms. Howland's comments, Mr. Blood said that he had no intention either to stop Ms. Howland from her fight or from her campaign or from her releasing the document. Rather he was becoming totally fed up in his unwilling involvement with Ms. Howland's battle with the Institute and the sporting bureaucracy. Regarding the question of Mr. Blood's not asking Ms. Howland to leave his house earlier than he did, Mr. Blood considered it unfair to ask Ms. Howland to leave until she gave evidence before the Senate Standing Committee.

The Committee, in making the findings, reported to the Senate on 11 May, that Mr. Blood had not committed a contempt of the Senate and concluded that he had no intention either to interfere with Ms. Howland in the giving evidence, or to penalise her for the giving of the evidence. From the evidence before it, the Committee concluded that Mr. Blood was concerned about the escalation of a situation beyond his control.

The Committee shared the Standing Committee's concern that actions taken by persons in order to prevent information being produced, or to

impose a penalty as a result of the production of that information, would seriously impede a Committee's inquiry, and was of the view that they would amount to a serious contempt of the Senate deserving of severe censure and penalty. In the circumstances of the present case, however, the requisite intention had not been established to the satisfaction of the Committee of Privileges and thus a finding had been made that no contempt had been committed.

No further action appears to have been taken by the House in the matter.

Alleged premature disclosure of the report of a Parliamentary Committee: On 16 August 1989, Mr. Teague, a member, raised in the Senate a question of privilege on the alleged unauthorised disclosure of a Report of the Senate Standing Committee on Foreign Affairs, Defence and Trade before the presentation of the Report to the House. The Notice Paper of 16 August 1989 listed, among other things, presentation of a Report by the Senate Standing Committee on Foreign Affairs, Defence and Trade on visits to Australia by nuclear-armed ships. Yet, prior to presentation of that Report and contrary to Standing Orders and to long established practice, there were substantial press reports purporting to summarise the Report in that day's morning newspapers.

Raising the matter in the House, the member expressed concern that the disclosure might have come from deliberate leaks to the Press by someone close to the Committee, if not a member of the Committee, and secondly, the media had facilitated this breach even knowing well that it would be contrary to Standing Orders.

On 17 August, 1989, the President Mr. Kerry Sibraa informed the house that the Senate had in the past treated such unauthorised disclosure of Committee documents as a contempt. Hence, a motion to refer the matter to the Committee of Privileges should have precedence over other business.

Subsequently, on 18 August, 1989, Mr. Hamer, a member, on behalf of Mr. Teague, moved that the matter be referred to the Committee of Privileges to ascertain whether there was an unauthorised disclosure of the report of the Standing Committee on Foreign Affairs, Defence and Trade on the visiting of nuclear powered or armed vessels, and whether a contempt was committed by a person who made such an unauthorised disclosure. It also sought to ascertain whether the provisions of the resolution of the Senate of 3 November, 1988 relating to the powers of the Committee would apply in respect of the Committee's inquiry into this matter.

The motion was adopted by the House and the matter stood referred to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after considering all the relevant documents and written submissions made to the Committee, in their Twentieth Report presented to the House on 21 December, 1989, *inter alia* reported that the Committee did not consider it necessary to examine the question of the role of the media in the publication of unauthorised material. It believed that, in matters of this nature, its first task was to examine the issues at source, that is the point at which the unauthorised disclosure first occurred. The Committee established to its satisfaction, through correspondence with the Chairman of the Standing Committee and through an examination of the newspaper reports which were published on the morning of 16 August, some twelve hours before the Report was tabled, that there was an unauthorised disclosure of the contents of that Committee's Report. The Committee considered that as a general principle, unauthorised disclosure fulfilled the criterion laid down by paragraph 3(a) of the Privileges Resolutions, in that such disclosure was an improper act tending substantially to obstruct the Senate and its Committees in the performance of their functions.

Turning its attention to the possible source of unauthorised disclosure, the Committee observed that Senator Dunn, making not unreasonable assumption that the Report was to be tabled on a particular day, had prepared media releases and extracts of the Report, and also from a dissent of which she was the author, for distribution to the media on that day. She also gave some oral briefings to the media. While she advised the media that no material was to be published until the Report was tabled, such an embargo was an informal arrangement which could not be enforced.

The Committee further observed that Senator Dunn, thus, knowingly committed the act of briefing the media, without authorisation from either the Standing Committee or the Senate, and to this extent her actions came within the ambit of sub-paragraph 3(c)(1). To the extent that copies of the material might have been taken from her office under the impression that it was for immediate distribution, the unauthorised disclosure of the content of the Report through the distribution of materials was not knowingly made and thus paragraph 3(c)(1) was not applicable to that element.

So far as the oral briefings were concerned, the Committee concluded that Senator Dunn knowingly gave unauthorised access, by an oral briefing of the media, to information, albeit limited, relating to the content of the Report of the Standing Committee.

In determining whether Senator Dunn's action constituted a contempt, the Committee drew attention to the point that if Senator Dunn had intended improperly to obstruct the Standing Committee or the Senate, she could have taken the opportunity to do so at any time during the Committee's deliberations or once the Report was finalised on 13 April 1989.

The Committee concluded that while it was open to the Committee and the Senate to find that a contempt had been committed, in the light of all the circumstances outlined above, such a finding should not be made.

Further, although a premature briefing of media representatives was given and the possibility of premature access to embargoed media releases and extracts of the Report, including the dissenting Report, of the Senate Standing Committee on Foreign Affairs, Defence and Trade on Visits to Australia by Nuclear Powered or Armed Vessels could not be dismissed, under the circumstances of the present case, no further action should be taken.

No further action appeared to have been taken by the House in the matter.

PROCEDURAL MATTERS

LOK SABHA

Reference to Chief Minister of a State by name: On 26 November 1991, a member referred to the Chief Minister of Haryana by name. The Chairman, thereupon, observed that the name of the Chief Minister would not go on record.

Adjournment motion not moved by the mover after consent given by the Speaker: On 29 November 1991, the Speaker gave his consent to Shri Bir Singh Mahato and twelve other members to ask for leave of the House to move an adjournment motion regarding the failure of the Government to solve the economic problems of the country which had compelled the working class to go on strike against the anti-people and anti-working class economic and industrial policy of the Government. After the Question Hour, when Shri Bir Singh Mahato and other members were called by the Speaker to move the adjournment motion, they were not present in the House to take up the motion. As none of the members who had tabled notice on the subject was present in the House, the adjournment motion was not taken up.

Instance when the Prime Minister, who was not a member of either House, started functioning as the Leader of the House consequent on his election to Lok Sabha: The Tenth Lok Sabha was constituted on 20 June 1991. As the Prime Minister Shri P.V. Narasimha Rao was not a member of either House of Parliament, Shri Arjun Singh, Minister of Human Resource Development, was nominated as Leader of the House.

On 26 November, 1991 the Leader of Opposition in Lok Sabha, Shri L.K. Advani and some other members had made the submission that in the absence of any formal announcement in the House, it was not clear whether the Prime Minister had taken over as Leader of the House. Shri Arjun Singh stated that since the Prime Minister was on tour he was asked by him to continue as the Leader of the House till his return. Thereupon, the Speaker had observed that it was for the Congress party to decide who would be the Leader of the House.

On 5 December 1991, Shri Ghulam Nabi Azad, Minister of Parliamentary Affairs stated that he was directed by the Prime Minister to

inform the Speaker that in accordance with the provisions of Rule 2 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Prime Minister would be the Leader of the House in Lok Sabha. On 6 December 1991, the Speaker informed the House accordingly.

Expunction of derogatory remarks against a leader: On 10 December 1991, during the Question Hour, while replying to Supplementaries regarding reservation of posts for Scheduled Castes/Scheduled Tribes, Shri M.L. Fotedar, Minister of Health and Family Welfare, made some reference regarding unveiling of portraits of leaders. Some members objected to such remarks which, according to them, were directed towards the portrait of Dr. Ambedkar. On objection being taken, the Speaker ordered expunction of the remarks to which objections were taken.

Reference to the Conduct of the Speaker of a State Legislative Assembly on the floor of the House: On 10 December 1991, a member (Shri Kabindra Purkayastha), while participating in the combined discussion on Statutory Resolutions regarding approval of the Presidential Proclamation in relation to the State of Meghalaya and motion regarding revocation of the Proclamation, referred to the conduct of the Speaker of Meghalaya Legislative Assembly. Thereupon, the Deputy Speaker, who was in the Chair, observed that references to the Speaker of Meghalaya Legislative Assembly would not form part of the proceedings.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 October to 31 December 1991)

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

—Editor

INDIA

DEVELOPMENTS AT THE UNION

SC order on by-election schedule: On 4 October, a Constitution Bench of the Supreme Court directed the Election Commission not to notify the election schedule for those constituencies from where the legislators had been disqualified under the anti-defection law and their petitions were being heard by the apex court.

By-election results: In the by-elections held on 16 November, the following were declared elected to the Lok Sabha:

Nandyal: Shri P.V. Narasimha Rao (Congress-I); Baramati: Shri Sharad Pawar (Congress-I); Nanded: Shrimati Suryakanta Patil (Congress-I); Dhenkanal: Shri K.P. Singh Deo (Congress-I); Dharwad South: Shri B.M. Mujahid (Congress-I); Kutch: Shri Harilal Patel (Congress-I); Amethi: Shri Satish Sharma (Congress-I); Cuddappah: Shri Y.S. Rajasekhara Reddy (Congress-I); Madhepura: Shri Sharad Yadav (Janata Dal); Barh: Shri Nitish Kumar (Janata Dal); Gaya: Shri Rajesh Kumar (Janata Dal); Bulandshahr: Shri Chattrapal Singh (BJP); Vidisha: Shri Shivraj Singh Chauhan (BJP); Purulia: Shri Bir Singh Mahto (Forward Bloc); and Etawah: Shri Kanshi Ram (BSP).

The by-election for the New Delhi parliamentary constituency, scheduled for 16 November, was countermanded on 2 November following the death of an independent candidate.

Anti-defection law held valid by SC: In a three-two judgement, a five-judge Bench of the Supreme Court declared on 12 November the anti-

defection law valid but struck down the provision barring the jurisdiction of the courts to review the Speaker's decision to disqualify a legislator.

Winter Session of Parliament: The Winter Session of Parliament began on 20 November.

The Lok Sabha adjourned *sine die* on 20 December and the Rajya Sabha on 21 December.

The two Houses were prorogued by the President on 23 December.

Telecast of parliamentary proceedings: The recorded proceedings of the Question Hour in Lok Sabha of 2 December were, for the first time, telecast by the *Doordarshan* on 3 December. Later, as decided by the General Purposes Committee, the proceedings of the Question Hour of the Lok Sabha and Rajya Sabha were telecast on alternate weeks by the *Doordarshan*.

New Leader of Lok Sabha: On 6 December, the Speaker, Shri Shivraj V. Patil officially announced in the Lok Sabha that Prime Minister Shri P.V. Narasimha Rao would henceforth be the Leader of the House.

Death of MP: Shri Binod Bihari Mahato of the Jharkhand Mukti Morcha, who represented the Giridih constituency in the Lok Sabha, passed away on 19 December.

Resignation of MP: The Speaker, Lok Sabha, accepted the resignation of Congress (I) member Shri Gangula Prathap Reddy (Nandyal constituency) from the membership of the House with effect from 23 September 1991.

Developments in Janata Dal: On 16 December, Janata Dal President Shri S.R. Bommai served a show-cause notice on Shri Ajit Singh, M.P. asking him to explain within a week why disciplinary action should not be taken against him for his reported anti-party activities. Shri Ajit Singh was expelled from the party for six years on 26 December. A show-cause notice was also issued to Shri Rashid Masood M.P. on the same day.

AROUND THE STATES

ANDHRA PRADESH

By-election results: Four Congress(I) nominees were elected to the State Legislative Assembly in the by-elections held on 16 November. They are: Penukonda: Shri V.S. Ramana Reddy; Jaggampet: Shri T. Venkatachalam; Pulivendla: Shri S. Purushotham Reddy; and Parchur: Shri Gade Venkata Reddy.

The by-election from the Allagadda Assembly constituency was countermanded following the killing of an independent candidate on 15 November.

ARUNACHAL PRADESH

Change of portfolios: In a reshuffle of the State Cabinet on 15 October, PWD Minister Shri Todak Basar took over the Finance portfolio from Shri R.K. Khrimy who assumed charge of Education which was earlier held by Chief Minister Shri Gegong Apang. Shri Tengam Ngema who was Cabinet Minister for Horticulture was allotted PWD while Animal Husbandry Minister Shri Kameng Dolo was entrusted with Rural Works Department in place of Shri Thupten Tempa who was shifted to Rural Development and Planning. The Home portfolio which was with the Chief Minister was given to Shri Neelam Taram who was holding charge of Civil Supplies. The earlier Minister for Cooperation Kum. Komoli Mosang was assigned Industries in place of Shri T.L. Rajkumar who was shifted as Minister for Forest. Shri Todak Dulom who was looking after Rural Development was entrusted with Cooperation. Shri Mukut Mithi was shifted from Forest Ministry to Youth Affairs and Sports. Shri Kebang Borang retained the Transport portfolio while Shri Chera Talo, who was the Power Minister, was entrusted with Research, Library and Labour. Agriculture Minister Shri C.P. Wanchom was given Fisheries, Information and Tourism. Shri Wangpha Lowang and Shri Dera Natung, who were holding Health and Information and Tourism, were assigned Animal Husbandry and Scheduled Castes Affairs, respectively.

ASSAM

Reshuffle of portfolios: In a minor reshuffle of portfolios, on 18 October, Planning and Development Minister Shri Keshab Chandra Gogoi was given charge of Public Enterprise while Law Minister Shri Devananda Kanwar was entrusted with the additional charge of Power, Planning and Development. Municipal Administration, which was also earlier held by Shri Devananda Kanwar, was taken over by Chief Minister Shri Hiteswar Saikia himself. Shri Dinesh Goala, who earlier held the portfolio of Power, was shifted to the Public Health Engineering Department.

By-election result: Shri Abusaleh Nizamuddin of the Congress(I) was elected to the State Legislative Assembly from the Badarpur constituency in a by-election held on 16 November.

Removal of Ministers: On 25 November, Minister of State for Transport, Shri Chitranjan Patowary was dropped from the Council of Ministers by Chief Minister Shri Hiteswar Saikia. Minister for Public Enterprises, Shri Keshab Chandra Gogoi, was removed from the Cabinet on 27 November for alleged anti-party activities.

BIHAR

Resignation of Minister: On 10 October, Governor Shri Mohammed Shafi Quereshi accepted the resignation of Minister of State for Land Reforms, Shri Ashok Singh from the Council of Ministers.

Dismissal of Minister: On 13 October, the Governor dismissed Minister of Higher Education, Shri Diwakar Prasad Singh, on the advice of Chief Minister, Shri Laloo Prasad Yadav.

By-election results: The following were declared elected to the Vidhan Sabha in the by-elections held on 16 November: Jharia: Smt. Abo Devi (Janata Dal); Paliganj: Shri Chandradeo Prasad Verma (Janata Dal); Patepur: Shri Laxman Mahto (Janata Dal); Kurhani: Shri Ram Parikshan Sahu (Janata Dal); Sisai: Shri Bande Oraon (Congress-I); Vaishali: Shri Hemant Sahi (Congress-I); Poraiyahat: Shri Prashant Kumar (JMM); Tundi: Shri Saba Ahmed (JMM); Latehar: Shri Braj Mohan (BJP); Ghatshila: Shri Tika Ram (CPI); Sikta: Shri Dilip Kumar Verma (Independent); and Saraikela: Shri Champai Soren (Independent).

DELHI

Parliamentary approval for Delhi Assembly Bill: Both Houses of Parliament passed the Constitution (Seventy-fourth) Amendment Bill, 1991 on 20 December paving the way for a Legislative Assembly for Delhi. The Lok Sabha also passed the Government of National Capital Territory Bill, 1991. The Union Territory of Delhi shall be called the National Capital Territory with a Lieutenant Governor as Administrator. The proposed Legislative Assembly will have 70 members who will be directly elected. The strength of the Council of Ministers, headed by a Chief Minister, will not be more than seven. The Rajya Sabha passed the Bill on 21 December.

GUJARAT

By-election results: BJP candidates Shri C.K. Raoji and Shri Purushottam Rupala were elected to the State Legislative Assembly in by-elections held on 16 November from Godhra and Amreli constituencies, respectively.

HARYANA

Defeat of no-trust move: An Opposition-sponsored no-confidence motion against the Bhajan Lal Ministry was defeated by a voice vote in the State Legislative Assembly on 19 December.

HIMACHAL PRADESH

MLA's election upheld: On 8 November, the Himachal Pradesh High Court upheld the election of Congress(I) MLA Shri Sujan Singh Pathania to the State Assembly from the Jwali Assembly constituency on 3 March 1990.

KARNATAKA

By-election result: Congress (I) nominee Shri Chikkamadu was elected to the State Legislative Assembly in a by-election from the Hunsur constituency held on 16 November.

KERALA

By-election result: Shri Thomas Chazhikadan of Kerala Congress (Mani) was elected to the State Legislative Assembly from the Ettumanoor constituency in the by-election held on 16 November.

Quashing of MLA's election: On 11 December, the Kerala High Court quashed the election of Shri Neelalohitadasan Nadar (Janata Dal) to the State Legislative Assembly in the general elections held in June, 1991 and declared Shri George Mascrene of the Congress(I) elected by 23 votes.

Death of MLAs: The Chief Government Whip in the State Legislative Assembly, Shri P. Seethi Haji of the IUML, who represented the Thanur Assembly constituency, passed away on 4 December.

On 14 December, Shri K. Kunhambu of the Congress(I) who represented the Njarakkal Assembly constituency passed away.

MADHYA PRADESH

Change in portfolio: On 17 October, the Publicity and Information Department was divested from Home Minister Shri Kailash Chawla and allotted to Gas Relief Minister Shri Babulal Gaur.

Election set aside: On 29 October, the Gwalior Bench of the Madhya Pradesh High Court set aside the election of BJP candidate Shri Sevaram Gupta from Morena constituency to the State Legislative Assembly on the ground that he was a Government contractor.

On 29 November, the Supreme Court stayed the operation of the Madhya Pradesh High Court judgement setting aside the election of Shri Sevaram Gupta.

By-election results: The following were declared elected to the State Legislative Assembly in the by-elections held on 16 November: Premnagar: Shri Niranjan Singh (BJP); Khairtanji: Shri Domarsingh Nagpure (Independent-supported by BJP); Petalavad: Ms. Kesharbai Damar Congress(I); Churhat: Shri Ajay Singh Congress(I); and Hatta: Shri Raja Pateriya (Congress-I)

MAHARASHTRA

Death of MLC: Shri Manohar Phalke, MLC passed away on 20 October.

Death of Minister: Minister of State for Food and Civil Supplies, Shri B.D. Zute, passed away on 15 November.

By-election results: The following Congress (I) nominees were elected to the State Legislative Assembly in the by-elections held on 16 November: Kasbapeth: Shri Vasant Thorat; Baramati: Shri Ajit Pawar; and Remtek: Shri Anandrao Deshmukh.

Developments in Shiv Sena: On 5 December, Shri Chhagan Bhujbal, MLA was expelled from the Shiv Sena for anti-party activities.

On the same day, 18 Shiv Sena MLAs requested the Speaker Shri Madhukarrao Chaudhary to permit them to sit as a separate group in the State Legislative Assembly. Shiv Sena leaders, however, claimed that 15 of these MLAs had retracted from this stand by 7 December.

On 10 December, the 52-member Shiv Sena in the State Legislative Assembly formally split with the Speaker recognising the 18-member breakaway group as Shiv Sena(B). The MLAs are: Sarvashri Chhagan Bhujbal, Prakash Bharsakle, Gulab Gavande, Gajanan Dalu, Dilip Desai, Namdeorao Donadkar, Kailash Patil, Haribhau Mahajan, Pradeep Wadhare, Krishnarao Ingle, Maroti Shinde, Hariram Warkhede, Baban Gholap, Balasaheb Patil, Hanumant Bobade, Appasaheb Waghchaure, Dr. Rajendra Gode and Dr. Jagannath Dhone.

On 18 December, Speaker Shri Madhukarrao Chaudhary announced in the House the merger of a faction of Shiv Sena (B) comprising 12 members with the Congress(I). The twelve members are: Pradeep Wadhare, Namdeorao Donadkar, Kailash Patil, Haribhau Mahajan, Balasaheb Patil, Krishnarao Ingle, Gajanan Dalu, Hariram Warkhede, Dr. Rajendra Gode and Dr. Jagannath Dhone.

New Leader of Opposition: On 12 December, Speaker Shri Madhukarrao Chaudhary named Shri Gopinath Munde of the BJP as the new Leader of the Opposition in place of Shri Manohar Joshi of the Shiv Sena.

Disqualification of MLA: On 19 December, the Bombay High Court set aside the election of Shri Abhiram Singh of the BJP to the State Legislative Assembly on grounds of corrupt electoral practices.

Expansion of Cabinet: On 25 November, the State Cabinet was expanded with the induction of two Ministers of State, Shri Babanrao Bhikaji Pachpute in charge of Home and Shri Harshavardhan Prataprao Deshmukh in charge of Revenue and Tourism.

The State Cabinet was again expanded on 21 December, with the induction of one Cabinet Minister and six Deputy Ministers. They are: Shri Chhagan Bhujbal (Cabinet Minister); Shri Shankar Nam, Shri Jaidatt Shirsagar, Shri Bharat Bahekar, Dr. Rajendra Gode, Smt. Shalini Borse and Smt. Vasudha Deshmukh (all Deputy Ministers).

On 26 December, in a minor reshuffle of portfolios, Shri Chhagan Bhujbal was given charge of the Revenue Ministry which was held by Shri Shankarrao Kolhe. Shri Kolhe got Transport and Excise. Shri Vijay Sinh Mohite-Patil, who was in charge of the Excise Department, along with Public Works and Cultural Affairs, retained the latter two. Shri Shivaji Deshmukh, who held the Transport portfolio, was given charge of Cooperation and Parliamentary Affairs, Shri Madan Bafna, who was holding charge of Minister of State for Finance till now was given Urban Development held by Minister of State Shri Arun Gujarati. Shri Gujarati got the Finance portfolio.

The portfolios of the new Deputy Ministers are as under:

Dr. Rajendra Gode: *Home, Industries and Labour; Shri Shankar Nam:* *Irrigation, Tribal Welfare, Khar Lands, Ports and Fisheries; Shrimati Shalini Borse:* *Public Health, Education, Technical Education, Social Welfare, Sports and Youth Welfare; Shrimati Vasudha Deshmukh:* *Urban Development, Energy and Transport; Jaidatt Shirsagar:* *Revenue, Rural Development, Dairy and Animal Husbandry; and Shri Bharat Bahekar:* *Public Works;*

On 30 December, Chief Minister Shri Sudhakar Naik entrusted six of his portfolios to other Ministers in a minor reshuffle. Accordingly, Urban Development Minister Shri Sushil Kumar Shinde was given additional charge of law and Judiciary. The other Ministers who got additional charge were Shri Javed Khan: *Protocol* ; Shri Shivajirao Deshmukh: *Information and Public Relations*; Shri Vijay Singh Mohite-Patil: *Tourism*; Shri Shankarrao Kolhe: *Urban Land Ceiling*; and Shri Arun Mehta: *Jails*;

MANIPUR

By-election results: Congress (I) nominees Shri Hemochandra Singh and Smt. Keisam Ongbi Apabi Deir were declared elected to the State Legislative Assembly in the by-elections held on 16 November, from Shingjamei and Oinam Constituencies, respectively.

Speaker's order held void: On 27 November, the Supreme Court quashed the order of the Speaker of the Manipur Legislative Assembly, passed on 24 July 1991, disqualifying seven Congress(I) members on the ground of alleged defection.

Removal of Ministers: On 4 December, Chief Minister Shri R.K. Ranbir Singh dropped five Ministers from the State Cabinet. They are: Finance Minister Shri C. Doungel; Industries Minister Shri Holkhonang Haoki; Medical Minister Shri Selkai; Minister of State for Social Welfare Shri Jagore Singh; and Minister of State for Forests, Shri N. Komol Singh.

Meanwhile, two unattached members—Shri Dijuanang and Shri Lohro—were admitted to the ruling Front, retaining its strength of 34 in the 60-member House.

Passing of confidence motion: On 9 December, the State Cabinet headed by Shri R.K. Ranbir Singh won a confidence motion by voice vote in the State Legislative Assembly with all the 29 members present in the House voting for it. The special one-day Session was boycotted by the Congress(I) members and their allies in protest against non-allocation of seats to seven Congress(I) MLAs whose disqualifications, they said, had been quashed by the Supreme Court.

On 13 December, the Supreme Court issued notice to the Speaker and the Secretary of the Manipur Legislative Assembly asking them to show cause why contempt proceedings should not be initiated against them for

not complying with the Court's orders in respect of the seven MLAs whose disqualification were set aside by the Court.

Crisis in Government: On 27 December, Minister of State for Fisheries, Shri Hangkhalian resigned from the State Cabinet. Meanwhile, an unattached member, Shri Soso Larho who had earlier supported the United Front Ministry withdrew his support.

On 30 December, Minister of State for Transport, Shri Thanghualai resigned from his post and wrote to the Speaker indicating that the Kuki National Assembly Party, which had a strength of two in the House, had split. He also sought recognition of the faction led by him as a separate group.

Disqualification of Members: On 31 December, Speaker Shri Borobabu Singh disqualified Shri N. Komol Singh and Shri Ibomcha Singh (both Janata Dal) and Shri C. Doungel Congress(S) under the anti-defection law.

MEGHALAYA

SC directive to Governor: On 3 October, the Supreme Court directed the Meghalaya Governor to ensure that the four Ministers and one MLA whose disqualification was stayed by the apex court in September, 1991 were permitted to attend the special Session of the State Assembly convened on 8 October, to seek a vote of confidence in the B.B. Lyngdoh Ministry.

Confidence motion defeated: On 8 October, the 18-month-old B.B. Lyngdoh Ministry lost a confidence motion in the State Legislative Assembly with the Speaker Shri P.R. Kyndiah casting his vote against the Government when the Treasury and Opposition benches were locked at 26 votes each. The Speaker had earlier ignored the Supreme Court's directive and rejected the votes of the four Ministers who were disqualified by him. Shri Kyndiah then adjourned the House *sine die*.

The members of the ruling Meghalaya United Parliamentary Party (MUPP), however, defied the Speaker's directive and continued the proceedings with Shri Robert Kharshing in the Chair. Later, they passed a motion of no-confidence against the Speaker.

On 9 October, a five-judge Constitution Bench of the Supreme Court asked the Governor to include the votes of the four disqualified Ministers before taking any decision on the continuance or otherwise of the Lyngdoh Ministry.

Speaker's order set aside by SC: On 12 November, the Supreme Court set aside the decision of the Speaker Shri P.R. Kyndiah disqualifying five independent members of the State Assembly. The Supreme Court was delivering the judgement on a batch of petitions filed by disqualified legislators from Gujarat, Madhya Pradesh, Manipur, Meghalaya and Nagaland.

By-election result: Shri Jyolance G. Momin of the Congress(I) was elected to the State Legislative Assembly from the Tura constituency in the by-election held on 16 November.

Imposition of President's Rule: On 11 October, Meghalaya was brought under President's Rule and the State Legislative Assembly was kept under suspended animation.

On 28 November, the Rajya Sabha passed an official resolution approving the Presidential Proclamation placing the State under President's rule. The Lok Sabha passed a similar resolution on 11 December.

MIZORAM

Expansion of Ministry: On 25 November, the State Cabinet was expanded with the induction of Shri Vaivenga as Cabinet Minister for Health and Family Welfare, Information and Public Relations and Relief and Rehabilitation and Shri P.C. Bawitluanga as Minister of State with independent charge of Transport, Sericulture, Labour and Employment.

NAGALAND

Removal of Minister: On 15 December, Governor Shri M.M. Thomas accepted the recommendation of the Chief Minister Shri Vamuzo to drop the Public Health and Engineering Minister Shri Tokeho Sema from the Council of Ministers.

ORISSA

By-election results: Three Janata Dal nominees were declared elected to the State Legislative Assembly in by-elections held on 16 November. They are: Puri: Shri Umaballav Rath; Bijepur: Smt. Kishorimani Singh; and Bhandaripokhari: Shri Prafulla Kumar Jena.

Reshuffle of portfolios: In a reshuffle of portfolios effected on 5 December, Chief Minister Shri Biju Patnaik took over Environment from Forest Minister Shri Harishchandra Buxipatra and Civil Aviation from Transport Minister Shri Bhagwat Behra.

RAJASTHAN

By-election results: The following were declared elected to the State Legislative Assembly in the by-elections held on 16 November: Bamanwas: Shri Heeralal Meena (Congress(I)); Mandalgarh: Shri B.L. Joshi (Congress(I)); Niwai: Shri Kailash Meghwal (BJP); and Deeg: Shri Arun Singh (Independent)

TAMIL NADU

Resolution on Legislative Council rescinded: On 4 October, the State Legislative Assembly rescinded a resolution passed by the previous Government on 20 February 1989, calling for the revival of the State Legislative Council which was abolished in 1986.

Minister replaced: On 30 October, Food and Civil Supplies Minister Shri K. Rajaram was dropped from the Council of Ministers and was replaced by Shri G. Viswanathan.

Reshuffle of portfolios: On 30 November, Chief Minister Kumari Jayalalitha reshuffled the portfolios of two of her Cabinet Ministers as under:

Forest and Chinchona, held by Animal Husbandry Minister Shri D. Jayakumar, were transferred to Transport Minister Shri K.A. Senkottaiyan. Urban and Rural Water Supply, held by Housing Minister Shri T.M. Selvaganapathy, were allocated to Local Administration Minister Shri A. Thirunavukkarasu.

Tripura

Countermanding of election: The by-election to the State Legislative Assembly from the Agartala constituency was countermanded following the killing of the BJP candidate, Shri Shyam Hari Sharma, on 13 November.

UTTAR PRADESH

Dismissal of Minister: On 14 October, Governor Shri B. Satyanarayana Reddy dismissed Health Minister Dr. Dinesh Jauhari from the Council of Ministers on the advice of the Chief Minister Shri Kalyan Singh.

By-election results: The following were declared elected to the Vidhan Sabha in the by-elections held on 16 November: Nawabganj: Shri Bhagwat Sharan Gangwar (BJP); Shikarpur: Shri Ram Prasad (BJP); Siana: Shri Vasudev Singh (BJP); Jewar: Shri Horam (BJP); Lakhana: Shri Krishna Kumar *alias* K.K. Raj (BJP); Harraiya: Shri Jagdamba Singh (BJP); Anupshahr: Shri Nawal Kishore (BJP); Ajitmal: Shri Chakki Lal (BJP); Tulsipur: Shri Kamlesh Kumar (BJP); Etawah City: Shri Ashok Dubey (BJP); Auraiya: Shri Inderpal Singh (SJP); Bulandshahr: Shri D.P. Yadav (SJP); Khehra: Shri Madan Bhaiya (SJP); Jaswant Nagar: Shri Mulayam Singh Yadav (SJP); Tilhar: Shri Mulayam Singh Yadav (SJP); Chhaprauli: Shri Mahak Singh (JD); and Bhognipur: Shri Pyarelal Sankhwar (JD).

Resignation of member: Shri Mulayam Singh Yadav, who was elected to the State Legislative Assembly from both Tilhar and Jaswant Nagar constituencies, resigned his seat from the Tilhar constituency on 29 November.

Developments in Janata Dal: On 26 November, 52 of the 91 Janata Dal MLAs urged the Speaker, Shri Kesari Nath Tripathi to disqualify Shri Kailash Nath Yadav as Leader of the Opposition in the House. Meanwhile, Janata Dal President Shri S.R. Bommai expelled Shri Kailash Nath Yadav from the primary membership of the party for anti-party activities.

On 4 December, the Speaker held the 25 November meeting of the Janata Dal MLAs disowning Shri Kailash Nath Yadav as the Leader of the

Janata Dal Legislature Party as 'illegal'. He also ruled that Shri Yadav would continue as the Leader of the Opposition in the House. On 5 December, Shri Reoti Raman Singh was elected Leader of the Janata Dal Legislature Party at a meeting attended by 56 of the 91 party MLAs who also presented themselves before the Speaker for verification.

The Janata Dal in the Vidhan Sabha formally split into two groups on 6 December after the Speaker accorded recognition to Shri Reoti Raman Singh as the Leader of the Opposition. The Speaker also identified the group led by Shri Reoti Raman Singh as Janata Dal (B) and the other group as Janata Dal (A).

DEVELOPMENTS ABROAD

ALBANIA

New PM: On 11 December, President Mr. Ramiz Alia appointed Mr. Vilson Ahmeti as Prime Minister in place of Mr. Ylli Bufi who resigned from the post.

ALGERIA

Election results: In the elections to the National Assembly held on 26 December, the Islamic Salvation Front won 188 seats outright in the 430-member House. The ruling National Liberation Front got 15 seats, the Liberal Front of Socialist Forces, 25 and Independents, 3. According to the Constitutional Council, a run-off election will be held on 16 January 1992 for the 199 remaining seats where there was no outright majority.

AUSTRALIA

Keating becomes New PM: On 19 December, Prime Minister Mr. Bob Hawke was voted out of office by a specially convened meeting of the ruling Labour Party MPs. Subsequently, Mr. Paul Keating took over as the new Prime Minister.

BANGLADESH

New President: On 8 October, the ruling Bangladesh National Party nominee Mr. Abdur Rahman Biswas, was elected President of Bangladesh defeating the Awami League-backed Opposition candidate Mr. Justice Badrul Haider Chowdhury by 179 to 92 votes in a straight contest. The new President was sworn in on 9 October.

Election of Speaker: On 12 October, Mr. Sheikh Razzak Ali was elected the Speaker of Parliament.

BELGIUM

Resignation of PM: On 4 October, the Centre-Left coalition Government collapsed with Prime Minister Mr. Wilfried Martens submitting his resignation to King Baudouin following differences in the coalition over telecommunication contracts and arms exports to the Gulf. The Prime Minister, however, agreed to continue heading a caretaker Government.

Following his party's defeat in the general elections held on 24 November, Mr. Martens submitted his resignation. He was, however, asked to stay on as a caretaker Prime Minister by the King till alternate arrangements were made.

CAMBODIA

Signing of peace treaty: On 23 October, the Paris Conference on Cambodia signed a peace treaty ending 21 years of conflict in Cambodia and putting it under temporary UN administration.

On 9 November, a UN Ceasefire Mission arrived in Cambodia to ensure peace agreed to by the rival groups in the country.

Prince Norodom Sihanouk returned to Phnom Penh on 14 November as the head of Cambodia's interim Government, ending nearly 13 years in exile. Khmer Rouge leader Mr. Son San arrived on 17 November, after more than 16 years in exile.

On 20 November, the ruling Cambodian Peoples Party and the Government restored Prince Norodom Sihanouk as the country's Head of State until Presidential elections were held.

Khmer Rouge leader Mr. Khieu Samphan, who arrived in Phnom Penh on 27 November, was forced to leave the country following violent attacks on him. Mr. Samphan returned to Phnom Penh amid tight security on 30 December.

HAITI

Ouster of President: On 30 September, Commander of the armed forces, Gen. Raoul Cedras seized power, after detaining President Mr. Jean-Bertran Aristide who, later, left the country.

On 3 October, the Organisation of American States (OAS) reached an agreement on a series of sanctions against the military regime and demanded the immediate restoration of democracy in Haiti.

On the same day, the deposed President Mr. Aristide addressed the UN Security Council appealing for international support against those who overthrew his democratically elected government. The UN security Council President later called for immediate reversal of the situation and restoration of the legitimate Government.

On 5 October, President George Bush ordered freezing of Haiti's assets in the United States.

On 8 October, soldiers stormed the Parliament and forced the Haiti Senate to name a Supreme Court Judge, Mr. Joseph Nerett as the interim President. He was sworn in on 9 October. Mr. Jean-Jacques Honorat, a human rights leader, was named the new Prime Minister on 11 October. The political situation in the country continued to remain in this state right till the year-end.

IRELAND

Defeat of no-confidence motion: On 10 November, a no-confidence motion against Prime Minister Mr. Charles Haughey was defeated in the Parliament.

ISRAEL

No-confidence motion defeated: On 14 October, the right-wing Government of Prime Minister Mr. Yitzhak Shamir survived a no confidence motion in Parliament with 55 members voting against it and 46 in favour.

JAPAN

Resignation of Minister: Finance Minister Mr. Ryutaro Hashimoto resigned on 3 October owing responsibility for some scandals plaguing his Ministry.

Election of PM: Prime Minister Mr. Toshiki Kaifu resigned along with his Cabinet on 5 November. Later, Mr. Kiichi Miyazawa, who was elected as Leader of the ruling Liberal Democratic Party, was confirmed as the new Prime Minister by the Parliament.

JORDAN

Resignation of PM: On 16 November, Prime Minister, Mr. Taher Masri resigned from his post. Later, King Hussain called upon Mr. Sharif Zaid Ibu Shaker to form the new Government.

NEPAL

Reshuffle of Cabinet: On 30 December, Prime Minister Mr. G.P. Koirala reshuffled his Cabinet dropping six Ministers and inducting one Cabinet Minister, five Ministers of State and seven Assistant Ministers. The Ministers dropped were: Mr. Bassu Risal, Mr. Sheikh Idris, Mr. Chiranjive Wagle, Mr. Tara Nath Rambhat, Mr. Dundi Nath Shastri and Mr. Gopal Mani Shreshta.

The new 23-member Council of Ministers is: Mr. Girija Prasad Koirala (Prime Minister): *Royal Palace Affairs, Defence and Foreign Affairs*; Mr. Bal Bahadur Rai: *Housing and Planning*; Mr. Jagannath Acharya: *Land Reforms and Management*; Mr. Ram Fari Joshi: *Tourism*; Ms. Shailaja Acharya: *Agriculture*; Mr. Sher Bahadur Deupe: *Home*; Mr. Ramachandra Poudel: *Local Development*; Mr. Maheshwar Prasad Singh: *General Administration, Law, and Justice and Parliamentary Affairs*; Mr. Khum Bahadur Khadka: *Works and Transport*; and Mr. Govind Raj Joshi: *Education, Culture and Social Welfare*.

Ministers of State: Dr. Ram Baran Yadav: *Health*; Mr. Aishwarya Lal Pradhananya: *Commerce and Supplies*; Mr. Ramakrishna Temrakar: *Industry and Labour*; Mr. Bir Mal Dhakal: *Forest and*

Environment: Mr. Lachman Prasad Ghimre: *Water Resources*; and Mr. Bijaya Kumar Gachhedar: *Communications*.

Assistant Ministers: Mr. Siddha Raj Ojha, Mr. Dinnaandhy Aral, Mr. Shiv Raj Joshi, Mr. Surendra Prasad Chaudhary, Mr. Hasta Bahadur Malla; Mr. Dilendra Prasad Badu and Mr. Diwakar Ram Sherchan.

POLAND

New Government: On 17 December, Prime Minister Mr. Jan Olszewski resigned from the post. However, following parliamentary approval, Mr. Olszewski formed a new Government on 23 December.

ROMANIA

New PM: On 1 October, President Mr. Ion Iliescu appointed Mr. Theodor Stolojan as the new Prime Minister in succession to Mr. Petre Roman.

SRI LANKA

Impeachment motion rejected: On 7 October, Speaker Mr. M. H. Mohamed rejected an impeachment motion against President Mr. Ranasinghe Premadasa saying that it lacked the "required number of valid signatures". Later, on 9 October, the Parliament allowed a no-confidence motion against the Premadasa Government to lapse.

An Opposition-sponsored no-confidence motion against Speaker Mr. M.H. Mohamed was defeated in Parliament on 10 October by 123 votes to 85.

On 1 December, dissidents in the ruling United National Party (UNP) formed a breakaway party called the United National Democratic Front.

On 3 December, the Supreme Court held that the expulsion of eight members of the UNP for signing the impeachment motion against President Premadasa was valid.

SWEDEN

New Government: A new four-party non-Socialist coalition led by Prime Minister Mr. Carl Bildt of the Moderate Party assumed office on 4 October.

TURKEY

New PM: On 21 October, Prime Minister Mr. Mesut Yilmaz resigned after his centre-right Motherland Party was defeated in the general elections held on 20 October.

The conservative True Path Party leader Mr. Suleyman Demirel was sworn in as the new Prime Minister on 6 November.

USSR

Internal political developments: On 2 October, Belarus (Byelorussia), Kazakhstan and Uzbekistan signed an agreement to form a new economic union. President Mr. Askar Akayev won the first popularly elected Presidency of the Kirgizstan Republic on 13 October. On 17 October,

Armenian President Mr. Levon Ter-Petrosian won the Republic's first Presidential elections.

Eight out of the 12 remaining Soviet Republics signed an economic treaty on 18 October in the presence of President Mr. Mikhail Gorbachev paving the way for a Eurasian economic community of equal Sovereign States. Georgia, Moldavia, Azerbaijan and the Ukraine did not sign the treaty.

The KGB was officially disbanded by the State Council on 22 October.

The Parliament of the Turkmenistan Republic declared independence on 27 October following a referendum held on the previous day in which 94 per cent residents voted in its favour.

The Russian Parliament, on 1 November, approved special emergency powers demanded by President Mr. Boris Yeltsin to see through the first 12 months of a programme for radical economic reforms.

On 6 November, the Ukraine and Moldavia joined the 8 other Republics which had already signed the economic community treaty.

The Supreme Soviet of the Russian Federation, on 11 November, voted against President Yeltsin's decree on the imposition of a state of emergency in the Republic of Checheno-Ingushetia and called for a political solution to the crisis.

On 14 November, President Gorbachev and leaders of Russia, Belarus, Kazakhstan, Azerbaijan, Kirghizia, Tadjikistan and Turkmenistan announced their agreement to turn the country into a Union of Sovereign States.

On 15 November, Russian President Yeltsin signed decrees providing for sweeping free-market reforms in the Republic.

Mr. Eduard Shevardnadze was reappointed Foreign Minister replacing Mr. Boris Pankin under a decree issued by President Gorbachev on 19 November.

On 25 November, seven Soviet Republics failed to endorse a new Union treaty deciding instead to send the draft to their respective legislatures and the Union Parliament for approval later this year.

In the first-ever Presidential elections in Tadjikistan held on 25 November, Mr. Rahman Nabiyev was elected President.

About 70 per cent of the Ukrainians voted in favour of independence in a referendum held on 1 December. In the first-ever direct elections, Mr. Leonid Kravchuk was elected President of the Ukraine. President Yeltsin announced Russian recognition of the Ukrainian independence on 4 December. The same day, President Gorbachev appealed to the Republics to agree to a new Union treaty and warned of wars among them if the Union disintegrated completely.

On 8 December, the Presidents of Russia, the Ukraine and Belarus

signed in Minsk an agreement to set up a Commonwealth of Independent States. The Legislatures of Belarus and the Ukraine ratified the new Commonwealth on 11 October followed by the Russian Legislature on 12 December.

The Parliament of Kazakhstan declared independence from the Soviet Union with an overwhelming majority on 16 December.

On 17 December, President Gorbachev and Russian leader Yeltsin agreed that all central structures would have to cease operation within two weeks. Accordingly, part of these structures should come under Russian jurisdiction and others would be abolished.

Mr. Yeltsin seized control of the Kremlin, the Soviet Interior and Foreign Ministries and secret police on 19 December. Meanwhile, in a letter to the leaders of the Republics, President Gorbachev proposed that the new entity to replace the Soviet Union be called a Commonwealth of European and Asian states.

On 21 December, leaders of the Republics of Russia, the Ukraine, Kazakhstan, Uzbekistan, Tadzhikistan, Kirgizstan, Turkmenistan, Azerbaijan, Armenia, Moldavia and Belarus, signed a protocol in Alma Ata forming a Commonwealth of Independent States (CIS). They also named Defence Minister Mr. Yevgeny Shaposhnikov as Commander-in-Chief of the armed forces.

At least 10 people were killed when Opposition forces seeking to oust President Mr. Zviad Gamsakhurdia shelled the Georgian Government headquarters on 22 December. In the days that followed, violence continued unabated in Georgia in clashes between the supporters and opponents of President Gamsakhurdia resulting in many deaths.

President Gorbachev resigned from his post on 25 December and pledged to work for the success of the CIS. The next day, the Soviet Parliament formally met and wound up the House.

India recognised Russia and the other Republics on 26 December. In the days that followed, many more countries, including the USA, accorded recognition to the Republics.

On 28 December, Russia formally took over as member of the UN Security Council in place of the former Soviet Union.

Meeting in Minsk on 30 December, the leaders of the CIS agreed that each of them had the right to create its own army and decided to determine within two months on the future of the existing conventional armed forces of the former Soviet Union. They also agreed to maintain a single command over nuclear arms with the nuclear button in the hands of the Russian President Mr. Boris Yeltsin.

YUGOSLAVIA

Internal political developments: On 3 October, the State Presidency declared a state of immediate war danger after assuming special powers even as the federal Navy reimposed a blockade on Croatian ports and bloody battles erupted at several places.

On 6 October, the European Community (EC) Foreign Ministers warned the warring factions in Yugoslavia that the EC would impose sanctions against them if they did not cease hostilities by mid-night.

Fighting between the Croatian militants and federal forces came to a halt on 8 October with the Army highcommand calling for a ceasefire. Later, Croatia declared that it was breaking "all its ties" with Yugoslavia at the expiration of the three-month moratorium of its 25 June 1991 declaration of independence.

On 9 October, Croatia and the federal forces agreed on a new ceasefire, under which Croatian forces were to lift their blockade of several federal bases and the Yugoslav Navy to end its naval quarantine of Adriatic ports.

Another Yugoslav Republic, Bosnia-Herzegovina declared itself a sovereign state on 15 October.

On 18 October, the leaders of the warring Republics endorsed the European Community's draft of a new Constitution as a longterm solution for the crisis facing the country.

An unconditional ceasefire, ordered in Croatia by the Republic's President Mr. Frango Tudjman on 19 October, however, collapsed soon after.

On 4 November, the ruling Socialist Party of Serbia rejected the European Community's peace plan for Yugoslavia which, among other things, envisaged that the country's six Republics form a loose confederation of sovereign states without any border changes. A ceasefire agreement was signed between Croatia and Serbia on 5 November at a Peace Conference in the Hague.

On 8 November, the European Community decided to enforce sanctions against Yugoslavia after its deadline for a ceasefire was ignored by the federal army.

Yet another truce came into force in the country on 13 November.

On 18 November, Croatia's military commander in the besieged town of Vukovar ordered all his forces to surrender unconditionally to the Yugoslav army.

On 23 November, another ceasefire agreement was signed through the good offices of the UN special emissary, Mr. Cyrus Vance.

On 6. December, President, Mr. Stipe Mesic resigned saying the federation had ceased to exist after months of war between the Republics. Prime Minister Mr. Ante Markovic, resigned from his post on 20 December. The same day, Bosnia-Herzegovina joined the breakaway Republics seeking diplomatic recognition from the European Community even as fighting raged across Croatia.

On 23 December, the Serbian Parliament approved the formation of a new Government headed by Mr. Adoman Bozovic.

ZAIRE

New PM: On 23 October, President Mr. Mobutu Sese Seko appointed Mr. Bernardin Mungul-Diaka as the new Prime Minister after dismissing Mr. Etienne Tshisekedi.

ZAMBIA

New President: On 2 November, Mr. Frederick Chiluba of the Movement for Multi-Party Democracy was sworn in as President following his party's victory over President Mr. Kenneth Kaunda's United National Independence Party in the elections held on 1 November.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Parsi community in India is governed by the Indian Succession Act, 1925 in the matter of succession. Sections 50 to 56 of that Act provided for the division of property of male and female intestates. In the female intestate's property, daughter and son get equal shares, whereas in the male intestate's property, son gets double the share of the daughter. The Law Commission of India, in its One hundred and Tenth Report, reviewed these provisions and recommended that the discrimination made between sons and daughters in the case of a male intestate's property should be removed. The Parsi community was also in favour of making amendments in the law so to do away with the discrimination between sons and daughters by providing that both will share equally in the male intestate's property also. The proposed amendments were also in keeping with the policy of the Government to confer equal rights for women in the parental property.

Further, under section 118 of the Act, a testator, if he had a nephew, niece or a nearer relative could not bequeath any of his property to religious or charitable purposes or uses except in the manner and within the time limit provided in that section. The Parsi community wanted to be exempted from such a provision so that a Parsi could bequeath his property without any restrictions.

The Indian Succession (Amendment) Bill, 1991, which sought to achieve the above objects, was passed by Rajya Sabha and Lok Sabha on 20 November and 5 December 1991, respectively, and received President's assent on 28 December 1991.

The Family Courts (Amendment) Bill, 1991 sought to amend the provisions that existed in the Family Courts Act, 1984 regarding appeal against order made by a Family Court under section 125, Code of Criminal Procedure, 1973, and save the right to appeal from the orders passed before the commencement of the amending Act. The Bill was passed by Rajya Sabha and Lok Sabha on 26 November and 20 December, 1991, respectively, and received President's assent on 28 December, 1991.

The Banking Regulation Act, 1949, was amended by the Banking, Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988, to empower the Union Government to change the accounting year of the commercial banks. The accounting year of the commercial banks was accordingly changed in 1988 to coincide with the financial year (April-March) which is the uniform accounting year for all assesses under the Income-tax Act, 1961. However, similar amendment could not be made in the Banking Regulation Act, 1949 for changing the accounting year in relation to the co-operative banks. With a view to bringing uniformity, the Banking Regulation (Amendment) Bill, 1991 proposed to amend clause(s) of section 56 of the Banking Regulation Act, 1949 to empower the union Government to change the accounting year of co-operative banks. The Bill was passed by Lok Sabha and Rajya Sabha on 2 and 12 December, 1991, respectively, and received President's assent on 20 December, 1991.

The Delhi High Court (Amendment) Bill, 1991 sought further to amend the Delhi High Court Bill, 1966 to raise the limit of the original civil jurisdiction in every suit where the value exceeded five lakh rupees instead of one lakh rupees and the original civil jurisdiction of the Court of District Judge from one lakh rupees to five lakh rupees. It also sought to provide for appeal to the District Judge where the decree or order was made by a subordinate judge and the value of the suit in which the decree or order was made did not exceed one lakh rupees. The Bill was passed by Rajya Sabha and Lok Sabha on 3 and 20 December, 1991, respectively, and received President's assent on 28 December 1991.

The Constitution (Sixty-Ninth) Amendment Bill, 1991 sought to give the National Capital a special status among the Union territories by recommending Delhi to continue as a Union territory with a Legislative Assembly and a Council of Ministers responsible to such Assembly with appropriate powers to deal with matters of concern to the common man. The Bill was passed by Lok Sabha and Rajya Sabha on 20 December 1991 and received President's assent on 21 December 1991.

The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1991 sought to replace the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991 to restructure the MRTTP Act with a view to curbing and regulating monopolistic, restrictive and unfair trade practices which were prejudicial to public interest. It also sought to empower the MRTTP Commission to provide for deterrent punishment for contravention of the orders passed by the MRTTP Commission and the Union Government. The Bill was passed by Lok Sabha and Rajya Sabha on 20 and 21 December, 1991, respectively, and received President's assent on 28 December 1991.

We reproduce here the texts of the above Acts.

Editor

THE INDIAN SUCCESSION (AMENDMENT) ACT, 1991

An Act further to amend the Indian Succession Act, 1925.

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

1. *Short title.* This Act may be called the Indian Succession (Amendment) Act, 1991.

2. *Amendment of section 50.* In the Indian Succession Act, 1925 (hereinafter referred to as the principal Act), in section 50,—

(a) in clause (b) for the words “a widow of any lineal descendant”, the words “a widow or widower of any lineal descendant” shall be substituted;

(b) in clause (c),—

(i) for the words “widow of any relative”, the words “widow or widower of any relative” shall be substituted;

(ii) for the word “she”, at both the places where it occurs, the words “such widow or widower” shall be substituted.

3. *Substitution of new section for sections 51 and 52.* For sections 51 and 52 of the principal Act, the following section shall be substituted, namely:—

“51. *Division of intestate’s property among widow, widower, children and parents.* (1) Subject to the provisions of sub-section (2), the property of which a Parsi dies intestate shall be divided.—

(a) where such Parsi dies leaving a widow or widower and children, among the widow or widower, and children so that the widow or widower and each child receive equal shares;

(b) where such Parsi dies leaving children, but no widow or widower, among the children in equal shares.

(2) Where a Parsi dies leaving one or both parents in addition to children or widow or widower and children, the property of which such Parsi dies intestate shall be so divided that the parent or each of the parents shall receive a share equal to half the share of each child.”.

4. *Substitution of new section for section 54.* For section 54 of the principal Act, the following section shall be substituted, namely:—

“54. *Division of property where intestate leaves no lineal descendant but leaves a widow or widower or a widow or widower of any lineal descendant.* Where a Parsi dies without leaving any lineal descendant but leaving a widow or widower or a widow or widower of a lineal descendant, the property of which the intestate dies intestate shall be divided in accordance with the following rules, namely:—

(a) if the intestate leaves a widow or widower but no widow or

widower of a lineal descendant, the widow or widower shall take half the said property;

(b) if the intestate leaves a widow or widower and also a widow or widower of any lineal descendant, his widow or her widower shall receive one-third of the said property and the widow or widower of any lineal descendant shall receive another one-third or if there is more than one such widow or widower of lineal descendants, the last mentioned one-third shall be divided equally among them;

(c) if the intestate leaves no widow or widower, but one widow or widower of a lineal descendant, such widow or widower of the lineal descendant shall receive one-third of the said property or, if the intestate leaves no widow or widower but more than one widow or widower of lineal descendants, two-thirds of the said property shall be divided among such widows or widowers of the lineal descendants in equal shares;

(d) the residue after the division specified in clause (a) or clause (b) or clause (c) has been made shall be distributed among the relatives of the intestate in the order specified in Part I of Schedule II; and the next-of-kin standing first in Part I of that Schedule shall be preferred to those standing second, the second to the third and so on in succession, provided that the property shall be so distributed that each male and female standing in the same degree of propinquity shall receive equal shares;

(e) if there are no relatives entitled to the residue under clause (d), the whole of the residue shall be distributed in proportion to the shares specified among the persons entitled to receive shares under this section."

5. Amendment of section 55. In section 55 of the principal Act,—

for the words "a widow of any lineal descendant," the words "a widow or widower of any lineal descendant" shall be substituted;

(b) for the words "each male shall take double the share of each female standing in the same degree of propinquity", the words "each male and female standing in the same degree of propinquity shall receive equal shares" shall be substituted.

6. Amendment of section 118. To section 118 of the principal Act, the following proviso shall be added, namely:—

"Provided that nothing in this section shall apply to a Parsi."

7. Substitution of new Schedule for Schedule II. For Schedule II of the principal Act, the following Schedule shall be substituted, namely:—

"SCHEDULE II

PART I

(See section 54)

- (1) Father and mother.
- (2) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.
- (3) Paternal and maternal grandparents.
- (4) Children of paternal and maternal grandparents and the lineal descendants of such of them as have predeceased the intestate.
- (5) Paternal and maternal grandparents' parents.
- (6) Paternal and maternal grandparents' parents' children and the lineal descendants of such of them as have predeceased the intestate.

PART II

(See section 55)

- (1) Father and mother.
- (2) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.
- (3) Paternal and maternal grandparents.
- (4) Children of paternal and maternal grandparents and the lineal descendants of such of them as have predeceased the intestate.
- (5) Paternal and maternal grandparents' parents.
- (6) Paternal and maternal grandparents' children and the lineal descendants of such of them as have predeceased the intestate.
- (7) Half brothers and sisters and the lineal descendants of such of them as have predeceased the intestate.
- (8) Widows of brothers or half brothers and widowers of sisters or half sisters.
- (9) Paternal or maternal grandparents' children's widows or widowers.
- (10) Widows or widowers of deceased lineal descendants of the intestate who have not married again before the death of the intestate."

THE FAMILY COURTS (AMENDMENT) ACT, 1991

An Act to amend the Family Courts Act, 1984.

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

1. **Short title.** This Act may be called the Family Courts (Amendment) Act, 1991.

2. *Amendment of Chapter V.* In Chapter V of the Family Courts Act, 1984.—

(a) for the heading "APPEALS", the heading "APPEALS AND REVISIONS" shall be substituted;

(b) in section 19,—

(i) in sub-section (2), after the word "parties", the following shall be inserted, namely:—

"or from an order passed under Chapter IX of the Code of Criminal Procedure, 1973:

Provided that nothing in this sub-section shall apply to any appeal pending before a High Court or any order passed under Chapter IX of the code of Criminal Procedure, 1973 before the commencement of the Family Courts (Amendment) Act, 1991"; and

(ii) sub-sections (4) and (5) shall be renumbered as sub-sections (5) and (6) respectively and before sub-section (5) as so renumbered, the following sub-section shall be inserted, namely:—

"(4) The High Court may, of its own motion or otherwise, call for and examine the record of any proceeding in which the Family Court situate within its jurisdiction passed an order under Chapter IX of the Code of Criminal Procedure, 1973 for the purpose of satisfying itself as to the correctness, legality or propriety of the order, not being an interlocutory order, and as to the regularity of such proceeding."

THE BANKING REGULATION (AMENDMENT) ACT, 1991

An Act further to amend the Banking Regulation Act, 1949

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

1. *Short title.* This Act may be called the Banking Regulation (Amendment) Act, 1991.

2. *Amendment of section 56 of Act 10 of 1949.* In section 56 of the Banking Regulation Act, 1949, in clause (s), in sub-section (1) of section 29 as substituted by that clause,—

(a) in the opening portion, after the words, figures and letters "each year ending with the 30th day of June," the words "or at the expiration of a period of twelve months ending with such date as the Central Government may, by notification in the Official Gazette, specify in this behalf," shall be inserted:

(b) in the later portion, after the word "year", at both the places where it occurs, the words "or the period" shall be inserted;

(c) the following proviso shall be inserted at the end, namely:—

“Provided that with a view to facilitating the transition from one period of accounting to another period of accounting under this sub-section, the Central Government may, by order published in the Official Gazette, make such provisions as it considers necessary or expedient for the preparation of, or for other matters relating to, the balance-sheet or profit and loss account in respect of the concerned year or period, as the case may be.”

THE DELHI HIGH COURT (AMENDMENT) ACT, 1991

An Act further to amend the Delhi High Court Act, 1966.

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

1. *Short title and commencement.* (1) This Act may be called the Delhi High Court (Amendment) Act, 1991.

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

2. *Amendment of section 5.* In sub-section (2) of section 5 of the Delhi High Court Act, 1966, for the words “rupees one lakh”, the words “rupees five lakhs” shall be substituted.

3. *Amendment of Punjab Act VI of 1918, as in force in the Union territory of Delhi.* In the Punjab Courts Act, 1918, as in force in the Union territory of Delhi,—

(i) in section 25, for the words “rupees one lakh”, the words “rupees five lakhs” shall be substituted;

(ii) in clause (a) of sub-section (1) of section 39,—

(a) in sub-clause (ii), for the word “and” occurring at the end, the word “or” shall be substituted;

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

“(iii) where the decree or order is made after the commencement of the Delhi High Court (Amendment) Act, 1991 and the value of the original suit in which the decree or order is made does not exceed rupees one lakh; and”.

4. *Power of Chief Justice to transfer pending suits and proceedings to subordinate Courts.* The Chief Justice of the High Court of Delhi may transfer any suit or other proceedings which is or are pending in the High Court immediately before the commencement of this Act and in which no witnesses have been examined before such commencement to such subordinate court in the Union territory of Delhi

as would have jurisdiction to entertain such suit or proceedings had such suit or proceedings been instituted or filed for the first time after such commencement.

THE CONSTITUTION (SIXTY-NINTH AMENDMENT) ACT, 1991

An Act further to amend the Constitution of India.

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

1. *Short title and commencement.* (1) This Act may be called the Constitution (Sixty-ninth Amendment) Act, 1991.

(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 articles 239AA and 239AB.* After article 239A of the Constitution, the following articles shall be inserted, namely:—

'239AA. *Special provisions with respect to Delhi.* (1) As from the date of commencement of the Constitution (Sixty-ninth Amendment) Act, 1991, the Union territory of Delhi shall be called the National Capital Territory of Delhi (hereafter in this part referred to as the National Capital Territory) and the administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.

(2) (a) There shall be a Legislative Assembly for the National Capital Territory and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory.

(b) The total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies (including the basis for such division) and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.

The provisions of articles 324 to 327 and 329 shall apply in relation to the National Capital Territory, the Legislative Assembly of the National Capital Territory and the members thereof as they apply, in relation to a State, the Legislative Assembly of a State and the members thereof respectively; and any reference in articles 326 and 329 to "appropriate Legislature" shall be deemed to be a reference to Parliament.

(3) (a) Subject to the provisions of this Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters

enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of the List in so far as they relate to the said Entries 1, 2 and 18.

(b) Nothing in sub-clause (a) shall derogate from the powers of Parliament under this Constitution to make laws with respect to any matter for a Union territory or any part thereof.

(c) If any provision of a law made by the Legislative Assembly with respect to any matter is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly, or of an earlier law, other than a law made by the Legislative Assembly, then, in either case, the law made by Parliament, or, as the case may be, such earlier law, shall prevail and the law made by the Legislative Assembly shall, to the extent of the repugnancy, be void:

Provided that if any such law made by the Legislative Assembly has been reserved for the consideration of the President and has received his assent, such law shall prevail in the National Capital Territory:

Provided further that nothing in this sub-clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly.

(4) There shall be a Council of Ministers consisting of not more than ten per cent of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion:

Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

(5) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.

(6) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(7) Parliament may, by law, make provisions for giving effect to, or

supplementing the provisions contained in the foregoing clauses and for all matters incidental or consequential thereto.

(8) The provisions of article 239B shall, so far as may be, apply in relation to the National Capital Territory, the Lieutenant Governor and the Legislative Assembly, as they apply in relation to the Union territory of Pondicherry, the administrator and its legislature, respectively; and any reference in that article to "clause (1) of article 239A" shall be deemed to be a reference to this article or article 239AB, as the case may be.

239AB. *Provision in case of failure of constitutional machinery.* If the President, on receipt of a report from the Lieutenant Governor or otherwise, is satisfied—

(a) that a situation has arisen in which the administration of the National Capital Territory cannot be carried on in accordance with the provisions of article 239AA or of any law made in pursuance of that article; or

(b) that for the proper administration of the National Capital Territory it is necessary or expedient so to do,

the President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period and subject to such conditions may be specified in such law and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the National Capital Territory in accordance with the provisions of article 239 and article 239A.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) ACT, 1991

An Act further to amend the Monopolies and Restrictive Trade Practices Act, 1969 and the Companies Act, 1956.

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

1. *Short title and commencement.* (1) This Act may be called the Monopolies and Restrictive Trade Practices (Amendment) Act, 1991.

(2) The provisions of section 7 of this Act shall come into force at once and the remaining provisions shall be deemed to have come into force on the 27th day of September, 1991.

PART I

AMENDMENTS TO THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969

2. *Amendment of section 2.* In section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (hereinafter referred to as the principal Act),—

(a) the words “or any description” and “of that description”, wherever they occur, shall be omitted.

(b) In clause (d),—

(i) sub-clauses (i) and (ii) shall be omitted;

(ii) for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) an undertaking which, by itself or along with inter-connected undertakings produces, supplies, distributes or otherwise controls not less than one-fourth of the total goods that are produced, supplied or distributed in India or any substantial part thereof; or”;

(iii) the proviso and Explanation I shall be omitted;

(iv) in *Explanation IV*, for the words, brackets and figures “in sub-clause (ii), (iii) or (iv)”, the words, brackets and figures “in sub-clause (iii) or sub-clause (iv)” shall be substituted;

(c) in clause (e), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) shares and stocks including issue of shares before allotment;”

(d) clauses (ee), (fff), (gg) and (q) shall be omitted;

(e) in clause (r),—

(i) after the word “insurance”, the words “chit fund, real estate,” shall be inserted;

(ii) the following *Explanation* shall be inserted at the end, namely:—

Explanation.— For the removal of doubts, it is hereby declared that any dealings in real estate shall be included and shall be deemed always to have been included within the definition of “service”;

(f) clauses (vv) and (w) shall be omitted.

3. *Amendment of section 10.* In section 10 of the principal Act, in clause (b), after the words “the Central Government”, the words “or upon an application made to it by the Director General” shall be inserted.

4. *Amendment of section 11.* In section 11 of the principal Act,—

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

“(1) The Commission may, before issuing any process requiring the attendance of the person against whom an inquiry (other than an inquiry upon an application by the Director General) may be made under section 10, by an order, require the Director General to make, or cause to be made, a preliminary investigation in such manner as it may direct and submit a report to the Commission to enable it to satisfy itself as to whether or not the matter requires to be inquired into.”;

(b) in sub-section (2), the words, brackets, figures and letter “sub-clause (iii) of clause (a) of” shall be omitted.

5. *Amendment of section 12.* In section 12 of the principal Act,—

(a) in sub-section (1), after clause (e), the following clause shall be inserted, namely:—

“(f) the appearance of parties and consequence of non-appearance.”;

(b) in sub-section (2), for the words and figures “and Chapter XXXV of the Code of Criminal Procedure, 1989”, the words and figures “and Chapter XXVI of the Code of Criminal Procedure, 1973” shall be substituted.

6. *Amendment of section 12A.* In section 12A of the principal Act, after sub-section (2), the following *Explanations* shall be inserted, namely:—

Explanation I.— For the purposes of this section, an inquiry shall be deemed to have commenced upon the receipt by the Commission of any complaint, reference or, as the case may be, application or upon its own knowledge or information reduced to writing by the Commission.

Explanation II.—For the removal of doubts, it is hereby declared that the power of the Commission with respect to temporary injunction includes power to grant a temporary injunction without giving notice to the opposite party.”.

7. *Insertion of new section 13B.* After section 13A of the principal Act, the following section shall be inserted, namely:—

“13B. *Power to punish for contempt.* The Commission shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 shall have effect subject to the modifications that—

(a) the reference therein to a High Court shall be construed as including a reference to the Commission;

(b) the references to the Advocate-General in section 15 of the said

Act shall be construed as a reference to such Law Officer as the Central Government may, by notification in the official Gazette, specify in this behalf.”.

8. *Amendment of Chapter III.* In Chapter III of the principal Act,—

(a) Part A shall be omitted;

(b) the word and letter “Part B” Occurring before section 27 shall be omitted.

9. *Amendment of section 27.* In section 27 of the principal Act, in sub-section (1), for the portion beginning with the words “Notwithstanding anything” and ending with the words “for an inquiry, the following shall be substituted, namely:—

“Notwithstanding anything contained in this Act or in any other law for the time being in force, the Commission may,—

(i) upon receiving a complaint of facts from any trade association or from any consumer or a registered consumers’ association, whether such consumer is a member of that consumers’ association or not, or

(ii) upon a reference made to it by the Central Government or a State Government, or

(iii) upon its own knowledge or information,

if it is of opinion that the working of an undertaking is prejudicial to the public interest, or has led, or is leading or is likely to lead, to the adoption of any monopolistic or restrictive trade practices, inquire”.

10. *Amendment of section 27A.* In section 27A of the principal Act, in sub-section (1), for the portion beginning with the words “Notwithstanding anything” and ending with the words “for an inquiry”, the following shall be substituted, namely:—

“Notwithstanding anything contained in this Act or in any other law for the time being in force, the Commission may,—

(i) upon receiving a complaint of facts from any trade association or from any consumer or a registered consumers’ association, whether such consumer is a member of that consumers’ association or not, or

(ii) upon a reference made to it by the Central Government or a State Government, or

(iii) upon its own knowledge or information,

if it is of opinion that the continuance of inter-connection of an undertaking (hereafter in this section referred to as the principal undertaking) with any other undertaking is detrimental to—

(a) the interests of the principal undertaking; or

(b) the future development of the principal undertaking; or

(c) the steady growth of the industry to which the principal undertaking pertains; or

(d) the public interest, inquire”.

11. *Omission of part-C.* Part C of Chapter III of the principal Act shall be omitted.

12. *Omission of Chapter III-A.* Chapter III-A of the principal Act shall be omitted.

13. *Amendment of Section 31.* In section 31 of the principal Act, in sub-section (1), in the proviso, after the words “Commission receives”, the words “any application from the Director General or” and after the words “it may”, the words “on such application or” shall respectively be inserted.

14. *Amendment of section 36A.* In section 36A of the principal Act,—

(a) for the portion beginning with the words “adopts one or more” and ending with the words “or otherwise”, the following shall be substituted, namely:—

“adopts any unfair method or unfair or deceptive practice including any of the following practices”;

(b) in clause (1), in sub-clause (i), after the word “quality,”, the word “quantity,”, shall be inserted.

15. *Substitution of new section for section 36C.* For section 36C of the principal Act, the following section shall be substituted, namely:—

“36C. *Investigation by Director General before an issue of process in certain cases.* The Commission may, before issuing any process requiring the attendance of the person against whom any inquiry (other than an inquiry upon an application by the Director General”) may be made under section 36B, by an order, require the Director General to make, or cause to be made, a preliminary investigation in such manner as it may direct and submit a report to the Commission, for the purpose of satisfying itself that the matter requires to be inquired into.”.

16. *Amendment of section 36D.* In section 36D of the principal Act, in sub-section (1),—

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

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

“(c) any information, statement or advertisement relating to such

unfair trade practice shall be disclosed, issued or published, as the case may be, in such manner as may be specified in the order”

17. *Omission of section 45.* Section 45 of the principal Act shall be omitted.

18. *Amendment of section 46.* In section 46 of the principal Act, the words and figures “section 22 or section 23 or section 24 or” shall be omitted.

19. *Omission of section 47.* Section 47 of the principal Act shall be omitted.

20. *Amendment of section 48.* In section 48 of the principal Act, sub-section (2) shall be omitted.

21. *Substitution of new section for section 48B.* For section 48B of the principal Act, the following section shall be substituted, namely:—

“48B. *Penalty for contravention of section 27B.* (1) Every person who exercises any voting right in respect of any share in contravention of any order of the Central Government referred to in sub-section (1) of section 27B shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to fine.

(2) if any company gives effect to any voting or other right exercised in relation to any share held in contravention of an order of the Central Government referred to in sub-section (1) of section 27B, the company shall be punishable with fine which may extend to five thousand rupees, and every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.”

22. *Amendment of section 48C.* In section 48C of the principal Act, for the words “which may extend to three years, or with fine which may extend to ten thousand rupees, or with both”, the following shall be substituted, namely:—

“which shall not be less than six months but which may extend to three years and with fine which may extend to ten lakh rupees.

Provided that the court may, for reasons to be recorded in writing, impose a sentence of imprisonment for a term lesser than the minimum term specified in this section.”

23. *Amendment of section 50.* In section 50 of the principal Act, for sub-section (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) A person, who is deemed under section 13 to be guilty of an offence under this Act, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand rupees, or with both, and where the offence is a continuing

one, with a further fine which may extend to five thousand rupees for every day, after the first, during which such contravention continues.

(2) If any person contravenes, without any reasonable excuse, any order made by the Central Government under section 31 or any order made by the Commission under section 37, he shall be punishable with imprisonment for a term which shall not be less than,—

(a) in the case of the first offence, six months but not more than three years, and

(b) in the case of any second or subsequent offence in relation to the goods or services in respect of which the first offence was committed, two years but not more than seven years,

and, in either case, where the contravention is a continuing one, also with fine which may extend to five thousand rupees for every day, after the first, during which such contravention continues:

Provided that the court may, for reasons to be recorded in writing, impose a sentence of imprisonment for a term lesser than the minimum term specified in this sub-section."

24. *Amendment of section 54.* In section 54 of the principal Act,—

(a) sub-section (2) shall be omitted;

(b) in sub-section (3), the words, brackets and figure "or any term of a scheme of finance, as modified under sub-section (2)," shall be omitted.

25. *Amendment of section 55.* In section 55 of the principal Act, after the words "the Commission under", the words, figures and letter "section 12A or" shall be inserted.

26. *Amendment of section 67.* In section 67 of the principal Act, in sub-section (2), clauses (ac), (ba) and (g) shall be omitted.

27. *Omission of the Schedule.* The Schedule to the principal Act shall be omitted.

PART II

AMENDMENTS TO THE COMPANIES ACT, 1956

28. *Insertion of new section 108A to 108-I.* In the Companies Act, 1956 (hereinafter referred to as the Companies Act) after section 108, the following sections shall be inserted, namely:—

'108A. Restriction on acquisition of certain shares. (1) Except with the previous approval of the Central Government, no individual, firm, group, constituent of a group, body corporate or bodies corporate under the same management, shall jointly or severally acquire or agree to acquire, whether in his or its own name or in the name of any other person, any equity shares in a public company, or a private company which is a subsidiary of a

public company, if the total nominal value of the equity shares intended to be so acquired exceeds, or would, together with the total nominal value of any equity shares already held in the company by such individual, firm, group, constituent of a group, body corporate or bodies corporate under the same management, exceed twenty-five per cent. of the paid-up equity share capital of such company.

(2) Where any individual, firm, group, constituent of a group, body corporate or bodies corporate under the same management (hereinafter in this Act referred to as the acquirer), is prohibited, by sub-section (1), from acquiring or agreeing to acquire except with the previous approval of the Central Government, any share of a public company or a private company which is a subsidiary of a public company, no—

(a) company in which not less than fifty-one per cent. of the share capital is held by the Central Government, or

(b) corporation (not being a company) established by or under any Central Act; or

(c) financial institution,

shall transfer or agree to transfer any share to such acquirer unless such acquirer has obtained the previous approval of the Central Government for the acquisition, or agreement for the acquisition, of such share.

108B. *Restriction on transfer of shares.* (1) Every body corporate or bodies corporate under the same management, holding, whether singly or in the aggregate, ten per cent. or more of the nominal value of the subscribed equity share capital of any other company shall, before transferring one or more of such shares, give to the Central Government an intimation of its or their proposal to transfer such share, and every such intimation shall include a statement as to the particulars of the share proposed to be transferred, the name and address of the person to whom the share is proposed to be transferred, the share holding, if any, of the proposed transferee in the concerned company and such other particulars as may be prescribed.

(2) Where, on receipt of an intimation given under sub-section (1) or otherwise, the Central Government is satisfied that as a result of such transfer, a change in the composition of the Board of directors of the company is likely to take place and that such change would be prejudicial to the interests of the company or to the public interest, it may, by order, direct that—

(a) no such share shall be transferred to the proposed transferee:

Provided that no such order shall preclude the body corporate or bodies corporate from intimating, in accordance

with the provisions of sub-section (1) to the Central Government its or their proposal to transfer the share to any other person, or
 (b) where such share is held in a company engaged in any industry specified in Schedule XV, such share shall be transferred to the Central Government or to such corporation owned or controlled by that Government as may be specified in the direction.

(3) Where a direction is made by the Central Government under clause (b) of sub-section (2), the share referred to in such direction shall stand transferred to the Central Government or to the corporation specified therein, and the Central Government or the specified corporation, as the case may be, shall pay, in cash, to the body corporate or bodies corporate from which such share stands transferred, an amount equal to the market value of such share, within the time specified in sub-section (4).

Explanation:— In this sub-section, "market value" means, in the case of a share which is quoted on any recognised stock exchange, the value quoted at such stock exchange on the date immediately preceding the date on which the direction is made, and, in any other case, such value as may be mutually agreed upon between the holder of the share and the Central Government or the specified corporation, as the case may be, or in the absence of such agreement, as may be determined by the court.

(4) The market value referred to in sub-section (3) shall be given forthwith, where there is no dispute as to such value or where such value has been mutually agreed upon, but where there is a dispute as to the market value, such value as is estimated by the Central Government or the corporation, as the case may be, shall be given forthwith and the balance, if any, shall be given within thirty days from the date when the market value is determined by the court.

(5) If the Central Government does not make any direction under sub-section (2) within sixty days from the date of receipt by it of the intimation given under sub-section (1), the provisions contained in sub-section (2) with regard to the transfer of such share shall not apply.

108C. *Restriction on the transfer of shares of foreign companies.* No body corporate or bodies corporate under the same management, which holds, or hold in the aggregate, ten per cent. or more of the nominal value of the equity share capital of a foreign company, having an established place of business in India, shall transfer any share in such foreign company to any citizen of India or any body corporate incorporated in India except with the previous approval of the Central Government and such previous approval shall not be refused unless the Central Government is of opinion that such transfer would be prejudicial to the public interest.

108D. *Power of Central Government to direct companies not to give effect to the transfer.* (1) Where the Central Government is satisfied that

as a result of the transfer of any share or block of shares of a company, a change in the controlling interest of the company is likely to take place and that such change would be prejudicial to the interests of the company or to the public interest, that Government may direct the company not to give effect to the transfer of any such share or block of shares and—

(a) where the transfer of such share or block of shares has already been registered, not to permit the transferee or any nominee or proxy of the transferee, to exercise any voting or other rights attaching to such share or block of shares; and

(b) where the transfer of such share or block of shares has not been registered, not to permit any nominee or proxy of the transferor to exercise any voting or other rights attaching to such share or block of shares.

(2) Where any direction is given by the Central Government under sub-section (1), the share or the block of shares referred to therein shall stand retransferred to the person from whom it was acquired, and thereupon the amount paid by the transferee for the acquisition of such share or block of shares shall be refunded to him by the person to whom such share or block of shares stands or stand retransferred.

(3) if the refund referred to in sub-section (2) is not made within the period of thirty days from the date of the direction referred to in sub-section (1), the Central Government shall, on the application of the person entitled to get the refund, direct by order, the refund of such amount and such order may be enforced as if it were a decree made by a civil court.

(4) The person to whom any share or block of shares stands or stand retransferred under sub-section (2) shall, on making refund under sub-section (2) or sub-section (3), be eligible to exercise voting or other rights attaching to such share or block of shares.

108E. *Time within which refusal to be communicated.* Every request made to the Central Government for according its approval to the proposal for the acquisition of any share referred to in section 108A or the transfer of any share referred to in section 108C shall be presumed to have been granted unless, within a period of sixty days from the date of receipt of such request, the Central Government communicates to the person by whom the request was made, that the approval prayed for cannot be granted.

108F. *Nothing in sections 108A to 108D to apply to Government companies, etc.* Nothing contained in section 108A [except sub-section (2) thereof] shall apply to the transfer of any share to, and nothing in

section 108B or section 108C or section 108D shall apply to the transfer of any share by—

- (a) any company in which not less than fifty-one per cent[©] of the share capital is held by the Central Government;
- (b) any corporation (not being a company) established by or under any Central Act;
- (c) any financial institution.

108G. *Applicability of the provisions of sections 108A to 108F.* The provisions of sections 108A to 108F (both inclusive) shall apply to the acquisition or transfer of shares or share capital by, or to, an individual firm, group, constituent of a group, body corporate or bodies corporate under the same management, who or which—

(a) is, in case of acquisition of shares or share capital, the owner in relation to a dominant undertaking and there would be, as a result of such acquisition, any increase—

(i) in the production, supply, distribution or control of any goods that are produced, supplied, distributed or controlled in India or any substantial part thereof by that dominant undertaking, or

(ii) in the provision or control of any services that are rendered in India or any substantial part thereof by that dominant undertaking, or

(b) would be, as result of such acquisition or transfer of shares or share capital, the owner of a dominant undertaking; or

(c) is, in case of transfer of shares or share capital, the owner in relation to a dominant undertaking.

108H. *Construction of certain expressions used in sections 108A to 108G.* The expressions "group", "same management", "financial institution", "dominant undertaking" and "owner" used in sections 108A to 108G (both inclusive), shall have the meanings respectively assigned to them in the Monopolies and Restrictive Trade Practices Act, 1969.

108-I. *Penalty for acquisition or transfer of share in contravention of sections 108A to 108D.* (1) any person who acquires any share in contravention of the provisions of section 108A shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(2) (a) Every body corporate which makes any transfer of shares without giving any intimation as required by section 108B, shall be punishable with fine which may extend to five thousand rupees.

(b) Where any contravention of the provisions of section 108B has

been made by a company, every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(3) (a) Every body corporate which makes any transfer of shares in contravention of the provisions of section 108C, shall be punishable with fine which may extend to five thousand rupees.

(b) Where any contravention of the provisions of section 108C has been made by a company, every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(4) (a) Every person who transfers any share in contravention of any order made by the Central Government under section 108B, or gives effect to any transfer of shares made in contravention of any direction made by the Central Government under section 108D, or who exercises any voting right in respect of any share in contravention of any direction made by the Central Government under section 108D, shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to fine.

(b) If any company gives effect to any voting or other right exercised in relation to any share acquired in contravention of the provisions of section 108B, or which gives effect to any voting right in contravention of any direction made by the Central Government under section 108D, the company shall be punishable with fine which may extend to five thousand rupees, and every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.'

29. *Insertion of new Schedule.* After Schedule XIV to the Companies Act, the following Schedule shall be inserted, namely:—

"SCHEDULE XV

[See section 108D (2)(b)]

1. *Arms and ammunition and allied items of defence equipment, defence aircrafts and warships.*

2. *Atomic energy.*

3. *Coal and lignite.*

4. *Mineral oils.*

5. *Mining of iron ore, manganese ore, chrome ore, gypsum, sulphur, gold and diamond.*

6. *Mining of copper, lead, zinc, tin, molybdenum and wolfram.*

7. *Minerals specified in the Schedule to the Atomic Energy (Control of Production and Use) Order, 1953.*

8. Railway transport."

30. Repeal and saving. (1) The Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Monopolies and Restrictive Trade Practices Act, 1969 and the Companies Act, 1956, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts, as amended by this Act.

SESSIONAL REVIEW

TENTH LOK SABHA

SECOND SESSION

The Winter Session (Second Session) of the Tenth Lok Sabha, which commenced on 20 November 1991, was adjourned *sine die* on 20 December 1991. The House had a total of twenty-two sittings. A brief resume of the important discussions held and other business transacted during this period is given below.

A. DISCUSSIONS/STATEMENTS/ANNOUNCEMENTS

Gold Transactions: Making a statement on 22 November regarding the sending abroad of 46.91 tonnes of gold for safe custody with the Bank of England, the Minister of Finance, Dr. Manmohan Singh said that on 18 July 1991, he had explained to the House the Government's decision on gold transactions. He had also mentioned about the steps taken by the Government to tackle the crisis, restore confidence and put the economy back on a path of sustainable growth. The measures included macro-economic stabilisation in the short run through exchange rate adjustment, restoration of fiscal discipline and tight monetary policy, together with structural reforms in trade and industrial policy. He had also told the House that sincere efforts would be made to bring back the gold as early as possible. The Finance Minister announced that the Government had redeemed its pledge made to the country through the Parliament. All the loans taken through pledging gold stood repaid. It was also decided to exercise the repurchase option in respect of 20 tonnes of confiscated gold which was sold by the State Bank of India, he added.

Cauvery Water Dispute: Making a statement on 25 November 1991, the Minister for Water Resources, Shri V.C. Shukla said that as decided by the Government, a Presidential reference was made on 28 July 1991 to the Supreme Court of India to render their opinion on the legal questions associated with the Cauvery Water Disputes Tribunal's interim order of 25 June 1991 and the Ordinance of the Government of Karnataka dated 25 July 1991 (Now the Act) under clause (1) of Article 143 of the Constitution. The Constitution Bench of the Supreme Court heard the Party States from 21 August to 27 September 1991 in that regard and gave their opinion on

22 November 1991 that the Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991, (now the Act) was beyond the legislative competence of the State and was, therefore, *ultra vires* the Constitution. The order of the Tribunal dated 25 June, 1991 constituted report and decision within the meaning of Section 5(2) of the Inter-State Water Disputes Act, 1956 and the order was, therefore, required to be published by the Union Government in the official Gazette under Section 6 of the Act in order to make it effective. A Water Disputes Tribunal constituted under the Act was competent to grant any interim relief to the parties to the dispute when a reference for such relief was made by the Union Government and whether the Tribunal had the power to grant interim relief when no reference was made by the Union Government for such relief was a question which did not arise in the facts and circumstances under which the reference was made. Hence, the Supreme Court did not deem it necessary to answer the same.

The Union Government had decided to accept the opinion of the Supreme Court and initiated such action as might be necessary, the Minister added.

On 11 December, making another statement, Shri Shukla said that the matter had been examined further particularly in the light of the pronouncement of the Supreme Court that the interim order of the Tribunal was required to be notified by the Government in order to become binding and effective. The Government had also reviewed the position in respect of the availability of water in the river Cauvery during the year. Compared to the water available during the past many years, the situation was quite favourable and no difficulties in making the water available as provided for in the interim order of the Cauvery Water Disputes Tribunal were anticipated during the year. The Government had then notified the interim order of the Cauvery Water Disputes Tribunal. The Government would make every endeavour to act in the best interests of all concerned and to uphold the sanctity of the legal process, he added.

The statement made by the Minister on 11 December was the subject matter for discussion under Rule 193 on 13 December. Initiating the discussion, Shri V. Dhananjaya Kumar appealed for an amicable settlement which was acceptable to both the parties.

Participating in the discussion, Shri P.G. Narayanan wanted proper implementation of the interim award and protection of Tamil people living in Karnataka.

In a brief intervention, the Prime Minister, Shri P.V. Narasimha Rao expressed concern over the turn of events in Karnataka during the past few days and appealed to the people and all political parties in the State to ensure that peace and normalcy were restored.

Expressing his views, the Deputy Speaker, Shri S. Mallikarjunaiah said that it was up to the Union Government to bring both the States which

were involved in the dispute to the negotiating table and settle the matter amicably in a judicious manner.

Replying to the discussion,¹ the Minister for Water resources, Shri V.C. Shukla maintained that the long-term plan to link the peninsular rivers such as Mahanadi, Godavari, Krishna and Cauvery would be taken up on an urgent basis. When there was deficit rainfall or a lean year, there would be distress distribution. He expressed the hope that the final verdict of the Tribunal would give full justice to both Tamil Nadu and Karnataka.

Televising of Lok Sabha Proceedings: On 28 November, Speaker, Shri Shivraj V. Patil announced in the House that the question of televising the proceedings of the House was discussed with the Leaders of Parties and Groups, the Minister of Parliamentary Affairs, the Minister of Information and Broadcasting, the concerned officers of the Ministry of Information and Broadcasting, the CPWD and the Lok Sabha Secretariat. The matter was briefly and informally discussed at the meeting of the Leaders of Parties and Groups also. It had been considered by the General Purposes Committee of Lok Sabha and also at a joint meeting of the General Purposes committees of Lok Sabha and Rajya Sabha on 26 November.

The consensus arrived at those meetings was that the proceedings in the House might be televised. At the initial stage, the Question Hour might be televised and at later stages proceedings relating to legislation and the financial and other important matters might also be considered for televising. The detailed modalities in this regard were left to be worked out by the agencies concerned and approved by the Presiding Officers. Since the time available at the initial stages was limited, televising had to be done to fit in the available slot. However, it was decided that initially the proceedings of the Question Hour of Lok Sabha and Rajya Sabha would be telecast on alternate weeks, he added.

Consequent upon this, the proceedings of the Question Hour of Lok Sabha of 2 December were telefilmed and later telecast on the following day. Later, the proceedings of the Question Hour of Lok Sabha for the rest of the week till 6 December and again on 18, 19 and 20 December 1991 continued to be telecast as per schedule.

Presidential Proclamation in relation to the State of Meghalaya: Moving a Statutory Resolution on 9 December, the Minister of State in the Ministry of Parliamentary Affairs and the Minister of State in the Ministry of Home Affairs, Shri M.M. Jacob said that the Governor of Meghalaya, in his Report dated 8 October 1991, addressed to the President of India, had pointed out that there were reports that some members of the ruling

¹Other members who took part in the discussion were: Sarvasbri G. Madegowda, M.V. Chandrashekar Murthy, H.D. Devegowda, A. Asokraj, K.V. Thanga Balu, Mani Shankar Aiyar, V. Krishna Rao, V. Sreenivasa Prasad, Chinnasamy Srinivasan, D.K. Naikar, Era Arinraju, S.B. Sighal, K.H. Muniyappa, C.P. Mudalagiriyappa, D.Pandian, Prof. K. Venkatasri Gowda, Shrimati Basavarajewari and Shrimati Chandra Prabha Urs.

Meghalaya United Parliamentary Party had switched their support to the Opposition-led United Meghalaya Parliamentary Forum (UMPF), a Special Session of the State Legislative Assembly was convened on 7 August 1991 on the advice of the Chief Minister Shri B.B. Lyngdoh, so that he could prove his majority in the House.

Subsequently, the Legislative Assembly met on 8 October and discussed the Motion of Confidence. The Speaker announced the result saying that 26 members had voted for the Motion and 26 had voted against it and, therefore, there was a tie. The Speaker used his prerogative of casting vote in favour of the Opposition UMPF Group. Thereafter, he adjourned the House *sine die*. The Governor sent a further Message on 9 October mentioning that he had advised the Chief Minister to tender his resignation, but he had refused to resign. The Governor, therefore, recommended that action might be taken to impose President's rule. The Union Government considered the reports and decided to recommend to the President of India to issue a Proclamation under article 356 of the Constitution which was later issued by the President on 11 October, 1991.

The Minister further mentioned that the Governor, in his Report dated 4 December, had indicated that even if President's Rule was revoked, the stalemate would continue and it would not be feasible for either Group to form a Government in Meghalaya as they would not be able to conduct any business in the Assembly.

Moving a Motion regarding revocation of the Presidential Proclamation in relation to the State of Meghalaya, the Leader of the Opposition, Shri L.K. Advani urged the Government not to accept the recommendations of the Governor to dissolve that Assembly.

Replying to the discussion on 10 December,² Shri M.M. Jacob said that the Union Government was committed to maintain peaceful relations with the people in the North-East and wanted a Government to come back to power in Meghalaya as early as possible.

Earlier, Shri L.K. Advani spoke by way of reply to the motion.

The Resolution was adopted.

The motion was withdrawn by leave of the House.

Incidents of terrorism, secessionism and kidnappings: On 10 December, initiating a discussion, Shri Indrajit Gupta said that terrorist violence which had been concentrated at one time in Punjab and Jammu and Kashmir was spreading like cancer to other places in the country. He urged the Government to treat this as a national problem. The government

²Other members who took part in the discussion were: Sarvashri Peter G. Marbanlang, Uddhab Barman, Gumman Mal Lodha, Sharad Dighe, Ram Vilas Paswan, Jayanta Rongpl, Bhogendra Jha, Shiv Charan Mathur, Y. Yaima Singh, Chandrajit Yadav, P.C. Chacko, Kabindra Purkayastha, Frank Anthony and Shrimati Malini Bhattacharya.

should think more deeply in consultation with other political parties and forces as to how this situation could be remedied before it was too late, he added.

Participating in the discussion on 11 December, Shri Shibu Soren said that the demand for a separate State of Jharkhand should be accepted by the Government.

Intervening in the discussion, on 12 December, the Deputy Minister in the Ministry of Home Affairs, Shri Ram Lal Rahi said that social and economic disparity, absence of justice and control of natural and financial resources in only a few hands were some of the causes for the present ailments. He appealed to all political parties to come forward to help the Government in creating better atmosphere and solving the problems.

On 13 December, replying to the discussion³, the Minister for Home Affairs, Shri S.B. Chavan maintained that the malaise of terrorism and extremism was a national issue. There were several factors which were responsible for creating a kind of unrest and instability. Criminalisation of politics and cast factors were also emerging in significant proportions. Shri Chavan added that Pakistan was trying to encourage terrorists in a very big way. Regarding Jammu and Kashmir, a concerted effort was being made to win over the people and give them a feeling of confidence that they were part and parcel of the decision-making machinery. In Punjab, the Government would take very firm action against terrorists who were trying to create conditions in which elections would not be possible. Regarding Assam, the union Government fully agreed with the view that terrorist problem would have to be solved in a coordinated and integrated manner, he added.

Management of the Economic Crisis: Making a statement on 16 December, the Minister of Finance, Dr. Manmohan Singh, informed the House that the Government had taken corrective steps to restore confidence, re-establish macro-economic stability and set the country back on the path of sustained growth. It had achieved the immediate objective of restoring confidence and dispelling fears of default and was also beginning to restore macro-economic stability. The Government

³Other members who took part in the discussion were: Sarvasbri S.C. Dikshit, Digvijaya Singh, Ram Sunder Das, Chiranjil Lal Sharma, Madan Lal Khurana, Nitish Kumar, Bandaru Dattatraya, Pawan Kumar Bansal, Amal Datta, Venkateswarlu Ummareddy, Jayanta Rongopi, Kabindra Purkayastha, Sharad Dighe, Amar Roypradhan, E. Ahamed, Sripal Singh Yadav, B.N. Reddy, Ram Nagina Mishra, Pius Tirkey, Ramashray Prasad Singh, Laeta Umbrey, Chhedi Paswan, Kirip Chailha, Rajesh Kumar, Santosh Kumar Gangwar, Mohan Rawale, Sultan Salahuddin Owaisi, Bhagwan Shankar Rawat, Vijay Kumar Yadav, Dharmapal Singh Malik, K.D. Jeswani, Bheem Singh Patel, Inderjit, Chinnasamy Srinivasan, Y. Yaima Singh, Lal Jan, S.M. Basha, Chandrajeet Yadav, Girdhari Lal Bhargava, Surya Narain Yadav, Manjay Lal, Tej Narayan Singh, Ramdev Ram, Nawal Kishore Rai, Ratilal K. Varma, Rajendra Agnihotri, Rasa Singh Rawat, P.C. Thomas, S.N. Jatiya, Shrimati Dil Kumari Bhandari, Kumari Selja and Kumari Frida Topno.

would continue the reform process in various segments of the economy as part of the medium term strategy, he added.

Economic Situation in the country: Initiating a discussion under Rule 193 on 16 December, Shir Girdhari Lal Bhargava said that because of soaring prices, the people in the country were undergoing untold miseries and sufferings.

Replying to the discussion on 18 December⁴, the Minister of Finance, Dr. Manmohan Singh said that there was a crisis of the total economic system and a national consensus was needed on all major issues that the country was confronted with. He reiterated that the Government would be committed to ensure social justice to see that the costs of adjustment to a more dynamic economy were not put on the weakest shoulders. It was committed to supporting efficient public sectors and also maintaining the present exchange rate of the rupee. The fiscal system of the union Government must be set in good shape so as to enable it to come to the help of the weaker states in one union, he added.

Commonwealth Summit in Harare, the G-15 Summit in Caracas and the Visits of the Prime Ministers of Nepal and People's Republic of China: The Prime Minister, Shri P.V. Narasimha Rao participated in the meeting of the Commonwealth Heads of Government in Harare in October 1991 and the Second G-15 Summit in Caracas in November, 1991 and received the Prime Ministers of Nepal and China in India, in December 1991. Making a detailed statement on 20 December, the Prime Minister said that the Government would be ready both to adapt to the changing international environment and to utilise foreign policy as an instrument to further national interests in a dynamic manner.

Referring to the Commonwealth Heads of Government meeting in Harare, he said that the central theme of the Meeting was the future role of the Commonwealth in the 1990s and beyond. The objective was to identify the strength of the Commonwealth, examine its relevance in a changing world and determine priorities for the future.

At the G-15 Summit in Caracas, the objective was to ensure the convergence of opinion amongst the members and on the need to restore the emphasis on development cooperation on the multilateral agenda. The summit was significant because it resulted in the adoption of a number of specific South-South cooperation projects. India had been invited to host the 1993 Summit in New Delhi, he added.

⁴Other members who took part in the discussion were: Sarvasbri Jaswant Singh, Debi Prasad Pal, Bhagwan Shankar Rawat, George Fernandes, Amal Datta, Prithviraj D. Chavan, Bhogendra Jha, Mani Shankar Aiyar, Nitish Kumar, Anna Joshi, V. Sobhanadreeswara Rao, Susanta Chakraborty, Gopi Nath Gajapathi, Mohan Rawale, Biraingh Mahato, Kadambur M.R. Janardhanan, Ramesh Chennithala, Rajendra Agnihotri, Devendra Prasad Yadav, E. Ahmed, Chandulal Chandrakar, Atal Behari Vajapayee, Ramashray Prasad Singh and Nirmal Kanti Chatterjee.

The visit of the Prime Minister of Nepal, Shri Girija Prasad Koirala to India and the discussions he held resulted in a number of important decisions aimed at deepening and expanding mutually beneficial cooperation between the two countries. An Indo-Nepal Treaty of Trade, an Indo-Nepal Treaty of Transit and an agreement for cooperation in controlling unauthorised trade had been signed. A number of new Indian aid projects in the fields of health, roads, railways and telecommunications would be taken up within the availability of the country's financial resources. A durable framework had been established for cooperation between the two countries. The objective was to truly revolutionise bilateral cooperation.

The visit of the Chinese Premier Mr. Li Peng to India after a gap of more than 31 years gained added significance because it had taken place in the context of the on-going rapid changes in international relations. The five principles of peaceful co-existence were essential norms for the conduct of international relations. A number of bilateral agreements had been signed during the visit, Shri Narasimha Rao added.

The Prime Minister stressed that the participation of India in the multilateral gatherings in Harare and Caracas and the visits of the Prime Ministers of Nepal and China to India constituted a meaningful and structured approach to the fulfilment of international objectives and obligations and safeguarding of national interests.

B. LEGISLATIVE BUSINESS

*Water (Prevention and Control of Pollution) Cess (Amendment) Bill, 1991*⁵: Moving that the Bill be taken for consideration the Minister of State (Independent Charge) of the Ministry of Environment and Forests, Shri Kamal Nath said on 20 November that the Bill sought to augment the resources of the Central and State Pollution Control Boards and to encourage economy in the use of water for abatement of pollution. The Bill also proposed disincentives for those who did not conform to the prescribed standards. Pollutants would have to pay cess at an enhanced rate. The Bill further sought to empower officers and the authorities collecting cess to make assessment of the amount of cess where no return was filed.

Winding up the discussion on 28 November⁶ Shri Kamal Nath said that there was no conflict between development and environment, because there could be no real development without ecological conservation.

⁵The Bill was introduced on 3 September, 1991 by the Minister of State (Independent Charge) of the Ministry of Environment and Forests, Shri Kamal Nath.

⁶Other members who took part in the discussion were: Sarvasri Peter G. Madegowda, M.V. Chandrashekhar Murthy, H.D. Devegowda, A. Asokraj, K.V. Thanga Balu, Mani Shankar Aiyar, V. Krishna Rao, V. Sreenivasa Prasad, Chinnasamy Srinivasan, D.K. Nalkar, Era Anbarasu, S.B. Sidnal, K.H. Muniyappa, C.P. Mudalagiryappa, D.Pandian, Prof. K. Venkatagiri Gowda, Shrimati basevarajeswari and Shrimati Chandra Prabha Urs.

Efforts would be taken to prevent pollution at source. Seventeen heavily polluting sectors, including chemical and leather industries, had been identified and given directions to comply and meet the prescribed standards by 31 December 1991.

The Bill, as amended, was passed.

*Sick Industrial Companies (Special Provisions) (Amendment) Bill, 1991.*⁷ Moving that the Bill be taken into consideration, the Minister of Finance, Dr. Manmohan Singh said on 2 December that the Sick Industrial Companies (Special Provisions) Act 1985 was enacted with a view to securing timely detection of sick and potentially sick industrial companies. The Act did not currently apply to Government industrial companies, industrial companies in the public sector which were sick but could be revived as well as those which were sick and could not be turned around. Therefore, it was desirable to apply the provisions of the Act to industrial companies in the public sector so that such sick industrial companies were referred to the Board for Industrial and Financial Reconstruction (BIFR) for the formulation of revival or rehabilitation schemes, or for winding up, as the board might consider necessary.

Opposing the Bill, Shri Indrajit Gupta said on 3 December that the Government had not set the machinery in motion to identify the causes of losses suffered by public sector undertakings and to try to rectify them in order to avoid sickness.

Winding up the discussion on 4 December,⁸ the Minister for Finance Dr. Manmohan Singh said that Government was committed that closure of sick units should be a measure of the last resort when all other possible means had been exhausted. The Government was also working out the details of the National Renewal Fund to deal with the problems of re-training the workers, where they needed to be re-deployed.

The Bill was then a passed.

⁷Other members who took part in the discussion were: Sarvashri Peter G. Marbaniang, Uddhab Barman, Gumman Mal Lodha, Sharad Dighe, Ram Vilas Paswan, Jayanta Rongpi, Bhogendra Jha, Shiv Charan Mathur, Y. Yajma Singh, Chandrjit Yadav, P.C. Chacko, Kabindra Purkayastha, Frank Anthony and Shrimati Malini Bhattacharya.

⁸Other members who took part in the discussion were: Sarva Shri S.C. Dikshit, Digvijaya Singh, Ram Sunder Das, Chiranjil Lal Sharma, Madhan Lal Khurana, Nitish Kumar, Banderu Dattatraya, Pawan Kumar Bansaai, Amal Datta, Venkateswarlu Ummareddy, Jayanta Rongpi, Kabindra Purkayastha, Sharad Dighe, Amar Roypradhan, E. Ahamed, Sripal Singh Yadav, B.N. Reddy, Ram Nagina Mishra, Pius Tirkey, Ramashray Prasad Singh, Laeta Umbrey, Chhedi Paswan, Kirip Chaliha, Rajesh Kumar, Santosh Kumar Gangwar, Mohan Rawale, Sultan Salahuddin Owaisi, Bhagwan Shankar Rawat, Vijay Kumar Yadav, Dharmapal Singh Malik, K.D. Jeswani, Bheem Singh Patel, Inderjit, Chinna samy Srinivasan, Y. Yajma Singh, Lal Jan, S.M. Basha, Chandrajeet Yadav, Girdhari Lal Bhargava, Surya Narain Yadav, Manjey Lal, Tej Narayan Singh, Ramdew Ram, Nawal Kishore Rai, Ratilal K. Varma, Rajendra Agnihotri, Raza Singh Rawat, P.C. Thomas, S.N. Jatiya, Shrimati Dil Kumari Bhandari, Kumari Saija and Kumari Frida Topno.

*Constitution (Seventy-Fourth Amendment Bill, 1991*⁹ Moving that the Bill be taken into consideration the Minister for Home Affairs, Shri S.B. Chavan said on 20 December that the Bill sought to make special provisions in the Constitution for a new set-up for the administration of the Union territory of Delhi, including provisions for the establishment of a Legislative Assembly and a Council of Ministers responsible to such Assembly.

With a view to finding a permanent solution to the problems faced by the common man, such as multiplicity of authorities with overlapping functions, the Government appointed a Committee under the Chairmanship, initially of Justice R.S. Sarkaria and subsequently of Shri S. Balakrishnan, to suggest remedies for the longstanding problems faced by the people of Delhi. The report of the Balakrishnan Committee had attempted to design a governmental structure for Delhi which would secure a reasonable balance between those requirements. On an objective appraisal of all aspects, the Committee had come to the conclusion that any arrangement that involved a constitutional division of functions and responsibilities between the Union and Delhi Administration would be against the national interest and should be ruled out and that, therefore, Delhi should continue to be a Union territory with a Legislative Assembly with appropriate powers.

After carefully examining the report of the Balakrishnan Committee and considering all aspects, it had been decided to enact legislation generally on the lines of the recommendations of the Committee and the Bill sought to make appropriate provisions in that regard.

The Bill, as amended, was passed by the requisite majority in accordance with the provisions of Article 368 of the Constitution.

*Government of National Capital Territory, Bill, 1991*¹⁰ Moving the motion on 20 December for consideration of the Bill, the Minister for Home Affairs, Shri S.B. Chavan said that in pursuance of the provisions of the Constitution (Seventy-Fourth Amendment) Bill, 1991, the Bill sought to give effect to the amendments approved by the House to the Constitution.

Intervening in the discussion, the Minister of State (Independent Charge) in the Ministry of Surface Transport, Shri Jagdish Tytler expressed the view that the new Assembly should contain an equal

⁹Other members who took part in the discussion were: Sarvashri Jaswant Singh, Debi Prosad Pal, Bhagwan Shankar Rawat, George Fernandes, Amal Datta, Prithviraj D. Chavan, Bhogendra Jha, Mani Shankar Aiyar, Nitish Kumar, Anna Joshi, V. Sobhanadreeswar Rao, Susanta Chakraborty, Gopi Nath Gajapathi, Mohan Rawale, Birsingh Mahato, K. Mr. Janardhanan, Ramesh Chennithala, Rajendra Agnihotri, Devendra Prasad Yadav, E. Ahmed, Chandulal Chandrakar, Atal Behari Vajpayee, Ramashray Prasad Singh and Nirmal Kanti Chatterjee.

¹⁰The Bill was introduced on 3 September, 1991 by the Minister of State (Independent Charge) of the Ministry of Environment and Forests, Shri Kamal Nath.

number of representatives from each Lok Sabha constituency. It might be desirable to add a new Section that if the local bodies were not going to the Assembly, then there should be a coordinating board under the Chairmanship of the Chief Minister, which should include Chief Executives of all local authorities, autonomous bodies and various Ministries, as might be considered necessary on the Board. Financial powers should be given to the Assembly, he added.

Participating in the discussion, the Leader of the Opposition, Shri L.K. Advani said that in spite of the Bill, there would not be much change in the situation. He advocated the need for constituting a Delimitation Commission as there were several variations and anomalies regarding the number of seats in the Assembly vis-a-vis the number of Lok Sabha seats.

Winding up the discussion,¹¹ Shri Chavan said that the Union Government would have to intervene in the matter to see that all the amenities were provided in such a manner that not only the people of Delhi city, but all those who come from different parts of India and also from abroad, should be able to compare the city of Delhi with any other city having the same population as Delhi.

The Bill, as amended, was passed.

C. THE QUESTION HOUR

During the Second Session, 15,703 notices of Questions (12,100 Starred, 3,568 Unstarred, 35 Short Notice Questions) were received. Out of these, 449 Starred Questions and 4,999 Unstarred Questions were admitted. 9 Starred and 78 Unstarred Questions were deleted/postponed/transferred from one Ministry to another.

Daily Average of Questions: Each List of Starred Questions contained 20 questions except those of 9, 10, 12, 17, and 20 December which contained 21 questions each and 29 November and 19 December which contained 22 questions each.

The average number of Starred Questions orally answered on the floor of the House during the Session was 4. The maximum number of Starred Questions answered on a day were six on 22 November and 11 and 13 December and the minimum number was one on 29 November 1991.

¹¹Other members who took part in the discussion were: Sarvasbri Madan Lal Khurana, Sejan Kumar, Tarachand Khandelwal, Chinmoy Srinivasan, E. Ahmed, Manoranjan Bhakta, B.L. Sharma "Prem", Frank Anthony, Ram Naik, P.M. Seyed, P.C. Thomas and Era Anbarasu.

The average number of Questions in the Unstarred List of Questions were 227 against the prescribed limit of 230 Questions, the minimum being 162 Questions on 123 December and maximum being 239 on 4 December 1991.

Half-an-Hour Discussions: In all, 53 Notices of Half-an-Hour Discussion were received during the Session. Out of these, 14 Notices were admitted and 2 Notices were discussed on the floor of the House.

D. OBITUARY REFERENCES

During the Session, the House made obituary references to the passing away of Sarvashri Ramnath Goenka, Kinder Lal, K. Anandan Nambiar, K. Lakkappa, Parmai Lal, T.V. Chandrashekarappa, T.S. Avinashlingam Chettiar, Ramsingh Bhal Varma, H.C. Linga Reddy and K. Kunjambu (all former members) and Shri Binode Bihari Mahato (sitting member).

RAJYA SABHA

HUNDRED AND SIXTY-FIRST SESSION

The Rajya Sabha met for its Hundred and Sixty First Session on 21 November 1991 and adjourned *sine die* on 21 December 1991. A resume of some of the important discussions held and other business transacted during the Session is given below:

A. DISCUSSIONS

Strike by Service Doctors: On 27 November 1991, Dr. Jinendra Kumar Jain called the attention of the Minister of Health and Family Welfare to the continuing strike by service doctors all over the country and steps taken by the Government to remedy the situation.

Replying to the calling attention, the Minister of Health and Family Welfare, Shri M.L. Fotedar said that the Government shared the deep concern of the House on the indefinite strike by a section of service doctors with effect from the midnight of 11-12 November, 1991 and the inconvenience caused to patients as a consequence thereof.

The Government had signed a Memorandum of Settlement (MOS) with the Joint Action Council of Service Doctor's Organisation (JACSDO) on 21 August 1989, in full and final settlement of all demands of the service doctors as on that date. One of the clauses of the MOS related to the appointment of a High Power Committee to look into the various aspects of the structure of the Central Health Service, career development for doctors and other related matters. In pursuance of the agreement, the Government constituted a committee under the Chairmanship of Shri R.K. Tikku which gave its report on 1 November 1990. The JACSDO had been pressing the Government for early implementation of the recommendations of the Committee. They had also filed a petition in the Supreme Court for the same purpose. The Supreme Court, on 3 September 1991, allowed the Government two month's time to take a

decision on the recommendations of the Committee. Soon after, on 16 September 1991, the JACSDO gave notice of an indefinite strike with effect from the midnight of 11-12 November 1991, if the recommendations of the Tikku Committee were not implemented by the Government in toto. However, on 7 October 1991, the JACSDO informed the Government that they would proceed on an indefinite lightning strike within 72 hours if the Government in any way diluted or modified the recommendations of the Tikku Committee. The matter came up before the Supreme Court again on 11 November 1991. The court was informed that all the recommendations of the Tikku Committee had been duly considered and appropriate decisions were taken by the Government. The Supreme Court, while disapproving the conduct of the JACSDO, directed the Government to place the decisions taken on the Tikku Committee report before the Court prior to the next hearing on 18 November 1991. In compliance with the directive of the Court, the government announced its decisions on 14 November, 1991 which were contained in the Office Memorandum of that date.

Despite the Courts' observations, the JACSDO implemented their call for indefinite strike from the midnight of 11-12 November 1991. The Minister said that the decision was premature and totally unjustified as the Government had already informed the Supreme Court that all recommendations of the Tikku Committee had been duly considered and appropriate decisions taken.

The Minister observed that any attempt to disrupt the functioning of the medical institutions was unacceptable and more particularly so, when that was sought to be done by senior officers. It was quite understandable that the striking doctors had been demanding emoluments and status at par with the highest civil services of the country. However, it was only legitimate to expect that they would also show responsibility and maturity in their conduct in keeping with their aspirations, the Minister added.

Plight of handloom weavers in Andhra Pradesh: On 4 December 1991, Shri Pragada Kotaiah called the attention of the Minister of Textiles to the plight of handloom weavers in Andhra Pradesh with special reference to starvation deaths of many of them and the action taken by the Government in regard thereto.

Replying to the calling attention, the Minister of State in the Ministry of Textiles, Shri Asoke Gehlot said that the Union Government had been monitoring the situation regularly and had kept in constant touch with the State Government to find remedial measures for ameliorating the lot of the weavers, while the Chief Minister of the State had agreed to release sufficient funds to liquidate the arrears due to weavers, the Union Government on its part had released some time back over Rs. 6 crore under the Janata subsidy programme to the State Government, the Minister said. He expressed the hope that

these measures would sufficiently ease the position of the arrears due to the weavers.

Replying to various points raised by members, the Minister said that although more than one crore people were engaged in the handloom and weaving sector, they did not constitute the organised sector. Keeping in view their problems, the Government temporarily suspended the export of yarn and asked all the Chief Ministers to ensure adequate supply of hank yarn to the poor weavers on reasonable prices. The Minister emphasised that more and more weavers should enter the cooperative sector. Efforts were being made to develop such a technology in handloom sector which would enable the weavers to earn more with less labour, the Minister added.

Havoc caused by Earthquake in northern parts of the country particularly in the Garhwal region: Initiating a short duration discussion on 5 December 1991, Shri Ram Jethmalani made a request to the Government to publish a comprehensive White paper on the tragedy and the remedies adopted to decrease human suffering caused by the recent earthquake in northern parts of the country. Shri Jethmalani wanted to know if the guidelines of the World Health Organisation (WHO) for such calamities were implemented during the relief operations. He expressed anxiety as to what impact such earthquakes would have on the Tehri Dam and some of the nuclear reactors situated in proximity to the earthquake zone.

Replying to the discussion¹², on 6 December 1991, the Minister of Agriculture, Shri Bal Ram Jakhar said that the impact of the earthquake of 20 October 1991 was felt more severely in the Garhwal region of Uttar Pradesh, particularly in the districts of Uttarkashi, Tehri and Chamoli. The State Government had indicated a tentative loss of Rs. 300 crore. Immediately after the earthquake, two teams of senior officers were deputed to have first-hand information about the impact of the earthquake and relief measures being taken. Besides, the Prime Minister visited the affected areas. The Minister said that the Union Government had released its entire share of the Calamity Relief Fund (CRF) for the year 1991-92. Besides, the State Government was left with an unspent balance of Rs. 42.71 crore from the CRF of 1990-91. The total amount available to the State Government for meeting expenditure on natural calamities was around Rs. 133 crore. In addition to that, assistance had been extended by various Union Ministries, departments and agencies to the U.P. Government in cash and kind. The State Government provided subsidy for constructing houses to the people whose houses had been damaged fully or partially. They had requested for World Bank assistance. Relief

¹²Other members who took part in the discussion were: Sarvasbri Ram Naresh Yadav, Sukomal Sen, Kapil Verma, V. Gopalsamy, Dr. Sanjaya Singh, Dr. Ratnakar Pandey and Dr. G. Vijaya Mohan Reddy.

assistance was being sought from non governmental agencies also. The affected districts had been divided into sectors to ensure that relief reached all the affected persons, the Minister added.

Growing manace of Terrorism and other Subversive Activities encouraged by outside powers: Initiating the discussion on 12 December 1991, on a matter of urgent public importance, Shri N.K. P. Salve said that the widespread growth of terrorism and other subversive activities had assumed an alarming dimension. Though time was a great healer for many a malaise, time had never healed lawlessness, terrorism and subversive activities. Terrorism had never come to an end by negotiation, he added.

The Member said that a special law should be made to declare certain activities as high treason, as amounting to waging a war against the Government. Secondly, Indian borders and border areas should be declared disturbed areas and the administration of the same should be handed over to the army.

Replying to the discussion¹³ on 19 December 1991, the Minister of State in the Ministry of Home Affairs, Shri M.M. Jacob said that terrorism was a world-wide phenomenon. But for India, it was a new phenomenon. The cross examination of certain arrested persons by Indian Intelligence agencies and paramilitary forces had revealed the fact that the ISI, the secret intelligence agency of Pakistan, was responsible for instigating terrorists against India. During the last two or three months, however a visible change was seen even in Jammu and Kashmir where the flow of terrorists was getting reduced, the Minister added.

In Punjab, the Sikh terrorists were also being encouraged by outside forces. They were recruiting unemployed young people of Punjab and Kashmir, giving them training and sending them with sophisticated arms and armaments. As regards Assam, the Minister said that the ULFA activities were taken care of by the Assam Accord. The Terai region in Uttar Pradesh had recently come into notice with intensive activities of the terrorists. The Government was also thinking of giving special training to the security forces for combating terrorism, the Minister added. When people were unemployed, when their grievances were not properly redressed, it was bound to create frustration and that frustration was capitalised by terrorists and other interested parties. Whipping up communal feeling, of late, was also posing a great menace to India.

¹³Other members who took part in the discussion were: Sarvashri Raj Mohan Gandhi, S.S. Ahluwalia, Moturu Hanumantha Rao, G.G. Swell, Jagesh Desai, A.G. Kulkarni, Syed Sibtey Razi, Anant Ram Jaiswal, V. Narayanasamy, Tindivanam G. Venkatraman, Chaturanan Mishra, David Ledger, Sarada Mohanty, Ram Awadhesh Singh, Narayan Kar, Bhadrachwar Buragohain, Ashwani Kumar, Satya Prakash Malaviya, Ram Naresh Yadav, Dr. Ratnakar Pandey, Dr. Narreddy Thulasi Reddy, Prof. Saurin Bhattacharya and Shrimati Sushma Swaraj.

The Minister emphasised that terrorism had to be handled through political consensus.

Price situation in the country: On 18 December 1991, Shri Gurudas Dasgupta called the attention of the Minister of Finance to the price situation in the country and action being taken by the Government in the matter.

Replying to the calling attention, the Minister of State in the Ministry of Finance, Shri Rameshwar Thakur said that the annual rate of inflation in terms of Wholesale Price Index (WPI) on a point-to-point basis which peaked at over 16 per cent in August 1991, had declined on 30 November 1991 to 13.7 per cent, compared with 10.1 per cent for the corresponding date, the preceding year. In terms of the Consumer Price Index (CPI) the price rise during the first seven months of the current year upto October 1991 had been 10.9 per cent compared with 10.2 per cent during the corresponding period of the preceding year.

The Minister said that the build-up of inflationary pressures was attributable to large and persistent fiscal deficits over the years resulting in excessive growth in money supply, liquidity overhang and increase in effective demand; supply and demand imbalances in sensitive commodities like pulses, edible oils, etc. due to severe foreign exchange crisis; wage-price spiral in organised industries leading to cost-push inflation in addition to demand-pull inflation; sharp increases in procurement prices of cereals and consequent rise in issue prices of cereals which set the trends for open market prices; imperfect market conditions in some products like fruits and vegetables; increase in transportation and distribution costs due to two hikes in petroleum product prices during 1990 and during 1991-92; the unavoidable increase in railway fares and freight rates, increase of excise duties on certain items, increase in petroleum products prices (except for kerosene and diesel) and issue prices of sugar and fertilisers in the budget for 1991-92 as a part of fiscal corrections; and inflationary expectations in the economy due to uneven progress of monsoon until the end of August during the current year.

Speaking about the measures taken, the Minister said that containment of inflation was high on the agenda of the Government as it affected everybody, particularly the poorer sections of the society. The multi-pronged strategy adopted by the Government to contain the rise of prices included a strict fiscal discipline and a planned reduction in gross fiscal deficit from 8.4 per cent of Gross Domestic Product (GDP) in 1990-91 to 6.5 per cent in 1991-92, check on expansion of money supply and various selective credit control measures, providing incentives for savings and higher production, more effective management of supply and demand for essential commodities, streamlining of the public distribution system and strict action against hoarders and profiteers.

The Minister said that the Government had also undertaken a number of structural policy reforms in the spheres of trade, industry and public sectors. These reforms, coupled with strict monetary fiscal discipline, were expected to dampen inflationary pressures by increasing efficiency and productivity and by imparting dynamism to the growth process.

B. Legislative Business

*The Indian Succession (Amendment) Bill, 1990*¹⁴: Moving the motion for consideration of the Bill on 20 November 1991, the Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Rangarajan Kumaramangalam said that there was discrimination against daughters in the Parsi community in case of devolution of property after death of the father. Under clauses (a) and (b) of Sub-section (1) of Section 51 of the Indian Succession Act, 1925, the son was entitled to double the share of the daughter in the property of the father after his death, while on the mother's death, the son and daughter got equal shares of property left by the mother. The Law Commission of India, in its One Hundred and Tenth Report of the Indian Succession Act, 1925, had observed that the discrimination between sons and daughters did not seem to be reasonable and hence, was contrary to the spirit of Article 14 of the Constitution.

The Minister informed that a unanimous representation from the Parsi community had been received for removal of the aforesaid discrimination. They had also demanded for consequential changes in Section 52 to 56 and in Schedule II of the Act.

The motion for consideration of the Bill and its various clauses were adopted subsequently and the Bill, as amended, was adopted on the same day.

*The Family Courts (Amendment) Bill, 1990*¹⁵: Moving the motion for consideration of the Bill on 20 November 1991, the Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Rangarajan Kumaramangalam said that the Family Courts Act, 1984 (66 of 1984) envisaged the establishment of Special Courts with a view to promoting conciliation and speedy settlement of disputes relating to marriage and family affairs and matters connected therewith. After the enactment of Family Court Act, 1984, a provision relating to the maintenance of wife, children, and parents under Chapter IX which included Section 125 of the Cr.P.C. fell within the jurisdiction of the Family Courts. An anomalous situation had arisen inasmuch as the States where the Family Courts Act had not been extended, there would be no appeal against the Maintenance Order passed by the Magistrate under Section 125 of the Cr.P.C. Only the

¹⁴The Bill was introduced in Rajya Sabha on 23 May 1990.

¹⁵The Bill was introduced in Rajya Sabha on 16 August 1990.

general provisions in the Cr.P.C. regarding filing of a revision Petition in the Cr.P.C. would apply in such States. The Conference of Chief Justices held in December 1989 took note of this anomaly and recommended deletion of the provision regarding appeal against an order made by a Family Court under Section 125 of the Cr.P.C. With a view to bringing about uniformity in the procedure for maintenance cases, it was proposed to amend Section 19 of the Family Courts Act, 1984. The right to appeal against the orders passed by the Family Courts under Section 125 of the Cr.P.C. was being deleted. Instead, the Bill sought to insert a new clause relating to revision, enabling the High Court on its own motion or otherwise to call for and examine the record of any proceeding, in which a Family Court had passed orders under Chapter IX which also included Section 125 of the Cr.P.C. 1973.

The motion for consideration of the Bill and its various clauses, as amended, were adopted and the Bill was passed on 26 November 1991.

*The Delhi High Court (Amendment) Bill, 1991*¹⁶: Moving the motion for consideration of the Bill on 3 December 1991, the Minister of Law, Justice and Company Affairs, Shri K. Vijaya Bhaskara Reddy said that the Bill sought to increase the original pecuniary jurisdiction of the District Court in the Union territory of Delhi from the existing limit of Rs. 1 lakh to Rs. 5 lakh so that original suits of a value of more than Rs. 5 lakhs could only go to the Delhi High Court. The increase in the limit of pecuniary jurisdiction was necessary, because of the decline in the value of rupee over the years and for reducing the pressure on the Delhi High Court. The proposed amendment would also speed up disposal of cases. Besides, the Bill which aimed at granting more powers to the District Court, would benefit the litigants in the Union territory of Delhi. The Government was separately pursuing a proposal to decentralise the District Courts in the Union Territory of Delhi, the Minister added.

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

*The Constitution (Seventy-Fourth Amendment) Bill, 1991*¹⁷: Moving the Motion for consideration of the Bill on 20 December 1991, the Minister of Home Affairs, Shri S.B. Chavan informed the House that the Bill sought to make special provisions in the Constitution for a new set-up for the administration of the Union Territory of Delhi, including provisions for the establishment of a Legislative Assembly and a Council of Ministers responsible to such Assembly. There had been persistent demands for a representative form of Government in Delhi which, it had been emphasised very often, would facilitate in removing problems faced by the common man. With a view to finding a permanent

¹⁶The Bill was introduced in Rajya Sabha on 5 March 1990.

¹⁷The Bill as passed by Lok Sabha, was laid on the Table of the Rajya Sabha on 20 December 1991.

solution to the problem, the Government appointed a Committee in 1987 initially under the Chairmanship of Justice R. S. Sarkaria who was subsequently replaced by Shri S. Balakrishnan. The Committee submitted its report on 14 December 1989. The Committee, after an objective appraisal of all aspects, had come to the conclusion that any arrangement that involved a constitutional division of functions and responsibilities between the Union and the Delhi Administration would be against the national interest. Therefore, Delhi should continue to be a Union Territory with a Legislative Assembly with appropriate powers. The Committee had also recommended that the subjects of public order, police and land should be retained with the Union as these were matters of vital importance for which the responsibility could not be divided.

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

*The Government of National Capital Territory Bill, 1991*¹⁸: Moving the motion for consideration of the Bill, on 21 December 1991, the Minister of Home Affairs, Shri S. B. Chavan informed the House that the present Bill sought to give effect to certain amendments to the Constitution approved earlier by the House.

Replying to the debate on the same day, the Minister said that Delhi happened to be the National Capital and there was a large number of responsibilities which the Union Government had to discharge in relation to Delhi. The Planning Commission and the Finance Ministry had been very generous in giving greater allocations for Delhi from time to time. Different corporations in Delhi like the Municipal Corporation, the Road Transport Corporation, etc. were going to be dealt with by a separate legislation. It was very clear in the Balakrishnan Committee Report, as to why statehood should not be granted to Delhi. All residuary powers which were not specified, were under the supervision and control of the Union Government. The Minister said that there would not be any scope for any kind of a conflict between the Union and the National Capital Territory of Delhi.

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

*The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1991*¹⁹: Moving the motion for consideration of the Bill on 21 December 1991, the Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Rangarajan Kumaramangalam said that the Monopolies and Restrictive Trade Practices (MRTP) Act, 1969, came into force on 1 June 1970, with

¹⁸The Bill, as passed by Lok Sabha, was laid on the Table of the Rajya Sabha on 21 December 1991.

¹⁹The Bill, as passed by Lok Sabha, was laid on the Table of the Rajya Sabha on 20 December 1991.

the objective of ensuring that the operation of the economic system did not result in concentration of economic power to the common detriment. The Act was amended in 1982, 1984 and in 1985 to bring within its scope unfair trade practices. The Minister said that the restrictions envisaged under the MRTP Act on investment decisions of the corporate sector had outlived their utility. In the changing global scenario, it was considered necessary to remove restrictions and controls. The proposed amendments would help in getting rid of project delay and in acceleration and modernisation of the Indian industry, the Minister added.

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

C. THE QUESTION HOUR

During the 161st Session of the Rajya Sabha, 6,812 notices of Questions (6,228 Starred and 584 Unstarred) were received. Out of these, 430 Starred Questions and 3,453 Unstarred Questions were admitted. Of the notices received for 13 Short Notice Questions, none was admitted. After Lists of Questions were printed, 13 Starred and 110 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions: Each of the List of Starred Questions contained 18 to 21 Questions. On an average, 4 Questions were orally answered per sitting. The maximum number of Questions orally answered was 6 on 20 December 1991 and the minimum number of Questions orally answered was 3 on 20 and 27 November 1991 and on 5 and 6 December 1991.

The minimum number of Questions admitted in Unstarred List was 100 on 29 November 1991, and their maximum number was 261 on 19 December 1991. Their average came to 152.5

Half-an-hour Discussion: 7 Notices of Half-an-hour Discussion were received and one was admitted but not discussed.

Statements correcting answers to Questions: 5 Statements correcting answers to Questions were made by the Ministers concerned.

D. OBITUARY REFERENCES

During the Session, references were made to the passing away of Sarvashri G. D. Tapase, Dr. W. S. Barlingay, O. J. Joseph, T. S. Avinashilingam Chettiar, T. V. Chandrashekhara and Shrimati Mona Hensman, all former members. Members stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY²⁰

The Arunachal Pradesh Legislative Assembly, which commenced its Fourth Session on 16 September 1991, was adjourned *sine die* on 18 September 1991. The House was prorogued at the conclusion of its last sitting by an order of the Governor of Arunachal Pradesh on 30 September 1991.

Legislative Business: During the Session, four Bills (i) The Arunachal Pradesh Fire Service Force Bill, 1991; (ii) The Arunachal Pradesh Soil and Water Conservation Bill, 1991; (iii) The Arunachal Pradesh Eyes (Authority for use for Therapeutic purposes) Bill, 1991; and (iv) The Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Bill, 1991—were introduced and, excepting the last one, were considered and passed by the House.

Obituary References: On the opening day, i.e. 16 September 1991, the House condoled the demise of Shri Rajiv Gandhi, former Prime Minister of India.

MADHYA PRADESH LEGISLATIVE ASSEMBLY²¹

The Sixth Session of the Ninth Madhya Pradesh Legislative Assembly commenced on 9 December 1991 and was adjourned *sine die* on 17 December 1991.

Legislative Business: During the Session, five Bills were introduced and passed by the House.

Obituary references: On the opening day of the Session and on 17 December 1991, obituary references were made on the passing away of Sarvashri Ram Nath Goenka and Ram Singh Varma, former members of Parliament, ten former members of the State Legislative Assembly, two eminent literary personalities, one labour leader of Chhattisgarh and all those who lost their lives in the earthquake in Garhwal, Uttar Pradesh.

²⁰Material contributed by Arunachal Pradesh Legislative Assembly Secretariat.

²¹Material contributed by Madhya Pradesh Legislative Assembly Secretariat.

SUMMARIES OF BOOKS

CARSTAIRS, Charles and WARE, Richard (eds.), *Parliament and International Relations*, (Open University Press, Buckingham) 1991. Pages 195. (Price not mentioned).

Considering foreign affairs to be something not appropriate for detailed intervention or constant scrutiny is the main reason for distancing of Parliament from foreign affairs. Other reasons in this regard include lack of political and electoral mileage in foreign affairs most of the time, limited demand of the British Foreign and Commonwealth Office (FCO) as an institution on the public purse, etc. Moreover, problems of foreign policy seldom present themselves so clearly or continuously to the electorate as do domestic issues. However, in the last 20 years, the foreign affairs agenda of the United Kingdom has undergone a perceptible change and with it also the parliamentary dealings with foreign affairs through both the formal and informal ways in which Members of Parliament become involved in foreign affairs issues.

As a member of the European Community (EC) and the North Atlantic Treaty Organisation (NATO), the United Kingdom now seeks to coordinate policies, wherever possible, with the other members of these alliances. British membership of EC has tended to occupy a major part of the parliamentary agenda since 1972. Both the Houses of the British Parliament have mechanisms for scrutinising EC draft legislations and contributing thereby to the complex process of harmonization in which all 12 governments and Parliaments are involved.

A great variety of procedural devices are available which may be employed to bring about debates in the House of Commons. The examination of the data available on time spent and the subjects covered by Parliament has established that the proportion of House of Commons' time devoted to foreign affairs has slightly declined since the 1940s. The small quantity of legislation linked to foreign affairs and sponsored by FCO is one of the reasons for the FCO being less in touch with the ways of Parliament than other departments. FCO Ministers and officials are also not frequently involved in day-to-day parliamentary business. However, since the 1982 Falklands issue, there has been greater and organised efforts by them to keep in touch with Parliament. There have also been

regular contacts between the FCO and the Foreign Affairs Committee (FAC) established in 1979 to monitor the FCO. The practice of the FAC, since its inception, has been to deliver two or three major reports and a similar number of shorter ones to the House in each Session. The Committee was very active and influential on subjects like the European revolutions of 1989 and Hong Kong in 1989 and 1990. The FAC has also acquired some informal status as its Chairmen in particular are in regular demand to be interviewed on radio and television as individuals whose opinions on any foreign affairs issue are likely to be valuable.

The impact of international events and of changes in British power is felt more obviously in those activities of parliamentarians which do not stand in the formal record of proceedings. At the one end of the informal activity in the realm of foreign affairs are the elaborate procedures and formalities of bodies such as the Inter-Parliamentary Union (IPU) and the Commonwealth Parliamentary Association (CPA) and at the other are private conversations between MPs. MPs travelling to a foreign country under the auspices of the IPU or at the invitation of some institution in the country concerned can make political impact in a number of ways like holding private discussions with local politicians and seeking to influence them in a particular direction. While abroad, they may also make public statements designed to support, embarrass or otherwise bring pressure on the host governments, for example over their human rights policy.

The House of Lords asserts itself from time to time over legislation, but has little sway over policy where no legislation is involved. The role of the House of Lords in foreign affairs as a whole is fairly marginal despite its distinguished membership. Generally, the House of Lords has no foreign affairs' voice distinctive from that of the House of Commons and is also not capable of exerting independent influence over the Foreign and Commonwealth Office.

Parliamentary handling of treaties and the treaty process is an obscure matter at Westminster due to the lack of a written Constitution although no government would like to conclude treaties of major political significance without being certain of its support in the House of Commons. The weakness of the present system is that there has been a growing tendency for binding international agreements of lesser political significance to be concluded without provisions for ratification. These agreements are reported to Parliament only when they reach the treaty series and are already in force.

The four case studies—Gibraltar, Libyan raid, the INF Treaty and Chile—offer an analysis of Parliament at work on specific foreign policy issues. In these cases, there has been an attempt to reintroduce the political context and ask questions about the influence of Parliament on matters affecting foreign policy. The case studies of Gibraltar and Chile are concerned with the ways in which external interests and pressures

interact with parliamentary procedures over a period of years. The study on the US bombing on Libya in 1986 looks at the immediate parliamentary response to a short-term emergency while the study on the INF Treaty reveals the difficulties experienced by Parliament in monitoring and coming to grips with the complex and sensitive issue of arms control.

In a parliamentary democracy, all government policy and decision making have to be subject to parliamentary scrutiny which is carried out on behalf of the general public and in the light of public opinion. Foreign policy is also conducted against the background of what the public and hence the Parliament want and will tolerate. If there is a major weakness, it is perhaps that the burden of delivering an informed and nuanced parliamentary response to a given situation rests on too small a corps of interested MPs. British Parliamentary Procedures are sufficiently flexible to allow a significant parliamentary input into most foreign policy situations. Lively and continuous awareness of the foreign dimension to public policy is essential for Parliament to play an important role in foreign affairs.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE SECOND SESSION OF THE TENTH LOK SABHA

1. PERIOD OF THE SESSION	20 November to 20 December, 1991
2. NUMBER OF SITTINGS HELD	22
3. TOTAL NUMBER OF SITTING HOURS	141 hours and 40 minutes
4. NUMBER OF DIVISIONS HELD	5
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the session	5
(ii) Introduced	12
(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	Nil
(v) Referred to Select Committee	Nil
(vi) Referred to Joint Committee	2
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	15*
(x) Passed	13
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Discussion postponed	Nil
(xv) Returned by Rajya Sabha without any recommendation	4
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	Nil
(xvii) Pending at the end of the session	8
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the session	74
(ii) Introduced	44
(iii) Motion for leave to introduce negatived	Nil
(iv) Laid on the Table as passed by Rajya Sabha	Nil
(v) Returned by Rajya Sabha with any amendment and laid on the Table	Nil
(vi) Reported by Select Committee	Nil
(vii) Discussed	2
(viii) Passed	Nil
(ix) Withdrawn	2**
(x) Negatived	Nil
(xi) Circulated for eliciting opinion	Nil
(xii) Part-discussed	1

* Includes two Bills referred to Joint Committee by Lok Sabha.
 (Includes 1 Bill withdrawn without discussion)

(xiii) Discussion postponed	Nil
(xiv) Motion for circulation of Bill negatived	Nil
(xv) Referred to Select Committee	Nil
(xvi) Removed from the Register of Pending Bills	Nil
(xvii) Pending at the end of the Session	116
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (MATTERS OF URGENT PUBLIC IMPORTANCE)	
(i) Notices received	225
(ii) Admitted	19
(iii) Discussion held	4
(iv) Part discussed	Nil
8. NUMBER OF STATEMENTS MADE UNDER RULE 197 (CALLING-ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE)	
Statements made by Minister	2
9. MOTION OF NO CONFIDENCE IN COUNCIL OF MINISTERS	
(i) Notices received	Nil
(ii) Admitted and Discussed	Nil
(iii) Barred	Nil
(iv) Withdrawn	Nil
10. HALF-AN-HOUR DISCUSSIONS HELD	2
11. STATUTORY RESOLUTIONS	
(i) Notices received	11
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	1
(v) Negatived	1
(vi) Withdrawn	Nil
12. GOVERNMENT RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
13. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	6
(ii) Admitted	6
(iii) Discussed	2
(iv) Adopted	Nil
(v) Negatived	1
(vi) Withdrawn	Nil
(vii) Part-discussed	1
(viii) Discussions postponed	Nil
14. GOVERNMENT MOTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Discussed	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil

15. PRIVATE MEMBERS' MOTIONS

(i) Notices received	210
(ii) Admitted	110
(iii) Moved	1
(iv) Discussed	1
(v) Adopted	Nil
(vi) Negatived	Nil
(vii) Withdrawn	1
(viii) Part-discussed	Nil

16. MOTION RE: MODIFICATION OF STATUTORY RULE

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

17. NUMBER OF PARLIAMENTARY COMMITTEES CREATED IF ANY DURING THE SESSION 1

18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION 15634

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED 1299
13.12.1991

20. NUMBER OF ADJOURNMENT MOTIONS

(i) Brought before the House	13
(ii) Admitted	1
(iii) Barred in view of adjournment motion admitted on the subject	12
(iv) Consent withheld by Speaker outside the House	21
(v) Consent given by Speaker but leave not asked for by members concerned.	13

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	449
(ii) Unstarred	4999
(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 1991	No of Reports presented to the House during the Session
1	2	3	4
(i)	Business Advisory Committee	4	4
(ii)	Committee on Absence of Members	—	—

1	2	3	4
(iii)	Committee on Public Undertakings	—	—
(iv)	Committee on Papers Laid on the Table	1	—
(v)	Committee on Petitions	1	—
(vi)	Committee on Private Members' Bills and Resolutions	1	1
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	9	2
(viii)	Committee of Privileges	2	—
(ix)	Committee on Government Assurances	—	—
(x)	Committee on Subordinate Legislation	2	1
(xi)	Estimates Committee	—	—
(xii)	General Purposes Committee	3	—
(xiii)	House Committee:		
	(i) Accommodation Sub-Committee	—	—
	(ii) Sub-Committee on Amenities	—	—
	(iii) Sub-Committee on Furnishing	—	—
(xiv)	Public Accounts Committee	4	7
(xv)	Railway Convention Committee	3	—
(xvi)	Rules Committee	—	—
JOINT / SELECT COMMITTEES			
(i)	Joint Committee on Offices of Profit	3	1
(ii)	Joint Committee on Salaries and Allowances of Members of Parliament	1*	—
(iii)	Joint Committee on Pre-Natal Diagnostic Techniques	2	—
SUBJECT COMMITTEES			
(i)	Subject Committee on Agriculture	1	—
(ii)	Subject Committee on Environment and Forests	1	—
(iii)	Subject Committee on Science and Technology	—	—
23.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	7	
24.	PETITIONS PRESENTED	4	
25.	NUMBER OF NEW MEMBERS SWORN IN WITH DATES		
<i>No. of Members Sworn</i>		<i>Date on which Sworn in</i>	
(i)	10	20.11.1991	
(ii)	1	25.11.1991	
(iii)	3	26.11.1991	
(iv)	1	27.11.1991	

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND SIXTY-FIRST SESSION OF RAJYA SABHA

1. PERIOD OF THE SESSION	From 20.11.91 to 21.12.91
2. NUMBER OF SITTINGS HELD	23
3. TOTAL NUMBER OF SITTING HOURS	146 hours and 22 minutes
4. NUMBER OF DIVISIONS HELD	5
5. GOVERNMENT BILLS	
(i) Pending at the Commencement of the Session	20
(ii) Introduced	2
(iii) Laid on the Table as passed by Lok Sabha	10
(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	14 (including 4 Money Bills)
(x) Passed	14
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	(Money Bills) 4
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	18
6. PRIVATE MEMBERS BILLS	
(i) Pending at the commencement of the Session	85
(ii) Introduced	33
(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	3
(vii) Withdrawn	1
(viii) Passed	Nil
(ix) Negatived	1
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed-due to retirement/Death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	116
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE).	
(i) Notices received	79
(ii) Admitted	31 (on 5 subjects)
(iii) Discussions held	4

8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (CALLING-ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE).	
Statements made by Ministers	3
9. HALF-AN-HOUR DISCUSSIONS HELD	Nil
10. STATUTORY RESOLUTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	1
(v) Negatived	1
(vi) Withdrawn	Nil
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	9
(ii) Admitted	9
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	90
(ii) Admitted	109
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY DURING THE SESSION	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED	1824
18. TOTAL NUMBER OF PERSONS VISITED	2943

* Includes notices of Short Duration Discussion on 19 subjects which were admitted as No-Day-Yet-Named Motions.

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	138 (ON 28.11.91)
20. MAXIMUM NO. OF PERSONS VISITED ON ANY SINGLE DAY AND DATED ON WHICH VISITED	278 (ON 28.11.91)
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) STARRED	430
(ii) UNSTARRED	3453
(iii) SHORT-NOTICE QUESTIONS	Nil
22. DISCUSSION ON THE WORKING OF THE MINISTRIES	Nil
23. WORKING OF PARLIAMENTARY COMMITTEES	

Name of Committee	No. of Sitzings held during the period from 11 October to 31 December 1991	No. of Reports presented during the 161st Session
(i) Business Advisory Committee	5	Nil
(ii) Committee on Subordinate Legislation	7	3
(iii) Committee on Petitions	6	Nil
(iv) Committee on Privileges	2	Nil
(v) Committee on Rules	Nil	Nil
(vi) Committee on Government Assurances	7	Nil
(vii) Committee on Papers Laid on the Table	5	Nil

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	1
25. PETITIONS PRESENTED	3
26. NAME OF NEW MEMBERS SWORN WITH DATES	

S. No.	Name of Members sworn in	Date on which sworn in
1	2	3
1	Shri Manmohan Singh	20.11.91

27. OBITUARY REFERENCES

S. No.	Name	Sitting Member/Ex-Member
1.	Shri G.D. Tapase	Ex-Member
2.	Dr. W.S. Barlingay	-do-
3.	Shri O.J. Joseph	-do-
4.	Shri T.S. Avinashlingam Chettiar	-do-
5.	Shri T.V. Chandrashekarappa	-do-
6.	Shrimati Mona Hensman	-do-

APPENDIX III
STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 1991.

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Question
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.	—	—	—	—	615(94)	5(173)	—
Anunachal Pradesh L.A.**	—	—	—	—	—	—	—
Assam L.A.	12.12.91 to 19.12.91	6	4(4)	—	803(396)	3(421)	649(46)
Bihar L.A.							
Bihar L.C.							
Gujarat L.A.							
Goa L.A.	11.12.91 to 13.12.91	3	6(5)	6(5)	316(114)	358(155)	—
Haryana L.A.	17.12.91 to 20.12.91	4	11(11)	—	178(112)	169 ^(a)	—
Himachal Pradesh L.A.**						34(8)	—
Jammu & Kashmir L.A. @						—	—
Jammu & Kashmir L.C. @						—	—
Karnataka L.A.	26.8.91 to 1.10.91 and 2.12.91 to 3.12.91	24	13(12)	—	(385)	1318	7(1)
Karnataka L.C.	2.9.91 to 1.10.91 and 2.12.91 to 3.12.91	19	11(11)	—	1264(300)	831(723)	18(1)
Kerala L.A.***							
Madhya Pradesh L.A.*	2.12.91 to 21.12.91	14	—	—	—	—	—
Maharashtra L.A.			6(6)	9	9047(1154)	158(44)	282(25)

Maharashtra L.C.	2.12.91 to 21.12.91	14	2(2)	8	2568(575)	64(10)	94(9)
Manipur L.A.	—	—	—	—	—	—	—
Meghalaya L.A.**	1.10.91 to 7.10.91	4	4(4)	—	129(127)	8(8)	—
Mizoram L.A.	—	—	—	—	—	—	—
Nagaland L.A.	—	—	—	—	—	—	—
Orissa L.A. @	16.12.91 to 20.12.91	5	10(10)	—	555(426)	540(522)	71(12)
Punjab L.A. @@	—	—	—	—	—	137(129)	—
Rajasthan L.A.	—	—	—	—	—	—	—
Sikkim L.A.	—	—	—	—	2919(1206)	(1504)	—
Tamil Nadu L.A.	—	—	—	—	—	—	—
Tripura L.A.	—	—	—	—	—	—	—
Uttar Pradesh L.A.	—	—	—	—	3019(569)(b)	1116(2668)(c)	603
Uttar Pradesh L.C.	—	—	—	—	1338(1233)(d)	3(13)(e)	46
West Bengal L.A.	—	—	—	—	—	—	—
UNION TERRITORIES							
Delhi Metropolitan Councilj@@@	—	—	—	—	—	—	—
Pondicherry L.A.**	—	—	—	—	—	—	—

*Information not received from the State Legislature.

**Information received from the State Legislature contained NIL report.

***Information received from the State Legislature is already included in the December issue of the Journal.

@ During Governor's rule, the Assembly was dissolved on 19.2.90 and the State was brought under President's rule from 19.7.90.

@@ President's rule was imposed in the State on 11.5.1987 and the Assembly was dissolved on that day.

@@@ The Delhi Metropolitan Council stands dissolved since 13.1.1990.

NOTES:

- (i) Figures in cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced, with the number of Bills passed in brackets.
- (ii) Figures in cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
 - (a) The figure 169 includes 169 starred notices admitted as unstarred.
 - (b) The figure 569 includes 131 short notices admitted as starred.
 - (c) The figure 2668 includes 1,719 starred notices admitted as unstarred and 257 short notices admitted as unstarred.
 - (d) The figure 1,233 includes 45 short notices admitted as unstarred.
 - (e) The figure 13 includes 10 starred questions admitted as unstarred.

Notes:

- (i) Figures in the bracket indicate the number of reports presented to the House.
- (a) Committee on Welfare of Backward Classes-8 sittings; Members Amenities Committee-9 sittings.
- (b) Nivedan Committee-62 sittings and 2 reports; Committee on Zilla Panchayats and Zilla Parishads-61 sittings.
- (c) Members Allowance Rules Committee-1 sitting; Committee on Welfare of the Socially and Educationally Backward Classes-4 sittings; Committee on Panchayati Raj-6 sittings; Committee on Papers laid on the Table of the House-4 sittings.
- (d) Forest Committee-8 sittings; Tourism Committee-6 sittings; Agriculture Committee-5 sittings; Committee on Papers Laid on the Table-3 sittings; Committee on Implementation of Official Language-3 sittings.
- (e) Committee on Papers laid on the Table-5 sittings.
- (f) Committee on Papers Laid on the Table-5 sittings; Committee on Welfare of Backward Classes-4 sittings.
- (g) Subject Committee II-1 sitting; Subject Committee III-1 sitting; Subject Committee V-2 sittings; Subject Committee VI-1 sitting and 1 report; Subject Committee VII-1 sitting; Subject Committee VIII-1 sitting; Subject Committee X-1 sitting.
- (h) Catering Committee-38 sittings; Employment Guarantee Scheme Committee-9 sittings; Panchayati Raj Committee-12 sittings; Committee on Leave of Absence from the sittings of the House-1 sitting and 1 report; Committee on Welfare of Vimukta Jatis and Nomadic Tribes-9 sittings and 1 report.
- (i) Committee on Leave of Absence from sittings of the House (Council)-1 sitting and 1 report.
- (j) Committee on Papers Laid on the Table-5 sittings; Committee on Rehabilitation-1 report.
- (k) Women and Child Welfare Committee-7 sittings; Questions and Reference Committee-26 sittings.
- (l) Committee on Papers Laid on the Table-9 sittings.
- (m) Committee on Delegated Legislation-1 sitting.
- (n) Committee on Financial and Administrative Delays-15 sittings; Committee on Compilation of Rulings-13 sittings; Questions and Reference Committee-12 sittings; Committee on Parliamentary Studies-14 sittings; Committee on Parliamentary and Social Goodwill-12 sittings; Rules Revision Committee-1 sitting.
- (o) Subject Committee on Health and Family Welfare-5 sittings; Subject Committee on Environment-5 sittings; Subject Committee on Panchayat-2 sittings; Subject Committee on Education-4 sittings; Subject Committee on Transport-7 sittings; Subject Committee on Irrigation and Waterways-6 sittings; Subject Committee on Welfare-4 sittings; Ad-hoc Committee on the Questions of Subject Committees-4 sittings; Subject Committee on Power-7 sittings; Subject Committee on Agriculture-5 sittings; Subject Committee on Public Works-8 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 1991

S.No.	Title of the Bill	Date of assent by the President
1.	The Indian Succession (Amendment) Bill, 1991	9.12.1991
2.	The Punjab Appropriation (No.2) Bill, 1991	12.12.1991
3.	The Water (Prevention and Control of Pollution) Cess (Amendment) Bill, 1991	16.12.1991
4.	The Banking Regulation (Amendment) Bill, 1991	20.12.1991
5.	The Constitution (Sixty-ninth Amendment) Bill, 1991	21.12.1991
6.	The Customs (Amendment) Bill, 1991	21.12.1991
7.	The Tea Companies (Acquisition and Transfer of Sick Tea Units) Amendment Bill, 1991	21.12.1991
8.	The Sick Industrial Companies (Special Provisions) Amendment Bill, 1991	28.12.1991
9.	The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1991	28.12.1991
10.	The Family Courts (Amendment) Bill, 1991	28.12.1991
11.	The Delhi High Court (Amendment) Bill, 1991	28.12.1991
12.	The Appropriation (No.5) Bill, 1991	28.12.1991

3. The Bombay Motor Vehicles Tax (Amendment) Bill, 1991.
4. The Municipal Corporations (Second Amendment) Bill, 1991.
5. The Maharashtra Employment Guarantee (Amendment) Bill, 1991.
6. The Maharashtra Sales Tax on the Transfer of Property in goods involved in the execution of Works Contracts (Re-enacted) (Amendment) Bill, 1991.
7. The Maharashtra (Third Supplementary) Appropriation Bill, 1991.
8. The Maharashtra Appropriation (Excess Expenditure) Bill, 1991.

MIZORAM LEGISLATIVE ASSEMBLY

1. Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1991.
2. Mizoram Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Bill, 1991.
3. Mizoram Salaries and Allowances of the Minister (Amendment) Bill, 1991.
4. Mizoram Salaries and Allowances of the Government Chief Whip (Amendment) Bill, 1991.

ORISSA LEGISLATIVE ASSEMBLY

1. The Orissa Municipal (Amendment) Bill, 1991.
2. The Orissa Municipal Councils (Postponement of Elections) Amendment Bill, 1991.
3. The Arbitration (Orissa Second Amendment) Bill, 1991.
4. The Orissa Education (Second Amendment) Bill, 1991.
5. The Orissa Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Amendment Bill, 1991.
6. The Orissa Sales Tax (Second Amendment) Bill, 1991.
7. The Orissa Legislative Assembly Members' Salaries, Allowances, and Pension (Second Amendment) Bill, 1991.
8. The Orissa Hindu Religious Endowments (Amendment) Bill, 1991.
9. The Orissa University of Agriculture and Technology (Amendment) Bill, 1991.
10. The Arbitration (Orissa Third Amendment) Bill, 1991.

APPENDIX VI
ORDINANCES ISSUED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD
1 OCTOBER TO 31 DECEMBER 1991

Sl. No.	Subject	Date of Promulgation	Date(s) on which laid before the House	Date of Cessation	Remarks
1		3	4	5	6
UNION GOVERNMENT					
1.	The Copyright (Amendment) Ordinance, 1991 (No. 9 of 1991)	28.12.91	28.2.92		Cease to operate on the expiry of six weeks from the reassembly of Parliament
STATE GOVERNMENTS					
Bihar					
1.	The Patna Corporation (Amendment & Validation) (Amendment Ordinance, 1991)	—	—	—	—
2.	The Patna Corporation (Amendment) Third Ordinance, 1991	—	—	—	—
3.	The Bihar Municipal Corporation (Amendment) Third Ordinance, 1991	—	—	—	—

1	2	3	4	5	6
4.	The Nalanda Open University, Third Ordinance, 1991	—	—	—	—
5.	The Bihar Parichayati Raj (Amendment & Law Validation) Second Ordinance, 1991	—	—	—	—
6.	The Bihar Intermediate Education Council Third Ordinance, 1991	—	—	—	—
7.	The Bihar Private Sanskrit School (Management & Control) Third Ordinance, 1991	—	—	—	—
8.	The Patna University (Amendment) Third Ordinance, 1991	—	—	—	—
9.	Reservation of Scheduled Castes, Scheduled Tribes & other Backward Castes in Services & Posts against vacancies (Amendment) Ordinance, 1991 (Nos. 33 and 34)	—	—	—	—
10.	The Bihar Contingency Fund (Amendment) Ordinance, 1991	—	—	—	—
11.	The Bihar Taxation Law (Amendment & Revalidation)- Ordinance, 1991	—	—	—	—

12.	The Bihar State Weaker Class Legal Aid (Amendment) Ordinance, 1991	—	—	—	—	—
13.	The Bihar State Water Board (Amendment) Ordinance, 1991	—	—	—	—	—
GOA						
1.	The Goa Industrial Development (Amendment) Ordinance, 1991	21.11.91	11.12.91	12.12.91	—	Replaced by Legislation
2.	The Goa Motor Vehicles (Taxation on Passengers and Goods) Ordinance, 1991	29.8.91	11.12.91	12.12.91	—	-do-
GUJARAT						
1.	The Gujarat Sales Tax (Amendment) Ordinance, 1991	30.10.91	—	—	—	—
2.	The Gujarat Public Works Contracts Deputes Arbitration Tribunal Ordinance, 1991	4.12.1990	—	—	—	—
3.	The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1991	-do-	—	—	—	—
HARYANA						
1.	The Punjab Gram Panchayat (Haryana Amendment) Ordinance, 1991	11.11.91	17.12.1991	—	—	Replaced by Legislation
HIMACHAL PRADESH						
1.	The Himachal Pradesh Panchayati Raj (Second Amendment) Ordinance, 1991	7.12.91	—	—	—	—

1	2	3	4	5	6
			KARNATAKA		
1.	The Karnataka Zilla Parishads, Taluk Panchayats, Samithi Mandal Panchayats, & Nyaya Panchayats (Second Amendment) Ordinance, 1991	11.4.91 & 6.7.91			
2.	The Karnataka Municipal Corporation (Amendment) Ordinance, 1991	20.5.91 & 6.7.91			
3.	The Karnataka Municipal Corporation (Second Amendment) Ordinance, 1991	29.5.91 & 6.7.91			
4.	The Karnataka Caluvery Basin Irrigation Protection Ordinance, 1991	25.7.91 & 27.8.91			
5.	The Karnataka Land Reforms Ordinance, 1991	5.8.91 & 27.8.91			
6.	The Karnataka Land Revenue (Second Amendment) Ordinance, 1991	5.8.91 & 27.8.91			
7.	The Karnataka Lokayukta (Amendment) Ordinance, 1991	8.8.91 & 27.8.91			
			KERALA		
1.	The Kerala Public Men's Corruption (Investigations and Inquiries) Second Amendment Ordinance, 1991	11.11.91			

1	2	3	4	5	6
3.	The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1991		10.12.91	—	—
4.	The Nathdwara Temple (Amendment) Ordinance, 1991		— do —	—	—
5.	The Rajasthan Motor transport Vehicles Toll (Amendment) Ordinance, 1991		— do —	—	—
			TAMIL NADU		
1.	The Madras Metropolitan Water Supply and Sewerage (Amendment) Ordinance, 1991		20.11.91	30.1.91	—
2.	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking over of Management) Second Amendment Ordinance, 1991		19.12.91	— do —	—
			UTTAR PRADESH		
1.	The U.P. Public Moneys (Recovery of Dues) (Amendment) Ordinance, 1991		9.10.91	—	—
2.	The Indian Stamp (Uttar Pradesh Amendment) Ordinance, 1991		— do —	—	—
3.	The Uttar Pradesh State Cement Corporation Limited (Acquisition of shares) Ordinance, 1991		11.10.91	—	—
4.	The U.P. Public Services (Tribunals) (Amendment) Ordinance, 1991		28.10.91	—	—

5. The U.P. Higher Education Services (Amendment) Ordinance, 1991	22.11.91	—	—	—
6. The U.P. State Universities (Second Amendment) Ordinance, 1991	— do —	—	—	—
7. The U.P. Sales Tax (Amendment) Ordinance, 1991	12.12.91	—	—	—
8. The U.P. Krishi Utpadan Mandal Samitis (Apekalk Vyavasthan) (Tritiya san shodhan) Adhyadesh, 1991	31.12.91	—	—	—
9. The U.P. Co-operative Societies (Third Amendment) Ordinance, 1991	27.12.91	—	—	—
10. The U.P. Higher Education Services Commission (Second Amendment) Ordinance, 1991	31.12.91	—	—	—
WEST BENGAL				
1. The West Bengal Motor Vehicles Tax (Amendment) Ordinance, 1991	6.11.91	—	—	—
2. The West Bengal Additional Tax and One-Time Tax on Motor Vehicles (Amendment) Ordinance, 1991	— do —	—	—	—

23.	Uttar Pradesh	85	5	51	22	—	1	5(o)	—	84	1
24.	West Bengal	42	5	—	—	27	3	7(p)	—	42	—
II. UNION TERRITORIES											
25.	Andaman & Nicobar Islands	1	1	—	—	—	—	—	—	1	—
26.	Chandigarh	1	1	—	—	—	—	—	—	1	—
27.	Dadra & Nagar Haveli	1	1	—	—	—	—	—	—	1	—
28.	Daman & Diu	1	—	1	—	—	—	—	—	1	—
29.	Delhi	7	2	4	—	—	—	—	—	6	—
30.	Lakshadweep	1	1	—	—	—	—	—	—	1	—
31.	Pondicherry	1	1	—	—	—	—	—	—	1	—
32.	Nominated*	2	—	—	—	—	—	—	—	2	—
Total		539	245	119	59	35	14	58	3	533	6

* Nominated by President under Article 331.

(a) Telugu Desam-7; Telugu Desam(v)-6; All India Majlis Ittehadul Muslimeen-1.

(b) Autonomous State Demand Committee-1; Asom Gana Parishad-1.

(c) Jharkhand Mukti Morcha-5.

(d) Janata Dal (Gujarat)-1.

(e) Haryana Vikas Party-1.

(f) Janata Party-1.

(g) Muslim League-2; Kerala Congress(Mam)-1; Indian Congress (Socialist-Sarat Chandra Sinha)-1.

(h) Bahujan Samaj Party-1.

(i) Shiv Sena-2.

(j) Manipur People's Party-1.

(k) Nagaland People's Council-1.

(l) Bahujan Samaj Party-1.

(m) Sikim Sangram Parishad-1.

(n) All India Anna Dravida Munnetra Kazhagam-11.

(o) Janata Party-4; Bahujan Samaj Party-1.

(p) All India forward Bloc-3; Revolutionary Socialist Party-4.

B. PARTY POSITION IN RAJYA SABHA (AS ON 23 MARCH, 1992)

Sl. No.	States/Union Territories	Seats	Cong (I)	Janata Dal	CPI (M)	BJP	Janata Dal(s)	Others	Unatta-ched	Total	Vacan-cies
1	2	3	4	5	6	7	8	9	10	11	12
STATES											
1.	Andhra Pradesh	18	6	1	1	—	—	9(a)	1	18	—
2.	Assam	7	3	—	—	—	—	4(b)	—	7	—
3.	Bihar	22	13	3	—	2	2	2(c)	—	22	—
4.	Goa	1	1	—	—	—	—	—	—	1	—
5.	Gujarat	11	7	2	—	2	—	—	—	11	—
6.	Haryana	5	1	—	—	1	3	—	—	5	—
7.	Himachal Pradesh	3	2	—	—	1	—	—	—	3	—
8.	Jammu and Kashmir	4	—	—	—	—	—	2(d)	—	2	2
9.	Karnataka	12	7	5	—	—	—	—	—	12	—
10.	Kerala	9	3	1	3	—	—	2(e)	—	9	—
11.	Madhya Pradesh	16	9	—	—	6	—	—	—	15	1
12.	Maharashtra	19	14	1	—	2	1	—	—	18	1
13.	Manipur	1	—	1	—	—	—	—	—	1	—
14.	Meghalaya	1	—	—	—	—	—	1(f)	—	1	—
15.	Mizoram	1	1	—	—	—	—	—	—	1	—
16.	Nagaland	1	1	—	—	—	—	—	—	1	—
17.	Orissa	10	5	4	—	—	1	—	—	10	—
18.	Punjab	7	1	—	—	—	—	1(g)	—	2	5
19.	Rajasthan	10	6	1	—	1	1	—	1	10	—
20.	Sikkim	1	—	—	—	—	—	1(h)	—	1	—
21.	Tamil Nadu	18	3	—	1	—	—	14(i)	—	18	—
22.	Tripura	1	—	—	1	—	—	—	—	1	—

24.	Uttar Pradesh	34	17	6	—	2	6	2(l)	1	34	—
25.	West Bengal	16	—	—	11	—	1	4(k)	—	16	—
UNION TERRITORIES											
26.	Delhi	8	—	—	—	—	—	—	—	—	3
27.	Pondicherry	1	1	—	—	—	—	—	—	1	—
	Nominated	12	3	—	—	—	—	—	8	11	1
		245	105	25	17	17	15	42	11	232	13

Notes:

- (a) Telugu Desam-9.
- (b) Aom Gana Parishad-2; Natun Aom Gana Parishad-2.
- (c) C.P.I.-1; Lok Dal-1
- (d) National Conference-2.
- (e) Muslim League-1; C.P.I.-1
- (f) Hill State People's Democratic Party-1.
- (g) Akali Dal-1.
- (h) Siddim Sangram Parishad-1.
- (i) All India Anna Dravida Munnetra Kazhagam-4; Dravida Munnetra Kazhagam-10.
- (j) Janata Party-1; C.P.I.-1.
- (k) Revolutionary Socialist Party-2; C.P.I.-1; Forward Bloc-1.

C. PARTY POSITION IN STATE LEGISLATURES

States/Union Territories	Seats	Cong.(I)	Jamata Dal	Lok Dal	BJP	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh L.A.** (As on)											
Andhra Pradesh L.A.** (As on)											
Assam L.A.** (As on)											
Bihar L.A. (As on 31.12.91)	325	72	126	—	30	6	23	37 ^(a)	29	323	2
Bihar L.C.** (As on)											
Goa L.A. (As on 31.12.91)	40	20	—	—	—	—	—	17 ^(b)	2	39	1
Gujarat L.A.** (As on)											
Haryana L.A.** (As on)											
Himachal Pradesh L.A. (As on 1.1.1992)	68	9	3	—	46	—	1	8 ^(c)	1	68	—
Jammu & Kashmir L.A.(a) (As on)											
Jammu and Kashmir L.C.(a) (As on)											
Karnataka L.A. (As on 31.12.1991)	225	177	23	—	4	—	—	7 ^(d)	11	222 [*]	2
Karnataka L.C. (As on)	75	21	31	—	6	—	—	6 ^(e)	9	73 [*]	1

THE JOURNAL OF PARLIAMENTARY INFORMATION
(VOL.XXXVIII, No.1, March 1992)

CORRIGENDA

Page	Line	For	Read
40	20	heptulla	Heptulla
45	12 (from below)	reporte	reported
60	1	Spearker	Speaker
69	4	poresence	presence
73	10 (from above)	so	so as
91	12 (from above)	transferor	transferee
101	Footnote No. 6	Other members-- ----- ----- -----Shrimati Chandra Prabha	Other members who took part in the discussion were: Sarvashri Jaswant Singh, Bijoy Krishna Handique, E. Ahamed, Ram Chandra Dome, Kartikeswar Patra, Laxmi Narayan Pandey, Sriballav Panigrahi, Bhogendra Jha, Ram Kapse, K. P. Singh Deo, Rajendra Kumar Sharma, Chandulal Chandrakar, Hari Kishore Singh, Sarat Chandra Pattanayak, V. Dhananjaya Kumar, Gopi Nath Gajapathi, B.B. Ramaiah, Harish Narayan Prabhu Zantye, A. Asokraj, Prem Kumar Dhumal, Vasant Pawar,

Page Line

For

Read

Ram Nihore Rai, Ram Naik, Vishwanatham Kanithi, A. Charles, Mohan Singh, Girdhari Lal Bhargava, Mumtaz Ansari, P.C. Thomas, P.C. Chacko, Tej Narayan Singh, Chandrajeet Yadav, B. Akbar Pasha, Rasa Singh Rawat, Manikrao Hodlya Gavit, Tej Singh Rao Bhoale, Ayub Khan, Shrimati Geeta Mukherjee, Shrimati Basavarajeswari and Kumari Frida Topno.

102 Footnote
No. 7

Other-----

-----Smt.
Malini
Bhattacharya.

The Bill was introduced on 20 November 1991 by the Minister of Finance, Dr. Manmohan Singh.

Footnote
No. 8

Other-----

-----Frida
Topno

Other members who took part in the discussion were: Sarvashri Jaswant Singh, Debi Prosad Pal, Mohan Singh, Susanta Chakraborty, Ram Nagina Mishra, Sharad Dighe, K.P. Reddalah Yadav, R. Ramasamy, Murli Deora, Chitta Basu, K.P. Singh Deo, Prithviraj D. Chavan, Shrimati Sumitra Mahajan and Shrimati Girija Devi

Page	Line	For	Read
103	Footnote No. 9	Other----- ----- ----- Nirmal Kanti Chatterjee	The Bill was introduced by the Minister of Home Affairs, Shri S.B. Chavan, on 16 December 1991. The Short title of the Bill was changed to "The Constitution (Sixty-ninth Amend- ment) Bill, 1991" through an amendment to Clause 1.
	Footnote No. 10	The Bill----- ----- ---Shri Kamal Nath	The Bill was introduced on 16 December 1991 by the Minister of Home Affairs , Shri S.B. Chavan. The short title of the Bill was changed to "The Government of National Capital Territory of Delhi Bill, 1991" through an amendment to Clause 1.
104	6 (from below)	29 November	of 29 November
	2nd (from below)	and 11	and on 11
105	3rd (from above)	123 December	12 December
	add in footnote		*Contributed by the Research and Library Section, Rajya Sabha Secretariat.

Page	Line	For	Read
105	15 (from above) see heading	Hundred and Sixty-First Session	Hundred and Sixty First Session*
126	17 (from below)	109	109*
127	16 (from above) Col. 1	Adunisory	Advisory
131	12 (from below)	5 (i) (j)	5 (1) (j)
134	6 (from below)	II Amendmnet	Second Amendment