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EDITORIAL NOTE

December 9, 1946 is a red letter day in the history of our parliamentary democracy. It was on this day that we, the people of India, embarked on the challenging task of drafting a Constitution for the country. The distinguished women and men who gathered in the Constituent Assembly were stalwarts from different walks of life, who had given their all in the cause of the nation. Their commitment to the mission entrusted to them was absolute and total. Almost three years later, when the Constitution was formally adopted, it was hailed as an outstanding ideal for a resurgent India. Over the years, the treasured heritage handed down by the Founding Fathers has been a beacon to the nation in the arduous task of building a modern and vibrant India.

Fifty years down the lane, a grateful nation remembers with immense pride the torchbearers of our Republic who lighted for us a noble path towards democracy, peace and prosperity. Notwithstanding trials and tribulations, our Constitution has been our greatest asset, guiding us to our cherished high point among the comity of nations. On 9 December 1996, a function to commemorate the Fiftieth Anniversary of the First Sitting of the Constituent Assembly was held in the Central Hall of Parliament House, where the Constituent Assembly used to meet. The President of India, Dr. Shanker Dayal Sharma unveiled a Commemoration Plaque in the Central Hall. He also presented mementoes to those members of the Constituent Assembly who graced the occasion. A booklet containing a reproduction of the proceedings of the first day's sitting of the Constituent Assembly, a few photographs and some interesting information about its sittings, compiled by the Parliament Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat, was brought out on the occasion.

The distinguished gathering in the Central Hall was addressed by the President, Dr. Shanker Dayal Sharma; the Vice-President of India and Chairman, Rajya Sabha, Shri K.R. Narayanan; the Prime Minister, Shri H.D. Deve Gowda; and the Speaker, Lok Sabha, Shri P.A. Sangma. We carry in this issue of the *Journal* the texts of the Addresses by the dignitaries on the occasion.

Besides, this issue of the *Journal* includes our other regular Features, viz. Parliamentary Events and Activities, Procedural Matters, Parliamentary and Constitutional Developments, Sessional Review and Recent Literature of Parliamentary Interest.

It has been our constant endeavour to make the *Journal* more useful and informative. We would greatly welcome suggestions for its 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 practice of parliamentary democracy.

—S. Gopalan
Editor

ADDRESSES AT THE FIFTIETH ANNIVERSARY OF THE FIRST SITTING OF THE CONSTITUENT ASSEMBLY

A function to commemorate the Fiftieth Anniversary of the First Sitting of the Constituent Assembly was held in the Central Hall of Parliament House on 9 December 1996. The President of India, Dr. Shanker Dayal Sharma presented mementoes to those members of the Constituent Assembly who were present on the occasion. The President also unveiled a Commemorative Plaque in the Central Hall. A booklet containing a reproduction of the proceedings of the first day's sitting of the Constituent Assembly, a few photographs and some interesting information about its sittings, compiled by the Parliament Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat, was brought out on the occasion.

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—Editor

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI P.A. SANGMA

Respected Rashtrapatiiji and Distinguished Guests :

This day, fifty years ago, was historic. Beginning was made in these premises for the establishment of the supreme law of our land, our Constitution. It is a matter of great pride, of honour for us, to commemorate that beginning. Let me first of all pay homage, on this occasion, to all the departed members of the Constituent Assembly.

Dr. Shanker Dayal Sharma, our Honourable President, by his own right, is a legal luminary, a constitutional expert and a renowned exponent of the Rule of Law. Sir, you symbolise everything that the framers of our Constitution visualised in the holder of our Presidency. You belong too, to the very generation of our special guests of the day, members of the Constituent Assembly who are present here. It is a matter of historic coincidence that you would be honouring them. Sir, I have great pleasure in welcoming you.

Vice-President, Shri K.R. Narayanan, with his strong background in professional diplomacy and hailing as he does from the State of Kerala, the land of literacy, equity and social justice, has distinguished himself in the Office of the Chairman, Rajya Sabha, which has been vested with special

dignity by the Constituent Assembly. His presence today with us is a matter of special encouragement for all of us. I extend a hearty welcome to him.

One of the public debates today concerns the future of parliamentary form of Government in our country. Opinions are being often voiced now that the Presidential form may, perhaps, be more suited for us. The framers of our Constitution did give serious thought to the matter. They opted for a parliamentary form on the conviction that in our conditions, responsibility of the Executive should be given the paramount consideration. We have had successful examples of governance through coalition which have proved that responsible Governments can be stable as well. The task before the Prime Minister, Shri H.D. Deve Gowda today is one of providing stability through responsibility. I welcome him to this function with great pleasure.

Dr. (Smt.) Najma Heptulla, the Deputy-Chairman of the Rajya Sabha, not merely represents the aspirations of the women of India today; she has brought laurels to the Indian Parliament in her capacity as a dynamic member of the Executive Committee of the Inter-Parliamentary Union. My special welcome to her as well as to my able and worthy colleague, Shri Suraj Bhan, the Deputy Speaker, Lok Sabha.

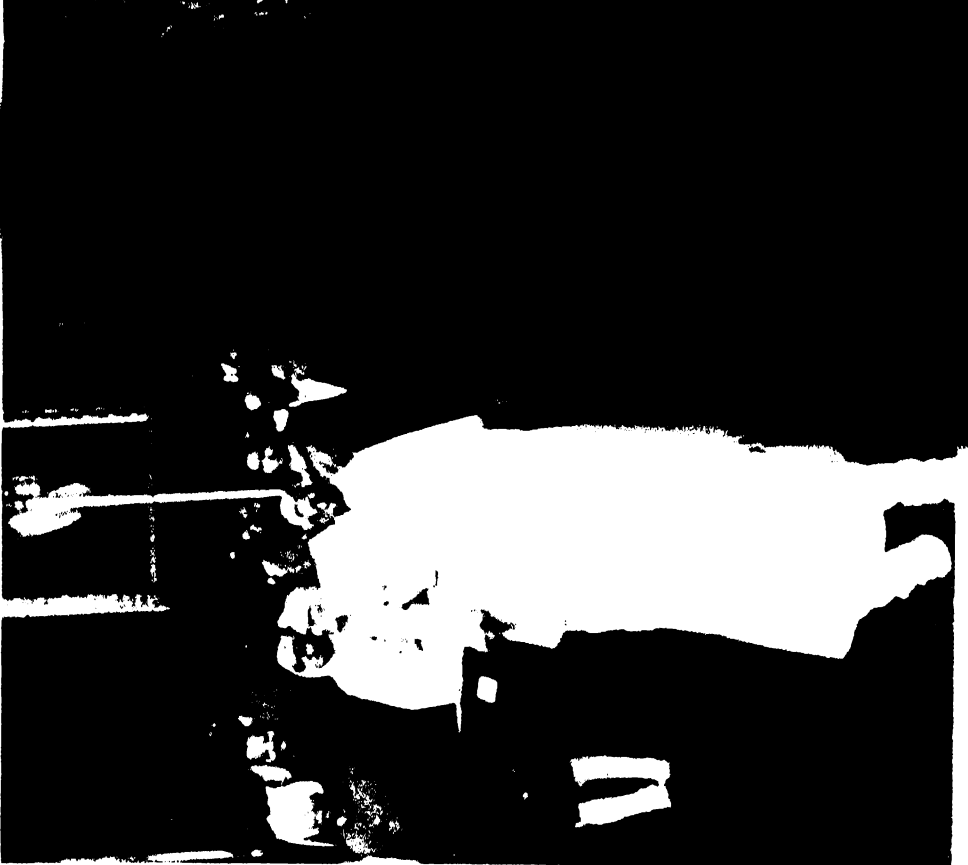
The heritage handed to us by the Constituent Assembly is priceless. This heritage is of a secular, democratic, republican model, characterised by universal adult franchise, guarantee of Fundamental Rights, linguistic balance, equity and social justice, parliamentary form, independence of the Judiciary and recognition of unity in diversity in which the federal principle is subsumed. All these features are enshrined in the historic "Objectives Resolution" moved by Pandit Jawaharlal Nehru and adopted by the Constituent Assembly. President Andrew Jackson of the United States observed about his country's Constitution: "Perpetuity is stamped upon the Constitution by the blood of our fathers." This is true of our Constitution as well. It is with these feelings flowing from my guts that I welcome the eight members of the Constituent Assembly present here with us today. These members are Begum Aizaz Rasool and Sarvashri S. Nijalingappa, C. Subramaniam, Chowdhari Ranbir Singh, Motiram Baigra, Kusum Kant Jain, Balwant Singh Mehta and Bhagwan Din. Let us honour them with a hearty and standing ovation.

There are other members of the Constituent Assembly who are not present here with us today — Shrimati Renuka Ray and Shrimati Malati Chowdhuri and Sarvashri R.B. Kumbhar, M.R. Masani, B. Gopala Reddy, L. Krishnaswami Bharati and M.A. Sreenivasan. Let us felicitate them *in absentia*.

I welcome all the members of Parliament, many of whom have, over the years, dedicated themselves to, and toiled for, the preservation of our Constitution and its underlying ideals. Let me welcome everyone to whom I have not made specific reference and is present here to honour the special guests.



Central Hall



The Pre



The Vice-President of India and Chairman, Rajya Sabha, Shri K.R. Narayanan delivering his Address

The Vice-President of India and Chairman, Rajya Sabha, Shri K.R. Narayanan delivering his Address





The Speaker, Lok Sabha, Shri P. A. Sangma addressing the gathering

Dr. Ambedkar stated in November 1949, and I quote :

If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are prepared to have Government for the people and are indifferent whether it is Government of the People and by the People Let us not be tardy in the recognition of the evils which induce people to prefer Government for the People to Government by the People.

I am confident that we will not fail Dr. Ambedkar.

Thank you for your kind attention.

Jai Hind.

ADDRESS BY THE PRIME MINISTER, SHRI H.D. DEVE GOWDA

Respected Rashtraptiji, Respected Up-Rashtrapatiji, Shri P.A. Sangma, Honourable Speaker of the Lok Sabha, Dr. Najma Heptulla, Deputy Chairman of the Rajya Sabha, Honourable Members of Parliament, Distinguished Guest, Ladies and Gentlemen :

We have assembled to commemorate a great event which occurred in the Central Hall of our Parliament 50 year ago this day. The 'Founding Fathers' meeting was historic and signified a break from the past and brought the tidings in new India. It marked a great change. India was on way to find its place among the free nations of the world, set to fashion its own destiny.

At its first sitting, 207 members of the Constituent Assembly took oath, including a galaxy of noble sons of India like Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. Rajendra Prasad, C. Rajagopalachari and many others. We are fortunate that 15 out of those eminent persons are still present amongst us. We have assembled here today not only to commemorate the event of 50 years ago but also to honour these great sons of our country, who brought the country to the historical moment when our people could sit together and draft and frame their own Constitution.

That India's political destiny should be determined by Indians themselves had been demanded by Mahatma Gandhi as early as 1922, when he said, "Swaraj will not be a free gift of the British Parliament; it will be a declaration of India's full self-expression." The idea of a Constituent Assembly being the proper method for the framing of a Constitution for free India had dawned on public consciousness in our country much before the Constituent Assembly came into being. Mahatma Gandhi had demanded a Constituent Assembly composed of the 'free chosen representatives' of the people of India.

A Constitution is an act of the people, not of a Government. It is the fundamental law of the land and embodies the legal framework of a nation. It regulates the functioning of the Government and its agencies.

Constitutions come into being through evolution, by fiat or through deliberations of an Assembly. A Constituent Assembly is a democratic device for formulating and adopting a new Constitution by a free society. It implies the right of the people to determine their own destiny and decide the nature and type of polity under which they would like to live. The origin and growth of the idea of a Constituent Assembly to frame a Constitution for free India are intimately interwoven into the fabric of the Indian Independence Movement. The Constituent assembly gave us the Constitution, which is a wonderful politico-legal document and is primarily shaped and moulded for the common man. It is an instrument of modernisation and development. It enshrines the aspirations of "we, the People of India". The Preamble of our Constitution declared to secure to all its citizens "justice, social, economic and political". This is the prime aspiration of our Constitution. Article 38 in the same vein commands the State to strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of national life.

The Constitution believes in the distribution of wealth while encouraging creation of wealth by enterprising individuals. It permits legislation for redistribution of wealth. Article 39 commands the State to see that citizens have an adequate means of livelihood and that the ownership and control of the material resources of the country subserve the common good. Parts III and IV of the Constitution pertaining to Fundamental Rights and Directive Principles of State Policy constitute the conscience of our Constitution and of the people.

Our political revolution ended with Independence. The social and economic revolutions are yet to run their full course. Without socio-economic justice and equality, political freedom is meaningless to the masses. As Gandhiji had said, "political freedom was only the first step towards *Swaraj*". The message of our Constitution also is that political freedom is not an end in itself; it is only the means to achieve socio-economic justice and equality.

All over the world, the need for changing the Constitution is felt as society moves forward. We have made as many as 78 amendments to our Constitution since its commencement on 26 January 1950, most of them to effectively deal with social and economic problems peculiar to our nation. Some of these amendments relate to provisions concerning land reforms, including the abolition of *Zamindaris*, advancement of socially and educationally backward classes of citizens, extension of duration of reservation of seats in the House of the People and the State Legislative Assemblies for the Scheduled Castes and the Scheduled Tribes, abolition of privy purses and privileges of the rulers of the erstwhile princely states, setting up of administrative and other tribunals, checking defections, lowering of voting age from 21 to 18 years, creation

of the National Commission for the Scheduled Castes and the Scheduled Tribes, and strengthening Panchayati Raj Institutions and the Urban Local Bodies to enable them to perform effectively as vibrant units of self-government.

Having provided reservation for women in Panchayats and Municipalities, the Government has recently introduced a Constitutional Amendment Bill in Parliament for providing reservation for women, also in the Lok Sabha and the State Legislative Assemblies, in deference to the view of the major political Parties and the Common Minimum Programme of the United Front Government.

Nevertheless, today, even after more than 46 years of the working of our Constitution, after it has gone through various amendments, we still stand at a crossroad. Our development has been lopsided. A large section of our people is still without adequate means of livelihood. We have not yet achieved socio-economic justice and equality for our weaker sections. Poverty, and all what it means, is still haunting the lives of a large number of our people. Despite impressive achievements in many fields, many people do not have water to drink, many cannot afford to give education to their children, many are without jobs, many without a roof over their heads. Justice seems to elude the people while cases pile up in our courts. We have not been able to achieve many avowed purposes for which our Constitution was enacted.

Has the Constitution failed us or "We, the people of India" have failed the Constitution? One often hears demands for radical reforms of the Constitution. Before we consider any such idea, we must recall the words of Dr. Rajendra Prasad: "After all, Constitution, like a machine is a lifeless thing; it acquires life because of the men who control it and operate it". If we do not live up to the mandate of the Constitution, the Constitution should not be blamed. All constitutional functionaries should perform their duties under the Constitution in the true spirit of its provisions.

At this hour, when we complete 50 years, we have to ponder and introspect what we have achieved and what we have not been able to achieve. The sacrifices made by our leaders have cast a heavy burden of responsibility on our shoulders. We have to redeem the pledge of our forefathers who dreamt of a vibrant and progressive India. While celebrating the Fiftieth Anniversary of the birth of the Constituent Assembly, this onerous responsibility has been cast on all of us and we have to discharge it to the best of our ability. We wish that this event does not remain merely a celebration, but gives us an opportunity to critically examine the milestones of our progress, our successes and our failures, and help us work more for the progress and welfare of the people. The Constitution is after all meant for them. So should be our endeavours.

Jai Hind.

**ADDRESS BY THE VICE-PRESIDENT OF INDIA AND
CHAIRMAN, RAJYA SABHA, SHRI K.R. NARAYANAN**

Respected Rashtrapatiji, Honourable Prime Minister, Honourable Speaker, Respected Founding Fathers present, Honourable Ministers, Members of Parliament and Friends :

The meeting of the Constituent Assembly on 9 December 1946 was an epoch-making event in our history. A Constituent Assembly to determine India's future was the demand and the dream of the Indian nationalist movement. Gandhiji saw it as "an effective substitute for civil disobedience" for the realisation of India's future. Nehru spoke of it as the expression of "the magic of the human spirit and a nation's passion". K.M. Munshi wrote that through it India hoped to "find its own soul to express through fundamental laws". So when it met on December 9th, it was an event as historic and exhilarating as the great American or the French Constituent Assembly. It reflected, as Nehru put it, "India's mighty past and mightier future", and as Dr. B.R. Ambedkar sought, "the objective of social equality".

The Constitution that emerged from the nearly three years of debates and deliberations in the Assembly was a unique product of India's genius, its conditions, its compulsions, and the philosophy and principles to which it was wedded through the ages past. It embodied the liberal democracy of the parliamentary variety; it contained a powerful current of socialist ideas; and it reflected the pervasive influence of India's traditions and especially Gandhian thoughts and ideas. The evolution of India's constitutional, political, social and economic system has been marked by the dialectical interaction among these different but interrelated aspects of democracy. It is a process still ongoing and it produced the outlines of a system that is harmoniously eclectic and uniquely Indian. It also captured in the modern form of a federal set-up, the age-old concept of unity in diversity pervaded by the spirit of tolerance and coexistence. It contained in the totality of its provisions a blend of diverse ideological provisions such as nationalism, secularism, liberalism and socialism, all anchored in the cultural and philosophical roots of our civilisation. The makers of our Constitution were beckoned by the vision of a new India standing up to its full stature, uplifting the millions of its people from the depth of poverty, diseases, ignorance and inequalities and social evils into which it had fallen. It also envisaged, as the Objectives Resolution moved in the Assembly proclaimed, that "this ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and welfare of mankind".

It is to recall the first meeting of the Constituent Assembly that made such a momentous Charter for free India that we are gathered in this august Assembly here this morning. We are paying our grateful homage to those great men and women who fought for our freedom and Independence, sacrificed so much and thought so deeply and so far ahead of the destiny of this nation. Fortunately, some of those among that galaxy of men and

women are still with us and we offer them our sincere gratitude, our tributes, and our good wishes.

On this solemn occasion we must reflect upon the meaning and significance of this golden jubilee celebrations. Have we proved ourselves worthy of this heritage? Have we safeguarded the constitutional edifice so laboriously built by our founding fathers? It has, in spite of many amendments, served the country exceedingly well. It has certainly been an instrument in reconciling radical elements in our body politic into a national consensus. Many groups and parties which came into the political arena to dissent and to demand separation have remained to cooperate and have found accommodation within its broad bosom. In this sense the Indian Constitution reflected the traditional genius of India to find essential unity in diversity. I am confident that this reconciling and unifying process is still active in our polity and this Parliament maintains its wonderful capacity to soften and to blunt the rough edges of even radical differences to create a consensus on issues that touch upon our basic national interests and principles. This is the greatest tribute to the farseeing wisdom of those who were in the Constituent Assembly on this day in 1946.

Our political scene is in a state of fragmentation today. It is perhaps something like a broken mirror. And yet the image of India can be seen in each tiny bit and it is possible to put the broken pieces together. One does not worry on that score, therefore. But we should worry about the deterioration of the values and the norms that the founding fathers upheld and enshrined in the Constitution. Today, Indian politics is facing a crisis of values and a crisis of standards of behaviour. If we turn our attention to this basic question and reflect upon possible ways in which this deterioration can be stemmed, we would have celebrated the golden jubilee of the first meeting of the Constituent Assembly in a meaningful manner.

The President of India then unveiled the Commemoration Plaque.

The President then presented Mementoes to the following members of the Constituent Assembly: Shri Motiram Baigra; Shri Bhagwan Din; Shri Kusum Kant Jain; Shri Balwant Singh Mehta; Shri S. Nijalingappa; Begum Aizaz Rasool; Ch. Ranbir Singh; and Shri C. Subramaniam.

ADDRESS BY THE PRESIDENT OF INDIA DR. SHANKER DAYAL SHARMA

Shri K.R. Narayanan, Vice-President of India; Shri H.D. Deve Gowda, Prime Minister of India; Shri P.A. Sangma, Speaker, Lok Sabha; Distinguished Members of the Constituent Assembly; Freedom Fighters, Members of Parliament and Friends :

It gives me immense pleasure to participate in this function to commemorate the Fiftieth Anniversary of the first sitting of the Constituent Assembly of India.

On behalf of the nation, I pay tribute to all members of the Constituent Assembly. Their painstaking efforts provided India with the basic legal and ethical framework for progress and development.

It is also my privilege to felicitate some members of the Constituent Assembly who are with us today.

The 9th of December, like the 9th of August, is important in the history of our long struggle for freedom. Indeed, the demand for a Constituent Assembly was intrinsically linked to our larger goal of freedom and independence. The Resolution for *Purna Swaraj* in 1929 had aroused great nationalist fervour and galvanized the people to take part with renewed vigour in the freedom movement. The clear and unambiguous articulation of this deep-rooted longing of the people of India to be in control of their own destiny contained within itself the idea of a democratic Constitution which would provide a framework for the governance of independent India by the Indian people. Clearly, such a Constitution could only be drawn up by the elected representatives of the people of India. It was from this unassailable logic that the demand for a Constituent Assembly was articulated by Pandit Jawaharlal Nehru. The proposal was accepted by the Indian National Congress in 1934, whereafter it became a significant part of the nationalist agenda for independent India. Mahatma Gandhi himself fully endorsed this proposal. Writing in the *Harijan* on 25 November 1939, he said:

Pandit Jawaharlal Nehru has compelled me to study, among other things, the implications of a Constituent Assembly. When he first introduced it in the Congress resolutions, I reconciled myself to it because of my belief in his superior knowledge of the technicalities of democracy. But I was not free from scepticism. Hard facts have, however, made me a convert and, for that reason perhaps, more enthusiastic than Jawaharlal himself.

It was to take seven more years before the Constituent Assembly became a reality. This was a period which saw dramatic developments not merely in India but throughout the world. In India, our freedom struggle was at its peak in 1942 during the historic Quit India Movement. Internationally, there was a fundamental transformation in the geo-political situation after the Second World War. The world was in a state of flux when our peaceful and non-violent struggle attained success. It was a struggle led by women and men of character, leaders who had braved the trials and tribulations of colonial rule and had undergone tremendous suffering and hardship.

It was our beloved leaders who belonged to the masses, individuals with deep knowledge and learning and imbued with the values of our civilization, who were elected to participate in the Constituent Assembly. They had a broad global vision which encompassed all humanity and sought to harmonize the great spiritual values of our culture with the modern dynamic approach of other traditions.

The values of our ethos and their own experiences during the freedom struggle spurred the constant striving of our people for the ideals of liberty, equality, justice, respect for human dignity and democracy. These ideals, the goals and values of the freedom struggle form the real essence, the life-breath of our Constitution and are enshrined in the Preamble.

Already, in the decades before Independence, our people were giving thought to their vision of an independent India. Pandit Motilal Nehru drafted the well-known Nehru Report on the Constitution of free India. The Karachi Session of the Indian National Congress held in March 1931 adopted the famous Resolution moved by Mahatma Gandhi which contained our Charter of Fundamental Rights. It is against this historical backdrop of a long and arduous struggle and the crystallization of our vision of a sovereign, democratic nation that the first session of the Constituent Assembly was held in 1946, when, as Panditji said, we embarked on 'the high adventure of giving shape, in the printed and written word, to a nation's dream and aspiration.'

There was a sense of mission in the members of the Constituent Assembly to draft a Constitution which would preserve the pluralism and essential oneness, and the unity and integrity of India. Our Constitution ensures that India remains a secular state. People belonging to different religious denominations who are all part of our vibrant pluralistic society, are guaranteed the freedom to practice their own religions. I might add that these Rights under our Constitution are available even to those who are not citizens of India.

Our Constitution is not merely a political document which provides the framework and institutions for democratic governance - our Parliament, the Executive and the Judiciary. It provides a framework for the economic and social emancipation of society and particularly, the poor, the underprivileged and the downtrodden. As Granville Austine had said, "the core of the commitment to a social revolution lies in Parts III and IV of the Constitution, in the Fundamental Rights and in the Directive Principles of State Policy. These are the conscience of the Constitution." It is of profound import that the Fundamental Rights are enforceable by the Courts of Law. Article 32 of the Constitution guarantees the implementation of these Rights. This is a very crucial safeguard against excesses by executive authority and casts a very heavy responsibility on our Judiciary, a vital pillar of our democratic polity, to ensure that fundamental human rights and freedoms are guaranteed.

When our Constitution was adopted on 26 November 1949, our statesmen and visionaries had said that the Constitution is as good or bad as people who were entrusted to administer it, wish it to be. The Chairman of the Drafting Committee, the brilliant jurist, Dr. Babasaheb Ambedkar, speaking a day before the adoption of the Constitution had said and I quote:

The working of a Constitution does not depend wholly upon the nature of the Constitution.... The factors on which the working of (the) organs of State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics.

India has been fortunate to have leaders of outstanding calibre. They brought to bear the profound moral and ethical values of our ethos to the functioning of the institutions of our parliamentary democracy. In this way they ensured that democracy flourished and developed even stronger roots in our society. Many of you would recall the great care and attention, the interest and personal involvement of Pandit Jawaharlal Nehru in the work of the Parliament, the jewel in the crown of democracy.

During the last five decades, India can rightly be proud to have safeguarded and enlarged the gains of freedom. We have provided flesh and blood to the constitutional edifice bequeathed to us by the founding fathers of the Constitution. Our Constitution has given us the framework for a strong nation, a Union of States; a nation of harmony between the Union and States and among the various institutions of our democratic polity. We can claim to have achieved significant success in the diverse and interconnected spheres of democratic governance, our Parliament, the Executive and the Judiciary. The philosophy of the Constitution nurtures a polity where the precepts and practices of democracy can become second nature to the people. Through the elections to eleven Lok Sabhas, the people of India have repeatedly displayed their determination to fulfil their duties as responsible citizens of the Republic.

Our Parliament is the pre-eminent institution of our polity. Members of Parliament are the true representatives of the people and it is the people's interests which they articulate in the context of a larger and broader national vision. As Panditji said in the Lok Sabha on 21 December 1955, I quote; "(Members of Parliament) are not only Members of this or that particular area of India, but each Member of Parliament is a Member for India and represents India..." Our constitutional framework has also resulted in economic progress and the social emancipation of society. Effective representation is provided to the socially depressed groups in Legislatures and steps are under way to ensure a strong representation for women. In recent years, we have provided a new impetus to our Panchayati Raj institutions. This has fostered the participation of the people at the grassroots level in our democratic processes in a very tangible and effective manner.

If we look at nations around us, we can rightly be proud of our resilient, living Constitution which has adapted over time to changing circumstances, needs and requirements. Indeed, it has become a model for Constitutions in other countries.

I believe this is an important occasion for all of us to contemplate ways and means of improving the functioning of the institutions of our democratic polity. We should bring the meaning and import of the

Constitution closer to the common man. This would be possible if we take up the challenge of making our institutions, our administration and systems of work, more and more directly accountable and fully mindful and sensitive to the needs and feelings of our people.

We must all comprehend the importance of unity, the true significance of canons of propriety and the value of having the freedom to voice different viewpoints which, indeed, are the hallmarks of any pluralistic society. As our sages of yore said, our aims are common, our endeavours common, and there are diverse ways to reach our goals.

At this moment in our history, as we prepare to step into a new century and millennium, let us all ask ourselves what our goals and tasks are as citizens of this great and ancient nation striving to develop and modernise. What are our responsibilities in nation building? How best can we discharge them? The answers are not far, nor difficult to seek. Many have been provided to us by the life and work of the great stalwarts who have preceded us. We also find them in our tradition of selfless service and sacrifice and in the timeless moral and ethical ideals of our society. Let us draw inspiration from Bapu's life and work and live up to his message of *Anasakti* and *Nishkaam Karm*, that is selfless service and service without regard to the fruits of action.

This anniversary provides an opportunity for every one of us, every citizen of India, to renew the pledge to work for *Purna Swaraj* with full implications, that is, for the well-being of the common man, for peace and harmony in our society and indeed, the whole world.

Jai Hind.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

Meetings of the Executive Committee of the CPA : The meetings of the Executive Committee of the Commonwealth Parliamentary Association (CPA) were held in Kuala Lumpur, Malaysia from 15 to 17 August 1996. The Speaker, West Bengal Legislative Assembly, Shri Hashim Abdul Halim, and the Chairman, Maharashtra Legislative Council, Shri J.S. Tilak, attended the meetings in their capacity as Regional Representatives for the Asia Region.

Meeting of the General Assembly of the CPA : The meeting of the General Assembly of the CPA was held in Kuala Lumpur on 20 August 1996. The Speaker, Lok Sabha, Shri P.A. Sangma represented the India Branch of the CPA at the meeting.

42nd Commonwealth Parliamentary Conference : The 42nd Commonwealth Parliamentary Conference was held in Kuala Lumpur from 18 to 25 August 1996. The Indian Parliamentary Delegation to the Conference was led by the Speaker, Lok Sabha, Shri P.A. Sangma. Besides, the Delegation consisted of the Leader of the Opposition in the Rajya Sabha, Shri Sikander Bakht, MP; Shri Kashiram Rana, MP; Shri Mohammad Ali Ashraf Fatmi, MP; and Shri Ram Kirpal Yadav, MP. The Secretary-General, Rajya Sabha, Smt. V.S. Rama Devi, was the Secretary to the Delegation. The Additional Secretary, Lok Sabha Secretariat, Dr. A.K. Pandey also attended the Conference.

The Delegation included the following Delegates from the State CPA Branches in India: the Speaker, Andhra Pradesh Legislative Assembly, Shri Y. Ramakrishnudu; the Speaker, Arunachal Pradesh Legislative Assembly, Shri Tako Dabi; the Speaker, Assam Legislative Assembly, Shri Ganesh Kutum; the Speaker, Delhi Legislative Assembly, Shri Charti Lal Goel; the Speaker, Goa Legislative Assembly, Shri Tomazinho Cardozo; Shri Shaktisinhji H. Gohil, MLA, from the Gujarat Legislative Assembly; the Speaker, Himachal Pradesh Legislative Assembly, Shri Kaul Singh Thakur; the Speaker, Karnataka Legislative Assembly, Shri Ramesh Kumar; the Speaker, Kerala Legislative Assembly, Shri M. Vijaykumar; the Chairman, Maharashtra Legislative Council (Regional Representative for the Asia Region), Shri J.S. Tilak; the Speaker, Maharashtra Legislative Assembly, Shri Dattaji Nalawade; the Speaker, Manipur Legislative Assembly, Shri W. Nipamacha Singh; the Speaker, Meghalaya Legislative Assembly, Shri Jingson Dringwell Rymbai; the Deputy Speaker, Mizoram Legislative Assembly, Shri R.L. Valla; the Deputy Speaker, Nagaland Legislative Assembly, Shri W. Wangyuh

Konyak; the Speaker, Orissa Legislative Assembly, Shri Chintamani Dyan Samantara; the Speaker, Punjab Legislative Assembly, Shri Harnam Das Johar; the Speaker, Rajasthan Legislative Assembly, Shri Shantilal Chaplot; the Deputy Speaker, Sikkim Legislative Assembly, Shri D.B. Gurung; the Speaker, Tamil Nadu Legislative Assembly, Thiru P.T.R. Palanivel Rajan; the Speaker, West Bengal Legislative Assembly (Regional Representative for the Asia Region), Shri Hashim Abdul Halim; and the Deputy Speaker, West Bengal Legislative Assembly, Shri Anil Mukherjee.

The Secretary, Gujarat Legislative Assembly, Shri V.H. Dave; the Secretary, Rajasthan Legislative Assembly, Shri B.L. Gupta; and the Secretary, West Bengal Legislative Assembly, Shri S.R. Chattopadhyay were the Secretaries from the State Branches.

The Speaker, Nagaland Legislative Assembly, Shri Neiba Ndong, who also attended the Conference, was elected the Regional Representative for the Asia Region for a period of three years in place of the Speaker, West Bengal Legislative Assembly, Shri Hashim Abdul Halim whose term expired in August 1996.

The following subjects were discussed at the Conference :

- (i) Facilitating consensus building in dealing with global issues: the role of the Commonwealth and its Parliamentarians
- (ii) Educating the Commonwealth about the Commonwealth
- (iii) Is there an effective democratic deterrent to terrorism?
- (iv) The protection of women and children exposed to violence, exploitation and abuse
- (v) How can the improvement in the world economy be more equitably shared?
- (vi) How can parliamentary democracy be updated and improved?
- (vii) How can present barriers to the participation of women in political life be overcome?

Tripartite Meeting to follow-up on the World Summit for Social Development : A tripartite meeting of the Parliamentary, Governmental and Inter-Governmental Representatives to follow up on the World Summit on Social Development was held in New York from 5 to 6 September 1996. The meeting was organized by the Inter-Parliamentary Union (IPU) to enhance cooperation among Parliaments, Governments and Inter-Governmental Organizations for the effective implementation of the results of the World Summit for Social Development by giving it an appropriate framework which allows for sustained and concrete follow-up action.

Shri P. Upendra, MP was one of the 5 representatives designated by the Inter-Parliamentary Council from the Parliaments of different regions of the world. The other four representatives were from Sweden, Venezuela, Tunisia and Kenya.

The meeting adopted a final document containing the findings and recommendations for priority action for implementation by Parliaments of the Results of the World Summit for Social Development.

The 96th Inter-Parliamentary Conference : The 96th Inter-Parliamentary Conference was held in Beijing from 16 to 21 September 1996. The Indian Delegation to the Conference was led by the Speaker, Lok Sabha, Shri P.A. Sangma. The other members of the Delegation were the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla; Shri Somnath Chatterjee, MP; Shri Banwari Lal Purohit, MP; Shri Bhupinder Singh Hooda, MP; Shri Iqbal Singh, MP; Shri M.P. Veerendra Kumar, MP; Shri Sanatan Bisi, MP; the Secretary-General, Rajya Sabha, Smt. V.S. Rama Devi; and the Secretary-General, Lok Sabha, Shri S. Gopalan. The Joint Secretary, Lok Sabha Secretariat, Smt. Reva Nayyar was the Secretary to the Delegation.

The Conference mainly discussed and adopted Declarations/Resolutions on the following objects :

(i) Promoting greater respect and protection of human rights in general and in particular for women and children

(ii) Policies and strategies to ensure the right to food in this time of globalization of the economy and trade liberalization

(iii) World-wide ban on anti-personnel mines and the need for mine clearance for humanitarian purposes (placed on the agenda as supplementary item).

Besides, the Conference held the General Debate on the Political, Economic and Social Situation in the World.

International Forum for local authorities and parliamentarians with an interest in tourism : An International Forum for local authorities and parliamentarians with an interest in tourism was held in Bali, Indonesia, from 24 to 27 September 1996.

The Forum was organized by the World Trade Organization (WTO) with a view to identifying the major challenges in the tourism industry and promoting tourism.

The Indian Delegation to the Forum was led by Shri P.M. Sayeed, MP. The other members of the Delegation were Smt. Sumitra Mahajan, MP; Shri Kameshwar Paswan, MP; Shri S. Ramachandran Pillai, MP; Shri S.M. Krishna, MP; Shri K.M. Saifulla, MP; Shri Th. Chaoba Singh, MP;

and Shri B.L. Shankar, MP. The Joint Secretary, Lok Sabha Secretariat, Shri G.C. Malhotra was the Secretary to the Delegation.

The following subjects were mainly discussed at the Forum : (i) Major challenges of tourism development in the next 20 years; (ii) local or regional experience of tourism, planning and development; (iii) promotion and recreation management of tourism destination; (iv) sharing of responsibilities and partnership of tourism development between public and private sectors; and (v) respective roles of national administration and local authorities and of the legislative and executive powers in the field of tourism.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

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

The birth anniversaries of the following leaders were celebrated during the period 1 April to 30 September 1996.

Dr. B.R. Ambedkar : On the occasion of the birth anniversary of Dr. B.R. Ambedkar, a function was held on 14 April 1996 in the Central Hall. Members of Parliament, former members of Parliament and others paid floral tributes to Dr. B.R. Ambedkar.

Pandit Motilal Nehru : On the occasion of the birth anniversary of Pandit Motilal Nehru, a function was held on 6 May 1996 in the Central Hall. The then Minister of Home Affairs, Shri S.B. Chavan; the then Minister of Finance, Dr. Manmohan Singh; members of Parliament; and former members of Parliament and others paid floral tributes to Pandit Motilal Nehru.

Gurudev Rabindranath Tagore : On the occasion of the birth anniversary of Gurudev Rabindranath Tagore, a function was held on 8 May 1996 in the Central Hall. The then Minister of Home Affairs, Shri S.B. Chavan; the Leader of the Opposition in the Lok Sabha, Shri Atal Bihari Vajpayee; the then Minister of Finance, Dr. Manmohan Singh; members of Parliament; and former members of Parliament and others paid floral tributes to Gurudev Rabindranath Tagore.

Dr. Syama Prasad Mookerjee : On the occasion of the birth anniversary of Dr. Syama Prasad Mookerjee, a function was held on 6 July 1996 in the Central Hall. The Speaker, Lok Sabha, Shri P.A. Sangma; the Leader of the Opposition in the Lok Sabha, Shri Atal Bihari Vajpayee; the Minister of Welfare, Shri B.S. Ramoowalia; the Minister of Parliamentary Affairs and Tourism, Shri Srikanta Kumar Jena;

members of Parliament; and former members of Parliament and others paid floral tributes to Dr. Mookerjee.

Lokmanya Bal Gangadhar Tilak : On the occasion of the birth anniversary of Lokmanya Bal Gangadhar Tilak, a function was held on 23 July 1996 in the Central Hall. The Prime Minister, Shri H.D. Deve Gowda; the Speaker, Lok Sabha, Shri P.A. Sangma; the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla; the Deputy Speaker, Lok Sabha, Shri Suraj Bhan; members of Parliament; and former members of Parliament and others paid floral tributes to Shri Tilak.

Shri Rajiv Gandhi : On the occasion of the birth anniversary of Shri Rajiv Gandhi, a function was held on 20 August 1996 in the Central Hall. The Prime Minister, Shri H.D. Deve Gowda; the Minister of State of Environment and Forest, Capt. Jai Narayan Prasad Nishad; members of Parliament; former members of Parliament; and Smt. Sonia Gandhi and others paid floral tributes to Shri Rajiv Gandhi.

Shri Dababhai Naoroji : On the occasion of the birth anniversary of Shri Dababhai Naoroji, a function was held on 4 September 1996 in the Central Hall. The Prime Minister, Shri H.D. Deve Gowda; the Speaker, Lok Sabha, Shri P.A. Sangma; the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla; members of Parliament; and former members of Parliament and others paid floral tributes to Dadabhai Naoroji.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

PARLIAMENTARY DELEGATIONS VISITING INDIA

Australia : On our invitation, an 8-member Australian Parliamentary Delegation, led by Senator Mr. Nick Minchin, Parliamentary Secretary to the Prime Minister of Australia, visited India from 25 to 31 August 1996.

The Delegation called on the Vice-President of India and Chairman, Rajya Sabha, Shri K.R. Narayanan; the Speaker, Lok Sabha, Shri P.A. Sangma; the Minister of External Affairs, Shri I.K. Gujral; and the Minister of Parliamentary Affairs and Tourism, Shri Srikanta Kumar Jena on 26 August 1996. The Deputy Speaker, Lok Sabha, Shri Suraj Bhan hosted a banquet in their honour on that day. The Delegation called on the Prime Minister, Shri H.D. Deve Gowda; the Leader of the Opposition in the Lok Sabha, Shri Atal Bihari Vajpayee; and the Chairman, National Human Rights Commission, Justice M.N. Venkatachalaiah on 27 August 1996. A meeting between the members of our Parliament and the visiting Delegation was also held on the same day.

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

INDIAN PARLIAMENTARY DELEGATIONS GOING ABROAD

Democratic People's Republic of Korea : On the invitation of the Supreme People's Assembly (Parliament) of the Democratic People's

Republic of Korea, an Indian Parliamentary Delegation, led by the Speaker, Lok Sabha, Shri P.A. Sangma visited that country from 21 to 25 September 1996. The other members of the Delegation were Sarvashri Karia Munda, Dileep Singh Bhuria, M. Rajasekara Murthy, Jalaluddin Ansari and Dr. P.C. Sarma, all members of Parliament. The Secretary-General, Lok Sabha, Shri S. Gopalan was the Secretary to the Delegation.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING (BPST)

During the period 1 July to 30 September 1996, the following Programmes/Courses were organized by the BPST:

Orientation Programmes: Two Orientation Programmes for newly elected members of the Eleventh Lok Sabha were organized from 13 to 14 July 1996 and 20 to 21 July 1996. These Orientation Programmes were inaugurated by the Speaker, Lok Sabha, Shri P.A. Sangma. 172 newly elected members attended the Programmes.

An Orientation Programme for members of the Committee on Public Accounts and the Committee on Public Undertakings of the Andhra Pradesh Legislative Assembly was organized from 30 July to 1 August 1996. The Programme, attended by 20 members of the State Legislative Assembly, was inaugurated by the former Union Minister, Shri P. Upendra, MP.

Twelfth Parliamentary Internship Programme for Foreign Parliamentary Officials: The Twelfth Parliamentary Internship Programme for Foreign Parliamentary Officials was organized from 25 September to 12 November 1996. The Programme was attended by 17 participants from various Afro-Asian countries. It was designed to meet the special needs of Officers of foreign Parliaments and to enable them to study the working of parliamentary institutions in India and their processes and procedures. It also aimed at providing an opportunity to the Officers to exchange ideas in the context of their experiences in their Legislatures and to acquaint themselves with the environment, culture, traditions and working of parliamentary institutions in India.

Appreciation Courses: Appreciation Courses in Parliamentary Processes and Procedures were organized for: (i) Officers of Public Undertakings (8-12 July 1996); (ii) Audit/Accounts Officers of Indian Audit & Accounts Department (15-19 July 1996); (iii) Indian Forest Service Probationers (22-26 July 1996); (iv) Middle Level Officers of Defence Services (19-23 August 1996); (v) Professors/Lecturers of Universities/Colleges (26-30 August 1996); and (vi) Indian Customs and Central Excise Group 'A' Probationers (16-20 September 1996).

Training Courses for Parliamentary and State Legislature Officials: A five-day training Course for Translators and Hindi Assistants of the Lok Sabha Secretariat was organized by the BPST in association with the Editorial and Translation Service, Lok Sabha Secretariat and the Central

Translation Bureau, Rajbhasha Vibhag, Ministry of Home Affairs, New Delhi from 1 to 5 July 1996.

The Seventh Management Programme for Middle Level Officers of the Lok Sabha and State Legislature Secretariats was organized from 5 to 9 August 1996. Fourteen Officers attended the Programme.

A two-week training Course for Junior Clerks scheduled to appear in the departmental examination to the grade of Senior Clerks in the Lok Sabha Secretariat was organized from 16 to 27 September 1996.

Attachment Programmes: A three-week Attachment Programme for five officers of the National Assembly of Kenya was organized from 12 to 30 August 1996. The Programme was inaugurated by the Secretary-General, Lok Sabha, Shri S. Gopalan.

Two Attachment Programmes for Officers of the Karnataka Legislature were organized from 2 to 3 September and 9 to 10 September 1996 to enable them to study the functioning of the Departmentally-related Standing Committees of Parliament.

Study Visits: 14 Study Visits were organized for participants from leading institutions.

Training Programmes conducted by outside organizations and attended by Officers of the Lok Sabha Secretariat: Three Officers of the Lok Sabha Secretariat, Shri Raj Shekhar Sharma and Shri P. Sreedharan, both Under Secretaries and Shri M.S. Rawat, Deputy Director, attended a Training Programme on "Organizational Behaviour and Leadership", organized by the Institute for Secretariat Training and Management (ISTM), New Delhi from 5 to 9 August 1996.

Two Officers of the Lok Sabha Secretariat, Shri R.C. Gupta, Deputy Secretary and Shri Ashok Kumar, Assistant Director attended a Programme on "Communication Skills for Managerial Effectiveness", held at the Administrative Staff College of India, Hyderabad from 2 to 7 September 1996.

PRIVILEGE ISSUES

LOK SABHA

Attempt to shout slogans from the Visitors' Gallery: On 31 July 1996, the Deputy Speaker, Shri Suraj Bhan informed the House as follows :

As the House is aware, at about 1135 hours today, a visitor calling himself Hansa Dutt Joshi, son of Shri Purnanand Joshi attempted to shout slogans from the Visitors' Gallery. The Security Officers took him into custody immediately and interrogated him. The visitor has made a statement and expressed regrets for his action.

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

Thereafter, the Minister of Parliamentary Affairs, Shri Srikanta Kumar Jena moved the following resolution which was adopted by the House:

That this House resolves that the person calling himself Hansa Dutt Joshi, son of Shri Purnanand Joshi who attempted to shout slogans at about 1155 hours today and whom the Security Officers took into custody immediately, has committed a grave offence and is guilty of the contempt of the House.

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

The matter was, thereafter, closed.

STATE LEGISLATURES

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

Alleged threat to a member by the President of the Himachal Non-Gazetted Employees' Federation : On 5 April 1995, Shri Kishan Kapoor, a member, gave notice of a question of privilege against the President of the Himachal Pradesh Non-Gazetted Employees' Federation, Shri Gopal Dass Verma, for allegedly issuing a Press statement threatening him with a view to preventing him from raising any question regarding the Employees' Federation. Along with the notice, the member enclosed the clippings of the relevant news item published in the *Veer Pratap*, a daily, on 1 April 1995.

The news-item published under the heading "BJP Legislators have no right" read *inter alia* as follows:

...In a Press statement issued by the President of the Employees' Federation Gopal Dass Verma, he has warned the local legislator, Kishan Kapoor that if he did not stop putting embarrassing questions about the leaders of employees, the employees will hold rallies against him....

On 11 April 1995, the Speaker referred the matter to the Committee of Privileges for investigation and report.

The Committee of Privileges examined in person Shri Gopal Dass Verma and also considered the written statements of the Editor of the *Veer Pratap*, Shri Chander Mohan and its Dharamshala correspondent, Shri Rakesh Pathania. The Committee, in their Report presented to the House on 6 September 1996, reported *inter alia* that the Editor of the *Veer Pratap* clarified in his written statement that the newsitem was based on the Press release issued by Shri Verma. The correspondent of the *Veer Pratap* also informed that the newsitem despatched by him for publication was based on the Press statement issued by Shri Verma.

Shri Gopal Dass Verma stated before the Committee that he had no intention of threatening the member as had been alleged. He also had no intention to show disrespect to the House or any member. He stated that any member could ask questions in the House and he was not in a position to ask any member to desist from asking questions. Shri Verma reiterated that he had no such intention and if any newsitem was published which created such an impression, he apologised for that.

The Committee were of the view that the Press statement issued by Shri Verma came within the purview of breach of privilege. Though Shri Verma had clarified his position before the Committee and also apologised, the Committee deprecated and condemned his behaviour. However, in keeping with the traditions, the Committee recommended to the House to accept the apologies of Shri Verma. At the same time, the Committee desired that the Chief Secretary, Government of Himachal Pradesh, should issue a warning to Shri Verma that he should desist from issuing such Press statements against legislators in future. Being a Government servant, Shri Verma should restrict himself within the Government rules. If he indulged in politics, necessary action would have to be taken against him.

The Committee were constrained to observe that when Shri Verma was called to appear for evidence, a medical certificate issued to him, advising complete rest, was produced before the Committee. Strangely, however, Shri Verma was fit enough to go to Tirupati by car during the same period. The Committee recommended that necessary instructions be issued so that medical certificates given by the Health Department doctors reflected the true position, leaving no scope for any doubt on their integrity.

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

RAJASTHAN LEGISLATIVE ASSEMBLY

Alleged premature publicity of a notice of question of privilege by some members in a newspaper: On 30 March 1995, Shri Kishan Gopal Kogta and some other members gave notice of a question of privilege against Shri Narender Singh Bhati, a member, for allegedly committing a breach of privilege and contempt of the House by using abusive language against the ruling party members and also for throwing a book towards them on 24 March 1995 in protest against a point of order raised in the House by the Chief Whip of the ruling party, Shri Mahavir Prasad Jain.

On 4 April 1995, Shri Narender Singh Bhati, a member, gave a notice of question of privilege against Shri Kishan Gopal Kogta and other members, including Shri Mahavir Prasad Jain, who had given the notice of question of privilege dated 30 March 1995 against him, for allegedly getting their notice published in *toto* in a daily newspaper, the *Rashtradoot*, in its issue dated 1 April 1995. According to Shri Bhati, he had not received the impugned notice till 10 A.M. on 4 April 1995. He also contended that by giving advance publicity to their notice, Shri Kogta and others had tried to malign him and tarnish his public image and had thereby committed a breach of privilege and contempt of the House.

On 5 May 1995, the Speaker, after informing the House of the facts of the case and the previous rulings in such cases and also the relevant rules, etc., *inter alia* observed that the comments of Shri Narender Singh Bhati on the notice of question of privilege given by Shri Kishan Gopal Kogta and others were received on 5 April 1995. As regards the notice of question of privilege by Shri Narender Singh Bhati regarding premature publication of the notice against him by some members in the *Rashtradoot*, the Speaker said that he had sought the comments of Shri Kogta and others and had also called for the explanation of the Editor of the newspaper. In his reply, the Editor expressed his inability to identify the source and stated that he also inquired from the office bearers of the Bharatiya Janata Party about that but they did not make any comment.

Sarvashri Kishan Gopal Kogta and Samarth Lal Meena, in their reply, stated that none of the signatories to the notice divulged anything about the notice to the *Rashtradoot*. They also stated that they did not know any of the correspondents of the said newspaper.

The Speaker further said that he had gathered from the replies received from the Editor of the *Rashtradoot* and from Sarvashri Kishan Gopal Kogta and Samarth Lal Meena that the contents of the notice were not disclosed in any manner to the Press by the members who had given the notice.

In that context, the Speaker referred to an earlier ruling given on 10 October 1979 by the then Speaker:

As per well established conventions, premature publicity of notices addressed to Speaker or Secretary, either by the member giving notice or by the Press, does not amount to breach of privilege or contempt of the House. However, it is against the rules and parliamentary conventions and is entirely improper.

The Speaker, however, said that if a member intentionally gave premature publicity to his notices, it would involve a question of privilege. In the instant case, neither the Press named any member who might have approached them for getting the impugned notice published nor the allegation of breach of privilege and contempt of the House levelled against Shri Kishan Gopal Kogta and others by Shri Narendra Singh Bhati were established. He, therefore, withheld consent to the raising of the matter on the floor of the House as a question of privilege.

Alleged misleading of the House by the Chief Minister : On 6 April 1995, Shri Jagdeep Dhankhar and twenty other members gave notice of a question of privilege against the Chief Minister, Shri Bhairon Singh Shekhawat, for allegedly misleading the House on 24 March 1992 while making certain clarifications regarding profits earned and losses incurred by the State Tilam Sangh during 1990-91 and 1991-92.

In their notice of question of privilege, Shri Jagdeep Dhankhar and other members *inter alia* alleged that the Chief Minister misled the House by stating that the State Tilam Sangh earned profits during 1990-91 and 1991-92 which, according to them, was in contradiction with the reply given by the Government to Starred Question No. 5 dated 4 April 1995 wherein a year-wise account of losses incurred by the State Tilam Sangh from its inception till January 1995 was given.

On 5 May 1995, the Speaker, after informing the House of the facts of the case and the previous rulings in such cases and also the relevant rules, etc. *inter alia* observed that it was not a specific matter of recent occurrence and therefore it did not require the intervention of the House. Moreover, the State Cooperative Department, in their letter dated 15 April 1995, made it clear that the data regarding profits by the State Tilam Sangh placed before the House on 24 March 1992 by the Chief Minister, were based on cash receipts excluding depreciation, and were for the period up to 31 January 1992 only and as such no misleading or incorrect information was given to the House. The Speaker said that if any statement was made on the floor of the House by a member or Minister which another member believed to be untrue, incomplete or incorrect, it did not constitute a breach of privilege. In order to constitute a breach of privilege or contempt of the House, it had to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege could arise only when the member or the Minister made a false statement or an incorrect statement wilfully, deliberately and knowingly. If an incorrect statement was made, there was

remedy under Direction 5 of the Directions by the Speaker. The Chief Minister's statement in the House on 24 March 1992 was based on the information made available to him. Therefore, no question of privilege was involved in the matter.

The Speaker, therefore, withheld consent to the raising of the matter on the floor of the House as a question of privilege.

PROCEDURAL MATTERS

LOK SABHA

Announcement regarding important decision of Government on the eve of the Session should more appropriately be made in the House : On 10 July 1996, the Speaker informed the House that he had received several notices of Adjournment Motion regarding the announcement made by the Government about the hike in administered prices of petroleum products on the eve of the Session. Some members made submissions and raised the propriety of making such an announcement on the eve of the Session. After hearing the members from various sections of the House, the Speaker quoted the ruling given by the former Speaker, Dr. Bal Ram Jakhar on 9 June 1980 and observed:

There is no infringement of rules and constitutional provisions; but it would have been more appropriate to announce this increase in the House.

Later, the Speaker withheld his consent to the notices of Adjournment Motion.

One member to get one chance in a week to raise a matter during so-called 'Zero Hour' : On 10 September 1996, after the end of the so-called 'Zero Hour' and before matters under rule 377 were taken up, the Speaker observed:

Honourable members, I want to say one thing today. From now on, each honourable member will get only one chance to raise a matter during 'Zero Hour' in a week. Otherwise, it is impossible to distribute time to everybody. One chance one week for each honourable member would be given. Therefore, those honourable members who have got a chance will not get it tomorrow.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 July to 30 September 1996)

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

—Editor

INDIA

DEVELOPMENTS AT THE UNION

Expansion of the Union Cabinet : On 5 July 1996, the Prime Minister, Shri H.D. Deve Gowda expanded the Union Council of Ministers by elevating two Ministers of State—Shri Beni Prasad Verma and Shri R.L. Jalappa—as Cabinet Ministers and inducting four new Ministers of State. The Ministers and their portfolios are:

Cabinet Ministers : Shri Beni Prasad Verma: *Communications*; and Shri R.L. Jalappa: *Textiles*.

Ministers of State : Shri Raghubans Prasad Singh: *Department of Animal Husbandry and Dairying in the Ministry of Agriculture*; Shri N.V.N. Somu: *Defence*; Shri T.R. Balu: *Petroleum and Natural Gas*; and Shri Satpalji Maharaj: *Railways*.

On 10 July 1996, Shri Maqbool Dar was inducted into the Union Council of Ministers as the Minister of State for Home.

Expulsion of MP from party: On 5 July 1996, Smt. Maneka Gandhi, representing the Pilibhit constituency in the Lok Sabha, was expelled from the primary membership of the Janata Dal for six years for gross indiscipline and anti-party activities.

Resignation of Minister: The Minister of State for Home, Shri Mohammed Taslimuddin resigned from the Union Cabinet on 9 July 1996.

Death of member: Congress (I) member of the Lok Sabha, Shri Nathu Ram Mirdha passed away on 30 August 1996.

Sessions of Parliament: The Second Session of the Eleventh Lok Sabha and the Hundred and Seventy-eighth Session of the Rajya Sabha commenced on 10 July 1996. Both the Houses adjourned *sine die* on 13 September 1996 and were prorogued by the President on 19 September 1996.

Resignation of member: Shri Ajit Singh, representing the Baghpat constituency in Uttar Pradesh, resigned from the Lok Sabha as well as the primary membership of the Congress (I) on 7 September 1996.

Election to the Rajya Sabha: The Prime Minister, Shri H. D. Deve Gowda (Janata Dal) was elected to the Rajya Sabha from Karnataka on 18 September 1996.

AROUND THE STATES

ANDHRA PRADESH

Death of member: Telugu Desam Party MLA, Shri Nandaram Venkataiah passed away on 11 August 1996.

Reshuffle of portfolios: On 18 August 1996, in a reshuffle of some portfolios, the Minister for Prohibition, Dr. N. Janardhan Reddy was given the charge of Forest and Environment Department while the Minister of Minor Irrigation, Shri Tummala Nageshwara Rao was given the charge of Prohibition.

ARUNACHAL PRADESH

Political developments: On 24 August 1996, the Chief Minister, Shri Gegong Apang dropped four Ministers from the Council of Ministers for anti-party activities. The Ministers were: Shri Neelam Teram; Shri L. Wanglat; Shri Talo Mugli; and Shri Dera Nalung.

On 20 September 1996, the Chief Minister resigned from the Congress (I) and formed a new party, 'the Arunachal Congress' claiming the support of 40 MLAs. The Speaker, Shri Tako Dabi recognised the breakaway group. As the Leader of the newly formed party, Shri Gegong Apang was sworn in as the Chief Minister on 21 September 1996.

On 23 September 1996, the Chief Minister allocated portfolios among the new Council of Ministers. The Ministers and their portfolios are: Shri Soren Tayeng: *Agriculture*; Shri Thupten Tempa: *Finance*; Shri Mukut Mithi: *Home*; Shri Lijum Ronya: *Environment and Forest*; Shri R.K. Khrimay: *Public Works Department*; Shri Doi Ado: *Education Science and Technology*; Shri Kameng Dolo: *Rural Development*; Shri S. Negumi: *Rural Works Department*; and Shri Kameng Boran: *Planning, Law and Judicial, Land Records and Parliamentary Affairs*.

Election of Deputy Speaker: Shri Daklo Nidak, an independent member, was unanimously elected the Deputy Speaker of the State Legislative Assembly on 27 September 1996.

GOA

New Minister: On 19 July 1996, Dr. Carmo Pegado was inducted into the State Cabinet as a Cabinet Minister.

GUJARAT

Political developments: The Finance Minister, Shri Vajubhai Vala resigned from the State Cabinet on 6 July 1996.

On 9 August 1996, the BJP expelled Shri Shankarsinh Vaghela for six years for anti-party activities. On 12 August 1996, the Chief Minister, Shri Suresh Mehta dropped the Minister of State for Youth Services and Cultural Activities, Shri Vithalbhai Randharia for anti-party activities.

On 16 August 1996, the Chief Minister dropped five more Ministers and issued show cause notices to three MLAs. The Ministers were: Sarvashri Vipul Chaudhury, Madhubhai Thakore, Ranjitsinh Jhala, C.K. Raolji and Umesh Rajyaguru. The MLAs were: Sarvashri Kirti Patel, Vithalbhai Shah and Jorubhai Chavan.

On 22 August 1996, the Deputy Minister for Water Supply, Labour and Employment, Shri Babubhai Meghijibhai Shah resigned from the State Cabinet.

On 26 August 1996, the Minister of State for Revenue, Shri Khumansinh Vansiya and the Minister of State for Tribal Welfare, Shri Anil Joshiara resigned from the Ministry.

On 3 September 1996, the Deputy Speaker, Shri Chandubhai Dabhi recognised the Maha Gujarat Janata Party (MGJP) of Shri Shankarsinh Vaghela.

On 9 September 1996, the ailing Speaker, Shri Harish Chandra Patel declared the decision taken by the Deputy Speaker in granting recognition to the breakaway group of 46 MLAs as invalid.

President's rule was imposed in the State on 19 September 1996.

Death of Speaker: The Speaker of the State Legislative Assembly, Shri Harish Chandra Patel passed away on 16 September 1996.

HARYANA

Expansion of Cabinet: On 11 August 1996, the Chief Minister, Shri Bansi Lal inducted two Ministers of Cabinet rank. They are: Sarvashri Ganeshi Lal and Narain Singh.

HIMACHAL PRADESH

Resignation of Minister: The Minister of State for Youth Services and Sports, Shri Anil Sharma resigned from the State Cabinet on 6 September 1996.

KARNATAKA

Resignation of member: Shri H.D. Deve Gowda of the Janata Dal resigned from the State Legislative Assembly following his election to the Rajya Sabha on 18 September 1996.

PUNJAB

Reconstitution of Ministry: On 6 August 1996, the Chief Minister, Shri Harcharan Singh Brar appointed Smt. Rajinder Kaur Bhattal as the Deputy Chief Minister. He also expanded the State Cabinet. The new Cabinet is as under:

Cabinet Ministers: Sarvashri Gurchet Singh Bhullar, Sardul Singh, Avtar Singh Brar, Pratap Singh Bajwa, Avtar Henary, Chaudhry Jagjit Singh, Brahm Mohindra, Maninder Jit Singh Bitta, Lakhmir Singh Randhawa, Joginder Singh Mann, Balmukand Sharma, Jai Kishan Saini, Mohinder Singh Gill, Lal Singh, Sajjan Kumar Jakhar, Raghu Nath Sahai Puri, Mohinder Singh Kaypee, Kaushal Behal, Dr. Kewal Krishan and Smt. Surjit Kaur Kalkat.

Ministers of State: Sarvashri Gurmej Singh, Parminder Singh Sandhu, Hans Raj Josan, Raman Bhalla, Tripat Rajinder Singh Bajwa, Brij Bhupinder Singh, Hamek Singh Mangewal, Jasjit Singh Randhawa, Hamek Singh Gharuan, Bhagwan Das Arora, Chaudhury Santokh Singh, Ishar Singh, Pt. Som Dutt, Faqir Chand, Raj Kumar Khurana, Darshan Singh Brar, Babu Ram Chawla, Surinder Kapoor, Abdul Ghaffar and Krishan Kaushal.

TRIPURA

Death of member: CPI(M) MLA, Shri L.P. Malsai passed away on 30 July 1996.

UTTAR PRADESH

New Governor: Shri Romesh Bhandari was sworn in as the Governor of Uttar Pradesh on 19 July 1996.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The conditions of service of the Judges of the Supreme Court and the High Courts are governed by the Supreme Court Judges (Conditions of Service) Act, 1958 and the High Court Judges (Conditions of Service) Act, 1954, respectively. Since the passing of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, there had been no improvement in the conditions of service of the Supreme Court and the High Court Judges. There had been an increase in the price of petrol from time to time. The Judges had to undertake more journeys now a days for attending seminars, conferences, etc. Similarly, Chief Justices and Judges were required to hold periodic meetings of Judicial Officers and with the members of the Bar. Considering the increase in the number of participants in such meetings and also the increase in the cost of eatables and considering the increase in the price of petrol, it had become necessary to amend the aforesaid Acts to increase the sumptuary allowances and conveyance facilities to the Chief Justices and the Judges. The President promulgated the Supreme Court and High Court Judges (Conditions of Service) Amendment Ordinance, 1996 on 11 January 1996 as the Parliament was not in Session to give effect to the increase in the sumptuary allowance and conveyance facilities to the Judges.

The Supreme Court and High Court Judges (Conditions of Service) Amendment Bill, 1996, which sought to replace the above Ordinance, was introduced in the Lok Sabha on 29 February 1996, but lapsed on the dissolution of the Tenth Lok Sabha. As the said Ordinance was due to expire on 7 April 1996, the Supreme Court and High Court Judges (Conditions of Service) Amendment Second Ordinance, 1996 was repromulgated on 27 March 1996 and the validity of the repromulgated Ordinance was due to expire in the first week of July 1996. Since the Parliament was not in Session at that time too, the Supreme Court and High Court Judges (Conditions of Service) Amendment Third Ordinance, 1996, was repromulgated on 21 June 1996. The Bill, which was reintroduced in the Lok Sabha on 11 July 1996, was passed by the Lok Sabha on 19 July 1996 and by the Rajya Sabha on 24 July 1996. It received the President's assent on 31 July 1996.

The Fourth Schedule to the Representation of the People Act, 1950 specifies the local authorities for the purposes of election to the Legislative Councils in the States having Legislative Councils. Consequent to the coming into force of the Constitution (Seventy-third Amendment) Act, 1992 and the Constitution (Seventy-fourth Amendment) Act 1992, the States of Karnataka and Uttar Pradesh had amended the laws relating to the local bodies. The State of Karnataka had recommended that for the existing entries in the Fourth Schedule to the Representation of the People Act, 1950, the entries, namely City Municipal Corporations, City Municipal Councils, Town Municipal Councils, Town Panchayats, Zilla Panchayats, Taluk Panchayats, Grama Panchayats and Cantonment Boards might be substituted. Similarly, in the said Schedule, for the entries relating to Uttar Pradesh, the following entries shall be substituted as recommended by the State Government of Uttar Pradesh, namely, Municipal Corporations, Municipal Councils, Zilla Panchayats, Nagar Panchayats, Kshettra Panchayats and Cantonment Boards.

The Representation of the People (Second Amendment) Bill, 1996, which sought to achieve the above objects, was introduced in the Lok Sabha on 11 July 1996. (The

Bill was introduced as the Representation of the People (Amendment) Bill, 1996. The short title of the Bill was changed to the Representation of the People (Second Amendment) Bill, 1996 through an amendment to clause 1). The Bill was passed by the Lok Sabha and the Rajya Sabha on 10 and 12 September 1996, respectively. It received the President's assent on 13 September 1996.

Electoral reform is a continuous process and the two enactments dealing with the elections to the Parliament and the State Legislatures, namely, the Representation of the People Act, 1950 and the Representation of the People Act, 1951 had been amended from time to time for the purpose. The proposals for comprehensive amendments to the electoral law, received from the Election Commission and others and considered by the Committee on Electoral Reforms in 1990, had been under the consideration of the Government. Keeping in view the proposals received and the views expressed by various political parties, it had been decided to bring about comprehensive amendments in the aforementioned enactments.

The salient features of the proposed Bill were: (i) Section 8 of the 1951 Act was proposed to be amended to provide that a person convicted of an offence punishable under Section 2 or Section 3 of the Prevention of Insults to National Honour Act, 1971 shall be disqualified for a period of six years from the date of such conviction; (ii) it was proposed to insert a new Section 20B in the 1951 Act to enable the Election Commission to nominate observers to watch the conduct of elections and such Observers would have the power to direct the returning officers to stop the counting of votes or not to declare the result in certain contingencies like booth capturing, etc.; (iii) Section 30 of the 1951 Act was proposed to be amended to provide for reduction of the time for campaign to 14 days; (iv) Section 33 of the 1951 Act was proposed to be amended to provide that: (a) nomination of a candidate not set up by a recognised political party had to be subscribed by ten persons being electors from the constituency; (b) a person shall not be nominated as a candidate for election in more than two constituencies of the same class; (v) Section 34 of the 1951 Act was proposed to be amended to increase the security deposits of candidates; (vi) Sub-section (2) of Section 38 of the 1951 Act which provided for listing of the names, etc. of the contesting candidates was proposed to be amended so as to provide that for the purposes of listing, candidates shall be classified into three categories, namely, candidates of recognised political parties, candidates of registered political parties and other candidates; the said category shall be arranged in the order specified therein and the names of the candidates shall be arranged in the alphabetical order; (vii) Section 52 of the 1951 Act was proposed to be amended to provide that on the death of a candidate an election shall, instead of being countermanded, only be adjourned; (viii) a new Section 151A was proposed to be inserted in the 1951 Act to provide for the holding of bye-elections within a period of six months from the date of occurrence of a vacancy; and (ix) certain further amendments were also proposed to ensure peaceful conduct of elections by reducing the influence of money and muscle power by prohibiting the carrying of arms, etc. on the polling day.

The Representation of the People (Amendment) Bill, 1996, which sought to give effect to the above objects, was introduced in the Lok Sabha on 25 July 1996. (The Bill was introduced as the Representation of the People (Second Amendment) Bill, 1996. The short title of the Bill was changed to the Representation of the People (Amendment) Bill, 1996 through an amendment to clause 1). The Bill was passed by the Lok Sabha and the Rajya Sabha on 30 and 31 July 1996, respectively. It received the President's assent on 1 August 1996.

We reproduce here the texts of the above Acts.

—Editor

THE SUPREME COURT AND HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1996

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

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

CHAPTER I

PRELIMINARY

1. *Short title and commencement* : (1) This Act may be called the Supreme Court and High Court Judges (Conditions of Service) Amendment Act, 1996.

(2) It shall be deemed to have come into force on the 11th day of January, 1996.

CHAPTER II

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

2. *Amendment of section 23A* : In section 23A of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), for the words "one hundred and fifty litres of petrol every month or the actual consumption of petrol", the words "two hundred litres of fuel every month or the actual consumption of fuel" shall be substituted.

3. *Amendment of section 23B* : In section 23B of the Supreme Court Judges Act, for the words "one thousand two hundred and fifty" and "seven hundred and fifty" the words "four thousand" and "three thousand" shall respectively be substituted.

CHAPTER III

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

4. *Amendment of section 22B* : In section 22B of the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), for the words "one hundred and fifty litres of petrol every month or the actual consumption of petrol", the words "two hundred litres of fuel every month or the actual consumption of fuel" shall be substituted.

5. *Amendment of section 22C* : In section 22C of the High Court Judges Act, for the words "five hundred" and "three hundred", the words "three thousand" and "two thousand" shall respectively be substituted.

6. *Repeal and saving:* (1) The Supreme Court and High Court Judges (Conditions of Service) Amendment Third Ordinance, 1996, is hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the Supreme Court Judges Act and the High Court Judges Act, as amended by the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of the respective Act aforesaid as amended by this Act.

THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) ACT, 1996

An Act further to amend the Representation of the People Act, 1950.

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

1. *Short title* : This Act may be called the Representation of the People (Second Amendment) Act, 1996.

2. *Amendment of Act 43 of 1950* : In the Fourth Schedule to the Representation of the People Act, 1950,-

(a) under the heading "KARNATAKA", for the entries 1 to 5, the following entries shall be substituted, namely:-

1. City Municipal Corporations.
2. City Municipal Councils.
3. Town Municipal Councils.
4. Town Panchayats.
5. Zilla Panchayats.
6. Taluk Panchayats.
7. Grama Panchayats.
8. Cantonment Boards.;"

(b) under the heading "UTTAR PRADESH", for the entries 1 to 6, the following entries shall be substituted, namely:-

1. Municipal Corporations.
2. Municipal Councils.
3. Zila Panchayats.
4. Nagar Panchayats.
5. Kshetra Panchayats.
6. Cantonment Boards."

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
ACT, 1996**

An Act further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

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

CHAPTER I

PRELIMINARY

1. *Short title and commencement:* (1) This Act may be called the Representation of the People (Amendment) Act, 1996.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

**AMENDMENT OF THE REPRESENTATION OF THE PEOPLE
ACT, 1950**

2. *Amendment of section 32:* In the Representation of the People Act, 1950, in section 32, in sub-section (1), for the words "with fine which may extend to five hundred rupees", the words "with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine" shall be substituted.

CHAPTER III

**AMENDMENT OF THE REPRESENTATION OF THE PEOPLE
ACT, 1951**

3. *Amendment of section 8:* In the Representation of the People Act, 1951 (hereafter in this Chapter referred to as the 1951-Act), in section 8, in sub-section (1),—

- (a) in clause (j) the word "or" shall be added at the end;
- (b) after clause (j), the following clause shall be inserted, namely:-
"(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971;"

4. *Insertion of new section 20B:* After section 20A of the 1951-Act, the following section shall be inserted, namely:-

- 20B. (1) *Observers.* The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him

by the Election Commission.

- (2) The Observer nominated under sub-section (1) shall have the power to direct the returning officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.
- (3) Where an Observer has directed the returning officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under section 58A or section 64A or section 66.

Explanation.—For the purposes of sub-section (2) and sub-section (3), “Observer” shall include a Regional Commissioner or any such officer of the Election Commission as has been assigned under this section the duty of watching the conduct of election or elections in a constituency or group of constituencies by the Commission.’

5. *Amendment of section 30:* In section 30 the 1951-Act, in clause (d), for the words “twentieth day”, the words “fourteenth day” shall be substituted.

6. *Amendment of section 33:* In section 33 of the 1951-Act,-

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

“Provided that a candidate not setup be a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by ten proposers being electors of the constituency:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday:

Provided also that in the case of a local authorities’ constituency, graduates’ constituency or teachers’ constituency, the reference to “an elector of the constituency as proposer” shall be construed as a reference to ten per cent of the electors of the constituency or ten such electors, whichever is less, as proposers.”;

(b) after sub-section (6), the following sub-section shall be inserted, namely:-

"(7) Notwithstanding anything contained in sub-section (6) or in any other provisions of this Act, a person shall not be nominated as a candidate for election,—

- (a) in the case of a general election to the House of the People (whether or not held simultaneously from all Parliamentary constituencies), from more than two Parliamentary constituencies;
- (b) in the case of a general election to the Legislative Assembly of a State (whether or not held simultaneously from all Assembly constituencies), from more than two Assembly constituencies in that State;
- (c) in the case of a biennial election to the Legislative Council of a State having such Council, from more than two Council constituencies in the State;
- (d) in the case of a biennial election to the Council of States for filling two or more seats allotted to a State, for filling more than two such seats;
- (e) in the case of bye-elections to the House of the People from two or more Parliamentary constituencies which are held simultaneously, from more than two such Parliamentary constituencies;
- (f) in the case of bye-elections to the Legislative Assembly of a State from two or more Assembly constituencies which are held simultaneously, from more than two such Assembly constituencies;
- (g) in the case of bye-elections to the Council of States for filling two or more seats allotted to a State, which are held simultaneously, for filling more than two such seats;
- (h) in the case of bye-elections to the Council of a State having such Council from two or more Council constituencies which are held simultaneously, from more than two such Council constituencies.

Explanation—For the purposes of this sub-section, two or more bye-elections shall be deemed to be held simultaneously where the notification calling such bye-elections are issued by the Election Commission under section 147,149,150 or, as the case may be, 151 on the same date."

7. *Amendment of section 34:* In section 34 of the 1951-Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited,-

- (a) in the case of an election from a Parliamentary constituency, a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees; and
- (b) in the case of an election from an Assembly or Council constituency, a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand five hundred rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section."

8. *Amendment of section 38:* In section 38 of the 1951-Act, for sub-section (2), the following sub-sections shall be substituted, namely:-

"(2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:-

- (i) candidates of recognised political parties;
 - (ii) candidates of registered political parties other than those mentioned in clause (i);
 - (iii) other candidates.
- (3) The categories mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed."

9. *Substitution of new section for section 52:* For section 52 of the 1951-Act, the following section shall be substituted, namely—

"52. *Death of a candidate of a recognised political party before poll.* (1) If a candidate set up by a recognised political party,-

- (a) dies at any time after 11.00 A.M. on the last date for making nomination and his nomination is found valid on scrutiny under section 36; or
- (b) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 37, dies,

and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or

- (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll,

the returning officer shall, upon being satisfied about the fact of the death

of the candidate, by order announce an adjournment of the poll to a date to be notified later and report the fact to the Election Commission and also the appropriate authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (1), call upon the recognised political party, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognised political party and the provisions of sections 30 to 37 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(3) Where a list of contesting candidates had been published under section 38 before the adjournment of the poll under sub-section (1), the returning officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section (2).

Explanation—For the purposes of this section, sections 33 and 38, “recognised political party” means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.”

10. *Substitution of new section for section 126:* For section 126 of the 1951-Act, the following section shall be substituted namely:-

“126. *Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.* (1) No person shall —

- (a) convene, hold attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

in any polling area during the period of forty-eight hours ending with hour

fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election."

11. *Amendment of section 127:* In section 127 of the 1951-Act,—

(a) in sub-section (1), for the words "three months or with fine which may extend to one thousand rupees", the words "six months or with fine which may extend to two thousand rupees" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) An offence punishable under sub-section (1) shall be cognizable."

12. *Substitution of new section for section 133:* For section 133 of the 1951-Act, the following section shall be substituted, namely:-

"133. *Penalty for illegal hiring or procuring of conveyance at elections:* If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine."

13. *Insertion of new section 134B:* After section 134A of the 1951-Act, the following section shall be inserted, namely:-

"134B. *Prohibition of going armed to or near a polling station:* (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.”.

14. *Amendment of section 135*: In section 135 of the 1951-Act, in sub-section (1), for the word “fraudulently”, the word “unauthorisedly” shall be substituted.

15. *Amendment of section 135A* : Section 135A of the 1951-Act shall be renumbered as sub-section (1) thereof and —

(i) in sub-section (1) as so renumbered,—

(a) for the portion beginning with the words “shall not be less than six months” and ending with the words “extend to three years and with fine”, the following shall be substituted, namely:—

“shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.”.

(b) in the *Explanation*—

(A) for the words “this section”, occurring in the opening portion, the words, figures and letters “this sub-section and section 20B” shall be substituted;

(B) in clause (b), for the words “prevent others from voting”, the words “prevent others from free exercise of their right to vote” shall be substituted;

(C) in clause (c), for the word “threatening”, the words “coercing or intimidating or threatening directly or indirectly,” shall be substituted;

(ii) after sub-section (1) as so renumbered and the *Explanation* thereto, the following sub-section shall be inserted, namely:—

“(2) An offence punishable under sub-section (1) shall be cognizable.”.

16. *Insertion of new sections 135B and 135C* : After section 135A of the 1951-Act, the following sections shall be inserted, namely:—

“135B. *Grant of paid holiday to employees on the day of poll.* (1) Every person employed in any business, trade industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would

not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

135C. Liquor not to be sold, given or distributed on polling day.

(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substance of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.” .

17. *Insertion of new section 151A:* After section 151 of the 1951-Act, the following section shall be inserted, namely:-

“151A. *Time limit for filling vacancies referred to in sections 147, 149, 150 and 151:* Notwithstanding anything contained in section 147, section 149, section 150 and section 151, a bye-election for filling any vacancy referred to in any of the said sections shall be held within a period of six months from the date of the occurrence of the vacancy:

Provided that nothing contained in this section shall apply if-

- (a) the remainder of the term of member in relation to a vacancy is less than one year; or
- (b) the Election Commission in consultation with the Central Government certifies that it is difficult to hold the bye-election within the said period.”.

SESSIONAL REVIEW

ELEVENTH LOK SABHA

SECOND SESSION

The Second Session of the Eleventh Lok Sabha commenced on 10 July 1996. The House was adjourned on 2 August 1996 to meet again on 26 August 1996 to enable the Departmentally-related Standing Committees of Parliament to examine the Demands for Grants of the Ministries/Departments assigned to them and report back to the House. The Lok Sabha was adjourned *sine die* on 13 September 1996 and was prorogued by the President of India on 19 September 1996.

A brief resume of the important discussions held and other business transacted during the Session is given below:

A. STATEMENTS/RESOLUTIONS/DISCUSSIONS

Statutory Resolution re: approval of the continuance in force of the Presidential proclamation in respect of Jammu and Kashmir: Moving the Resolution on 10 July 1996, the Prime Minister, Shri H.D. Deve Gowda said that as it existed, the President's rule in Jammu and Kashmir was coming to an end on 18 July 1996. Though the Government was asking for an extension of the President's rule for a further period of six months, it had already taken a decision to hold elections as early as possible.

Taking part in the discussion* on 11 July 1996, Shri G.M. Banatwalla said that every effort should be made to ensure that the proposed elections in the State were fair and impartial.

Participating in the discussion on 12 July 1996, Shri Madhukar Sarpotdar welcomed the proposed elections but stressed that the Government should have the determination to ensure that the Kashmir problem was solved permanently within a stipulated period.

Replying to the discussion, the Prime Minister, Shri H.D. Deve Gowda said that during his visit to Jammu and Kashmir, leaders of all political parties had met him with a unanimous demand for early elections in the State.

The Statutory Resolution was adopted.

Statements by the Prime Minister on Jammu and Kashmir: Making a Statement in the House on 23 July 1996 on the development works in

*Others who took part in the discussion were Sarvaeshri Jagmohan, P. Namgyal, V.V. Raghavan, Mangat Ram Sharma, Pramothas Mukherjee, E. Ahamed, Xavier Arackal and Prof. Chaman Lal Gupta

Jammu and Kashmir, the Prime Minister, Shri H.D. Deve Gowda said that the massive unemployment of youth in Jammu and Kashmir had been a contributory factor in the growth of militancy in the State. The State was deficient in power which was an essential infrastructure for development of industry and even for tourism. The Government, therefore, proposed to take up some important projects and also to complete the on-going projects on a top priority.

The Government would be taking up the construction of the 290 km. railway line from Udhampur to Baramulla as a National Project to be financed by the Union Government outside the Railway's Plan. The Project was estimated to cost Rs. 2,500 crore and would be a great factor in integrating Kashmir with the rest of the country. In addition to providing employment in the State itself, on completion, the rail communications would help in the mobility of people from the State to the rest of the country for employment, education, trade, etc.

The Jammu and Kashmir National Highway, the only surface link between the Kashmir Valley and Jammu, was at present beset with problems of frequent blockades as a result of landslides and snow avalanches. To provide a dependable alternative link between the two regions of the State, the Government would take up the Mughal Road Project under the Centrally-sponsored Scheme of "Roads of Economic Importance". The Project, spread over a length of 85 kms., was estimated to cost Rs. 77.40 crore (1994-95 costs). The Project cost would be shared between the Centre and the State in the ratio of 50:50. The road joining Jammu to Srinagar via Rajouri-Shopian and Pulwama which was scheduled to be completed in 6 years' time, would generate considerable employment potential along the entire stretch passing through backward areas of the State.

The work on the Dulhasti hydro-electric Project had come to a halt in 1992 with the withdrawal of the French civil contractors. An amendment to the overall agreement with the French consortium had been finalized in July 1995. As a result of that, while the machinery was being supplied by the French consortium, the remaining civil works could be taken up by other contractors. Tenders for the balance civil work had been obtained and processed and a decision was expected to be taken shortly by the National Hydro Power Corporation to award the contract. The Government would ensure that the civil works commenced at the earliest and would see that the funds for the balance civil works would be mobilized through various sources, including governmental assistance and market borrowings. Another major hydro-electric Project, namely the Uri hydro-electric Project was also under construction. The work on the Project was going on according to schedule.

On 2 August 1996, making a Statement in the House, the Prime Minister said that tourism, horticulture and handicrafts formed the backbone of the economy of the State. Other activities like small scale trade and industry,

transport and hotels subserved the tourism sector. That sector was the worst affected because of militancy during the last 6 to 7 years. Tourist arrivals in the Valley declined from a peak figure of 7 lakhs in 1986-87 to almost a trickle during the last few years. That had affected the livelihood of thousands of families deriving sustenance from tourism and related activities. The affected units and individuals who had taken commercial loans from banks had not been able to repay the loans since there was no cash flow and had fallen into a debt trap. The State Government had identified that 31,000 borrowers from the sectors of small scale trade and industry, transport, hotel and houseboat business took loans to the extent of Rs. 187.87 crore. During the last six years, there had been hardly any repayment and the interest on these loans itself amounted to for another Rs. 212.79 crore. While militancy hindered tourism, loss of tourism led to a great degree of unemployment, and growing unemployment helped the growth of militancy, setting up a vicious circle. Now that the democratic process was being re-established and all efforts were being made to restore normalcy, it was necessary to provide some relief to those hapless victims, especially the smaller borrowers. The Government, therefore, proposed to write-off the outstanding loan and interest of all borrowers whose original borrowing was less than, or up to, Rs. 50,000/- That would enable those small borrowers to get fresh loans from the banking sector to restart their business. As regards the borrowers above Rs. 50,000/-, an Inter-Ministerial Committee was being constituted to look into the questions of a moratorium and rescheduling of repayments of their loans, reduction in interest rates and any other reliefs that could be given.

In view of the precarious resource position of the State, resulting from militancy, the Union Government had been helping the State by providing special Central assistance not only to meet a reasonable Annual Plan step-up up but also to bridge gaps on the non-Plan side. In 1995-96, Parliament passed a balanced budget for the State with built-in Central assistance to meet the non-Plan gap so that the approved Plan outlay of Rs. 1,050 crore could be preserved. In view of the fact that the State for the first time had utilized almost the entire Plan outlay last year, the outlay for the current year had been fixed again at Rs. 1,050 crore.

The Prime Minister said that 27,000 families of migrants from the Valley were living in Jammu either on their own arrangements or in camps. The facilities provided at 13 camps in Jammu needed to be improved. Those related to provision of sanitation facilities like latrines and bathrooms, construction of more one-room tenements, buildings for schools being run in the camps, improvement of drainage facilities in the camps, etc. The Government would be providing an additional sum of Rs. 6.6 crore to provide the aforementioned additional facilities in the camps to be completed during the current year. To give a further fillip to tourism in the area, an amount of Rs. 2.40 crore for setting up of a Convention/Conference Centre at Leh was being allocated. Kargil remained cut off from the rest of the State

for seven months in a year as a result of the closure of the Srinagar-Kargil Highway in winter due to heavy snow at Zojila. The Government had, therefore, given high priority to the development of an Airport at Kargil at an estimated cost of Rs. 25 crore. In the meanwhile, the Government proposed to have a weekly helicopter service to Kargil in the winter months instead of the present arrangement of a fortnightly service. Necessary subsidy would be borne by the Government. It had also been decided to upgrade the status of Jammu City to a B-2 City.

The Prime Minister expressed the hope that the above-mentioned measures would go a long way in reviving the economic activity in the State. The Union Government would, in consultation with the State Government, take all necessary measures to provide the requisite infrastructural facilities as well as assistance to individuals and units involved in tourism, to ensure that Kashmir got back its status as a tourist paradise at the earliest.

Statements on the Comprehensive Test Ban Treaty: On 15 July 1996, making a Statement on India's position on the Comprehensive Test Ban Treaty (CTBT), the Minister of External Affairs, Shri I.K. Gujral said that in the Conference on Disarmament, negotiations had been going on for two and a half years. The negotiators had the unambiguous mandate to conclude a CTBT which would contribute effectively to the prevention of proliferation in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security. India had participated actively and constructively in those negotiations and had put forward a number of proposals consistent with the mandate. We had stated clearly that the CTBT must be truly comprehensive and not leave any loopholes that would permit nuclear weapon states to continue refining and developing their nuclear arsenals at their test sites and laboratories. We had underscored the importance of placing the CTBT in a universal disarmament framework, as part of a step-by-step process aimed at achieving complete elimination of all nuclear weapons within a time-bound framework. It was a matter of regret that the CTBT, as it had emerged, did not do justice to the mandate.

Our nuclear policy, as expressed in the CTBT negotiations, was intimately linked with our national security concerns. We had never accepted the notion that it could be considered legitimate for some countries to rely on nuclear weapons for their security while denying that right to others. That has been a consistent policy, also reflected in our rejection of the Nuclear Non-Proliferation Treaty (NPT).

In the Plenary Statement made by our Permanent Representative in the Conference on Disarmament on 10 June 1996, we announced that India could not subscribe to the CTBT in its present form. We had also subsequently indicated that we would be constrained not to associate with the international monitoring system being set up to verify the CTBT. We

stated that in the light of our clear stand on the issue, we were unable to accept any obligations which affected our sovereign right of decision-making. Since then, a new draft text of the CTBT had been introduced.

On 31 July 1996, making a Statement on the Chinese nuclear test and the CTBT, the Minister of External Affairs said that China had conducted its 45th nuclear test on 29 July 1996. Since 1945, the five nuclear weapon states - USA, Russia, France, China and UK - had among them conducted 2,047 nuclear tests. Those tests had contributed to the nuclear arms race and shown that partial steps did not lead to nuclear disarmament. On-going testing programmes, whether at test sites or in laboratories, were clear indications that the nuclear weapon states were not willing to give up their reliance on their arsenals and considered the CTBT merely as a non-proliferation measure. Such testing programmes inevitably gave rise to questions relating to India's national security. While we had adopted the policy of restraint after demonstrating our capability, we remained fully conscious of the evolving security situation. We were committed to taking all steps necessary to enable us to cope with any threat that may be posed to the security of India.

The CTBT negotiations had resumed in Geneva on 29 July 1996. Our stand in the negotiations had been appreciated by many countries. Several non-aligned countries showed an understanding of India's position, and in particular, they acknowledged that the present formulation on Entry into Force was without precedent in treaty negotiating practice. Yet, those countries found it difficult to accept our proposals to modify the draft treaty text because of the rigid position adopted by a small number of countries. In our Statements and in bilateral discussions, we had made it clear that India could not sign the Treaty in its present form. We had also made it equally clear that India could not permit any language in the draft Treaty text which would impose an obligation on India, directly or indirectly. If there were attempts to push forward such a text, we would have to oppose such efforts. We continued to remain engaged in the negotiations in Geneva in order that our national interests were fully safeguarded.

On 31 July 1996, raising a discussion in the House on the Statement made on 15 July 1996 by the Minister of External Affairs on India's position with regard to the CTBT, Lt. Gen. (Retd.) S.P.M. Tripathi said that the Geneva Conference on the CTBT was basically nuclear coercion. It was also an effort in nuclear apartheid. There was need for India to develop options which we had lost out deliberately and unilaterally.

Taking part in the discussion*, Shri George Fernandes said that there was nothing comprehensive about the CTBT which was an attempt on the part of the nuclear weapon states not only to retain their nuclear arsenal

*Others who took part in the discussion were Sarvashri Rupchand Pal, Jaswant Singh, Prithviraj D. Chavan, Brij Bhushan Tiwari, Ramesh Chennithala, Ajoy Chakraborty, Pramothes Mukherjee, Priya Ranjan Das Munshi, Suresh Prabhu, Prof. G.G. Swell, Prof. Rasa Singh Rawat and Dr. Mallikarjun

and continue production but also to perpetuate their right to use them.

Participating in the discussion, on 2 August 1996, Shri Chitta Basu said that the CTBT must be a comprehensive one to ban all forms of testing. It must be a part and parcel of the disarmament package and anchored in reasonable time-frame.

Supporting the Government's stand, Shri S. Bangarappa felt that irrespective of political affiliations, we had to show that we were united to face any eventuality in case we decided not to sign the CTBT in its present form.

Dr. Jayanta Rongpi observed that India's stand on the CTBT was one of those issues on which a consensus could have been achieved. A national mandate, a mandate from Parliament, would have given an added strength to India in the Geneva negotiations.

Replying to the discussion, the Minister of External Affairs, Shri I.K. Gujral said that India had stated clearly that the CTBT must be truly comprehensive and not leave any loopholes that would permit the nuclear weapon states to continue refining and developing nuclear arsenals at their test sites or in the laboratories.

On 26 August 1996, making a Statement in the House, the Minister of External Affairs said that India had always considered that the CTBT should be the first definitive and irreversible step in the nuclear disarmament process. Our approach during the negotiations was in keeping with that policy. In fact, the mandate of the *Ad hoc* Committee was clear - "to negotiate intensively a universal and multilaterally and effectively verifiable Comprehensive Nuclear Test Ban Treaty, which would contribute effectively to prevention of proliferation of nuclear weapons, in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security". During the course of the negotiations, we found that the draft Treaty text was moving away from that mandate. Our proposals, put forward in a constructive spirit, were in keeping with the mandate.

India was disappointed that the negotiations had been terminated prematurely and without consensus. The reason behind the lack of consensus was clear - the desire of the nuclear weapon states to retain their nuclear hegemony. An artificial deadline was imposed and a flawed text was presented to the *Ad hoc* Committee. We stated and maintained that India could not subscribe to such a draft. Not only did the text fall far short of the mandate, it also had other unacceptable features, particularly the formulation on Entry into Force in Article XIV. That formulation was suddenly introduced on 28 June 1996. As a result, in keeping with our stated policy, we had to oppose the adoption of the draft Treaty text in the *Ad hoc* Committee. We also opposed the attachment of the draft Treaty text to the Report of the *Ad hoc* Committee on the grounds that it was not a

consensus text. On 16 August 1996, the *Ad hoc* Committee adopted its Report, without the draft Treaty text. That Report was presented to the Conference on Disarmament and adopted by the Plenary on 20 August 1996.

On 22 August 1996, a large number of Delegations suggested that the Report be transmitted to the current Session (50th Session) of the United Nations General Assembly which was to conclude on 16 September 1996. After due consideration, we were obliged to point out that such a step was unnecessary because the Report did not have a consensus text accompanying it. Therefore, in our view, the Report would, in due course, as part of the Annual Report of the Conference on Disarmament, be transmitted to the 51st Session of the UN General Assembly, scheduled to begin on 17 September 1996. Thus, the move to transmit any special Report was blocked by us. In taking these steps, we were guided by the national consensus and our commitment to safeguarding our national interests.

Many countries with whom we had close bilateral relations had adopted a position on the issue which was different from our stand. We had, through our dialogue, tried to explain the rationale for our position. We believed that agreement on all issues was not a prerequisite for close bilateral relations but mutual respect for each other's vital national concerns was. We were committed to strengthening our relations with all countries and remained confident that our differences on the issue would not affect our bilateral ties.

On 11 September 1996, the Minister of External Affairs, in a Statement, informed the House that through a procedural manoeuvre, the draft text of the CTBT was introduced in the resumed Session of the 50th UN General Assembly in New York. India made it clear to the President of the UN General Assembly and all the other Delegations that such an approach did not obscure the fact that the text was a non-consensus one which did not fulfil the mandate given to the Conference on Disarmament. Subsequently, we also informed them about the amendments that would be required for the draft Treaty to meet the mandate of the Conference on Disarmament. In doing so, we placed our concerns regarding the procedure and the shortcomings in the draft Treaty text on record. Our amendments called for a commitment to nuclear disarmament within a time-bound framework and for a genuinely comprehensive Treaty which committed all countries to refrain from any activity relating to the development, refinement and qualitative improvement of nuclear weapons. We also put forward our amendment relating to Article XIV regarding Entry into Force.

The deliberations in the UN General Assembly Session concluded on 10 September 1996 with the adoption of a Resolution, adopting the flawed text of the CTBT and calling for 'signing conferences' to be convened at an early date. 158 countries voted in favour of the Australian proposal which was co-sponsored by 126 countries. Libya and Bhutan, along with India,

voted against the Resolution. Mauritius expressed understanding regarding our position and chose to abstain on the Resolution. In all, five countries abstained on the Resolution. It was worth noting that though the Resolution had 126 co-sponsors, many non-aligned countries who had taken an active interest on the issue had refrained from co-sponsoring the Resolution.

The vote was preceded by an active debate which focused on the disarmament perspective in which the CTBT should have been placed. There was a widespread expression of concern over the procedure adopted and apprehension that it might erode the credibility of the Conference on Disarmament. A large number of countries expressed dissatisfaction with the Entry into Force provisions as being unprecedented and an unwelcome departure from customary international law. The intrinsic shortcomings of the Treaty text were highlighted by Non-aligned Delegations participating in the debate, reflecting a shared perception with India.

There was an understanding of India's position in the international community. The Government had taken necessary steps to sustain a dialogue with all friendly countries in order to explain the rationale for our approach. The discussion in the UN General Assembly had clearly shown that there was growing support for adopting a comprehensive, phased and time-bound programme for nuclear disarmament. India would continue to take initiatives in the United Nations and other fora in keeping with our consistent and principled policy for achieving progress towards our shared goal of a nuclear weapons-free world would enhance India's security and also global security.

Statements on the Amamath Yatra: Making a Statement in the House on 26 August 1996, the Prime Minister, Shri H.D. Deve Gowda said that the *Amamath Yatra* had been struck by tragedy during the current year because of unprecedented bad weather, heavy rain, snow, landslides and flooding. According to available information, 121 persons had lost their lives, mostly due to heart and pulmonary failure, and exposure. Relief operations had been severely hampered due to continuing inclement weather, which had disrupted all forms of communications and also prevented airborne rescue and relief operations. The State Administration and the security forces had been fully geared up to ensure the safe and smooth conduct of the *Yatra*, and the arrangements for accommodation, food, medical supplies, etc. had been substantially augmented as compared to the previous years. Also, all the arrangements were further strengthened by the wholehearted cooperation of the local employees and participation by all sections of the local population, who provided various services for the *Yatra*. The *Yatra* was proceeding smoothly till 21 August 1996 when tragedy struck in the form of the sudden and unprecedented rains and snow.

Efforts had been mounted and were continuing on a war-footing by the State Administration, the Army and the security forces to provide relief and succour to the pilgrims who were stranded in various places and to ensure that the road blocks were cleared at the earliest so that the pilgrims

could move to their houses. *Ex gratia* relief of Rs. 50,000/- had been sanctioned from the Prime Minister's Relief Fund for the families of those who had lost their lives in the calamity and an equal amount of *ex gratia* relief had been announced by the State Government.

On 27 August 1996, the Minister of Home Affairs, Shri Indrajit Gupta, making a Statement in the House, said that the untimely snow at the higher reaches along the *Yatra* route had exposed the *yatris* to extreme cold which, combined with the exhaustion of high altitude trekking, caused serious health hazards among the aged and the not so healthy *yatris*. Torrential and incessant rains in the State resulted in unprecedented landslides at several places between Jammu and Banihal on the National Highway and the *Yatra* route from Anantnag to Pahalgam at two places. That had resulted in complete snapping of the only communication link between Jammu and Pahalgam.

Continuous inclement weather between 22 and 24 August 1996 had prevented any airborne rescue operations for providing succour to the stranded pilgrims or for casualty evacuation from any of the stations along the *Yatra* route. However, the Army and security forces helped in a big way on 24 August 1996 itself in bringing down a very large number of pilgrims from the camps at higher reaches. Air rescue operations could commence only on 25 August 1996 by which time the death of 121 *yatris* had already occurred. On opening of the weather, those who were found ailing and sick were evacuated to Srinagar with the utmost urgency. About 150 sick *yatris* were provided medical treatment in the Army Base Hospital at Srinagar. 88 of them were admitted to the Hospital for intensive care.

The *yatris* were generally very appreciative of the cooperation extended by the *Yatra* authorities and security forces. They had very few complaints about the adequacy of relief and timeliness of rescue operations which they thought were done to the best of their ability. The arrangements made for food items at different sites came for special appreciation. No one complained about shortage of food anywhere along the *Yatra* route. *Yatris* at Panitami, however, thought that blankets remained in short supply. The Administration did provide for tents and blankets at four times as many as last year. The arrangements for blankets made by the Administration were only supplemental in nature, and would have sufficed had the pilgrims carried their own blankets as advised. However, as things turned out, these supplemental arrangements also proved to be inadequate due to the unusually harsh weather condition, and freezing temperatures due to unexpected snowfall. The road link between Pahalgam and Anantnag had already been re-established. The number of dead, as per available figures, had gone up to 127.

、 Although some minor lacunae in the arrangements could be seen here and there in the context of the large number of *yatris* during the current year, the arrangements made for the *Yatra* by and large were

satisfactory and could have been adequate had the weather not been unusually harsh. The State authorities, with excellent cooperation from the para-military forces and the Army, had left no stone unturned in handling the tragic event.

On 29 August 1996, the Minister of Home Affairs, Shri Indrajit Gupta made a Statement appraising the House of the latest developments. Thereafter, initiating a discussion under Rule 193, Shri Sontosh Mohan Dev observed that the tragedy could have been avoided had there been more alertness on the part of the State Government, their officials and the hierarchy in the Jammu Administration.

Taking part in the discussion*, Shri Somnath Chatterjee felt that the matter should not be politicized but it should not be ignored either. Clear-cut guidelines for dealing with such crises situations must be laid down. We must learn from the experience in order to perform better in the future.

Shri Jai Prakash said that whoever was responsible for dereliction of duty should immediately be suspended. A commission to inquire into the tragedy should be set up.

Replying to the discussion on 30 August 1996, the Minister of Home Affairs, Shri Indrajit Gupta said that the total number of deaths had reached the figure of 239. The Government was going to institute a full inquiry into various aspects of the tragedy. The inquiry, besides fixing responsibility, would help in studying and understanding more deeply such problems and to set up necessary mechanism and arrangements by which such tragedies could be averted in future.

On 12 September 1996, making a Statement in the House on the steps taken to relieve the aftermath of the *Amarnath* tragedy, the Minister of Home Affairs, Shri Indrajit Gupta said that the Prime Minister had already announced *ex gratia* relief of Rs. 2 lakh to be paid to the next-of-kin of the deceased pilgrims. In order to ensure that the *ex gratia* relief reached the persons without any hassle and harassment, orders had already been issued to place proportionate funds at the disposal of the various State Governments from where the deceased pilgrims had come. The Chief Secretaries of the States were advised to place the fund in turn at the disposal of the District Magistrates of the various concerned Districts. The procedure for obtaining the *ex gratia* relief was quite simple, the Minister added.

The Budget (Railways), 1996-97: Presenting the Budget (Railways), 1996-97 in the Lok Sabha on 16 July 1996, the Minister of Railways, Shri

*Others who took part in the discussion were Sarvaswari Kishan Lal Sharma, Jagmohan, Priya Ranjan Das Munshi, Virendra Kumar Singh, Anant G. Geete, Sanat Mehta, Harin Pathak, Samik Lahiri, Pramothes Mukherjee, Srballav Panigrahi, Brij Bhushan Tiwari, Jai Prakash Agarwal, Dr. T. Subbarami Reddy and Smt. Geeta Mukherjee

Ram Vilas Paswan said that the financial performance of the Indian Railways in 1995-96 was unprecedented and set new standards. The records established in the growth of goods and passenger traffic had a favourable impact on the financial well-being of the Indian Railways. The Railways not only provided Rs. 1,361 crore as dividend to the General Revenues, but had also increased their 'excess' from Rs. 2,318 crore as per Revised Estimates, to an actual 'excess' of Rs. 2,577 crore. The gross traffic receipts were expected to be Rs. 22,241 crore, which would be an improvement on Rs. 22,175 crore as shown in the Revised Estimates. On the other hand, strict control was shown in restricting the Ordinary Working Expenses. The target for loading of revenue earning freight traffic for 1996-97 was 410 million tonnes which was 20 million tonnes more than the actual loading of 1995-96. The Annual Plan outlay for 1996-97 had been fixed at Rs. 8,130 crore. For current year's Plan expenditure also, most of the funds would be provided by the Railways from its own resources.

In the light of the approximate figures of the financial performance of the Railways during 1995-96, which were available, the Interim Budget Estimates had been carefully reviewed and suitably updated. The gross traffic receipts for the current financial year at the existing level of freight rates and fare had been estimated at Rs. 23,873 crore. The Ordinary Working Expenses in 1996-97 were estimated to be Rs. 16,423 crore. The contribution of Pension Fund had been raised to Rs. 3,150 crore. The Total Working Expenses worked out to Rs. 21,573 crore and the traffic receipts came to Rs. 2,300 crore. With a sum of Rs. 276 crore coming from net miscellaneous receipts, the Railway revenue worked out to Rs. 2,576 crore. After payment of dividend of Rs. 1,587 crore, the Railways were left with an 'excess' of Rs. 989 crore. Out of that, Rs. 350 crore were required for the works chargeable to the Development Fund. Thus, Rs. 639 crore only were available for appropriation to Capital Fund as against the requirement of Rs. 1,716 crore.

The Railways had been taking various economy measures with a view to reducing their working expenses. But funds had to be provided to meet the increased cost of fuel on account of increase in prices of petroleum products, *ad hoc* provision for the Fifth Pay Commission liabilities and also to undertake various projects for the development of rail network in backward/neglected areas, especially the North-Eastern region. That had necessitated additional resource mobilization.

On 24 July 1996, initiating the General Discussion and the Discussion on Demands for Grants on Account*, Shri Ram Naik said that the ordinary people travelling by passenger trains faced maximum hardships. Therefore, a decision to restart passenger trains should be taken. A three-year project

*As per decision of the Business Advisory Committee, on 25 July 1996, instead of the Vote on Account, the Demands for Grants of the Budget (Railways) for 1996-97 were discussed together with the General Discussion and voted in full on 30 July 1996.

to post *chowkidars* at 25,000 unmanned railway crossings should be started. A separate Railway Zone for suburban Railways in Mumbai should be created. The increase in freight tariff would burden the common man. The Railways could fetch Rs. 20,000 crore if the surplus land available with them in the four metropolitan cities were commercialized.

Taking part in the discussion*, Shri Sultan Salahuddin Owaisi felt that the food served in trains was of very poor quality. There was no arrangement for cold drinking water at the Railway Stations. No medical facility was available. The timings of trains should be regularized.

Participating in the discussion on 25 July 1996**, Shri Jai Prakash observed that the Railway Budget had not taken care of the needs of the State of Haryana and made several suggestions in that regard.

Shri Alemao Churchill Braz said that the Konkan Railway Corporation's work in Goa was not up to the desired stand. The Corporation had not adhered to the recommendations of the Oza Commission regarding construction of tunnels and bridges.

Shri N.S.V. Chitthan suggested that the vacant lands and unused properties with the Railways should be commercially exploited to earn substantial additional revenue.

Dr. Jayanta Rongpi expressed the view that if proper fund raising was not done, many of the proposals and schemes would have to be dropped or postponed.

*Others who took part in the debate were Sarvashri P. Upendra, Virendra Kumar Singh, Basudeb Acharia, Prakash Vishwanath Paranjape, Bhakta Charan Das, Satya Dev Singh, Sontosh Mohan Dev, Rajesh Ranjan, P.N. Siva, Anant Kumar, Ramashray Prasad Singh, Kashiram Rana, Priya Ranjan Das Munshi, Brij Bhushan Tiwari, N.N. Krishnan Das, N. Dennis, Ram Bahadur Singh, Basant Singh Khalsa, N.K. Premachandran, Karla Munda, Haradhan Roy, Sarat Pattanayak, Qamarul Islam, Amar Roy Pradhan, Gajanan Narayan Athawale, Th. Chaoba Singh, Kalp Nath Rai, M.P. Veerendrakumar, Paban Singh Ghatowar, Udaysingrao Gaikwad, Ajay Chakraborty, P. Shanmugam, Anant Gangaram Geete, Syed Masudal Hossain, Dau Dayal Joshi, Sriballav Panigrahi, Mangat Ram Sharma, Jitendra Nath Das, P. Kodanda Ramaiah, Snyam Bihari Mishra, K.P. Singh Deo, Rupchand Pal, Pramotha Mukherjee, Shiv Raj Singh Chauhan, D. Venugopal, Suresh Ramrao Jadhav, Sanat Mehta, Anil Basu, Shivanand Hemappa Koujalgi, Gunwantrao Rambhau Sarode, Pradeep Kumar Dev Vyricherla, Satrugnan Prasad Singh, Shankar Prasad Jaiswal, Brahma Nand Mandal, Hari Vanah Sahay, Ashok Kumar Pradhan, V.M. Sudheeran, Anandrao Vithoba Adaul, D.S.A. Sivaprakasam, Sudhir Giri, Chunchun Prasad Yadav, Ram Tahel Chaudhary, Pushpdan Sambhudan Gadhvi, Anil Kumar Yadav, Manikrao Hodliya Gavit, Samik Lahiri, Satya Pal Jain, Suresh Kodikkunnil, R.R. Pramanik, Rajendra Agnihotri, Dinesh Chandra Yadav, Satyajit Dilipsinh Gaekwad, Sunil Khan, Ananta Venkata Rami Reddy, M.K. Annasaheb Patil, Kalappa Baburao Awade, Oscar Fernandes, Prabhu Dayal Katheria, Radha Mohan Singh, I.S. Sanadi, Nand Kumar Sai, Ram Kripal Yadav, Banwarilal Purohit, Hansraj Gangaram Ahir, Punnu Lal Mohle, Bhanu Pratap Singh, Mohan Rawale, Prof. P.J. Kurien, Prof. Chaman Lal Gupta, Prof. M. Kamson, Prof. Rasa Singh Rawat, Dr. M. Jagannath, Dr. Prabin Chandra Sarma, Dr. Dwarka Nath Das, Dr. Asim Bala, Dr. C. Silvera, Dr. Satyanarayan Jatiya, Dr. Ramkrishna Kusmaria, Dr. Girja Vyas, Smt. Sumitra Mahajan, Smt. T. Sarada, Smt. Rajni Ashokrao Patil, Kumari Sushila Trirya and Kumari Frida Topno

**Sitting continued upto 7.17 A.M. on 26 July 1996

The Minister of Railways, Shri Ram Vilas Paswan replied to the debate. On 30 July 1996, all the cut motions were negatived. All the Demands for Grants (Nos. 1 to 16) in respect of The Budget (Railways), 1996-97 as shown under column 3 of the printed List of Demands for Grants (Railways) for 1996-97 were voted in full.

The Budget (General), 1996-97: Presenting the Budget (General), 1996-97 in the Lok Sabha on 22 July 1996, the Minister of Finance, Shri P. Chidambaram said that the Budget had seven objectives: (i) to remain steadfast on the course of economic reforms and liberalization aimed at accelerating economic growth; (ii) to address the concerns of the poor and provide them with basic minimum service in a time-bound manner; (iii) to ensure broad-based growth in agriculture, industry and services to achieve high employment; (iv) to ensure fiscal prudence and macro-economic stability; (v) to enhance investment, especially in the infrastructure sectors; (vi) to strengthen key interventions to promote human development; and (vii) to ensure viability in the balance of payments through strong export performance and larger foreign investment flows.

The Minister announced that the capital of the National Bank for Agriculture and Rural Development (NABARD) would be increased from the present level of Rs. 500 crore to Rs. 2,000 crore in the next five years. The Rural Infrastructure Development Fund (RIDF), which was operated by the NABARD and funded by contributions from commercial banks falling short of their priority lending targets, would be augmented considerably. An Accelerated Irrigation Benefit Programme was envisaged under which the Centre would provide, on a matching basis, additional Central assistance by way of loans to the States for the timely completion of selected large irrigation and multipurpose projects.

To promote investment in commercial or high technology agriculture and allied activities, State level agricultural development finance institutions were proposed to be set up. It had been agreed with the Reserve Bank of India (RBI) to promote the setting up of new private local area banks with jurisdiction over two or three contiguous districts. The Government had also taken a number of decisions that would directly benefit the farmers. The establishment of an Infrastructure Development Finance Company (IDFC) was proposed with an authorized share capital of Rs. 5,000 crore. A sum of Rs. 200 crore to strengthen the capital base of the National Highway Authority of India would be provided. The Authority would be in a position to leverage resources for highway development from both within India and from outside. Several schemes were announced to benefit the entrepreneur driven small-scale sector.

A matching one-time grant for the modernization of the laboratories and institutes of the Council of Scientific and Industrial Research (CSIR) and the Indian Council of Agricultural Research (ICAR) was to be given. The Budget also proposed to strengthen the Fund for Technology

Development and Application which was created in 1994-95 to help indigenously developed technologies reach the stage of commercial application. Several initiatives for the benefit, among others, of the elderly, poor children, women, bus/lorry drivers and the Scheduled Castes and the Scheduled Tribes were also proposed. Various measures aimed at strengthening the insurance sector and the banking sector were also proposed. Besides, several amendments to the Companies Act, 1987 were proposed.

In keeping with the promises made in the Common Minimum Programme of the United Front, the Government had reconstituted the Foreign Investment Promotion Board. A Foreign Investment Promotion Council would also be set up shortly. In order to expedite foreign investment approvals and also increase the transparency of the process, the Government had decided to expand the list of 35 industries which were eligible for automatic approval up to 51 per cent of foreign equity. It had also initiated action to set up an independent Tariff Commission. It had approved the proposal to establish a Disinvestment Commission.

For 1996-97, the Total Expenditure was estimated at Rs. 2,04,698 crore. Of this, Rs. 54,685 crore was gross budgetary support for the Central Plan and assistance to State and Union territory Plans. The non-Plan expenditure was placed at Rs. 1,50,013 crore. The Central assistance for State and Union territory Plans was being stepped up from Rs. 19,506 crore to Rs. 21,972 crore. The gross budgetary support for the Central Plan was being enhanced from Rs. 28,994 crore to Rs. 32,713 crore. The total non-Plan expenditure in 1996-97 was placed at Rs. 1,50,013 crore compared to Rs. 1,23,651 crore in the Budget Estimates (BE), 1995-96 and Rs. 1,34,320 crore in the Revised Estimates (RE), 1995-96. The provisions for Defence expenditure had been increased from Rs. 26,879 crore in RE 1995-96 to Rs. 27,798 crore.

The gross tax revenues at the existing rates of taxation were estimated at Rs. 1,29,453 crore. After providing Rs. 34,451 crore as the share of taxes of States, the Centre's net tax revenue would be Rs. 95,002 crore. The non-tax revenues, which were estimated at Rs. 29,103 crore in RE 1995-96 were expected to be Rs. 33,035 crore during the current year. The net revenues for the Centre, including non-tax receipts, were expected to increase from Rs. 1,10,191 crore in RE 1995-96 to Rs. 1,28,037 crore in 1996-97.

On 26 July 1996, the Lok Sabha took up the Demands for Excess Grants (General) in respect of the Budget (General) for 1993-94 and the Demands for Grants on Accounts in respect of the Budget (General) for 1996-97. All the Demands were voted in full without discussion.

On 26 August 1996, when the Lok Sabha met after the recess, the House took up for discussion the Budget (General) for 1996-97. Initiating

the discussion*, Dr. Murlī Manohar Joshi observed that the Budget was devoid of any direction and philosophy. The Budget threw no light as to how the Government was going to redeem the country from the debt trap. The balance of trade was worsening. Scams in foreign exchange were becoming a regular phenomenon. The agriculture sector which should have been the topmost priority area had been grossly neglected. The Budget was anti-poor, anti-farmer and anti-people.

Taking part in the discussion on 27 August 1996, Shri Chitta Basu said that there could not be growth without social justice. If the Government could provide enhanced allocation for social justice, the country's growth rate would also rise faster.

The Minister of Finance, Shri P. Chidambaram replied to the debate on 6 September 1996.

On 9 September 1996, the Demands for Grants relating to the Ministries were voted in full.

B. LEGISLATIVE BUSINESS

*Statutory Resolution re: Disapproval of the Depositories (Third Ordinance), 1996 and the Depositories Bill, 1996***: Moving the Resolution on 16 July 1996, Shri Giridhari Lal Bhargava said that the Government should curb the tendency to promulgate Ordinances. While welcoming the Bill, the member suggested that it would be better if the Bill was referred to the Standing Committee concerned.

Moving that the Bill*** be taken into consideration, the Minister of Finance, Shri P. Chidambaram said that paper-based ownership and transfer of securities had been a major drawback of the Indian securities' market. The settlement and transfer of securities in the capital market necessitated physical movement of certificates which caused considerable hardship to the investor in terms of delay in transfer and settlement, and loss, theft, forgery, etc. of share certificates during the process of transfer. In order to eliminate these, the Depositories Ordinance was promulgated on 20 September 1995. The Depositories Bill, 1995 was passed by the Lok Sabha in the Winter Session of 1995. Since the measure could not be passed by the Rajya Sabha before the Tenth Lok Sabha was dissolved, the

*Others who took part in the discussions were Sarvasbri Shivraj V. Patil, Virendra Kumar Singh, Nirmal Kanti Chatterjee, V.V. Raghavan, O. Bharathan, Pramothes Mukherjee, P. Namgyal, P.N. Siva, M.P. Veerendra Kumar, E. Ahamed, Manoranjan Bhakta, Jagmohan, Imchalemba, Sudhir Giri, Rambahadur Singh, Amar Pal Singh, Sat Mahajan, K.S. Rayadu, Subhash Chandra Baheruja, Prithviraj D. Chavan, R.L.P. Verma, Ramashray Prasad Singh, R. Gnanaguruswamy, Nawal Kishore Rai, Prof. Prem Singh Chandumajra, Dr. Debi Prasad Pal, Dr. Laxminarayan Pandey, Dr. T. Subbarami Reddy, Smt. Krishna Bose and Smt. Jayawanti Navinchandra Mehta

**Discussed together

***The Bill was introduced in the Lok Sabha on 11 July 1996

Depositories Ordinance had to be re-promulgated on 21 June 1996. The Finance Minister said that the establishment of depositories would reduce the time taken to complete a transaction cycle and eliminate several aberrations which characterized a paper-based trading system. The proposed legislation provided for a legal framework for the establishment of one or more depositories.

Replying to the discussion*, the Finance Minister pointed out that foreign institutional investors were reluctant to commit large sums of money in India because of the enormous inconvenience of paper-based trading. Paper-less trading was bound to give a fillip to the capital market.

Shri Girdhari Lal Bhargava spoke by way of reply to his Statutory Resolution. The Resolution was, by leave, withdrawn. The Bill was passed.

*Statutory Resolution re: Disapproval of the Supreme Court and High Court Judges (Conditions of Service) Amendment Third Ordinance, 1996 and the Supreme Court and High Court Judges (Conditions of Service) Amendment Bill, 1996***: On 16 July 1996, moving the Resolution, Shri Guman Mal Lodha said that the Constitution specifically mentioned that the Ordinance making powers were to be used very sparingly in the rarest of the rare cases. Coming to the merits of the case, the member submitted that the service conditions of the Judges who had brought great name and fame to the Indian Judiciary deserved to be improved.

The motion for consideration of the Bill*** was moved by the Minister of State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap. The conditions of service of the Judges of the Supreme Court and the High Courts were governed by the Supreme Court Judges (Conditions of Services) Act, 1958 and the High Court Judges (Conditions of Service) Act, 1954, respectively. Since the passing of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, there had been no improvement in the conditions of service of the Supreme Court and the High Court Judges. There had been an increase in the price of petrol from time to time. The Judges had to undertake more journeys now a days for attending seminars, conferences, etc. Similarly, the Chief Justices and the Judges were required to hold periodic meetings of Judicial Officers and with the members of the Bar. Considering the increase in the number of participants in such meetings and also the increase in the cost of eatables and considering the increase in the price of petrol, it had become necessary to amend the aforesaid Acts to increase the sumptuary allowances and conveyance facilities to the Chief Justices and the Judges. The President

*Those who took part in the discussion were Sarvashri Nirmal Kanti Chatterjee, Suresh Prabh, V.V. Raghavan, Guman Mal Lodha and Prof. Rasa Singh Rawat

**Discussed together

***The Bill was introduced in the Lok Sabha on 11 July 1996

of India promulgated the Supreme Court and High Court Judges (Conditions of Service) Amendment Ordinance, 1996 on 11 January 1996 as the Parliament was not in Session to give effect to the increase in the sumptuary allowance and conveyance facilities to the Judges.

The Supreme Court and High Court Judges (Conditions of Service) Amendment Bill, 1996, which sought to replace the above Ordinance, was introduced in the Lok Sabha on 29 February 1996, but lapsed on the dissolution of the Tenth Lok Sabha. As the said Ordinance was due to expire on 7 April 1996, the Supreme Court and High Court Judges (Conditions of Service) Amendment Second Ordinance, 1996 was re-promulgated on 27 March 1996 and the validity of the re-promulgated Ordinance was due to expire in the first week of July 1996. Since the Parliament was not in Session at that time too, the Supreme Court and High Court Judges (Conditions of Service) Amendment Third Ordinance, 1996 was re-promulgated on 21 June 1996.

Taking part in the discussion* on 17 July 1996, Shri George Fernandes said that more recruitments should be made to overcome the shortage of Judges. They should be given respectable salaries and other allowances.

Supporting the Bill, Shri P.C. Thomas said on 18 July 1996 that if the quality of Judges was to be improved, they should not be put to hardship by way of emoluments and transfers, etc.

Dr. Jayanta Rongpi felt that a new Bill should be brought before Parliament so that the existing system of appointment of Judges was changed and more transparency was adopted.

Shri Guman Mal Lodha spoke by way of reply to his Statutory Resolution. The Resolution was, by leave, withdrawn.

Speaking on the Bill, the Minister of State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that conscious efforts were being made to improve the conditions of service of the Judiciary. The National Judicial Pay Commission, which had already been appointed, would look into the conditions of service of the subordinate Judiciary.

The Bill was passed.

*The Representation of the People (Amendment) Bill, 1996***: Moving the motion for consideration of the Bill on 26 July 1996, the Minister of

*Others who took part in the discussion were Sarvashri Biju Patnaik, Satya Pal Jain, Priya Ranjan Das Munshi, C. Narayanasamy, Balai Roy, Suresh Prabhu, Pramotes Mukherjee, Girdhari Lal Bhargava, Kodanda Ramaiah, Ajoy Chakraborty, Manoranjan Bhakta, Nitish Kumar, Ramashray Prasad Singh and Prof. Rasa Singh Rawat

**The Bill was introduced in the Lok Sabha on 11 July 1996. The short title of the Bill was changed to the Representation of the People (Second Amendment) Bill, 1996 through an amendment to clause 1.

State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that the Fourth Schedule to the Representation of the People Act, 1950 specified the local authorities for the purposes of election to the Legislative Councils in the States having Legislative Councils. Consequent to the coming into force of the Constitution (Seventy-third Amendment) Act, 1992 and the Constitution (Seventy-fourth Amendment) Act, 1992, the States of Karnataka and Uttar Pradesh had amended the laws relating to the local bodies. The State of Karnataka had recommended that for the existing entries in the Fourth Schedule to the Representation of the People Act, 1950, the entries, namely, City Municipal Corporations, City Municipal Councils, Town Municipal Councils, Town Panchayats, Zilla Panchayats, Taluk Panchayats, Grama Panchayats and Cantonment Boards might be substituted. Similarly, in the said Schedule, for the entries relating to Uttar Pradesh, the following entries might be substituted as recommended by the State Government of Uttar Pradesh, namely, Municipal Corporations, Municipal Councils, Zila Panchayats, Nagar Panchayats, Kshetra Panchayats and Cantonment Boards.

The Minister replied to the debate* on 10 September 1996.

The Bill, as amended, was passed.

*The Representation of the People (Second Amendment) Bill, 1996**:* Moving that the Bill be taken into consideration, the Minister of State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that the provisions of the Bill were based on the consensus arrived at the meeting of various political parties. The salient features of the Bill were: (i) Section 8 of the 1951 Act was proposed to be amended to provide that a person convicted of an offence punishable under Section 2 or Section 3 of the Prevention of Insults to National Honour Act, 1971 shall be disqualified for a period of six years from the date of such conviction; (ii) it was proposed to insert a new Section 20B in the 1951 Act to enable the Election Commission to nominate observers to watch the conduct of election and such observers would have the power to direct the returning officers to stop the counting of votes or not to declare the result in certain contingencies like booth capturing, etc.; (iii) Section 30 of the 1951 Act was proposed to be amended to provide for reduction of the time for campaign to 14 days; (iv) Section 33 of the 1951 Act was proposed to be amended to provide that: (a) nomination of a candidate not set up by a recognized

*Those who took part in the discussion were Sarvaahri Bhagwan Shankar Rawat, Satya Pal Jain, Santosh Kumar Gangwar, Manoranjan Bhakta, V. Dhananjaya Kumar, Anant Kumar, Ramashray Prasad Singh, K.C. Kondaiah, C. Narayanasamy, Ram Naik and Prof. I.G. Sanadi

**The Bill was introduced in the Lok Sabha on 25 July 1996. The short title of the Bill was changed to the Representation of the People (Amendment) Bill, 1996 through an amendment to clause 1.

political party had to be subscribed by ten persons being electors from the constituency; (b) a person shall not be nominated as a candidate for election in more than two constituencies of the same class; (v) Section 34 of the 1951 Act was proposed to be amended to increase the security deposits of candidates; (vi) Sub-section (2) of Section 38 of the 1951 Act which provided for listing of the names, etc. of the contesting candidates was proposed to be amended so as to provide that for the purposes of listing, candidates shall be classified into three categories, namely, candidates of recognized political parties, candidates of registered political parties and other candidates; the said category shall be arranged in the order specified therein and the names of the candidates shall be arranged in the alphabetical order; (vii) Section 52 of the 1951 Act was proposed to be amended to provide that on the death of a candidate an election shall, instead of being countermanded, only be adjourned; (viii) a new Section 151A was proposed to be inserted in the 1951 Act to provide for the holding of bye-elections within a period of six months from the date of occurrence of a vacancy; and (ix) certain further amendments were also proposed to ensure peaceful conduct of elections by reducing the influence of money and muscle power by prohibiting the carrying of arms, etc. on the polling day.

Taking part in the discussion,* Shri George Fernandes said that if we wanted to conduct free and fair elections, then we had to remove all the deficiencies in the proposed Bill before it was passed. The Government should bring a comprehensive Bill on electoral reforms at the earliest.

Supporting the Bill, Shri Chitta Basu said that though the proposed Bill was not adequately comprehensive, it was a step in the right direction.

Shri G.M. Banatwalla criticized the discrimination between recognized parties, viz. national or State parties on the one hand and the registered parties on the other. That was a discrimination which was unfair, illegal and unconstitutional.

On 30 July 1996, Shri Madhukar Sarpotdar said that the Bill had been brought before the House in haste. Instead of bringing piecemeal provisions, one comprehensive Bill should be brought before Parliament.

Replying to the debate, the Minister of State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that the Government would be taking into consideration the viewpoints of all political parties in bringing a comprehensive Bill.

The Bill, as amended, was passed.

*Others who took part in the discussion were Sarvashri Sontosh Mohan Dev, Satya Pal Jain, Biju Patnaik, Sudhir Giri, Santosh Kumar Gangwar, Manoranjan Bhakta, Pramothas Mukherjee, I.D. Swami, S.K. Kaarvendhan, Rajiv Pratap Rudi, Virender Kumar Singh, Vijay Kumar Goel, Kalp Nath Rai, Guman Mal Lodha, Shivraj V. Patil, Dr. Satyanarayan Jatiya and Smt. Geeta Mukherjee

*Statutory Resolution re : Disapproval of the Arbitration and Conciliation (Third) Ordinance, 1996 and the Arbitration and Conciliation Bill, 1996 :** Moving the Statutory Resolution on 1 August 1996, Shri Guman Mal Lodha said that it was yet another example in the series of the misuse of the ordinance making power. As regards the subject matter of the Bill, the member pointed out that while certain provisions of the proposed legislation were to apply to the whole of India, certain other provisions were to apply to the whole of the country except Jammu and Kashmir. It was difficult to understand as to why in matters of arbitration, an exception should be made in the case of Jammu and Kashmir.

Moving the motion for consideration of the Bill,** the Minister of State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that the need for reform in the law relating to arbitration in India had been widely recognized. Presently, the law on arbitration in India was substantially contained in three enactments, viz. the Arbitration (Protocol and Convention) Act, 1937, the Arbitration Act, 1940 and the Foreign Awards (Recognition and Enforcement) Act, 1961. There were many model legislations on the subject, including the Model Law on International Commercial Arbitration adopted in 1985 by the United Nations Commission on International Trade Law (UNCITRAL). On an examination of the suggestions received from various interests and experts, it was felt that there were definite advantages in repealing the Arbitration Act, 1940. The UNCITRAL Model Law had harmonized the common Law and the Civil Law concepts on arbitration. The proposed Bill had originally been introduced in the Rajya Sabha on 16 May 1995. The Parliamentary Standing Committee on Home Affairs considered the provisions of the Bill in detail and made various suggestions.

The proposed Bill, while repealing the existing enactments on arbitration, also consolidated and amended the law relating to domestic arbitration and enforcement of foreign arbitral awards. It also defined the law relating to conciliation. The new law would be a complete code on the law of arbitration and conciliation in the country. It would minimize the role of courts and enable parties to choose arbitral institutions to determine certain issues on their behalf. The arbitral tribunal would give reasons for its awards which would introduce transparency in the decision-making and enhance the faith of the parties in the arbitration system. The arbitral tribunal would be competent to use mediation, conciliation or other procedure at any time during the arbitral proceedings to encourage settlement of disputes which would discourage filing of frivolous objections to the award with a view to delaying its implementation. The grounds for setting aside an arbitral award would be clear and unambiguous. Under the proposed law, parties

*Discussed together

**The Bill, as passed by the Rajya Sabha, was laid on the Table of the Lok Sabha on 23 July 1996

would be free to fix the time-limit for making the award and to extend the same either before or after the expiration thereof. The arbitral award would be enforced in the same manner as if it were a decree of the court.

Participating in the discussion,* Shri George Fernandes said that the speedy disposal of cases was the responsibility of the Courts but then it was for the Government to well equip the Courts to enable them to obviate the delay.

Shri G.M. Banatwalla pointed out that the Bill was applicable to both domestic arbitration as also international commercial arbitration. The two ought to have been kept separate; otherwise, there were bound to be confusions and hardships at least in the question of domestic arbitration.

Replying to the discussion, the Minister of State (Independent Charge) of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap agreed that the Ordinance making powers should not be resorted to in a blatant manner, but in the instant case, the vacuum had to be filled on account of the intervening circumstances.

On 2 August 1996, Shri Guman Mal Lodha spoke by way of reply to his Statutory Resolution. The Statutory Resolution was, by leave, withdrawn.

The Bill was passed.

C. QUESTION HOUR

During the Session, in all, 600 Questions were put down in the Question Lists for oral answers of which the number of Questions orally answered was 93. The number of Questions put down in the Question Lists for written answers was 5,811 which included 13 Unstarred Questions deleted/transferred from one Ministry to another. The number of Questions for which written answers were laid on the Table, including those put down for oral answers but not reached for oral answers, came to 6,317. The number of Questions put down in the Short Notice Questions List was 3. In all, three Short Notice Questions were answered, including two whose replies were laid on the Table of the House.

D. OBITUARY REFERENCES

During the Session, on 30 July 1996, obituary references were made to the passing away of the veteran freedom fighter, Smt. Aruna Asal Ali. As a mark of respect to the memory of the deceased, the members stood in silence for a short while and thereafter the House was adjourned to re-assemble at 6.00 p.m.

On 2 September 1996, obituary references were made to the passing away of a sitting member, Shri Nathu Ram Mirdha. As a mark of respect

*Others who took part in the discussions were Sarvashri Bhagwan Shankar Rawat, Sriballav Panigrahi, Balai Roy, V. Dhananjaya Kumar, I.P. Hazarika, Suresh Prabhu, Girdhari Lal Bhargava and Prof. Rasa Singh Rawat

to the deceased, members stood in silence for a short while and thereafter, the House was adjourned for the day.

Obituary references were also made to the passing away of Sarvashri M. Subha Reddy, Yagya Datt Sharma, Manoj Pandey, R. Jeevarathinam, Karan Singh Yadav, C. Srinivasa Rao, A.K. Sen, Tek Chand and F.H. Mohsin, all former members. Members stood in silence for a short while as a mark of respect to the deceased.

On 26 August 1996, the Speaker, Shri P.A. Sangma made a reference to the death of many pilgrims on the *Amarnath Yatra* on account of inclement weather and observed that the deep sense of grief in that regard would be placed on the records of the House. Thereafter, members stood in silence for a short while as a mark of respect to the deceased.

RAJYA SABHA

HUNDRED AND SEVENTY-EIGHTH SESSION*

The Rajya Sabha met for its Hundred and Seventy-eighth Session on 10 July 1996 and adjourned *sine die* on 13 September 1996. A resumé of some of the important discussions held and other business transacted during the Session is given below:

A. DISCUSSIONS/STATEMENTS

Statements by the Prime Minister on Jammu and Kashmir : The Prime Minister, Shri H.D. Deve Gowda made Statements in the House on Jammu and Kashmir on 23 July 1996 and 2 August 1996. On 23 July 1996, the Prime Minister identified the growing unemployment among youth in the Valley as a contributing factor for the growth of militancy. Government proposed to take up important projects in the sectors of communication and power in the State. It also proposed to complete the construction of a railway line from Udhampur to Baramulla, the Mughal Road Project in the Jammu and Kashmir National Highway, the Dulhasti Hydro-Electric Project and the Udhampur Hydro-Electric Project on a top priority basis. While the road projects would be a great factor in integrating Kashmir with the rest of the country and providing employment, the power projects would provide the much needed relief to the power-starved State.

On 2 August 1996, the Prime Minister stated that militancy had affected the life of thousands of families deriving sustenance from tourism and related activities. The people of the State were not able to repay commercial loans from banks as there was no cash flow. Government proposed to write-off the outstanding loans and interest thereon of all borrowers whose original borrowing was Rs.50,000 or less. That would enable the small borrowers to get fresh loans from the banking sector to restart their business. An inter-Ministerial Committee would look into the question regarding those who

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

had borrowed above Rs.50,000.

The Prime Minister stated that in view of the precarious resource position of the State resulting from militancy, the Union Government had decided to provide special Central Plan assistance of Rs.352 crore to the State during 1996-97 so that the entire Plan outlay of Rs.1.050 crore could be utilised for development schemes without diverting any part of it to meet the non-Plan gap. Government would provide an additional sum of Rs.6.6 crore to improve facilities to migrant camps in Jammu.

To give a further fillip to tourism, Government had given high priority to the construction of an airport at Kargil to be completed by the Border Roads Organisation in two years and to have a weekly helicopter service in the winter months. The Prime Minister reiterated the Government's commitment to give maximum autonomy to the State and hoped that the above measures would revive economic activity in the State.

India's position with regard to the Comprehensive Test Ban Treaty (CTBT) : The Minister of External Affairs, Shri I.K. Gujral made four *suo motu* Statements in the House in this regard on 15 July, 31 July, 26 August and 11 September 1996.

On 15 July 1996, the Minister said that India's efforts on nuclear disarmament had started since 1954 when the then Prime Minister, Shri Jawaharlal Nehru called for a ban on nuclear testing. It had actively participated in the CTBT negotiations proposing a truly comprehensive treaty that would lead to the elimination of all nuclear weapons within a time-bound framework. It had exercised unparalleled restraint after it carried out a peaceful nuclear explosion in 1974. Although India could not subscribe to the CTBT in its present form, Government would remain engaged in the discussions on the new draft text on the CTBT to ensure that India's freedom of action was not constrained in any manner. Replying to the points raised by members, the Minister said that national sovereignty was adequately asserted in the Geneva talks on CTBT.

On 31 July 1996, following the nuclear test conducted by China on 29 July 1996, the Minister said that India was dismayed by the nuclear tests carried out by the nuclear weapon states, particularly while CTBT negotiations were in progress. These tests took the world further away from the goal of universal nuclear disarmament.

Replying to the points raised by the members on 2 August 1996, the Minister said that India stood united in matters of defence and foreign affairs. He refuted the US Secretary of State, Mr. Warren Christopher's observation that India's position on CTBT withheld the progress of negotiations in Geneva. There was no softening of India's position regarding the CTBT and Government would sustain the nuclear option.

On 26 August 1996, the Minister made a Statement regarding the

developments in the CTBT negotiations in Geneva and the Government's approach during the discussions in the UN General Assembly. India could not subscribe to a draft that fell short of the mandate and had other unacceptable features like the formulation on "entry into force" in Article XIV.

Replying to the points raised by the members, the Minister said that while India was in favour of a democratic discussion in the United Nations, its security would not be compromised even at the threat of isolation.

On 11 September 1996, the Minister made a Statement regarding the developments on CTBT negotiations in the resumed session of the UN General Assembly. He said that India made clear that the draft text was a non-consensus text and suggested amendments calling for, among other things, a commitment to nuclear disarmament within a time-bound framework and a genuinely comprehensive treaty.

The Minister said that the UN General Assembly had concluded adopting a Resolution that incorporated the flawed text of the CTBT and calling for a signing conference to be convened at an early date. There was an understanding of India's position in the international community. Government was confident that bilateral relations would not be affected despite differences in perception. He assured the House that Government would continue to maintain its position and not sign the CTBT.

Replying to the points made by the members, the Minister said that India's foreign policy had to reflect the will of the entire nation. When national interests were involved, the nation had stood on its feet and earned the respect of the nations, he added.

Resolution seeking approval of the Proclamation under Article 356 of the Constitution in relation to Jammu and Kashmir: Moving a Statutory Resolution on 15 July 1996, the Prime Minister, Shri H.D. Deve Gowda said that during his visit to Jammu and Kashmir, all the political parties had stressed that the Assembly elections should not be delayed. The voters' turnout in the parliamentary elections was a clear indication that the people wanted elections. Government had taken a decision to hold the elections by September, the date for which would be decided in consultation with the Election Commission. It would extend all necessary protection to the contesting candidates. Government would provide funds for the developmental works in the State. The question of quantum of autonomy, etc. could be discussed with the elected representatives and the new State Government.

Replying to the debate on 16 July 1996,* the Minister of Home Affairs, Shri Indrajit Gupta said that art. 370 had served as a bridge between the people of Kashmir and the people of India and without that bridge, there

*The other participants in the debate were Shri Triloki Nath Chaturvedi and Shri Md. Salim

would have been much worse consequences. There would be no attempt to impose a Chief Minister from Delhi on the people of Kashmir. The final decision regarding autonomy in relation to Kashmir would lie with the Parliament of India. Terrorism had not been eradicated completely and the security forces would have to be alert about it.

Concluding the debate, the Prime Minister, Shri H.D. Deve Gowda said that a collective message had to be sent to the world community that the Assembly elections in Kashmir would be free and fair. Reposing full confidence in the Election Commission, he said that there would be no rigging by anybody, Government wanted to respond immediately to the desire of the people to conduct elections and to see that an elected Government was formed by the people's mandate.

The Resolution was adopted.

Discussion on the working of the Ministry of Steel and Mines : Initiating the discussion on 11 September 1996, Shri Gurdas Das Gupta said that steel and minerals were the two most important inputs for industrialisation and economic growth of any nation. The reduction in import duty on steel had made production of steel in the country dearer and import cheaper. The attempt to import steel when enough steel was being produced was causing a serious problem of dumping in the country. Attempts were being made by the international steel industries to divert their production units to India, taking advantage of our cheap labour. The policy with regard to steel and mines had to be changed.

Replying to the discussion,* the Minister of Steel and Mines, Shri Birendra Prasad Baishya said that resources constraint in the economy was a major factor in slowing down the investment in the steel industry and the inability to carry out exploration work by exploration agencies and the State Directorates of Geology and Mining. With the removal of controls over pricing and distribution and delicensing, an upsurge in the demand for steel had been noticed leading to significant growth in production and consumption.

The Minister said that the National Mineral Policy sought to make the Indian mining industry more globally competitive and accelerate development of the mineral sector. India's annual import of steel at present was about 1.5 million tonnes which came to 7 per cent of the total annual consumption. It would not be appropriate to assume that with the reduction of import duty, *per se* dumping would take place automatically. There was no concept of provisional anti-dumping duty. As a result of the policy initiatives of the Government, a large number of entrepreneurs had shown interest in establishing plants, in addition to existing capacities, he added.

*The other participants in the discussions were Sarvashri Ram Das Agarwal, Naresh Yadav, Mool Chand Meena, Jibon Roy, Govindram Miri, Surinder Kumar Singla, Ramji Lal, V. Narayanasamy and Dr. Y. Lakshmi Prasad

The problems of cotton growers in the country : On 26 July 1996, Shri Ramachandran Pillai called the attention of the Minister of Agriculture to the problems of cotton growers in the country.

Replying to the calling attention, the Minister of Agriculture, Shri Chaturanan Mishra informed the House about certain developmental programmes and policies implemented by the Government of India over the years. He said that the increasing trend in production and productivity and the prevalence of reasonable price indicated that there were no serious problems faced by cotton growers at present.

Regarding the exploitation of cotton growers by the middlemen, the Minister said that the State Governments could take suitable action as the subject came under their jurisdiction. Though the export of cotton had already gone up, further demand from the people to export could be considered.

Regarding the minimum support price of cotton, the Minister said that support price was not the only criterion to give more price to farmers. Increase in cotton's support prices would affect the handloom industry. Handloom workers would not be able to compete in the market and they would be rendered jobless.

A method would have to be evolved for the protection of weavers by supplying cotton at cheaper rates. The Government intervened and purchased cotton at support price at the time of distress sale by the farmers. The recent fall in cotton prices in the international market would also necessitate steps to protect the cotton growers.

Need for enacting a legislation for protection of rights and improvement of living conditions of agricultural workers : On 31 July 1996, Shri Gurdas Das Gupta called the attention of the Minister of Labour to the need for enacting a legislation for the protection of the rights and improvement of the living conditions of agricultural workers.

While replying, the Minister of Labour, Shri M. Arunachalam informed that Government was seized of the problems of agricultural workers and various steps had been taken by the Union and the State Governments from time to time to improve their conditions. Government was attaching the highest importance to the need for a central legislation in respect of the agricultural workers. Regarding compensation to be paid to the agricultural workers in the mechanised agricultural sector, the Workmen's Compensation Act was already there. It covered cases of accidents in the mechanised sector. The question of inadequate coverage of women workers in the Integrated Rural Development programme (IRDP) would be conveyed to the Minister of Rural Development, he added.

Complaints regarding default in the payment of salaries, Provident Fund, etc. and absence of job security for teachers in private schools in the country : On 6 September 1996, Shri Gurudas Das Gupta called the attention

of the Minister of Human Resource Development in this regard and the steps taken by the Government.

Replying to the calling attention, the Minister of Human Resource Development, Shri S.R. Bommai said that the service conditions, etc. of teachers needed to be regulated but the question to be considered was whether the Union Government should intervene in a matter which was primarily the concern of the States. Although education was in the concurrent list, Government had so far adopted a consensual approach whereby various aspects of education were discussed with States and in forums like the Central Advisory Board of Education (CABE). The Government of India provided necessary support when requested by the States. Discussions between the Centre and the States were in keeping with the Common Minimum Programme enunciated by the United Front Government. Regarding the regulation of opening of schools, their recognition, fee structure and service conditions, etc. of the teachers, it was for the States to take action in the framework of the existing legal provisions.

As regards the regulation of service conditions and fee structure in private schools affiliated to the Central Board of Secondary Education (CBSE) and the Council for Indian School Certificate Examination (CISCE), the Minister said that both the organisations had certain rules and benchmarks for providing affiliation to the schools. The CBSE and the CISCE would be asked to deal expeditiously with the complaints pertaining to safeguarding of the interests of the employees of schools affiliated to them.

Regarding the payment of Provident Fund and violation of labour laws, the provisions of the Employees Provident Fund and Miscellaneous Provisions Act were made applicable to educational institutions with effect from 19 February 1982. The prerogative of granting permission to start a school was entirely within the jurisdiction of the State Governments. It was not fair to paint all the private schools with the same brush. A number of them were meeting the diverse needs of a pluralistic society and providing quality education. Those who indulged in undesirable practices would be booked under the respective States' Acts, administrative guidelines or central legislation if the States so desired.

Government agreed that a proper law was necessary to stop corrupt practices in educational institutions but law alone could not change the system. The Union and State Governments, local bodies, people at large and non-Governmental, organisations engaged in education had to be diligent. The opinion of experts, teachers' associations, State Governments and constitutional provisions would be taken into consideration.

Pre-budget hike in the price of petrol and petroleum products: Initiating a Short Duration Discussion on 17 July 1996, Shri V. Narayanasamy said that the present Government had increased the price of petrol, diesel and Liquefied Petroleum Gas (LPG) before the commencement of the Budget

Session because of its inability to mobilize resources for the purpose of purchasing crude oil. The increase was unprecedented and was likely to increase the cost of transportation and the prices of industrial and agricultural commodities which would lead to further inflation and burden for the common man.

Replying to the discussion,* the Prime Minister, Shri H.D. Deve Gowda said that he was aware of the implications of the decision to increase the administered prices. Government had taken into consideration the recommendations of the Standing Committee on Energy while increasing the price of petrol and petroleum products. It would be ensured that the poorer sections of the society were not allowed to suffer due to the price hike. The price of kerosene which was used by the common man had been increased and the price hike in the case of High Speed Diesel (HSD) had been reduced by 15 per cent. On the oil pool account, the deficit would be going up from Rs.4,700 crore to Rs. 5,000 crore by March 1997.

The Budget (Railways), 1996-97: The discussion on the Budget (Railways), 1996-97 took place on 25, 26 and 31 July 1996. Initiating the discussion on 25 July 1996, Shri O. Rajagopal referred to the adverse comments by the Standing Committee on Railways regarding the undue importance given to gauge conversion at the cost of developmental activities. Proposals like the line between Udhampur and Baramulla via Srinagar on the eve of the announcement of elections in Jammu and Kashmir were more of a political exercise than budgetary exercise.

The Railways had to anticipate economic development and draw up plans to meet the augmented demand. The 10 per cent hike in freight charges would lead to price rise and adversely affect house construction activities. Steps had to be taken to decrease the number of accidents at the railway crossings and to contain the problem of armed robberies in trains.

Replying to the discussion** on 31 July 1996, the Minister of Railways, Shri Ram Vilas Paswan said that so far as the question of appointments

*The other participants in the discussion were Sarvashri Satish Agarwal, Sompal, N.K.P. Salve, Dipankar Mukherjee, V.P. Duraisamy, Brahma Kumar Bhatt, Gurudas Das Gupta, John F. Fernandes, M.P. Abdussamad Samadani, S. Muthu Mani, Joy Nadukkara, Joyanta Roy, Adhik Sirodkar, Dr. B.B. Dutta, Smt. Anandiben Jethabhai Patel and Smt. Urmilaben Chimanbhai Patel

**The other participants in the discussion were Sarvashri Sushil Kumar Sambhajirao Shinde, Naresh Yadav, Banarasi Das Gupta, Md. Salim, Anantaray Devshanker Dave, Virendra Kataria, Yerra Narayanaswamy, V. Narayanasamy, Jalaludin Ansari, Govindram Miri, Vizol, Maheshwar Singh, Joy Nadukkara, K. Rahman Khan, Joyanta Roy, W. Angou Singh, Bhupinder Singh Mann, Hiphei, Parag Chaliha, Ranbir Singh, Ram Deo Bhandari, Ahmed Patel, T.M. Venkatachalam, Onward L. Nongtdu, Ish Dutt Yadav, M.P. Abdussamad Samadani, Maulana Obaidullah Khan Azmi, Mohd. Masud Khan, John F. Fernandes, Tara Charan Majumdar, Karnendu Bhattacharjee, T.M. Venkatachalam, Dr. B.B. Dutta, Dr. Y. Lakshmi Prasad, Smt. Jayanti Patnaik, Smt. Urmilaben Chimanbhai Patel and Smt. Malti Sharma

on compassionate grounds was concerned, orders had been passed to the effect that within one week, appointment letters would be sent to the kin of the deceased railway employees. It would be ensured that doctors were present in the long distance trains. Government was not opposed to privatisation. Schemes like 'Build Operate Lease Transfer' (BOLT) and 'Own Your Wagon' (OYW) were already there. Reservation in jobs to backward classes and minority communities would be ensured. Since the Railways did not have its own resources, there had to be discussion on how to mobilize sufficient resources. The Ministry of Rural Development could give some money as the Railways helped in developing villages. He said that it had to be decided whether the Railways was a welfare organisation or a commercial organisation.

The Budget (General), 1996-97: The discussion on the Budget (General), 1996-97 took place on 26, 27 and 29 August and 2 and 9 September 1996. Initiating the discussion on 26 August 1996, Shri Satish Agarwal said that the Revised Estimates for 1995-96 had not been updated. The updated Revised Estimates would have facilitated a better comparison of the real performance of the actuals. During the last five years, Government had borrowed funds to the tune of Rs. 1,38,000 crore and not spent it for creation of capital assets. The share of capital formation in agricultural sector had declined. Paltry sums earmarked for social sector schemes were disproportionate to the requirements. The proper parameter for measuring the level of fiscal deficit should be in relation to the capital expenditure. Government was also not to be under any misconception that the number of people living below the poverty line was coming down. Capital formation and income distribution had to be given consideration.

Replying to the discussion*, the Minister of Finance, Shri P. Chidambaram said that the present Government was committed to the economic reforms initiated in 1990. The reforms had resulted in high Gross Domestic Product (GDP) rate. As far as the role of State and private sector was concerned, certain fields like law and order, defence, etc. would be solely managed by the State but areas like education, public health, irrigation, roads, ports and infrastructure could be supplemented by the private sector. Government intended to bring the fiscal deficit down to below 4 per cent. Government had generated exports and foreign exchange earnings to service the debt. The nation's reserves since 1 April had gone up by 800 million dollars.

*The other participants in the discussion were Sarvashri Pranab Mukherjee, Ashok Mitra, N.K.P. Salve, R.K. Kumar, Krishan Kumar Birla, Sanjay Dalmia, Gaya Singh, Ramji Lal, Solipeta Ramachandra Reddy, Tara Charan Majumdar, K. Rahman Khan, Joyanta Roy, Prem Chand Gupta, Joy Nadukkara, W. Angou Singh, Lachhman Singh, Mool Chand Meena, Vizol, Ram Jethmalani, M.P. Abdussamad Samadani, Naresh Yadav, Narayan Prasad Gupta, Prof. Naunihal Singh, Dr. B.B. Dutta, Dr. Biplab Dasgupta, Smt. Kamla Sinha and Smt. Jayanti Patnaik

Regarding resource mobilisation, the Minister said that India's private savings and household savings were quite high whereas there was not enough public savings. But the question remained on who could be taxed. The introduction of taxes on services like the tax on advertising charges and tax on courier charges had met with protest. Low tax rates, simple procedures but very strict enforcement was the best way to raise more resources. MODVAT had been tightened. Penalties in the Customs Act and the Excise Act for tax evaders had also been introduced. The Central Plan and non-Plan allocation for social services had been increased. The effective rate of taxation in the corporate sector was not more than 19 per cent compared to 40 per cent of the salaried people in the country. Disinvestment could only be through a Disinvestment Commission. The Common Minimum Programme of the United Front Government earmarked the disinvestment resources for health and education and strengthening some other public sector enterprises. The exchange rate variation was borne by the Union Government and not by the State Governments, the Minister added.

B. LEGISLATIVE BUSINESS

*The Arbitration and Conciliation Bill, 1995** : Moving the motion for consideration of the Bill on 18 July 1996, the Minister of State of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that the need for effecting reform in our arbitration law was urgent. The Arbitration and Conciliation Bill, 1995 sought to consolidate the law relating to arbitration in India presently distributed in three enactments namely, the Arbitration (Protocol and Convention) Act, 1937, the Arbitration Act, 1940 and the Foreign Awards (Recognition and Enforcement) Act, 1961. Parts I, III and IV of the proposed Bill were applicable to Jammu and Kashmir only in relation to international commercial arbitration and international commercial conciliation. The whole concept of the Bill was to permit parties to decide their own forum, place and time to arbitrate upon disputes. The Bill sought to save the people, as far as possible, from going to courts and resolving disputes out of courts.

The motion for consideration of the Bill and the clauses, etc., as amended, were adopted and the Bill was passed on 22 July 1996.

*The Industrial Disputes (Amendment) Bill, 1996*** : Moving the motion for consideration of the Bill on 22 July 1996, the Minister of State of the Department of Legal Affairs, Legislative Department and Department of Justice, Shri Ramakant D. Khalap said that since the establishments and activities of the air transport services, the Airport Authority of India, the Oil and Natural Gas Commission (ONGC) and the Industrial Finance Corporation of India (IFCI) were spread countrywide, it was necessary that

*The Bill was introduced in the Rajya Sabha on 16 May 1995

** The Bill was introduced in the Rajya Sabha on 15 July 1996

the Union Government continued to be the appropriate Government in the handling of industrial disputes concerning such establishments and activities of economic and strategic importance. It necessitated amendment of Section 2(a) of the Industrial Disputes Act, 1947 to stipulate the Union Government as the appropriate Government in respect of an air transport service, the Airports Authority of India, the ONGC and the IFCI. The Bill did not propose any substantive amendment to the Industrial Disputes Act, 1947.

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

C. QUESTION HOUR

During the 178th Session of the Rajya Sabha, 9,114 notices of questions (3,682 Starred and 432 Unstarred) were received. Out of these, 600 Starred Questions and 4,099 Unstarred Questions were admitted. 4 Short Notice Questions were received but none was admitted.

Daily Average of Questions : Each of the lists of Starred Questions contained 20 Questions. On an average, 3.4 Question were orally answered per sitting. The maximum number of Questions orally answered was 5 on 12, 18, 24 and 31 July 1996 and 2 September 1996.

The minimum number of Questions admitted in the List of Unstarred Questions was 38 on 10 July 1996 and their maximum number was 155. Their average came to 137 per sitting.

Half-an-Hour Discussion: 14 notices of Half-an-Hour Discussion were received out of which 3 were admitted.

Statement correcting answers to Questions: 4 Statements were laid by the Ministers concerned correcting replies to Questions-answered in the Rajya Sabha.

D. OBITUARY REFERENCES

During the Session, references were made to the passing away of the former President of India, Dr. Neelam Sanjeeva Reddy; the veteran freedom fighter, Smt. Aruna Asif Ali; and Sarvashri Brahmananda Panda, G. Swamy Naik, Ashoke Kumar Sen and Smt. Aziza Imam, all former members. Members stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

KARNATAKA LEGISLATIVE COUNCIL*

The Karnataka Legislative Council commenced its Eighty-third Session on 4 July 1996 and was adjourned *sine die* on 26 August 1996. There were 28 sittings in all.

Legislative business : During the Session, the following Bills were

* Material contributed by the Karnataka Legislature Secretariat

considered and passed by the House: (i) The Karnataka Appropriation (No. 2) Bill, 1996; (ii) The Karnataka Appropriation (No. 3) Bill, 1996; (iii) The Karnataka Taxation Laws (Third Amendment) Bill, 1996; (iv) The Karnataka Panchayat Raj (Second Amendment) Bill, 1996, (v) The Karnataka Civil Courts (Amendments) Bill, 1996; and (vi) The Roerich and Devikarani Roerich Estate (Acquisition and Transfer) Bill, 1996.

Financial business : On 12 August 1996, the Supplementary Estimates (First Instalment) for the year 1996-97 were presented to the House.

Obituary references : During the Session, obituary references were made on the demise of the former President of India, Dr. Neelam Sanjeeva Reddy; the Chief Minister of Assam, Shri Hiteswar Saikia; a former Minister, Shri P.F. Rodrigues; a sitting member of the Karnataka Legislative Assembly, Dr. V. Chittaranjan; and some former members of the Legislative Council.

MAHARASHTRA LEGISLATIVE ASSEMBLY*

The Second Session of the Maharashtra Legislative Assembly of the year 1996, which commenced on 8 July 1996, adjourned *sine die* on 6 August 1996. There were 18 sittings in all.

Legislative business : During the Session, the following Bills were passed by the House: (i) The Maharashtra Cooperative Societies (Amendment) Bill, 1995; (ii) The Maharashtra Prevention of Dangerous Activities of Slumlords, Boot-leggers and Drug Offenders (Amendment) Bill, 1996, (iii) The Maharashtra Cooperative Societies (Amendment) Bill, 1996; (iv) The Bombay Court Fees Stamps (Amendment) Bill, 1996; (v) The Maharashtra Restoration of Name "Mumbai" for Bombay Bill, 1996; (vi) The Maharashtra Educational Institutions (Prohibition of Capitation Fee) (Amendment) Bill, 1996; (vii) The Bombay Rents, Hotel and Lodging House Rates Control (Extension of Duration) Bill, 1996; (viii) The Maharashtra Legislature Members' Pension (Amendment) Bill, 1996; (ix) The Maharashtra Municipal Council, Nagar Panchayats and Industrial Townships (Amendment) Bill, 1996; (x) The Bombay Motor Vehicles Tax (Amendment) Bill, 1996; (xi) The Maharashtra Water Supply and Sewerage Board (Amendment) Bill, 1996; (xii) The Maharashtra Tax Laws Levy (Amendment and Validation) Bill, 1996; (xiii) The Maharashtra Local Authority Members' Disqualification (Amendment) Bill, 1996; (xiv) The Maharashtra Slum Areas (Improvement Clearance and Redevelopment) (Amendment) Bill, 1996; (xv) The Bombay Village Panchayats (Amendment) Bill, 1996; (xvi) The Maharashtra Private Security Guard (Regulation of Employment and Welfare) (Amendment) Bill, 1996; (xvii) The Maharashtra Appropriation Bill, 1996; and (xviii) The Maharashtra (Second Supplementary) Appropriation Bill, 1996.

Financial business : On 9 July 1996, the Finance Minister presented the Additional Budget for the year 1996-97. The Supplementary Demands

for Grants for the year 1996-97 was presented on 30 July 1996. In all, 319 budgetary Demands for Grants and 67 Supplementary Demands for Grants were passed by the House. Appropriation Bills of budgetary Demands and Supplementary Demands were passed on 30 July 1996 and 6 August 1996, respectively.

Obituary references : During the Session, obituary references were made on the passing away of the former President of India, Dr. Neelam Sanjeeva Reddy, two sitting members and six former members of the House. Obituary references were also made on the demise of Shri Balasaheb Deoras and Smt. Aruna Asaf Ali.

ORISSA LEGISLATIVE ASSEMBLY*

The Eleventh Orissa Legislative Assembly, which commenced its Sixth Session on 26 June 1996, was adjourned *sine die* on 1 August 1996. It was prorogued on 7 August 1996. The House had 25 sittings in all.

Legislative business : During the Session, four Bills were passed by the House. They are: (i) The Orissa Labour Welfare Fund Bill, 1996; (ii) The Orissa Cooperative Societies (Second Amendment) Bill, 1996; (iii) The Orissa Fire Works and Loud Speakers (Regulation) Amendment Bill, 1996; and (iv) The Orissa Appropriation (No. 2) Bill, 1996.

Financial business : During the Session, the Finance Minister presented the Annual Financial Statement of Expenditure for the year 1996-97 on 26 June 1996. The general discussion on the Budget was held on 1, 2 and 3 July 1996. The Appropriation Bill for the year 1996-97 was passed by the House on 27 July 1996.

Obituary references : During the Session, obituary references were made on the demise of the former President of India, Dr. Neelam Sanjeeva Reddy and former members of the House, Sarvashri Kangoi Singh, Sanyasi Pidikaka and Sakila Soren. Obituary references were also made on the passing away of the former Governor of Orissa, Shri Yagya Datt Sharma.

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APPENDIX I
STATEMENT SHOWING THE WORK TRANSACTED
DURING THE SECOND SESSION OF
THE ELEVENTH LOK SABHA

1. PERIOD OF THE SESSION	10 July to 13 September 1996	
2. NUMBER OF SITTINGS HELD		30
3. TOTAL NUMBER OF SITTING HOURS	205 hours and 53 minutes	
4. NUMBER OF DIVISIONS HELD		Nil
5. GOVERNMENT BILLS		
i) Pending at the commencement of the Session		Nil
ii) Introduced		21
iii) Laid on the Table as passed by the Rajya Sabha		4
iv) Returned by the Rajya Sabha with any amendment/ recommendation and laid on the Table		Nil
v) Referred to Select Committee		1
vi) Referred to Joint Committee		1
vii) Reported by Select Committee		Nil
viii) Reported by Standing Committee		Nil
ix) Referred to the Departmentally related Standing Committees by the Speaker/Chairman, Rajya Sabha		1
x) Discussed		21
xi) Passed		20
xii) Withdrawn		Nil
xiii) Negatived		Nil
xiv) Part-discussed		Nil
xv) Discussion postponed		Nil
xvi) Returned by the Rajya Sabha without any recommendation		8
xvii) Motion for concurrence to refer the Bill to Joint Committee adopted		Nil
xviii) Pending at the end of the Session		5
6. PRIVATE MEMBERS' BILLS		
i) Pending at the commencement of the Session		Nil
ii) Introduced		47
iii) Motion for leave to introduce negatived		Nil
iv) Laid on the Table as passed by the Rajya Sabha		Nil
v) Returned by the Rajya Sabha with any amendment and laid on the Table		Nil
vi) Reported by Select Committee		Nil
vii) Discussed	One (remained part-discussed)	
viii) Passed		Nil
ix) Withdrawn		Nil
x) Negatived		Nil
xi) Circulated for eliciting opinion		Nil

xii) Part-discussed	1
xiii) Discussion postponed	Nil
xiv) Motion for circulation of Bill negatived	Nil
xv) Referred to Select Committee	Nil
xvi) Removed from the Register to pending Bills	Nil
xvii) Pending at the end of the Session	47
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	
i) Notices received	92
ii) Admitted	4
iii) Discussions 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 Ministers	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	1
11. STATUTORY RESOLUTIONS	
i) Notices received	77
ii) Admitted	10
iii) Moved	10
iv) Adopted	1
v) Negatived	2
vi) Withdrawn	7
12. RESOLUTION PLACED BEFORE THE HOUSE BY THE SPEAKER	-
13. GOVERNMENT RESOLUTIONS	
i) Notices received	3
ii) Admitted	3
iii) Moved	2
iv) Adopted	2
14. PRIVATE MEMBERS' RESOLUTIONS	
i) Received	12
ii) Admitted	11
iii) Discussed	One (remained part-discussed)
iv) Adopted	Nil
v) Negatived	Nil
vi) Withdrawn	Nil
vii) Part-discussed	1
viii) Discussion postponed	Nil

15. GOVERNMENT MOTIONS		
i) Notices received		Nil
ii) Admitted		Nil
iii) Discussed		Nil
iv) Adopted		Nil
v) Part-discussed		Nil
16. PRIVATE MEMBERS' MOTIONS		
i) Notices received		242
ii) Admitted		37
iii) Moved		Nil
iv) Discussed		Nil
v) Adopted		Nil
vi) Negatived		Nil
vii) Withdrawn		Nil
viii) Part-discussed		Nil
17. MOTION REGARDING 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
18. NUMBER OF PARLIAMENTARY COMMITTEE CREATED, IF ANY DURING THE SESSION	One (Select Committee on the Constitution (Scheduled Tribes) Order (Amendment Bill, 1996)	
19. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION		17,546
20. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	1,000 passes on 13 September 1996	
21. NUMBER OF ADJOURNMENT MOTIONS		
i) Brought before the House		11
ii) Admitted		Nil
iii) Barred in view of Adjournment Motion admitted on the subject		Nil
iv) Consent withheld by Speaker outside the House		17
v) Consent given by Speaker but leave not asked for by members concerned		Nil
22. TOTAL NUMBER OF QUESTIONS ADMITTED		
i) Starred		600
ii) Unstarred		5,811
iii) Short Notice Questions		3

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 July to 30 September 1996	No. of Reports presented
1	2	3	4
(i)	Business Advisory Committee	—	—
(ii)	Committee on Absence of Members	—	—
(iii)	Committee on Public Undertakings	1	—
(iv)	Committee on Papers Laid on the Table	—	—
(v)	Committee on Petitions	—	—
(vi)	Committee on Private Members	—	—
	Bills and Resolutions		
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	—	—
(viii)	Committee on Privileges	—	—
(ix)	Committee on Government Assurances	—	—
(x)	Committee on Subordinate Legislation	—	—
(xi)	Estimates Committee	—	—
(xii)	General Purposes Committee	—	—
(xiii)	House Committee	—	—
(a)	Accommodation Sub-Committee	—	—
(b)	Sub-Committee on Amenities	—	—
(xiv)	Public Accounts Committee	1	—
(xv)	Railway Convention Committee	—	—
(xvi)	Rules Committee	—	—

JOINT/SELECT COMMITTEES

(i)	Joint Committee on Offices of Profit	—	—
-----	--------------------------------------	---	---

STANDING COMMITTEES

(i)	Committee on Agriculture	—	—
(ii)	Committee on Communications	12	3
(iii)	Committee on Defence	—	—
(iv)	Committee on Energy	—	—
(v)	Committee on External Affairs	—	—
(vi)	Committee on Finance	6	2
(vii)	Committee on Food, Civil Supplies and Public Distribution	—	—
(viii)	Committee on Labour and Welfare	—	—
(ix)	Committee on Petroleum and Chemicals	10	3
(x)	Committee on Railways	—	—
(xi)	Committee on Urban and Rural Development	—	—

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE Nil

25. PETITIONS PRESENTED 4

26. NAME OF NEW MEMBERS SWORN IN WITH DATE Nil

APPENDIX II
STATEMENT SHOWING THE WORK
TRANSACTIONED DURING THE HUNDRED AND
SEVENTY-EIGHTH SESSION OF THE RAJYA SABHA

1	PERIOD OF THE SESSION	10 July to 13 September 1996	
2	NUMBER OF SITTINGS HELD		30
3	TOTAL NUMBER OF SITTING HOURS	173 hours & 29 minutes (excluding lunch break)	
4	NUMBER OF DIVISIONS HELD		One
5.	GOVERNMENT BILLS		
	(i)	Pending at the commencement of the Session	31
	(ii)	Introduced	2
	(iii)	Laid on the Table as passed by the Lok Sabha	16
	(iv)	Returned by the Lok Sabha with any amendment	Nil
	(v)	Referred to Select Committee by the Rajya Sabha	1
	(vi)	Referred to Joint Committee by the Rajya Sabha	Nil
	(vii)	Referred to the Departmentally-related Standing Committees	2
	(viii)	Reported by Select Committee	1
	(ix)	Reported by Joint Committee	Nil
	(x)	Reported by the Departmentally-related Standing Committees	1
	(xi)	Discussed	20
	(xii)	Passed	20
	(xiii)	Withdrawn	2
	(xiv)	Negatived	Nil
	(xv)	Part-discussed	Nil
	(xvi)	Returned by the Rajya Sabha without any recommendation	9
	(xvii)	Discussion postponed	Nil
	(xviii)	Pending at the end of the Session	27
6.	PRIVATE MEMBERS' BILLS		
	(i)	Pending at the commencement of the Session	58
	(ii)	Introduced	26
	(iii)	Laid on the Table as passed by the Lok Sabha	Nil
	(iv)	Returned by the Lok Sabha with any amendment and laid on the Table	Nil
	(v)	Reported by Joint Committee	Nil
	(vi)	Discussed	3
	(vii)	Withdrawn	2

(viii)	Passed	Nil
(ix)	Negatived	Nil
(x)	Circulated for eliciting opinion	Nil
(xi)	Part-discussed	1
(xii)	Discussion postponed	Nil
(xiii)	Motion for circulation of Bill negatived	Nil
(xiv)	Referred to Select Committee	Nil
(xv)	Lapsed due to retirement/death of member-in-charge of the Bill	Nil
(xvi)	Pending at the end of the Session	82
7.	NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)	
(i)	Notices received	29
(ii)	Admitted	9 (on 4 subjects)
(iii)	Discussions held	3
8.	NUMBER OF STATEMENTS MADE UNDER RULE 180 (CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE)	
	Statements made by Ministers	6
9.	HALF-AN-HOUR DISCUSSIONS HELD	3
10.	STATUTORY RESOLUTIONS	
(i)	Notices received	29
(ii)	Admitted	25
(iii)	Moved	8
(iv)	Adopted	1
(v)	Negatived	1
(vi)	Withdrawn	6
11.	GOVERNMENT RESOLUTIONS	
(i)	Notices received	2
(ii)	Admitted	2
(iii)	Moved	1
(iv)	Adopted	1
12.	PRIVATE MEMBERS' RESOLUTIONS	
(i)	Received	8
(ii)	Admitted	8
(iii)	Discussed	2
(iv)	Withdrawn	1
(v)	Negatived	Nil
(vi)	Adopted	Nil
(vii)	Part-discussed	1
(viii)	Discussion postponed	Nil

13. GOVERNMENT MOTIONS		
(i) Notices received		Nil
(ii) Admitted		Nil
(iii) Moved		Nil
(iv) Adopted		Nil
(v) Part-discussed		Nil
14. PRIVATE MEMBERS' MOTIONS		
(i) Received		75
(ii) Admitted		1
(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		—
(iii) Moved		—
(iv) Adopted		—
(v) Negatived		—
(vi) Withdrawn		Nil
(vii) Part-discussed		—
(viii) Lapsed		Nil
16. NUMBER, NAME AND DATE OF THE PARLIAMENTARY COMMITTEE CREATED, IF ANY.		
(i) Committee on the Problem of Cotton Growers		3.8.1996
(ii) Select Committee on Employers Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1993		22.7.1996
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED		1,624
18. TOTAL NUMBER OF VISITORS		2,911
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED		110 on 12.9.96
20. MAXIMUM NUMBER VISITORS ON ANY SINGLE DAY AND DATE		300 on 13.9.96
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred		600
(ii) Unstarred		4,099
(ii) Short Notice Questions		Nil
22. DISCUSSION ON THE WORKING OF THE MINISTRIES		2

* Ministry of Power
Ministry of Steel and Mines

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of Committee	No. of meetings held during the period from 1 July to 30 September 1996	No. of Reports presented during the 178th Session
(i) Business Advisory Committee	6	Nil
(ii) Committee on Subordinate Legislation	5	Nil
(iii) Committee on Petitions	8	Nil
(iv) Committee on Privileges	—	—
(v) Committee on Rules	—	—
(vi) Committee on Government Assurances	4	Nil
(vii) Committee on Papers Laid on the Table	1	Nil

DEPARTMENTALLY-RELATED STANDING COMMITTEES :

(viii) Commerce	8	3
(ix) Home Affairs	11	6
(x) Human Resource Development	7	8
(xi) Industry	10	3
(xii) Science and Technology, Environment and Forests	10	7
(xiii) Transport and Tourism	8	3
(xiv) Select Committee on Employers' Provident Fund and Miscellaneous Provision (Amendment) Bill, 1993	3	1

24. NUMBER OF MEMBERS GRANTED

LEAVE OF ABSENCE

6

25. PETITIONS PRESENTED

Nil

26. NAME OF NEW MEMBERS SWORN IN WITH DATES

Sl. No.	Name of members sworn in	Date on which sworn in
1	2	3
1.	Shri Hiphei (Mizoram)	17 July 1996
2.	Shri H.D. Deve Gowda (Karnataka) (sworn in the Chairman's Chamber)	26 September 1996

27. OBITUARY REFERENCES

Sl. No.	Name	Sitting member/Ex-member/dignitary
1.	Dr. Neelam Sanjiva Reddy Former President of India	10.7.96
2.	Shri Brahmananda Panda Ex-Member	10.7.96
3.	Shri G. Swamy Naik Ex-Member	10.7.96
4.	Smt. Aziza Imam Ex-Member	23.7.96
5.	Smt. Aruna Asaf Ali Freedom Fighter	30.7.96
6.	Shri Ashok Kumar Sen Ex-Member	2.9.96

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD
1 JULY TO 30 SEPTEMBER 1996

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.*	—	—	—	—	—	—	—
Arunchal Pradesh L.A.*	—	—	—	—	—	—	—
Assam L.A.	—	—	—	—	—	—	—
Bihar L.A.	24.6.96 to 26.7.96	19	9(9)	—	958(449)	13(424)	612(23)
Bihar L.C.*	—	—	—	—	—	—	—
Delhi L.A.	22.7.96 to 2.8.96	9	5(5)	—	(180)*	(520)	1(1)
Goa L.A.	22.7.96 to 16.8.96	18	9(10)	1	694(509)	67(160)*	—
Gujarat L.A.	—	—	—	—	—	—	—
Haryana L.A.	—	—	—	—	—	—	—
Himachal Pradesh L.A.*	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—
Karnataka L.A.*	—	—	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—
Kerala L.A.	—	—	—	—	—	—	—
Madhya Pradesh L.A.*	—	—	—	—	—	—	—

1	2	3	4	5	6	7	8
Maharashtra L.A.*	—	—	—	—	—	—	—
Maharashtra L.C.*	—	—	—	—	—	—	—
Manipur L.A.*	—	—	—	—	—	—	—
Meghalaya L.A.	20.9.96 to 3.10.96	9	4(3)	—	121(121)	104(104)	—
Mizoram L.A.	16.7.96 to 17.7.96;	16	6(6)	—	373(360)	154(154)	—
	12.9.96 to 1.10.96						
Nagaland L.A.	—	—	—	—	—	—	—
Orissa L.A.	26.6.96 to 01.8.96	25	3(3)	6	2697(2008)	2510(3472)	181(2)
Punjab L.A.	16.9.96 to 20.9.96	5	1(1)	—	156(114)	59(31)	1
Rajasthan L.A.	—	—	—	—	—	—	—
Sikkim L.A.	12.9.96 to 28.9.96	7	3(3)	—	(42)	(25)	—
Tamil Nadu L.A.	22.5.96 to 01.6.96	9	7(7)	—	1698(1045)	(279)	—
Tripura L.A.**	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—
Uttar Pradesh L.C.*	—	—	—	—	—	—	—
West Bengal L.A.	—	—	—	—	—	—	—
UNION TERRITORIES							
Pondicherry L.A.*	—	—	—	—	—	—	—

*Information not received from the State/Union territory Legislatures
 **Information received from the State Legislatures contained NIL Report
 Notes : (a) Total Notices received 887
 (b) 101 Notices from Starred admitted as Unstarred.

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Uttar Pradesh L.C.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
West Bengal L.A.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UNION TERRITORIES																
Pondicherry L.A.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

*Information received from State/Union territory Legislatures contained NIL report

**Information not received

Notes :

- (a) Act Implementation Committee-4 sittings; Committee on Welfare of Other Backward Classes and More Other Backward Classes-3 sittings
- (b) Bunkar Welfare-31 sittings; Zila Panchayati Raj/Zila Parishad Committee-54 sittings; Question and Calling Attention Committee-45 sittings; International Resources and Central Assistance Committee-10 sittings and 2 reports
- (c) Question and Reference Committee-3 sittings; Committee on Unauthorised Construction-3 sittings; Select Committee on the Delhi Official Language Bill-1 sitting
- (d) House Committee on Environment-1 sitting; Committee on Railways Expansion and Development in Orissa-2 sittings; House Committee on Linguistic Minorities-1 sitting; Sub-Committee-1 of the House Committee on Linguistic Minorities-2 sittings; House Committee on Prawn Culture-3 sittings; Subject Committee on Agriculture-1 sitting and 1 report; Subject Committee on Rural Development-1 sitting and 1 report
- (e) Committee on Papers Laid/to-be Laid on the Table-6 sittings
- (f) Women and Child Welfare Committee-19 sittings; Question and Reference Committee-9 sittings
- (g) Papers Laid on the Table Committee-1 sitting

APPENDIX IV
LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT
AND ASSENTED TO BY THE PRESIDENT DURING THE
PERIOD 1 JULY TO 30 SEPTEMBER 1996

Sl. No.	Title of the Bill	Date of assent by the President
1	2	3
1.	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill, 1996	31.7.1996
2.	The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 1996	— cb —
3.	The Appropriation (No.2) Bill, 1996	— cb —
4.	The Appropriation (Vote on Account) No.2 Bill, 1996	— cb —
5.	The Appropriation (Railways) No.3, Bill, 1996	— cb —
6.	The Supreme Court and High Court Judges (Conditions of Service) Amendment Bill, 1996	— cb —
*7.	The Representation of the People (Amendment) Bill, 1996	1.8.1996
8.	The Depositories Bill, 1996	10.8.1996
9.	The Coal Mines Provident Fund and Miscellaneous provisions (Amendment) Bill, 1996	13.8.1996
10.	The Industrial Disputes (Amendment) Bill, 1996	16.8.1996
11.	The Employees' Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1996	— cb —
12.	The Arbitration and Conciliation Bill, 1996	— cb —
13.	The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996	19.8.1996
14.	The Building and other Construction Workers Welfare Cess Bill, 1996	— cb —
£15.	The Representation of the People (Second Amendment) Bill, 1996	13.9.1996
16.	The Jammu & Kashmir Appropriation (No.2) Bill, 1996	18.9.1996
17.	The Appropriation (No.3) Bill, 1996	23.9.1996
18.	The Uttar Pradesh Appropriation (Vote on Account) No.2 Bill, 1996	— cb —

* The Bill was introduced as the Representation of the People (Second Amendment) Bill, 1996. The short title of the Bill was changed to the Representation of the People (Amendment) Bill, 1996 through an Amendment to clause 1

£ The Bill was introduced as the Representation of the People (Amendment) Bill, 1996. The short title of the Bill was changed to the Representation of the People (Second Amendment) Bill, 1996 through an amendment to clause 1

APPENDIX V**LIST OF BILLS PASSED BY THE LEGISLATURES OF THE STATES AND THE UNION TERRITORIES DURING THE PERIOD 1 JULY TO 30 SEPTEMBER 1996****DELHI LEGISLATIVE ASSEMBLY**

1. The Local Government in Delhi (Disqualification for Membership) (Small Family) Bill, 1996
2. The Delhi Entertainments and Betting Tax Bill, 1996
3. The Delhi Tax on Luxuries Bill, 1996
4. The Appropriation (No. 2) Bill, 1996
5. The Delhi Prohibition of Smoking and Non-Smokers Health Protection Bill, 1995

GOA LEGISLATIVE ASSEMBLY

1. The Goa Advocates Welfare Fund Bill, 1995
- *2. The Goa Flower and Fruit Nurseries (Regulation) Bill, 1995
3. The Goa Appropriation (Second Vote on Account) Bill, 1996
4. The Goa Appropriation Bill, 1996
5. The Goa Toddy Tappers Welfare Fund (Amendment) Bill, 1996
6. The Goa State Commission for Women Bill, 1996
7. The Maharashtra Agriculture Produce Marketing (Regulation) (Second, Goa Amendment) Bill, 1996
- *8. The Goa Municipalities (Amendment) Bill, 1996
9. The Goa Public Health (Amendment) Bill, 1996
10. The Goa Public Gambling (Amendment) Bill, 1996

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Court Fees (Meghalaya Amendment) Bill, 1996
2. The Meghalaya Taxation Laws (Amendment) Bill, 1996
3. The Meghalaya Appropriation (No. 3) Bill, 1996

MIZORAM LEGISLATIVE ASSEMBLY

1. The Mizoram Appropriation (Vote on Account) (No. 4) Bill, 1996
2. The Mizoram Appropriation (No. 5) Bill, 1996
3. The Mizoram (Pension for Members of the Defunct Mizo District Council and of the Defunct PAWI-Lakher Regional Council) (Amendment) Bill, 1996
4. The Mizoram (Market) Regulation (Amendment) Bill, 1996
5. The Mizoram State Agricultural Produce Marketing (Regulation) Bill, 1996

* Awaiting assent

6. The Mizoram (Village Councils) (Amendment) Bill, 1996

PUNJAB VIDHAN SABHA

1. The Punjab Municipal Corporation (Amendment) Bill, 1996

TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Tamil Nadu Panchayats (Amendment) Bill, 1996
2. The Tamil Nadu Panchayats (Second Amendment) Bill, 1996
3. The Tamil Nadu Municipal Laws (Amendment) Bill, 1996
4. The Tamil Nadu Municipal Laws (Second Amendment) Bill, 1996
5. The Tamil Nadu Motor Vehicles (Special Provisions) (Cancellation of variations of conditions of permit) Bill, 1996
6. The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Bill (No. 16), 1996
7. The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Bill (No. 17), 1996

APPENDIX VI
ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD
1 JULY TO 30 SEPTEMBER 1996

Sl. No.	Title of Ordinance	Date of promulgation	Date(s) on which laid before the House	Date of Cessation	Remarks
UNION GOVERNMENT					
ASSAM					
1.	The Income Tax (Amendment) Ordinance, 1996	14.11.96	21.11.96	1.1.97	—
1.	The Bengal, Agra and Assam Civil Courts (Assam Amendment) Ordinance, 1996	21.8.96	—	—	—
TAMIL NADU					
1.	The Tamil Nadu Co-operative Societies (Appointment of Special Officers) (Amendment) Ordinance, 1996	8.5.96	—	—	Replaced by legislation
2.	The Tamil Nadu Co-operative Societies (Appointment of Special Officers) (Amendment) Ordinance, 1996	—db—	—	—	—db—
3.	The Tamil Nadu H.R. & C.E. (Special Provisions) Ordinance, 1996	—db—	—	—	—db—

APPENDIX VII
A. PARTY POSITION IN LOK SABHA
AS ON 15 MAY 1996

Sl. States	Seats	BJP	NC	J.D	CPM	TMC	DMK	SP	TDP	S. SENA	BSP	CPI	SAD	SMP	ORS	IND	TOT- TAL	VAC- ANCIES	
(I) STATES																			
1. Andhra Pradesh	42	—	22	—	1	—	—	—	16	—	—	1	—	—	1 (a)	—	41	1	—
2. Arunachal Pradesh	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	2	—	—
3. Assam	14	1	5	—	1	—	—	—	—	—	—	—	—	—	6 (b)	1	14	—	—
4. Bihar	54	18	2	21	—	—	—	1	—	—	—	3	—	—	6 1 (c)	1	53	1	—
5. Goa	2	—	—	—	—	—	—	—	—	—	—	—	—	—	2 (d)	—	2	—	—
6. Gujarat	26	16	10	—	—	—	—	—	—	—	—	—	—	—	—	—	26	—	—
7. Haryana	10	4	2	—	—	—	—	—	—	—	—	—	—	—	3 (e)	1	10	—	—
8. Himachal Pradesh	4	—	4	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—	—
9. Jammu & Kashmir	6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
10. Karnataka	28	6	5	15	—	—	—	—	—	—	—	—	—	—	1 (f)	—	27	1	—
11. Kerala	20	—	7	1	5	—	—	—	—	—	—	2	—	—	4 (g)	1	20	—	—
12. Madhya Pradesh	40	27	8	—	—	—	—	—	—	—	2	—	—	—	2 (h)	1	40	—	—
13. Maharashtra	48	18	15	—	—	—	—	—	15	—	—	—	—	—	—	—	48	—	—
14. Manipur	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	—
15. Meghalaya	2	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—	—
16. Mizoram	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—
17. Nagaland	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—
18. Orissa	21	—	16	4	—	—	—	—	—	—	—	—	—	—	—	—	21	—	—
19. Punjab	13	—	2	—	—	—	—	—	—	—	3	—	—	—	—	—	13	—	—
20. Rajasthan	25	12	12	—	—	—	—	—	—	—	—	—	—	—	1 (i)	—	25	—	—

**B. PARTY POSITION IN RAJYA SABHA
AS ON 21 NOVEMBER 1986**

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

1	2	3	4	5	6	7	8	9	10	11
20.	Rejasthan	10	3	—	—	6	—	1	10	—
21.	Sikkim	1	—	—	—	—	1 (g)	—	1	—
22.	Tamil Nadu	18	3	—	—	—	14 (h)	—	17	1
23.	Tripura	1	1	—	—	—	—	—	1	—
24.	Uttar Pradesh	34	2	1	—	10	5 (i)	2	20	14
25.	West Bengal	16	1	—	11	—	4 (j)	—	16	—
UNION TERRITORIES										
	Delhi	3	—	—	—	3	—	—	3	—
	Pondicherry	1	1	—	—	—	—	—	1	—
	Nominated	12	4	—	—	—	—	1	5	7
TOTAL		245	65	23	15	40	47	8	218	27

(a) T.D. (Naidu Group)-8; T.D.-1; C.P.I.-1

(b) Assam Gana Parishad - 1; Autonomous State Demand Committee-1

(c) C.P.I.-3

(d) M.L. - 2; Kerala Congress (M)-1

(e) Shiv Sena - 4

(f) Nagaland People's Council - 1

(g) Sikkim Sangram Parishad - 1

(h) AIADMK - 14

(i) Samajwadi Party - 5

(j) R.S.P. - 1; C.P.I. - 1; F.B. - 2

C. PARTY POSITION IN STATE LEGISLATURES

State/Union territory	Seats	Cong. (I)	Janata 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.	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.	126	36	—	—	4	2	3	70	11	126	—
Bihar L.A.	325	29	159	—	42	6	26	38	13	313*	11
Bihar L.C.	—	—	—	—	—	—	—	—	—	—	—
Delhi L.A.	70	16	1	—	49	—	—	1	3	70	—
Goa L.A.	40	23	—	—	4	—	—	9	3	39	1
Gujarat L.A.	—	—	—	—	—	—	—	—	—	—	—
Haryana L.A.	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.C.	—	—	—	—	—	—	—	—	—	—	—
Kerala L.A.	—	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A.	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A.	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	60	—	—	—	—	—	—	59	—	59*	—

	1	2	3	4	5	6	7	8	9	10	11	12
Mizoram L.A.	40	21	—	—	—	—	—	—	9	10	40	—
Nagaland L.A.	—	—	—	—	—	—	—	—	—	—	—	—
Orissa L.A.	147	76	46	—	—	9	—	1	5	7	144*	2
Punjab L.A.	117	85	1	—	—	4	1	4	13	5	113	4
Rajasthan L.A.	200	73	3	—	—	99	1	—	—	21	197	3
Sikkim L.A.	32	3	—	—	—	—	—	—	29	—	32	—
Tamil Nadu L.A.	235	—	—	—	—	1	1	8	222	10	234*	—
Tripura L.A.	60	10	1	—	—	—	41	—	5	—	60	—
Uttar Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES												
Pondicherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—

* Excluding Speaker

** Information not received

- (a) Asom Gana Parishad-62; Autonomous State Demand Committee-5; All India Congress-1; U.M.F.-2
 (b) Communist Party of India (Mao)-6; Jharkhand Mukti Morcha (Mardi)-2; Samata Party-5; Bahujan Samaj Party-2; Marxist Coordination Party-2; Jharkhand Peoples Party-2; Jharkhand Party (Horo)-1; Champaran Vikas Party-1; Nominated-1
 (c) Unattached-1
 (d) Mahasabrawadi Gomatik Party-8; United Goan Democratic Party-1
 (e) UMPF-41; Opposition Group-15; Unattached-3
 (f) M.N.F.-10
 (g) J.M.M.-4; JPP-1
 (h) Bahujan Samaj Party-9; Shiromani Akali Dal-4
 (i) SDF-25; SSP-3; Unattached-1
 (j) DMK-166; TMC (Mooppanar)-39; Indian National League-5; AIADMK-4; All India Forward Bloc-2; Devendrar Sangam-1; Nominated-1
 (k) RSP-2; AIFB-1; THPP-1; TUIS-1

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