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LARNDIS stands for Parliament Library and Reference, Research, Documentation and Information Service.

EDITORIAL NOTE

A span of forty-five years in the life of a nation is perhaps too short a period to attempt a realistic analysis of the ups and downs and highs and lows of the parliamentary democratic polity as envisaged in our Constitution. If we take a fleeting glance at the working of the Constitution during the past four decades and plus, it can be easily conceded that the provisions enshrined in this supreme document have stood the test of time well through trials and tribulations. While we can take pride in the fact that a lot has been achieved in diverse fields since Independence, a lot more remains to be done. After all, the Constitution is only a means to an end and not an end in itself. Nonetheless, a Constitution is a socio-political document, a vibrating, pulsating and life-giving document. It provides a direction for the policies to be formulated and also an apparatus to implement them. Yet, no Constitution, like man, is perfect and the Constitution of India is no exception to this general rule and as such cannot be a panacea for all the political, social and economic ills facing the country. Then in the actual working of the Constitution, difficulties may arise and a genuine feeling to consider reforms and changes. Naturally, for the past several years, debates and discussions on the precept and practice of the document have been going on.

Thus, realizing fully well the topicality of the subject, a Seminar on "Constitution of India in Precept and Practice" was held in Parliament House Annexe, New Delhi, on 25-26 April 1992, under the joint auspices of the Parliamentarians Group for Dr. B.R. Ambedkar Centenary Celebrations, the Indian Parliamentary Group (IPG) and the Bureau of Parliamentary Studies and Training (BPST) of the Lok Sabha Secretariat. The two-day Seminar, inaugurated by the Speaker, Lok Sabha, Shri Shivraj V. Patil, was attended by Union Ministers, Presiding Officers of State and Union territory Legislatures, parliamentarians, jurists, constitutional experts, political scientists, academicians and journalists.

The Seminar dealt at length with the varied aspects of the working of the Constitution in the light of the experiences of the last forty years. Differing view points and perspectives, enlightened debates and discussions were its highlights. Yet, one could discern some common grounds where there was almost a consensus : like, the Constitution of India is a very good document and a workable one too; its basic features are in keeping with our ethos and values and need no change; implementation of the Constitution needs to be done in keeping with its letter and spirit and whenever it is found inadequate, necessary corrections may be considered; and the suggestion for constituting a National Commission to

consider whatever changes are required and make recommendations deserve serious consideration. Taking into consideration the topical significance of the subject matter, we include a comprehensive article entitled "Seminar on the Constitution of India in Precept and Practice" in this issue of the *Journal*.

We have been endeavouring to provide our distinguished readership with valuable articles on the varied aspects of the working of parliamentary democracy in India and abroad. In line with this, we have in this issue an article on the "Parliament of Nauru" by Dr. D.N. Gadhok. Drawing on his rich experience as a Parliamentary Counsel to the Republic of Nauru and with his earlier background of being a Senior Official in the Lok Sabha Secretariat, Dr. Gadhok describes in detail the constitution and working of the Parliament of Nauru. The article, it is hoped, would be found useful and informative.

Article 87(1) of the Constitution provides that at the commencement of the first Session after each general election to the House of the People and at the commencement of the first Session of each year, the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons. On 24 February 1992, the President of India, Shri R. Venkataraman addressed the members of the two Houses assembled together in the Central Hall at the commencement of the first Session of the Parliament in 1992 and outlined the policies of the Government of India on various issues and the legislative programme for the Session. We reproduce the text of the Address by the President in this issue of the *Journal*.

The former Speaker of Lok Sabha, Dr. G.S. Dhillon passed away on 23 March 1992. We mourn the loss of this outstanding parliamentarian and efficient administrator and extend our heartfelt condolences to the bereaved family. A special Feature, "Obituary References" finds place in this issue of the *Journal* in respectful homage to the departed soul.

An emergent Conference of Presiding Officers of Legislatures in India was held in New Delhi on 11 February 1992 under the Chairmanship of the Speaker, Lok Sabha, Shri Shivraj V. Patil to consider matters pertaining to the anti-defection law. The Conference had a special significance in the context of the recent Supreme Court ruling that the Judiciary can review decisions given by the Presiding Officers under the Tenth Schedule of the Constitution dealing with disqualification of members on grounds of defection. The Short Note, "Conference of Presiding Officers of Legislatures in India" discusses the matters that were taken up at the Conference. Another Short Note, "First Conference of Chairmen of Committees of Privileges of Lok Sabha, Rajya Sabha and State Legislatures in India" discusses the deliberations of the first-ever such Conference held in New Delhi on 14-15 March, 1992.

We extend our hearty felicitations to Shri Harcharan Singh Ajnala and Shri Romesh Chander Dogra on their election as Speaker and Deputy Speaker, respectively, of the Punjab Vidhan Sabha.

This issue of the *Journal* carries the other regular Features, viz. Parliamentary Events and Activities, Privilege Issues, Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, Book Summaries, Resume of Sessions of Lok Sabha, Rajya Sabha and State Legislatures and Recent Literature of Parliamentary Interest. However, since this issue covers the period 1 January to 31 March 1992 only, we are not in a position to carry in full the Sessional Review of the Budget Session of Lok Sabha, which extends beyond this time-frame. Similarly, we are also not carrying the Sessional Review and Statement of Work Transacted during the One Hundred and Sixty-Third Session of Rajya Sabha and details of the Question Hour and Statement showing work Transacted during the Budget Session of Lok Sabha. All these will be carried in our September 1992 issue (Vol. XXXVIII, No. 3).

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 field of parliamentary political science.

—C.K. Jain

PRESIDENT'S ADDRESS TO PARLIAMENT

The Constitution provides for an Address by the President to either House of Parliament or both Houses assembled together. The Provision for Address by the Head of State to Parliament goes back to the year 1921 when the Central Legislature was set up for the first time under the Government of India Act, 1919.

The President may address both Houses of Parliament assembled together or either House of Parliament separately as per provisions of Articles 86(1) and 87(1) of the Constitution. Under Articles 86(1), the President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members. Article 87(1) provides that at the commencement of the first Session after each general election to the House of the People and at the commencement of the first Session of each year, the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

Being a statement of policy of the Government, the Address is drafted by the Government who are responsible for its contents. It contains a review of the activities and achievements of the Government during the previous year and sets out the policies which it wishes to pursue with regard to important internal and international problems. It also indicates the main items of legislative business which are proposed to be brought during the Sessions to be held in that year.

On 24 February, 1992, the President of India, Shri R. Venkataraman addressed the members of the two Houses of Parliament assembled together in the Central Hall of Parliament at the commencement of the first Session of the Parliament in 1992 and outlined the policies of the Government of India on various issues and the legislative programme for the Session.

Reproduced below is the text of the Address.

—Editor

Honourable Member:

I welcome you to this first Session of Parliament in 1992 and wish you the very best for the successful completion of the budgetary and legislative business ahead. I extend a special welcome to the new members from Punjab.

The Government had given an assurance that elections would be held in Punjab in February, 1992. Despite many serious problems, this assurance has been fulfilled. Members are aware that the State of Punjab has been facing terrorist violence for the past decade and many innocent lives have been lost. The brave people of Punjab deserve to be congratulated for the courage they have displayed in re-affirming their faith in the democratic process and in the abiding values of secularism and nationhood. The Government is committed to finding a just and amicable solution to all the outstanding issues in Punjab. The Rajiv-Longowal Accord was a step in this direction. The presence of elected representatives will strengthen a meaningful dialogue and the participation in the process of all sections in the State.

The involvement of forces across the border in aiding, arming and providing logistic support to the terrorists in Kashmir is now well known. Pakistan has continued its massive propaganda and disinformation campaign to defame India and to divert world attention from its overt and covert support to terrorism. Terrorist action has taken a heavy toll of innocent lives. For over two years the normal life of the people in the State has been dislocated. A section of the population has been forced to flee the State and take shelter outside. No doubt all efforts are being made to take care of the needs of those who have migrated, but the solution to the problem lies in their return to their own homes where they can be resettled safely.

Government has launched a massive operation against the terrorists with the help of the Army. All-out efforts have been made to stop border infiltration. The recent efforts by terrorists to make massive intrusions across the Line of Control created a serious threat to peace in that area. Action, though belated, on the ground by Pakistan and diplomatic moves by the Government succeeded in meeting this grave threat. Some groups of terrorists have surrendered along with their arms. Discussions have been held in different fora to activate a meaningful interaction with the people. The Government is, at the same time, continuing its efforts at increasing the pace of economic development in the State and expanding employment opportunities. An Advisory Council has also been set up at the State level. Government would be willing to consider any dialogue within the framework of the Constitution to restore normalcy.

In the eastern part of the country, the Army had to be deployed in Assam from September, 1991 to restore peace and normalcy. The security forces have apprehended a number of ULFA activists and seized

their weapons. Some activists have also surrendered voluntarily. ULFA has released all hostages and has unilaterally declared the suspension of its agitation. ULFA has shown willingness to hold negotiations with the Government to find an amicable solution to the problems of Assam within the framework of the Constitution. The army operations in Assam have been suspended, pending a dialogue with the ULFA.

A close watch is being kept on the situation arising out of the Ram Janma Bhoomi-Babri Masjid dispute. Government has enacted legislation to maintain the *status quo* of the other places of worship as they existed on 15 August, 1947. Action has been completed to set up a Foundation for Communal Harmony to take care of children of families affected by communal violence. One of the commitments of the Government was to establish a composite Rapid Action Force to quell communal riots. All necessary decisions in this regard have been taken. The Force has been raised.

It would be recalled that in the last Session, Parliament has met a long standing demand of the people by enacting legislation to give the Union territory of Delhi a Legislative Assembly and a Council of Ministers. Government has initiated steps for delimiting constituencies with a view to holding early elections.

In my last address, I had spoken of the need to take hard decisions to overcome the grim economic situation confronting the country. The Government has moved swiftly to deal with the crisis. The balance of payments problem has been successfully handled. Our reserves of foreign exchange today stand at over Rs. 10,000 crores. We have redeemed the gold we had pledged, and arrested the outflow of capital. International confidence is being restored. At the same time, the Government has initiated steps to restructure the economy for greater productivity and growth. Changes have been made in industrial, fiscal and trade policies. This process of change will continue and will have to be extended to other important sectors of the economy.

The New Industrial Policy aims at consolidating the gains of the past decade, and imparting a fresh impetus to Indian industry for enhancing its efficiency and productivity. The Policy has already shown significant results. In the period after the policy changes were announced the number of investment proposals have doubled compared to the same period last year. Approvals for foreign investment and technical collaboration also show a similar trend. Along with changes in the Industrial Policy, a policy package for support to small scale industry has been announced. The small scale and tiny sector will continue to play an important role in providing employment and contributing to industrial output. With the changes that have been brought about in the Industrial Policy, the State Governments have a major role to play in promoting industrial development. The Central Government will continue to interact with them to

ensure that the benefits of the liberalised policy reach all corners of the country.

We place great emphasis on exports. Despite an unavoidable import compression of about 20%, exports to General Currency Area countries have shown a modest growth of 6% in dollar terms. External obstacles on exports to Rupee Payment Area have, however, affected overall export growth. Efforts are being made to restore trade with the Republics of the former Soviet Union, and framework agreements are being entered into with all of them.

The Government is fully conscious of the need to protect the interest of all those workers who may be affected by restructuring as contemplated by the new policies. A programme of re-training and re-deployment will be taken up, for which necessary funds will be provided. The strength of India lies in its working class. A standing Tripartite Committee has been constituted to examine the impact of the New Industrial Policy on labour and make recommendations from time to time on labour related problems. The National Commission on Rural Labour submitted its report last July and made a number of recommendations for improving the position of rural workers through creation of employment opportunities, provision of social security, strengthening existing laws and enactment of new legislation. Government is studying these recommendations.

The rise in prices is a matter of grave concern. Inflation is being caused, to a large extent, by the fiscal deficit. Once the fiscal deficit is reduced and brought under control inflation can be expected to come down to reasonable levels. Other possible administrative steps like de-hoarding measures and increase in release of foodgrains have been taken. The inflation rate has come down from over 16% in August, 1991 to about 12% at present. The Government will continue to monitor prices and take steps to reduce these further.

The economic policy changes initiated recently will form the basis for the Eighth Plan which envisages a growth rate of 5.6%. This growth target is to be achieved by a proposed total outlay of Rs. 400,000 crore. The foremost objective of the Plan will be to generate increased employment. Other priorities of the Plan are eradication of illiteracy, universalisation of elementary education and providing drinking water and primary health facilities. The emphasis will be on people's involvement and in reaching out to the poorest and the most needy sections of our people. The Eighth Plan will also focus on strengthening infrastructure. The Policy approach for the 8th Plan has already been endorsed by the States at the recent meeting of the National Development Council and Government is confident that the economy will soon be on a sustainable and stable course of development.

Growth rates have been encouraging in several critical infrastructure areas like electricity, coal, steel and cement. Government is committed to

further strengthening infrastructure. Every effort will be made to step up power supply and make it more stable. The development of atomic energy and non-conventional energy sources will receive high priority. The importance of effective communication systems for the country's development cannot be overstated. These will be strengthened. Every effort will be made to increase the capacity and transport capability of the railway network. A new shipping policy is being initiated. A major restructuring of Indian Airlines and Air India is envisaged which will include modernisation of the fleet and support facilities. The network of telecommunication services, particularly in the rural areas, will be substantially extended.

The progress made by the country in the field of science and technology is a matter of pride. To cite only a few, the indigenous fabrication of the second generation INSAT-2 series of satellites is proceeding according to schedule. INSAT-2A is expected to be launched next month. With the planned launching of Satellite Launch Vehicles, in the next one year, India will join the ranks of those few countries which have their own launch capability. The limitless potential of bio-technology which is of direct relevance to areas as diverse as agriculture, pisciculture and health will be exploited to the full. The exciting possibilities of electronics will be followed up so that it brings tangible benefits to our people. The development of the new contraceptive pill is yet another example of the benefits to be reaped through scientific advance. Even while reaching out to frontier areas, scientific and technological research must, in the final analysis, be closely linked to improving the quality of life of our masses.

While doing everything possible to accelerate the pace of progress, there must be environmental accountability all round—on the part of Government, industry and people. A scheme of financial incentives and disincentives would supplement the normal regulatory measures to achieve this purpose. It is proposed to take up during the Eighth Five Year Plan, a scheme of associating tribals and rural poor in afforestation of degraded forests on a usufruct-sharing basis. The Wastelands Development Programme launched in 1985 will be strengthened and it is proposed to take up the integrated development of micro-watersheds in 50 districts in the country. With the experience gained in the cleaning of the river Ganga, the Government proposes to take up the cleaning of the major tributaries of this river and the grossly polluted stretches of other major rivers under the National River Action Plan. India looks forward to the forthcoming United Nations Conference on Environment and Development and will work towards ensuring that the Conference safeguards the interests of the developing countries.

One of the world's worst industrial tragedies took place in Bhopal on 2 December, 1984. The aftermath of this event has scarred the lives of thousands of people. The Government of India had taken upon itself the responsibility to secure compensation for those affected and provide them relief. The legal processes have been completed by the directive of the

Supreme Court on 3 October, 1991. Government will ensure maximum relief to the victims.

The tourism sector has emerged as one of the largest foreign exchange earners providing employment to many. Government has launched a major initiative to accelerate growth of tourism in cooperation with the State Governments, travel trade and hotel industry. This has already started yielding results and the tourist arrivals have picked up, recording the highest level of international tourist arrivals in December 1991. The Government's tourism Action Plan includes tourist facilitation at international airports, liberalised charter policy, creation of special tourism areas for integrated development and intensive marketing of select destinations along with a major thrust to the promotion of domestic and low budget tourism. Our people must be provided with adequate facilities so that they get to see and know their own country better. With this in view Government will focus on youth tourism.

The foundation of our future security and progress lies to a great extent in agricultural growth. The dramatic progress we have made in agriculture, including in food crops, horticulture, fisheries, animal breeds and poultry, has a lot to do with progress in our research laboratories, but more than all else, it is the story of the life of the Indian farmer, his grit and determination. 1990-91 was the third agricultural year in succession when a new record in foodgrains production was achieved. During 1991-92 the South-West monsoon was erratic in its temporal and spatial behaviour, and some fall in production is likely. While our researchers are now producing technologies to off-set the vagaries of weather, more intensive efforts have to be organised in the long term for improvement of land and productivity in rainfed areas since 70% of India's agriculture is based on rainfed farming. The Government has already taken up a massive programme for improving the productive potential of rainfed land through improved crop practices, effective pest control, prevention of soil erosion and better *in situ* moisture conservation. During the Eighth Plan, horticulture, animal husbandry, livestock development and agro-processing will be given high priority. Cooperative and research efforts will be intensified in the sheep, poultry and piggery sectors. Processing and marketing facilities in these and other areas will be strengthened, in order to create the right conditions for an increase in rural incomes. Research emphasis will be on increasing productivity of oilseeds, pulses and cereals, and diversification of agriculture for income and job generation, specially in the rural areas.

Recently, issues associated with the sharing and allocation of waters between States have been generating passions and tensions. It will have to be ensured that water, one of nature's precious gifts, is shared in an equitable manner in the larger national interest. Water is a flowing entity, variable in quantity from year to year and season to season. It should be managed in a harmonious manner in a spirit of understanding and

cooperation between the areas served by it. Rivers should be a binding force for the people of different regions rather than a matter of discord. Every effort should be made to resolve through dialogue all disputes relating to the use of waters of any inter-State river. Should this not be possible, Government will ensure expeditious settlement of the disputes through the adjudication machinery set up by law for the purpose.

Effective measures are being taken to generate greater employment opportunities for the most disadvantaged sections through the Integrated Rural Development Programme and the Jawahar Rozgar Yojana. Special efforts will be made to expand employment opportunities for Scheduled Castes, Scheduled Tribes and women. No effort would be spared to provide safe drinking water to our people, on which depends the state of their health. All identified 'no source problem villages' will be provided with a drinking water source by the end of 1992-93. In recognition of Shri Rajiv Gandhi's commitment to provide safe drinking water to the remotest of remote villages, Government have re-named the Technology Mission on Drinking Water for Rural Areas as the Rajiv Gandhi National Drinking Water Mission. Rural housing will receive special attention by improving the quality of implementation of the Indira Aawas Yojana. Government is committed to the strengthening of the Panchayati Raj institutions so that effective political power rests with the people themselves. To this end, a Constitution Amendment Bill has been introduced in the Lok Sabha in September, 1991.

Poverty is no less acute in the urban areas. Employment generation and poverty alleviation schemes in the urban sector will be continued. A new National Housing Policy is on the anvil. The main objective of the new policy will be to create an enabling environment for housing activity and to assist people, in particular the vulnerable sections, to secure for themselves affordable shelters through access to developed land, building materials, finances and technology. Government is committed to the eradication of the dehumanising practice of manual scavenging through low cost sanitation schemes through a time bound programme. Schemes for conversion of dry latrines into low cost sanitation units have been already approved for over 740 towns in the country. Rehabilitation of those engaged in the practice of scavenging is also being undertaken. Government has decided to bring a legislation under Article 252 of the Constitution making the practice of engaging manual scavengers an offence. A Constitution Amendment Bill has been introduced in the Lok Sabha with a view to strengthening urban local bodies so that they are able to provide better facilities and services to the people.

The Government is acutely conscious of the problems of the Scheduled Castes and Scheduled Tribes. In respect of repeated incidents of atrocities against Scheduled Castes and Scheduled Tribes, a special conference of Chief Ministers was held in October 1991 in order to focus on the need for the State Governments to pay special attention to deal with this problem.

The State Governments have also been advised to identify tension-prone areas and to take special administrative measures to deal with them. In the context of job opportunities for Scheduled Castes and Scheduled Tribes, Government has been taking measures to increase their representation in Government departments, public sector undertakings and banks. With this objective in view the third special recruitment drive is under way at present. In accordance with the commitment given in my Address last year, a National Backward Classes Finance and Development Corporation has been set up with an authorised paid up capital of Rs. 200 crore to promote the economic development of the socially and educationally backward classes.

In my last Address I had mentioned that steps would be initiated for the effective implementation of the 15-Point Programme for the welfare of minorities which seeks to ensure that minorities are protected and that they are not discriminated against in the matter of employment in public services and benefits from development schemes. To realise this objective the 15-Point Programme is now being recast to make it more effective.

The Government has decided to confer statutory status on the Rehabilitation Council of India. The Council sets the standards for manpower training for rehabilitation of the disabled. Government has also decided to introduce legislation for setting up a National Trust for the welfare of persons suffering from mental retardation and cerebral palsy.

Government will give very high priority to the needs of children and women, the most vulnerable of groups in our society. Government will expand the ICDS programme during the Eighth Plan so as to cover the entire country. The girl child will receive particular attention with focus on her nutrition, health and educational needs. Government is aware that mere legislative, administrative and judicial protection of women is not enough. The ultimate answer to the question of women's equality lies in their empowerment through organising them to defend their social and economic rights and in the creation of better income and self-employment opportunities. Government, therefore, would implement the Indira Mahila Yojana. Towards this end, Government has constituted the National Commission for Women.

Government attaches the highest priority to ensuring that no uncertainty whatsoever exists in the people getting their basic daily necessities. To this end, Government will make all-out efforts to strengthen the Public Distribution System. The corner stone of the Government's policy here would be vigilance and supervision over distribution at the village level involving local initiatives and entrustment of these responsibilities to women in particular, in order to fight leakages and malpractices. While efforts to improve the functioning of the Public Distribution System all over the country would receive attention, priority would be given to implement the revamped Public Distribution System in about 1,700 blocks spread

over the remotest and most backward areas of the country, such as those covered by the Integrated Tribal Development Projects, the Drought Prone Areas Programme, the Desert Development Programme, the Designated Hill Areas and Urban Slums. To ensure doorstep delivery of essential commodities to fair price shops, infrastructure and credit facilities would be improved and strengthened. Commodity coverage in the Public Distribution System would be broadened. Measures in this direction have already been initiated in close cooperation with the State Governments. The Essential Commodities Act, 1955 is being strictly enforced against hoarders and blackmarketeers to enhance and sustain availability of essential commodities and this drive will continue. The Government looks upon the Public Distribution System as the centre of a new social development focus to be imparted to its various anti-poverty programmes. Appropriate linkages will be forged with other programmes like the Jawahar Rozgar Yojana and the ICDS. All out efforts are being made to protect and promote the rights and interests of the consumers. At present 28 State Commissions and 360 district forums are functioning in the country under the Consumer Protection Act, 1986. The Chief Ministers have been requested to set up the remaining State Commissions and district forums and to ensure that they function effectively. 82% of the 33,851 complaints filed before the district forums have been decided in favour of the consumers. Government has recently received the Report of the High Power Working Group constituted to suggest amendments to the Consumer Protection Act, 1986. The Report is presently under examination. The recommendations of the Working Group on the amendments required to make the Consumer Protection Act, 1986 more effective would be discussed in the Central Consumer Protection Council shortly.

Government is implementing 14 National Health Programmes, including the Malaria Eradication Programme, Leprosy Eradication Programme, Control of Blindness and AIDS Control Programme. Kala Azar is being reported year after year and in recent times it has assumed epidemic proportions in Bihar. This needs to be tackled on a war footing. There is also the emerging problem of AIDS. Government has already prepared a programme to deal with this menace, taking into account, among others, the crucial factor of blood safety. There has been a dramatic reduction in the prevalence rates of leprosy and improvement in the discharge of patients. A comprehensive programme is proposed to be taken up to permanently upgrade ophthalmic facilities at the District and Community Health Centre levels. There has generally been a declining trend in the incidence of vaccine preventable diseases. Poliomyelitis cases have significantly declined. Declining trends in the case of whooping cough and diphtheria are also significant.

The rate at which our population is growing will put tremendous pressure on our resources. The Government has taken steps in recent months to evolve an integrated and holistic approach to achieve a marked

decline in the birth rate. Towards this end an Action Plan has been drawn up which seeks to improve the quality and outreach of services. It is now proven that birth rates have remained high in areas with low female literacy, low age of girls at marriage and high infant and maternal mortality. It is in these areas that special efforts will be concentrated under the Action Plan. Particular attention will be given to 90 districts in the country which have a crude birth rate of over 39 per thousand. The Action Plan was scrutinized and endorsed by the National Development Council and at a meeting of State Health and Family Welfare Ministers. The National Development Council has also set up a Sub-Committee of Chief Ministers on Population Control to act as the focal point for all the measures under this Action Plan. The problem of population is not a concern confined merely to the Central and State Governments. Elected representatives, voluntary organisations, other leaders of public opinion—indeed each one of us, cutting across all sections of society, will have to participate in these efforts. A national consensus on this is the need of the hour and Parliament has to take the lead in this matter.

A National Policy on Education was adopted by Parliament in 1986 and its implementation commenced soon thereafter. Several developments in the sphere of education, and the Report of the NPE Review Committee, made it necessary to examine the need for modifications in the Education Policy. The process of examination is soon to conclude and I am confident that the uncertainty in respect of the Policy will now be set at rest reiterating the main thrusts of the 1986 Policy. The National Literacy Mission, which was launched by the late Shri Rajiv Gandhi in May 1988, has made significant strides. I share with you a sense of pride in the fact that all the Districts of Kerala and Pondicherry, as well as several in other States, have succeeded in eradicating illiteracy. Total Literacy Campaigns are at present being implemented in nearly 70 districts in the country. The campaigns in these districts will cover nearly 30 million illiterates in various age groups and would cost Rs. 210 crore. The campaigns are being implemented with the active cooperation and support of voluntary agencies. We, however, still have a long way to go and need to commit ourselves to the great and challenging task of freeing all parts of the country of illiteracy, particularly in the 15—35 age group, by the end of the Eighth Plan. We have simultaneously to work towards universalisation of primary education—comprising universal access, universal participation and universal achievement of minimum levels of learning. The formal system of primary education has been strengthened by a Centrally Sponsored Scheme of Operation Blackboard which is designed to provide necessary infrastructure. 3.8 lakh schools out of a total of 5.7 lakhs in the country have already been covered. More than 70,000 additional teachers have been appointed. Assistance from the Central Government to the tune of Rs. 620 crore has already been provided. In addition, to provide learning opportunities to those children who are not in a position to avail of

formal school facilities, 2.45 lakhs centres of Non-Formal Education are being conducted by State Governments. Another 27,000 are being conducted by 410 voluntary agencies. Central assistance to the tune of Rs. 208 crore has been provided towards these efforts. We also need to effectively delink degrees from jobs and to give to the entire educational system a work and vocational orientation. A decision has already been taken to set up a Central Institute of Vocational Education under the National Council of Educational Research and Training. The Institute will actively promote the vocationalisation of education. The need to persist with attention to improvement of technical education is obvious. It is essential to create conditions for much greater rigour in teaching and research and to enlarge the number of institutions pursuing standards of excellence.

Events on the world scene have continued to unfold at an amazing pace since I last addressed Parliament in July last year. The intervening period has been an extremely active one in India's foreign policy.

The Government's foreign policy priorities are to maintain the unity and territorial integrity of India, to ensure our geo-political security by creating a durable environment of stability and peace in our region and to build up a framework conducive for the economic well-being of our people by encouraging a healthy external economic environment. Within this overall framework of priorities, we are of course not only conscious of our geographical location, but are aware that our destiny lies in Asia, more specifically in South Asia. The very fact that the First Asian Relations Conference was convened by India as early as 1947 bears witness to the fact that this has been the central pillar of independent India's foreign policy from the very beginning. India's policies are geared to be a part of resurgent Asia as it is our hope that the 21st century would be an Asian century.

Strengthening relations with our neighbours on a bilateral basis as well as through the South Asian Association for Regional Cooperation is of the highest priority. The recent SAARC Summit held in Colombo last December should hopefully impart economic content to growing cooperation amongst the South Asian countries within the SAARC framework.

The recent visit of the Prime Minister of Nepal has ushered in a qualitatively new era of relations between the two countries resulting in opening very important areas of cooperation which will fortify the unique closeness of our ties, strengthened by the emergence of multi-party democracy in Nepal.

The recent visit of the Chinese Premier has been an important milestone in the further development of our relations. We have enhanced our mutual understanding through exchange of views on bilateral, regional and international issues at the highest level.

We are keen that the traditional friendly relations with Bangladesh are further expanded in the changed context with the advent of democracy in Bangladesh becoming an additional bond between the two countries.

We are committed to the strengthening and consolidation of bilateral relations with Sri Lanka in keeping with the traditional and historical ties between the two countries. The voluntary return of Sri Lankan refugees back to their homeland, based on assurances received from Sri Lanka Government, commenced on 20 January, 1992 and is continuing.

Our close relations with Maldives are being further consolidated with a number of exchange of visits at high level between the two countries during 1991.

Periodic high level exchanges have helped maintain and strengthen close understanding and cooperation in our excellent relations with Bhutan.

Pakistan's negative approach towards India and its support to terrorism in Punjab and Jammu and Kashmir continue to be the main impediments to normalisation of relations. The dangers inherent in its actions in violation of the Simla Agreement and universally accepted norms of inter-State conduct have been repeatedly pointed out to Pakistan. We have nevertheless continued with our efforts to carry the confidence building process and bilateral dialogue forward. Unfortunately, in the recent past, the Government of Pakistan and the Pakistan National Assembly have chosen to associate themselves with statements and actions that have vitiated the atmosphere. We hope that the Government of Pakistan will join us in serious endeavours to establish tension-free and good neighbourly relations between the two countries.

On 26 December, 1991, we announced our decision to accord formal recognition to the Russian Federation and to all the other Republics of the erstwhile Soviet Union. Russia has assumed the role of a successor State and has taken over the seat of the erstwhile Soviet Union in the United Nations Security Council. We have sought to maintain our traditionally addition to our Embassy in Moscow, we plan to open Embassies in Ukraine, Kazakhstan and Belarus and upgrade our Consulate General in Tashkent in Uzbekistan. A high level delegation recently visited Russia and Tashkent in Uzbekistan. A high level delegation recently visited Russia and Ukraine to establish a new framework of political relations with these independent republics and to review arrangements for maintaining our long standing trade and economic links with them. Several leaders from the Central Asian republics have visited and are expected to visit India during the next few months. During these visits, we shall seek to conclude appropriate agreements to promote our political, economic, commercial and cultural ties with these countries with whom we share historic bonds of friendship.

The values of democracy, individual liberty and respect for human rights which we share with the United States of America provide a strong basis

for close cooperation between the two largest democracies of the world. Our expanding consultations in both bilateral and multilateral fora encompass a wide range of issues including peace, security and threats emanating from terrorism and drug-trafficking. The United States is our largest trading partner and a major source of technology. It has been supportive of our efforts to overcome our temporary economic difficulties and launch a far-reaching programme of economic reform. We look forward to long-term and mutually rewarding economic partnership with the United States. The Prime Minister had a very useful meeting with President George Bush in New York during the recent UN Security Council meeting. There was a strong mutual interest expressed in further consolidating and expanding our bilateral and multi-dimensional ties.

We attach special importance to our relations with countries of West Asia and North Africa. We have over the years extended consistent and unequivocal support to the Arab cause, particularly to the Palestinian struggle for their just and inalienable rights. India has welcomed the reactivation of the West Asian peace process and the ongoing dialogue between Arab States and Israel to find a just and equitable settlement to the Arab-Israeli dispute.

Given the changed political realities in the region, India has decided to establish diplomatic relations with Israel. We look forward to establishing a comprehensive and multifaceted relationship with Israel.

India enjoys an enormous fund of mutual goodwill with African countries because of our consistent and effective support to the anti-colonial struggle in South Africa. We are proud that the liberation struggle in South Africa against apartheid has led to tangible reforms since 1990.

We have played a catalytic role in efforts to resolve the Cambodian conflict. India was among the countries specially mentioned in the Paris International Conference on Cambodia for facilitating the peace process.

We have demonstrated our support against attempts to institutionalise racial discrimination in Fiji by taking up the matter at the UN General Assembly from 1987 onwards and by opposing the re-entry of Fiji into the Commonwealth.

Japan's position as an economic super power in the present world draws us closer to enlarge our bilateral cooperation on a wide range of matters of mutual concern which we believe is an important factor for peace and progress.

We have enjoyed age old cultural and bilateral ties with the countries of South East Asia. This is a region which has made rapid progress in a very short time. The economic initiatives taken by the Government will create fresh opportunities for strengthening our economic interaction with this region. The Government attaches high priority to strengthening

our relations with ASEAN and its member countries. We look forward to initiating our sectoral dialogue with ASEAN soon.

Europe's emergence following the Maastricht Summit meeting last December as a stronger political and economic entity in the modern world is of great significance. The European Community is our major trading partner and an important source of investment and we are keen to expand and strengthen further our cooperation. Our Prime Minister's first visit abroad was to Germany where he discussed with German leaders a wide range of subjects of mutual concern and cooperation between the two countries. We have also had a useful dialogue with other major European countries like the United Kingdom, France and Portugal.

With the sweeping changes brought about by recent events at the end of the Cold War and issues connected therewith, the new configuration is bound to assume a new North-South complexion, in the framework of a non-confrontationist context and methodology. The developing countries of the world will need to gear themselves for this new odyssey of development, aimed at the attainment of equitable prosperity all over the world. World peace and comprehensive disarmament would make an important contribution to this ultimate vision of a happy and fulfilled humankind. India will work towards the realisation of this vision.

At the multilateral level, our participation has similarly been within our overall framework of priorities. The Non-aligned Movement is readjusting in a dynamic manner to the breathtaking pace of global developments. We have re-affirmed our faith in its continued relevance. The independence of national decision-making that is enshrined in its philosophy is today more relevant than ever before. In other multilateral fora such as the G-15 and the Commonwealth Summit, the Prime Minister not only articulated our views on important issues but re-emphasised the need to restore the centrality and criticality of development issues on the multilateral agenda. The Uruguay Round of negotiations has reached a crucial stage. We shall continue to defend our vital interests and seek improvements as we work towards the establishment of a fair and balanced multilateral trading system.

Environmental issues are fast moving to the forefront of international concern and attention. We are actively participating in multilateral cooperative efforts and supporting the forging of a global partnership which seeks to integrate the developmental needs of the developing countries in solutions to environmental problems.

We believe that given the global reach of nuclear weapons we need to follow a global approach with regard to nuclear disarmament issues. Partial or piecemeal measures such as Limited Nuclear Weapons Free Zone, therefore, seem to be of little utility and could even detract us from our ultimate goal.

The Summit level meeting of the UN Security Council on 31 January 1992 served to highlight the new and effective role that the UN has assumed in the wake of the momentous changes in the international situation. Our Prime Minister set forth at the meeting our position on some vital issues such as a new international consensus on a global non-proliferation regime, harmonisation of the defence of national integrity with respect for human rights and a just and fair world economic order. The meeting provided an opportunity for world leaders to exchange ideas on the future of the United Nations and to pledge their support to the new Secretary General.

India is on the threshold of taking rapid and purposeful strides into the future. Conditions are being created so that there is an acceleration in the pace of development, our people can enjoy a better quality of life and India can hold her own in a rapidly changing world. The present is full of challenges as well as opportunities. Let us convert the challenges into opportunities. Let us not shy away from treading new paths. Let us be bold and innovative in our approach. The hardships of the present are only the harbingers of a brighter future. But even as we move into the future, let us be disciplined and resolute in our approach. Let us shun acrimony for dialogue, violence for amity lest we be deflected into the by-lanes of history.

Honourable Members will be called upon to consider in this Session important legislative business and other matters of great national importance. Your deliberations will, I am sure, be informed by reflection and wisdom. I now commend you to your tasks and wish you all success.

Jai Hind.

SEMINAR ON CONSTITUTION OF INDIA IN PRECEPT AND PRACTICE

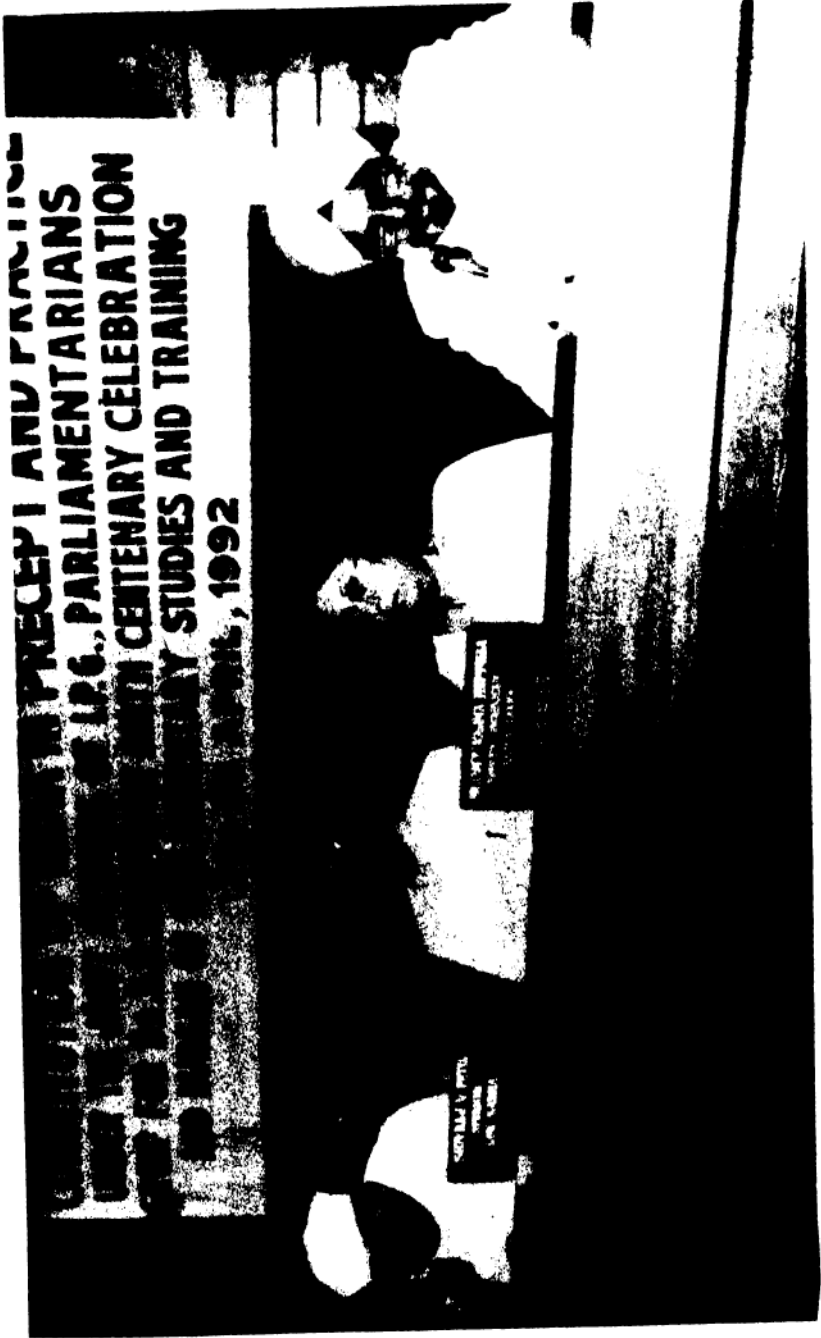
—LARRDIS

A Seminar on *Constitution of India in Precept and Practice* was held in Parliament House Annexe, New Delhi on 25-26 April, 1992. The two-day Seminar, organised under the joint auspices of the Parliamentarians Group for Dr. B. R. Ambedkar Centenary Celebrations, the Indian Parliamentary Group (IPG) and the Bureau of Parliamentary Studies and Training (BPST) of the Lok Sabha Secretariat, was inaugurated by the Speaker, Lok Sabha, Shri Shivraj V. Patil on 25 April 1992. Sardar Buta Singh, former Union Minister and Convenor of the Parliamentarians Group for Dr. B. R. Ambedkar Centenary Celebrations, presided over the inaugural function. The Seminar was divided into four Theme Sessions, viz. Constitution of India as an Instrument for Economic Growth and Social Justice; Accountability Vs Stability; Constitution of India and National Integration; and Constitution of India in Precept and Practice. The Seminar was attended by Union Ministers, Presiding Officers of State and Union territory Legislatures, parliamentarians, jurists, constitutional experts, political scientists, academicians and journalists.

In his inaugural address, Shri Shivraj Patil said that it was most appropriate that the Seminar coincided with Dr. B. R. Ambedkar's birth centenary celebrations. Dr. Ambedkar was a great jurist, a great politician, a great visionary and above all, a great human being full of compassion for the downtrodden and the destitute. His heart pained at the plight of the weak and the underprivileged, yet he was not bitter towards anybody. That was the greatness of his heart and that was because of the compassion he felt for the entire humanity, Shri Patil asserted.

Referring to Dr. Ambedkar's pivotal role in the drafting of the Constitution, Shri Patil said that our Constitution bears the imprint of his genius and his vision. The nation would like to follow Dr. Ambedkar's advice in many matters relating to the fundamental law of the country and restructuring of the society and doing justice to all.

**SEMINAR ON PRECEPT AND PRACTICE
OF THE CONSTITUTION OF INDIA, 1950
BY THE L.P.C., PARLIAMENTARIANS
AND THE CENTENARY CELEBRATION
OF THE INDEPENDENCE OF INDIA
BY STUDY STUDIES AND TRAINING
INSTITUTE, DELHI, 1992**



A view of the Seminar on the Constitution of India in Precept and Practice. Seated on the dais (from left to right) are: the Union Minister of Law, Justice and Company Affairs, Sri. Vijaya Bhaskara Reddy, the Speaker, Lok Sabha, Sri Shivraj V. Patil, the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla and the Convener of the Parliamentarians' Group for Dr. B. R. Ambedkar Centenary Celebrations, Sardar Buta Singh.

In his thought-provoking inaugural address, Shri Shivraj Patil dealt at length with the varied aspects of the working of the Constitution. Touching one of the focal themes of the Seminar, "Constitution of India as an Instrument for Economic Growth and Social Justice", he said that over the years, we have been able to tackle several socio-economic problems making use of the constitutional provisions in this regard. But, the nation was still confronted with critical issues like unemployment, population explosion and income disparities. Some of the legislations that were enacted have contributed substantially to the betterment of the conditions in urban centres and organised sectors, but they were yet to make any significant impact in the rural areas. These problem areas deserve greater attention, he observed.

Referring to the theme "Accountability Vs. Stability", Shri Patil emphasised the need for ensuring reasonable stability while not compromising on accountability. He pointed out that while there were regular and periodic elections to the Parliament and State Legislatures, this was not so in the case of local bodies. On the issue of presidential and parliamentary systems, he felt that parliamentary system was better suited to our ethos and genius. In the context of ensuring reasonable stability, he suggested that the Seminar could consider various propositions like: a fixed tenure for the executive; providing for only confidence motions in the House as against no-confidence motions; and if it is a no-confidence motion, it may be passed by an absolute majority or special majority and not by simple majority. He further suggested that a no-confidence motion must be passed by both Houses of the Legislatures. This, he felt, could provide for more reasonable stability.

In his observations on the theme "Constitution of India and National integration", the Lok Sabha Speaker maintained that there are provisions in our Constitution to keep the country united. In this connection, he said that the Parliament, the Judiciary, Administration, defence services, Planning Commission, National Integration Council and National Development Council are all contributing in their own ways in promoting national integration. Referring to the threat posed to our national unity by forces internal and external, he asserted that there was a need to educate people, develop the right ethos and values, ensure socio-economic justice and have the right vision and perspective.

Speaking on "Constitution of India in Precept and Practice", the other theme of the Seminar, Shri Shivraj Patil reiterated that the Constitution has certainly been able to deliver the goods, even though some problems still remained. Some of these relate to providing better socio-economic justice, tackling money and muscle power and casteism which vitiate our political democracy, ensuring regular and periodic elections to local bodies, disposal of pending cases in the Courts thus meting out justice without delay and integrated planning at the national, state, district and local levels. He also suggested that there should be a forum of the Executive of the Union and the States to discuss, formulate and evaluate

national policies so that there is better all-round coordination of all activities of the nation.

Delivering the Key-Note Address on "Constitution of India as an Instrument for Economic Growth and Social Justice" in the first Session on the forenoon of 25 April, the Union Minister of Law, Justice and Company Affairs, Shri Vijaya Bhaskara Reddy reiterated that the Constitution is valid even today and has stood the test of time. Referring to demands made in certain quarters for radical reforms in the Constitution, he said that it would not be correct to attribute any problems which we may have faced or may be facing to deficiencies in the Constitution. Our Constitution was drafted after taking into consideration the constitutional experience of several countries of the world. Asserting that without economic content freedom is meaningless, Shri Reddy called for vigorous efforts to examine the gap between promise and performance, between resolutions and implementation, between hopes raised and results achieved, between distance travelled and the distance that remains to be travelled and between our radicalism in principle and conservatism in practice. The Constitution, he said, is first and foremost a social document. While there may be a gap between the precept and actual practice we have always endeavoured to uplift the poor, the weak and the minorities, he added. Shri Reddy expressed the hope that the participants in the Seminar drawn from various disciplines would go deep into the issues involved and make meaningful suggestions for strengthening the democratic and constitutional processes in the country.

Participating in the discussions Minister of State for Planning and Programme Implementation, Shri H.R. Bhardwaj said that understanding Dr. Ambedkar is essential for understanding the philosophy of our Constitution. The message of this centenary celebrations is the need for providing protective discrimination in favour of the weaker sections of the society, he added. Dr. Umeshwar Prasad Verma, Chairman, Bihar Legislative Council said that our Constitution no doubt envisages a great change in the society and in the country at large. It envisages economic growth and social justice but unless it is added with an innovational and motivational impact on the people, and on the political system, the high ideals of economic growth and social justice cannot be achieved. It has not been achieved so far and cannot be achieved in future unless we educate ourselves in the spirit of the Constitution, Dr. Verma asserted.

Describing part 3 of the Constitution guaranteeing Fundamental Rights as the one single tremendous contribution made by Dr. Ambedkar to the framing of the Constitution, Shri Soli J. Sorabjee, former Attorney-General of India said that there should be no difficulty in harmonising both Fundamental Rights and Directive Principles. Mr. Justice S. Mohan of the Supreme Court emphasised that the Supreme Court has never lagged behind because it has found the great aspirations of the people to establish a just social order in the right sense. Shri Ishwar Singh, Speaker,

Haryana Assembly, called for bringing down the gap between the rich and the poor and bridging the gulf between the urban and the rural areas. Former Ambassador, Shri Badr-ud-Din Tyabji maintained that our Constitution could not be better and there is really no need of going on examining again and again what is wrong with the Constitution. What is wrong is how we have implemented it, he added.

Shri Purushottam Goyal, Chairman, Delhi Metropolitan Council said that the Preamble is the "code-key" of the Constitution; Fundamental Rights are the "core-arch" of the Constitution and the Directive Principles are the "compass pointers" of the Constitution. Smt. Shyamala Pappu, Senior Advocate of the Supreme Court observed that the Constitution may require a change here and there but basically we have a very fine and most comprehensive document which covers every field of activity and every sector of the population of our country. Prof. R. K. Nayak of the Indian Law Institute said that while the Constitution by itself is a very good document, many of its provisions relating to socio-economic justice are not being put into practice in reality. Shri Jiba Kanta Gogoi, Speaker, Assam Legislative Assembly, suggested that we should think in a new way so that we can give equality and equal status and safeguard the interests of the poorer sections of the people as also the nation at large. Prof. R. N. Thakur of the Indian Institute of Public Administration said that an arrangement has to be evolved through a close-knit functioning of the Parliament, the Judiciary and the Executive through the instrumentality of the Constitution to secure economic growth and ensure social justice to the people who are the sovereign.

Prof. C.P. Thakur MP, said that the Constitution is a fascinating document for it combines in itself the accumulated wisdom of that time and blends with it the capability of resilience. Shri S.P. Gautam, MP, pointed out that we cannot achieve our goals unless and until we implement the provisions of the Constitution in the right perspective and in right earnest. Shri Anil Mukherjee, Deputy Speaker, West Bengal Legislative Assembly said that even though the Constitution provides enough scope for socio-economic justice, we have not been really successful in tackling many problems and called for efforts to find out ways and means by which it could be worked better.

Continuing the deliberations, the afternoon Session of the Seminar took up the theme "Accountability Vs. Stability". In his Key-Note Address, former Union Minister and veteran parliamentarian, Shri Vasant Sathe asserted that there is no contradiction between accountability and stability. In fact, accountability is the pre-requisite to stability in any system, he felt. Emphasising the imperative need for strengthening nationhood, especially in the wake of threats to its unity and integrity, he said that we should take a fresh look at our Constitution. In order to ensure stability, he reiterated that the President or the Chief Executive should be directly elected.

With regard to accountability, Shri Sathe said that the role of Parliament is basically to legislate and keep vigilance over the Executive and not to interfere in its day-to-day working. In this context, he suggested that Parliament should work through an elaborate committee system where in-depth consideration and analysis of various governmental actions can be attempted. The main objective of the government must be to create conditions and opportunities where individual citizens have the scope to develop and achieve excellence in the field of his or her own choice. The only parameter to judge accountability should be results, he felt, and for this he suggested that we must introduce in our system the ACA factors—Authority, Continuity and Accountability. Shri Sathe further advocated that there should be no resistance to the demands for creation of more States in the country because that would put an end to the agitations sweeping across the country and do away with regional imbalances.

Participating in the discussions, former Union Minister Shri K. Natwar Singh described the survival of the Indian political democratic experiment as a remarkable miracle of the times. He bemoaned the fact that there has been a deterioration in quality, honesty and intellectual integrity in the country. Honesty is a state of mind; no law can make one honest or dishonest, he added. In this context, he said that Mahatma Gandhi had only moral force at his command and his concept of non-violent political action is the only original political idea to originate in Asia, Africa and Latin America during the last 350 years. Shri Natwar Singh called upon the people not to lower our standards so that the nation can achieve its goals. Referring to the growth of sub-nationalism, he maintained that the solution to such problems is accommodation, and not suppression.

In his speech, Shri Hari Shankar Bhabhra, Speaker, Rajasthan Legislative Assembly laid emphasis on various factors that lead to political instability in the country and called for appropriate measures to check these trends. Shri Shaikh Hassan Haroon, Speaker, Goa Legislative Assembly said that weak Governments having no sizeable majority suffer from indecisiveness and face crisis in Legislatures on various issues, even leading to the fall of such Governments. In this changing world, we cannot afford to have a hung Legislature, he added. Shri D. Sripada Rao, Speaker, Andhra Pradesh Legislative Assembly, asserted that if we really follow the principles enunciated in the Constitution, we can achieve stability and accountability as also national integration which is the need of the hour.

Participating in the deliberations, Mr. Justice H.R. Khanna, former Judge of the Supreme Court, said that both stability and accountability are imperatives for a nation. Stability is a national need while accountability is a democratic requirement, and we have to synthesise the two at a time, he added. Maintaining that there is no need to shift away from a parliamentary system of Government, Shri Sharad Dighe, MP, said that from the democratic point of view, between stability and accountability, we



A view of the participants at the Seminar on the Constitution of India in Precept and Practice.

should always prefer accountability. Agreeing with Shri Vasant Sathe that accountability and stability are not contradictory but complementary, Mr. Justice B.N. Misra, Chief Justice, Sikkim High Court, pointed out that accountability may ultimately lead to stability and it has been considered part and parcel of the parliamentary form of Government where there is collective responsibility of the Council of Ministers and the accountability of the Executive to the Parliament. Shri Anil Mukherjee, Deputy Speaker, West Bengal Legislative Assembly, called for the strengthening of the Committee System to ensure greater accountability. Shri P.M. Bakshi, Director, Indian Law Institute and a former Member of the Law Commission of India, agreed with Mr. Justice H.R. Khanna that we have to evolve a kind of a constitutional discipline, a kind of constitutional morality, a kind of constitutional ethics of good conduct. The people are ultimately accountable to their own conscience and if the people fail themselves no Constitution can save them, he added.

The proceedings of the first day of the Seminar concluded with a vote of thanks by Shri Om Mehta, Honorary Adviser, Bureau of Parliamentary Studies and Training (BPST).

"Constitution of India and National Integration" was the theme for discussion at the morning Session on 26 April, the second day of the Seminar. In his Key-Note Address, Shri L.K. Advani, the Leader of the Opposition in the Lok Sabha, said that since time immemorial, India had been one country and Indians were one people irrespective of the existence of diverse castes, creeds and languages. He observed that the selection of the word 'Union of States' in place of 'Federation of States', as earlier suggested by the Drafting Committee, was deliberately made to emphasise that the people of India were one and indivisible.

While Shri Advani maintained that the Constitution of India was reasonably well designed, he felt that there is a need for the setting up of a National Commission on the Constitution to review the working of the Constitution during the last four decades. This Commission, he said, could consider several radical reforms being periodically canvassed such as a switch-over to the presidential system; consideration of the Speaker's suggestion that tenure of Parliament and State Legislatures be made inflexible so that the polity is not subjected to repeated elections; and changes in the electoral system.

Shri Advani called for a second State's Reorganisation Commission to look into the need for creation of smaller States keeping in view the balanced development of all regions in the country. He also pleaded for strengthening local self-government institutions right down to the Panchayat level.

Former Union Minister and eminent jurist, Shri A.K. Sen who spoke after Shri Advani, asserted that the Indian Union which is based on the supreme faith of the people and built up through centuries will survive

despite all the prevailing dangers and challenges. We, however, have to think in terms of confronting these fissiparous and divisive forces. This cannot be done by merely divising further provisions in the Constitution but by producing people with intellect, honesty, integrity and leadership which can fight these forces and mobilise the people as a solid front against them, he added.

Participating in the discussions, former Ambassador Shri Badr-ud-Din Tyabji said that we have to have a consensus and an agreement on building up a united India and it can be done only on the basis of participation and representation of all the elements which are there in the governance of the country. Mr. Justice H.R. Khanna observed that there is no contradiction between one's loyalties to one's religion and to the nation. Emphasising the importance of a strong Centre as also strong States, he deplored the misuse of article 356 of the Constitution by various Governments at the Centre. He also called for transfer of more powers to the States and local bodies. Shri Ghulam Sarwar, Speaker, Bihar Legislative Assembly, said that it is the bounden duty of every citizen to help in building a secular and united India as envisioned in the Constitution.

In her speech, Smt. Malini Bhattacharya, MP, stressed that the Centre can only become stronger by allowing the States to develop, to have financial rights, financial strength, the strength that the States require for their own development. Shri Syed Shahabuddin, MP, emphasised that there is an urgent need for emotional integration of the people of the country. Equality and justice among different sections of people, States and religions are basic to the maintenance of national unity and integrity, he felt. Like Shri Advani, Shri Shahabuddin too called for the setting up of a Constitution Commission to make a thorough review of the provisions of the Constitution. In the context of the rising demands for more autonomy, Shri P.R. Kyndiah, Speaker, Meghalaya Legislative Assembly suggested that it is high time that we thought of a three-tier system instead of the two-tier system—Union and States—which we are having presently. Smt. Rita Verma, MP, called for strengthening of the existing institutions as also the creation of new institutions to grapple with the new realities.

In his speech, Shri Sailen Chatterjee, eminent journalist said that while implementing national integration, we should not forget Mahatma Gandhi's emphasis on the human aspect of the whole system. Shri Simon Peter D'Souza, Deputy Speaker, Goa Legislative Assembly, observed that only politics with principles, education with character, wealth with charity, commerce with morality and science with service to humanity will go to form a true national integration. Shri Jiba Kanta Gogoi, Speaker, Assam Legislative Assembly emphasised the need for making the National Integration Council more effective and said, if need be, the Constitution should be amended for this purpose. Shri Champalal Jain,

MLA, Rajasthan Legislative Assembly, laid stress on the outstanding contributions made by Dr. B.R. Ambedkar in the drafting of the Constitution.

Participating in the discussions, Shri Ishwar Singh, Speaker, Haryana Vidhan Sabha, said that our educational system should highlight the importance of national integration. Shri A. Dharma Rao, Deputy Speaker, Andhra Pradesh Legislative Assembly, observed that the provisions of the Constitution are good enough to maintain the unity, development and emotional integrity of the country, thanks to the wisdom of the founding fathers, especially Dr. Ambedkar. Prof. C.P. Thakur, MP, said that the time has come to take note of the possibilities of the Executive, Legislature, Judiciary and the Civil Services working at cross purposes and in the process hurting the common cause rather than promoting the common cause which was the thought behind the design of that. In his speech, which could not be delivered due to paucity of time, Shri Rati Mohan Jamatia, Deputy Speaker, Tripura Legislative Assembly asserted that if we have to tackle the myriad problems facing the country today, the people at the helm of affairs should abide by the directives of the Constitution and take urgent steps for extending justice—social political and economic—to all its citizens.

The afternoon Session of the Seminar took up for discussion the topic "Constitution of India in Precept and Practice". Delivering his Key-Note Address, former Union Minister and the Convenor of the Parliamentarians Group for B.R. Ambedkar Birth Centenary Celebrations, Sardar Buta Singh paid rich tributes to Dr. Ambedkar, the prime architect of the Indian Constitution. Continuing the trend of discussion of the previous Sessions, he emphasised Dr. Ambedkar's overall role in the Constituent Assembly in devising social and political measures for uprooting socio-economic inequality, especially untouchability. Asserting that we have still a long way to go in this regard, Shri Buta Singh made an impassioned plea for the continued enforcement of reservations for the weaker sections of society.

Participating in the discussions, former Union Minister Shri P. Upendra observed that there were many distortions in the implementation of various constitutional provisions, especially those relating to Centre-State relations. He said that transfer of judges is being used to coerce the Judiciary. On another front, Planning Commission, which has no constitutional status, is allocating money for implementation of the plans. Even Panchayati Raj institutions are suffering from interference from the Centre, he added.

Shri Soli J. Sorabjee, former Attorney-General of India, pointed out that article 356 of the Constitution has been repeatedly misused. In this context, he suggested that article 356 should be subject to judicial scrutiny. He also called for specific guidelines for the removal of the Governor. Shri D. Sripada Rao, Speaker, Andhra Pradesh Legislative

Assembly, drew attention to Shri Jawaharlal Nehru's cor:ment that the Constitution is a living organism and it must grow and meet the challenges posed by changing conditions. In view of the rise of such unforeseen challenges today, we should consider providing some constitutional provisions taking into consideration the prevalence of a gap between the precept and practice, Shri Rao added. In the context of the difficulties faced by the big States in the matter of administration, Shri Harcharan Singh Ajnala, Speaker, Punjab Vidhan Sabha, called for a re-organisation of the States so that such problems are tackled effectively. Shri Yudhisthir Das, Speaker, Orissa Legislative Assembly said that no democracy can long survive if there is a wide gap between the just expectations of the people and the performance of the Government and the Government functions in a way which deviates from the principles enshrined in the Constitution. Retrospection is essential so that we may not lose sight of our ideals, he added.

In his speech, Shri Brij Mohan Mishra, Speaker, Madhya Pradesh Vidhan Sabha, said that even if there are some shortcomings in our Constitution, it can be made more effective if the people who work it are men of honesty, uprightness and integrity. Prof. J.K. Mittal of the Indian Law Institute suggested that we must harness the quality of the youth of the country, train them and create a task force for development, especially of rural India. Shri Anil Mukherjee, Deputy Speaker, West Bengal Legislative Assembly, agreed with the suggestion for decentralisation up to the Panchayat level. Prof. R.K. Barik of the Indian Institute of Public Administration described the Constitution as a people's document. He also called for the proper implementation of the constitutional provisions regarding reservations. Dr. Joseph*Verghese, Advocate, Supreme Court of India asserted that the Right to Equality without the context of social justice has no meaning. He also suggested that the Scheduled Areas where the Scheduled Tribes are living in concentration should be in the first instance declared Union territory and then proceed further so that the sudden spurt of power brokers could be effectively checked. Prof. R.K. Nayak of the Indian Law Institute maintained that if India is to survive as a nation strong, united and indivisible, it is necessary to preserve our national character. Without national discipline and a national ethos, national integration may not be possible in reality, he added.

In his Valedictory Address, the Convenor of the Parliamentarians Group for Dr. B.R. Ambedkar Centenary Celebrations, Shri Buta Singh said that the proceedings of the Seminar has certainly made us more aware of the problems and prospects of the working of our Constitution. During the last four decades, the Constitution has enabled us to address the myriad problems confronting us—political, economic and social. It has been an instrument for economic growth and social justice. While we all agree that much has been achieved in this regard since Independence, we are also unanimous when we say that much more remains to be done, he added.

Summing up the proceedings of the Seminar, Shri Buta Singh said that right through the proceedings, there were some common grounds where there was almost a consensus; these were:

1. The Constitution of India is a very good document and a workable one. It is a product of deep and profound thoughts which went into its conception, drafting and debate in the Constituent Assembly. The founding fathers of the Constitution were national leaders who led the freedom struggle as well as movements for socio-economic uplift; they were also visionaries and far-sighted statesmen.
2. The basic features embodied in the Constitution are in keeping with the Indian ethos and the ancient values which we all hold dear to our hearts and their relevance continues, needing no change.
3. Broadly, there is a re-affirmation of the various systems provided in the Constitution.
4. Implementation of the Constitution needs to be done in keeping with its letter and spirit and whenever it is found inadequate, necessary corrections may be considered.
5. However, there are some areas where changes in the Constitution may be called for. What should be these changes and how these are to be brought about require close and careful consideration. The suggestion for having a national Commission to consider this matter and make recommendations, made by Shri Advaniji and shared by others, deserve serious consideration at all levels.

Shri Buta Singh requested the Speaker, Lok Sabha, Shri Shivraj V. Patil to consider the points that have emerged out of the Seminar and take necessary action at his level, whatever he thinks appropriate.

Concluding, Shri Buta Singh extended his profound gratitude to all participants for their valuable contributions in making the Seminar educative, meaningful and illuminating at once. He also thanked the Officers and Staff of the Secretariat who, through their dedication and serious work, made the Seminar a great success. Shri Yudhisthir Das, Speaker, Orissa Legislative Assembly, and Shri Sharad Dhighe, MP, also complimented everyone associated with the Seminar. In his concluding remarks, Shri C.K. Jain, Secretary-General, Lok Sabha, thanked all participants for making the Seminar a successful and useful one.

PARLIAMENT OF NAURU

—D.N. Gadhok

Nauru is a small island in the Central Pacific. It is 21 sq. kms. in area and its population is about 5,000. In addition, there are 5,000 expatriates, all employed in the service of government of Nauru and in the Nauru Phosphate Corporation (NPC), the sole industry in the island. It is a welfare state, where education, health services, transportation, etc. are free.

Republic of Nauru

Nauru became a sovereign republic on 31 January, 1968. Prior to that, it was a U.N. Trust Territory under three Trust countries — Australia, New Zealand and Britain — and was being administered by Australia on behalf of the Trust countries. Before transferring power to the Nauruans, the Australians had constituted a Constitutional Convention composed of the elected representatives of Nauru to draft a Constitution for Nauru. This Convention gave Nauru a Constitution on 29 January, 1968. The Constitution of Nauru, as amended by the Constitutional Convention, came into force on 17 May, 1968. In this Constitution, Nauru was declared a sovereign republic. Nauru has thus a written Constitution which lays down that "there shall be a Parliament to make laws for peace, order and good government". Under the Constitution, the Parliament shall consist of "18 members or such greater number as is prescribed by law". For the purpose of elections, Nauru has been divided into eight constituencies. Seven constituencies return two members each and the eighth constituency elects four members. Every Nauruan who has attained the age of 20 years is eligible to be elected as a member of Parliament and has a right to vote. Voting is compulsory; a person not voting is liable to be punished.

Election of Members of Parliament

Members of Parliament are elected directly by the people. While there is no bar on a woman being elected as a member of Parliament, till 1986, no woman had been elected. One lady was elected as a member in the elections held in December, 1986. Women, otherwise, enjoy full freedom and many of them hold posts in government departments.

A person cannot be elected to Parliament, if he or she is "an undischarged bankrupt or insolvent according to law; certified to be insane, under sentence, having been convicted; holding an office of profit prescribed by law for the purpose". However, office of profit has so far not been defined, with the result that most of the members hold different posts in the government departments and in the only statutory corporation in the country.

Process of Election

The Speaker of Parliament sets in motion the process of general elections. The Constitution provides that "a general election of members of Parliament shall be held at such time within two months after a dissolution of Parliament as the Speaker in accordance with the advice of the President appoints". The Speaker issues a notification under his signature calling for nominations and indicating dates for nomination, withdrawal and holding of elections. No election campaigns are held prior to the date of actual voting. Combined public meetings are held in different constituencies. Candidates contesting for parliamentary seats address the gathering one by one, detailing their views and programmes. The members of the public also ask a few questions to elicit information about the candidates' views on certain programmes and policies of the government. The entire election process is very peaceful and orderly.

Political Parties in Parliament

There were no political parties or groups in Nauru till the end of 1986. After the January 1987 elections, some kind of grouping has been taking place. Issues in Parliament are mostly decided on merits and each member votes according to the 'dictates of his conscience'. Members are not inhibited in their criticism of government, where and when they feel it is called for. A member voting with the government on one issue and voting against another is not an uncommon feature.

Agenda Papers

Agenda papers are not circulated to the members in advance; only when they occupy their seats in the House in the morning they find agenda papers lying on their tables. No notice period has been prescribed for summoning the Parliament. The Standing Orders (SOs) of the Parliament only provide that "unless otherwise ordered, the House shall meet for the dispatch of business on each Tuesday and Thursday at ten o'clock a.m.". Generally, the Parliament is summoned to meet at less than a day's notice (17-19 hours), mostly to transact government business. Neither provisional nor final List of Business is circulated. The Notice summoning the Parliament is signed by the Clerk/Deputy Clerk and is delivered to members through police despatch riders, late in the evening previous to the day when the Parliament is to meet.

Sittings of Parliament

The normal life of the Parliament is three years, unless dissolved sooner. But there is no set calendar for the sittings of Parliament. The Constitution provides : "Each session of the Parliament be held at such place and shall begin at such time, not being later than twelve months after the end of the preceding session if Parliament has been prorogued, or twenty-one days after the last day on which a candidate at a general election is declared elected if Parliament has been dissolved, as the Speaker in accordance with the advice of the President appoints". Parliament in Nauru is summoned as and when considered necessary by the government to get its business approved. The following figures show that the Parliament of Nauru had not met for more than 30-40 days in a year. During the period 1980-86, Parliament held the following number of sittings:

1980	—	36
1981	—	27
1982	—	28
1983	—	26
1984	—	21
1985	—	28
1986	—	44

Members too under the Constitution can get the Parliament summoned, when they feel that there is an urgent and important business which needs Parliament's approval. The Constitution provides that "When at least one-third of the total members belonging to at least three constituencies, make a written request to the Speaker, setting out particulars of the business proposed to be dealt with, the Speaker has to summon the Parliament before the expiration of 14 days after the request is delivered to him."

There is another similar provision in the Constitution to safeguard the interests of Parliament. It says: "If the Speaker is advised by the President to dissolve the Parliament, sooner than three years, the Speaker should refer that advice to the Parliament as soon as practicable and in any case before the expiration of 14 days, after the receipt of that advice", and seek its approval. Thus the President cannot get the Parliament dissolved as and when he wishes.

Rules of Procedure

The fundamental premise of parliamentary government being free and frank discussion, open criticism and subsequent decision, there must be definite procedure provided by law and regulations to be observed to facilitate the functioning of the system. In countries like England the procedure has developed through centuries of actual working and practical experience. India too has followed broadly the British pattern but has made many variations in the detailed functioning of its Parliament suited to its genius and native requirements. Nauru's Parliament has adopted

mostly the Standing Orders of the Australian Parliament for the orderly conduct of the business of the House. But how the procedure and SOs of a big Parliament like that of Australia, followed by the Parliament of a small nation like Nauru, could be cause of unseemly situations, perhaps no one had visualised till such a situation actually surfaced. In one such incident, a member used an offensive expression to which objection was taken. Repeated requests and pleas of the Speaker could not make the member withdraw the unparliamentary expression. The Speaker decided to 'name' the member and asked the government to move a motion proposing 'naming' of the member. The motion moved by government, however, could not get through the House. The Speaker considered that as lack of Parliament's confidence in him and resigned. The Government was taken aback by this sudden decision of the Speaker. The House was in a dilemma, as the Constitution of Nauru provides : "Parliament shall, before it proceeds to the despatch of any other business, elect one of its members to be Speaker and, whenever the office of the Speaker is vacant, shall not transact any business other than the election of one of its members to fill that office". Therefore, the same member who had resigned a few minutes earlier was re-elected Speaker. On another occasion too, the Speaker resigned but was re-elected immediately thereafter.

Quorum for a Sitting

"No business shall be transacted at a sitting of Parliament if the number of its members present other than the person presiding at the sitting, is less than one-half of the total members of Parliament", that is nine, lays down the Constitution of Nauru. This provision also could lead to a stalemate the like of which was not anticipated earlier. The Speaker is generally from the ruling side. When one member of the ruling group is elected as Speaker, it loses one member in its 'on-floor' strength. If one of the members of the ruling side is not in the House on any day, and the opposing group is not in a mood to co-operate, Parliament cannot transact any business for lack of quorum. There was such a situation for nearly two weeks, when a member of the ruling group was in a hospital in Australia and the Opposition group had decided to boycott the proceedings of the House.

President as Head of Government

The President, who is the head of the Republic, is elected by Parliament from amongst its members. There is no fixed term for the President and he holds office until the election of another person as President. Parliament, after every general election, at its first sitting, elects the Speaker and Deputy Speaker and one of its members as President. Once the Parliament faced a very peculiar situation. As stated earlier, with the election of Speaker, a group loses majority on the floor of the House. Though there were no political parties or groups in the country or in the

Parliament, some kind of groupism was slowly emerging. Both the groups had nine members each. For fear of losing majority in the House, no candidate was put up for the post of Speaker by any group for days together. The Speaker's post was almost going abegging. The Clerk would summon Parliament and adjourn it after requesting members to nominate one member for the post of Speaker, since the Constitution of Nauru lays down that on the first day of the meeting of the Parliament after a general election, the Clerk should read the notice calling Parliament together and until the Speaker is elected, he should act as Chairman. Thus, for a few days, till the Speaker was elected, the Clerk acted as Chairman. It is the Clerk who invites nominations for the post of Speaker, holds the election and announces the result thereafter.

Immediately after the President is elected, he selects his team of Cabinet Ministers from amongst the members of Parliament. The President, as head of the Cabinet, sits in the Parliament with other Ministers. He is also directly accountable to the Parliament. Generally there are four or five Ministers, excluding the President, in the Cabinet.

Parliament's Control over Finances

The Parliament of Nauru has full control over the finances of the country as no revenue can be raised or tax levied, and no expenditure can be incurred without the approval of Parliament. Under the constitutional provision, government has to submit the estimates of Revenue and Expenditure along with the Appropriation Bill to the Parliament before the commencement of the financial year, i.e. 1st July. But the government of Nauru can take advantage of another provision of the Constitution, which allows it to have a 'Vote on Account' and bring forward Appropriation Bill at a later date within an extended period. Generally, government submits the Appropriation Bill at the fag end of that extended period and rushes through the Parliament by making the latter to sit continuously for 20-22 hours to beat the dead line.

Like any other Bill, the Appropriation Bill has to go through three stages: i.e. First Reading, Committee of the Whole House and the Third Reading. The Deputy Speaker presides over the Committee of the Whole. The well-known, respected and accepted parliamentary convention that if the Budget or any item of the Budget is withheld by the Parliament, then the government must resign holds true in the case of Nauru also. Once the Parliament did not approve one of the Grants, the government resigned but after a few hours, the same government was back in power.

Private Members' Business

Private Members' Business is an important part of parliamentary procedure. Non-official members get opportunities to raise matters of public interest. Standing Orders of the Parliament of Nauru provide that "Unless otherwise ordered, Government business shall have precedence

over all other business, except that on every fourth sitting day, private business shall have precedence over government business."

Parliamentary Questions

Putting parliamentary questions is an important device to elicit information from the government on its working and about its policies. The first hour of every sitting in the Parliament of Nauru is devoted to questions. There are, however, no lists of 'starred' and 'unstarred' questions, as we have in the Indian Parliament or some other Parliaments. Occasionally, there are a few questions with 'notice' which are put on the Order Paper. The entire Question Hour is, otherwise, taken up by questions for which no notice is required. Member after member will get up and address his question to the Minister concerned, who invariably gives reply there and then, except to questions for which statistics are to be collected. The Question Hour in the Parliament of Nauru thus is very lively and interesting as the questioner gets an instantaneous reply to his query.

Legislation

As laid down in the Constitution, "legislation passed by the Parliament, becomes Law as soon as the Speaker certifies that it has been passed by Parliament." It is then not subject to review, reconsideration or assent by any other authority.

CONFERENCE OF PRESIDING OFFICERS OF LEGISLATURES IN INDIA

LARRDIS

A Conference of Presiding Officers of Legislatures in India was held in Parliament House Annexe, New Delhi on 11 February 1992 under the Chairmanship of Shri Shivraj V. Patil, Speaker, Lok Sabha, to consider matters pertaining to the anti-defection law. The Conference was also attended by Dr. (Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha, Shri S. Mallikarjunaiah, Deputy Speaker, Lok Sabha, and Presiding Officers of almost all the State Legislatures in the country. Besides, Union Minister of Law, Justice and Company Affairs, Shri K. Vijaya Bhaskara Reddy, Minister of Parliamentary Affairs Shri Ghulam Nabi Azad and Ministers of State in the Ministry of Parliamentary Affairs, Shri M.M. Jacob and Shri P.R. Kumaramangalam also attended the Conference.

Presiding over the Conference, the Speaker, Lok Sabha, Shri Shivraj V. Patil said that sometime back, the Supreme Court had given a decision that the Judiciary can review decisions given by the Presiding Officers under the Tenth Schedule of the Constitution dealing with disqualification of members on grounds of defection. The Court had also issued certain orders and notice to some Presiding Officers in this regard. It was pointed out that the issue had assumed the nature of some sort of a confrontation between the Legislature and the Judiciary. He felt that that kind of a situation should not be continued and allowed to rise in the future. With that objective in view, it was suggested that the Speaker, Lok Sabha should discuss the matter with Leaders of different parties in Parliament and also with the Presiding Officers of the State Legislatures to find out as to what should be done.

Elaborating further, Shri Patil said that when the Commonwealth Parliamentary Conference was going on in New Delhi in September 1991, some Presiding Officers of State Legislatures discussed with him the issue relating to the implementation of the anti-defection law and the difficulties encountered by them. It was then agreed that the issue could be

discussed in the Annual Conference of the Presiding Officers. Meanwhile, a meeting of the Standing Committee of the Speakers decided that the next Annual Conference of the Presiding Officers could be held in May 1992 in Gandhinagar in Gujarat. The Standing Committee also discussed the decision given by the Supreme Court and the situation arising out of it. The members of the Standing Committee decided to have a Committee of Speakers to look into the matter, to call for the views of the Presiding Officers on the issue and also to convene a meeting of all Presiding Officers in Delhi to discuss the matter. Accordingly, that Standing Committee was turned into a Committee for the purpose.

Shri Patil stated that on 10 February, 1992, a meeting of the members of the Committee was held. It was decided that issues should be first identified and then discussions held. It was also decided that the verdict of the Supreme Court should be respected and care should also be taken to protect the prestige and dignity of the Legislatures as well as the Judiciary. Members of the Committee felt that the anti-defection law should be amended to make it more exact, unambiguous and meaningful.

Shri Patil said that the following points came up for discussion before the Committee:

Should the verdict of the Supreme Court be respected by the Presiding Officers?

Should the anti-defection law be amended and got ratified?
What should be the amendments?

Should the Presiding Officers decide the matter or should it be decided by some other authority?

Who should that authority be?

Should it be decided by the Election Commissioner?

Should it be decided by a Committee of members of the Legislature?

Should it be decided by the President / Governors?

Should it be decided by the Courts?

Should there lie an appeal against the decision given by the deciding authority?

To whom should that appeal lie?

Should it be to the Courts, to the President / Governor, to a body of the Speakers or a body consisting of the President, Vice-President and the Speaker?

What kind of procedure should be followed while deciding the matter?

What is the approximate time-frame within which the decision should be given?

Should the deciding authority confine itself to the matters relating to the activities of the legislative party or should it take into account the activities of the party outside the Legislature?

Should the split be defined more accurately?

Should there be any provision defining expulsion?

Should the legislative parties file their constitutions and rules with the Presiding Officers?

Should the position of the Speaker be more independent?

Should the Constitution be amended to make the Government more stable removing the need to have the anti-defection law?

Shri Patil further stated that he had also convened a meeting of Leaders of political parties in the Lok Sabha where, by and large, the issues mentioned above came up for discussion. He added that the views expressed by these Leaders coincided with the views expressed by the Committee of Speakers.

Following the Lok Sabha Speaker's opening remarks, the Presiding Officers discussed various aspects of the anti-defection law in the light of their experiences.

The Presiding Officers were of the unanimous view that the dignity of the Legislature and the Judiciary should be maintained. They felt that the power to decide the cases under the anti-defection law should continue to be with them. Besides, the anti-defection law should be amended to remove the ambiguities and there should be an appeal against the decision given by the Presiding Officers.

There was a general agreement that the decision given by the Supreme Court should be respected and at the same time the authority of the Presiding Officers to conduct the business in the Legislatures should remain intact and they should not be made answerable in the Court of Law for what they do while conducting the business in the House. They were of the view that until the law is amended, the decision of the courts, even if they are not acceptable, should be respected. At the same time, they thought that the law should be amended and if necessary got ratified by the requisite number of Legislatures and that an authority should be identified or created which could review the decisions given by the Presiding Officers. They felt that the authority could be the Governor or the President or a body of Speakers or a body of other persons.

The Presiding Officers were of the view that some of the terms and phrases used in the law are ambiguous and that kind of ambiguity should be removed. The word 'Split', 'Merger', 'Political Parties' and other terms used in the law needed to be clearly defined.

The Presiding Officers also thought that the law should be very clear on the activities of the political parties inside and outside the House on expulsion, and on the term 'Unattached' used in the decisions of the Presiding Officers. They felt that members changing the parties may not be given political positions. They also thought that the provision of one-third members changing the party not attracting disqualification under the Tenth Schedule should also be reviewed and changed. Some members suggested that if one-half of the members belonging to a political party

changed that party they should not be liable to disqualification. Some other members thought that whether it is only one member or a large number of members changing their political party on which they were elected, they should incur disqualification.

Some members very briefly referred to the changes required to strengthen the position of the Speaker and the need for amending the Constitution to do away with the malady of instability of the Executive.

The Chairman of the Conference, Shri Shivraj V. Patil summed up the deliberations of the Conference. In his concluding remarks, he said that the views expressed by the Presiding Officers in the Standing Committee Meetings and in the Conference and by the Leaders of Parties and Groups would be culled out, analysed and collated and would be forwarded to the appropriate quarters for appropriate action. He also expressed confidence that the deliberations of the Conference will be of great help to the Presiding Officers in the conduct of the business of the House as also in deciding the issues relating to the anti-defection law in their respective Legislatures.

FIRST CONFERENCE OF CHAIRMEN OF COMMITTEES OF PRIVILEGES OF LOK SABHA, RAJYA SABHA AND STATE LEGISLATURES IN INDIA

--LARRDIS

The First Conference of Chairmen of Committees of Privileges of Lok Sabha, Rajya Sabha and State Legislatures in India was held in Parliament House in New Delhi on 14-15 March 1992. The Speaker, Lok Sabha, Shri Shivraj V. Patil inaugurated the Conference. The Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla, who is also the Chairman, Committee of Privileges of Rajya Sabha, delivered the welcome address. The Key-Note address at the Conference was delivered by Shri Shiv Charan Mathur, MP, and Chairman, Committee of Privileges, Lok Sabha. The two-day Conference was attended by the Chairmen of Committees of Privileges of almost all the State and Union Territory Legislatures. Secretary-General of Lok Sabha, Shri C.K. Jain and Secretary-General of Rajya Sabha, Shri Sudarshan Agarwal, Senior Officers of Lok Sabha and Rajya Sabha Secretariats, and other Senior Officers of State and Union Territory Legislatures also attended the Conference.

Inaugurating the Conference, the Lok Sabha Speaker Shri Shivraj V. Patil dealt at length on varied aspects of parliamentary privileges. On the issue of codification of privileges, he said that the view held by the legislators are different from the views held by the people outside the Legislature. This is particularly so in the case of the Press which wants that the privileges should be codified. He expressed the hope that the Conference will deliberate on this matter.

On parliamentary privileges, Shri Patil said that what is available to a member is a sort of right, a very powerful right which can be used by him to perform his duties and nothing more than that, or it should not be anything less than that also. He also has a right to do this duty. He is not in a position to ask something more than what can be given to an ordinary citizen. But his duties are such that he requires something little more than

what is generally and ordinarily available to a citizen because the compulsions are such that unless he has certain more rights, unless certain more powers are given to him, he would not be able to perform his duties. Shri Patil added that this area is something which requires careful and meticulous consideration. Referring to notices of privileges from members regarding obstruction in their duties outside the Legislature, Shri Patil called upon the Conference to go into all aspects relating to this point.

Shri Patil observed that at times there appears to be a conflict between the rights and privileges enjoyed by the Legislature and the Judiciary. He expressed satisfaction that fortunately there have not been many conflicts of this nature in our country. Whenever any such conflict of this nature had arisen in our country, great wisdom was shown by the Judiciary as well as the Legislature to ensure that it did not escalate into an unseemly situation. He, however, cautioned that these are areas in which we have to be very careful in expressing our views.

Referring to the functioning of Privileges Committees, Shri Patil said that their duties are of a judicial nature and as such the procedure to be followed by the Committees becomes very important. He suggested that the Privileges Committees could consider following if not the Civil Procedure Code and the Criminal Procedure Code, at least the principles which are behind them as these have evolved through several years of practice and are based on principles which are very very salutary. If these are not useful, certainly the principle of natural justice can be made use of to decide the cases.

Shri Patil pointed out that while discussing privileges, it is not sufficient to discuss privileges of members alone. We have to distinguish between privileges enjoyed by members, by the Committees and by the Parliament and the State Legislatures. He also emphasised that privileges of institutions are equally important and in some cases they may be more important than privileges enjoyed by individuals.

Reiterating the inseparable nature of rights and duties, Shri Patil said that without emphasising on duties, we may not have rights. If we are asking only for rights and privileges, those rights and privileges probably may not be that effective.

Concluding, Shri Patil said that in our country, nothing is more powerful than the Parliament and in the States, there is nothing more powerful than the Legislatures. That is why all that we do in Parliament or in the Committees have to be done very carefully and we have to show great restraint in exercising the powers and privileges given to us. He expressed confidence that the deliberations at the Conference will be of great help to everyone concerned. To the extent possible, efforts would be made to act upon the conclusions of the Conference and send them to the appropriate quarters for necessary action if that was required, he added.

Earlier, welcoming the participants, the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla described the First Conference of Chairmen of Committees of Privileges as a landmark event in the annals of parliamentary democracy in India. She said that the concept of parliamentary privilege is wide with far-reaching implications. Privileges mean certain freedoms and immunities which enable Legislatures and its members to fulfil their responsibilities without any let or hindrance. But, there can be no true privilege without a corresponding duty to uphold it, by not abusing it. She urged members that when they speak in the House, they should ascertain the truth and fairness of what they say and be responsible for it and if they mistakenly asperse or damage other people, especially those who cannot defend themselves against such privileged statements, they should withdraw, correct or apologise for, such statements.

Referring to the relations between the Legislature and the Press, she said that the Press has the freedom to report but not to misrepresent or misreport speeches of members. Barring a few instances here and there, the relationship of Parliament with the Press has been cordial, though there are aberrations or hard cases at one time or another, she added.

Dr. (Smt.) Heptulla pointed out that the relationship between the Legislature and the Judiciary is also based on mutual respect. She maintained that the Constitution seeks to harmonise the relationship between the Legislature and the Judiciary though sometimes conflicts between the two do occur.

Dr. (Smt.) Heptulla observed that of late, widespread complaints are being received in Parliament and the State Legislatures about the behaviour of the law-enforcing agencies towards legislators. She hoped that the Conference will give a serious thought to alter the attitude of the police and other law-enforcing agencies towards the representatives of the people.

Dr. (Smt.) Heptulla pointed out that the Conference can provide the best forum where we can deliberate on some of the most controversial aspects of parliamentary privileges such as the conflict between Fundamental Rights and parliamentary privileges. The effectiveness of parliamentary institutions will continue only if the basic privileges of the House are protected, understood and appreciated in their true light and proper perspective, she concluded.

Delivering the Key-Note Address, Shri Shiv Charan Mathur, MP, Chairman, Committee of Privileges of Lok Sabha, said that parliamentary privileges are the most essential pre-requisites for the effective functioning of Parliament and its members. Therefore, a correct understanding about the precise nature and extent of these privileges and the immunities of legislators in their individual as well as collective capacity is always helpful to all those who are concerned with interpreting them and applying them in practice. He pointed out that privileges are necessary for the proper

exercise of the functions entrusted to Parliament by the Constitution. They are enjoyed by individual members because the House cannot perform its functions without unimpeded use of the services of its members, and by each House and its Committees collectively for the protection of its members and the vindication of its own authority and dignity. Shri Mathur asserted that keeping this in mind, the litmus test that the Committee of Privileges has followed in deciding cases is whether the matter sought to be raised as a question of privilege has a direct relation to the business of the House or its Committees. If not, no question of privilege could arise. Thus, he maintained, our Privileges Committees have, by and large, taken a very magnanimous attitude towards those responsible for breach of privilege. They have not been oversensitive in their attitude while deciding cases and have been ignoring trivial matters, he added.

Shri Mathur pointed out that the concept of parliamentary privileges has undergone change over the years and in modern times, it has to be viewed from a different angle than its historical perspective. The purpose of these privileges in a democratic set-up that seeks to establish an egalitarian, classless, casteless, socialistic and secular society wherein all citizens enjoy equal rights, must always be clear in our minds. In this context, he suggested that a careful approach is required in dealing with matters of privileges so that the decisions of the Committee give strength to the system and avoid conflict. He expressed the hope that the beginning that is being made through the First Conference of the Chairmen of the Privileges Committees could be carried forward and we would be able to make the best use of such opportunities to deliberate upon the mutual problems and exchange views over those common issues that come across while discharging functions.

The following items on the Agenda were considered by the participants at the two-day Conference:

BREACH OF PRIVILEGES

- (a) What is the definition of privilege?
- (b) Whether non-response/delay in reply by the Ministers/Ministries to the letters sent to them by members of Parliament raising with them issues and problems pertaining to their constituencies amounts to breach of privilege?
- (c) If not, what mechanism could be devised to ensure that such communications from members of Parliament are promptly attended to by the Ministers/Ministries?
- (d) Whether a member of Parliament who goes to Government authorities for redressal of grievances of his constituents can be said to be performing his parliamentary duties?

Denial of supplying information to the Officers (Chairmen, Deputy Chairmen, Speakers, Deputy Speakers) and members of the Legislative Bodies

asked for by them from the Officers of Government; shall attract the question of privilege?

If a member requires any information either from the Government or from any Public Undertaking to raise it in the House and the Government or the Officers of Undertakings do not make available the required information, in such a position, whether this tantamounts to a matter of breach of privilege for taking action against the Officers responsible?

Whether the atrocities of police officers (assault, intimidation, manhandling, use of abusive words, etc.) on members amount to breach of privilege, while they are not discharging their duties as MLAs (not performing any parliamentary duties)?

TRAINING TO OFFICIALS REGARDING PARLIAMENTARY PRIVILEGES

Need to issue guidelines to the police in dealing with the elected representatives of the people.

Negligence and lack of parliamentary norms and concepts in officials.

Whether by circulars or by proper training, preliminary ideas of privileges should be given or taught to the officials?

Publication of journals, periodicals and articles from eminent parliamentarians in a planned way to give proper initiations regarding parliamentary privileges.

There must be an orientation regarding parliamentary privileges for the members of Legislatures.

Need to lay down a definite time-frame for the authorities concerned to send their replies to the matters of privileges and other issues referred to them for comments/facts.

PROCEDURE TO DEAL WITH PRIVILEGE MATTERS

What procedure will be adopted on the notice of breach of privilege against any action of Deputy Speaker done in the capacity of a member of a Legislature Party if the matter appears to be an act of breach of privilege?

What procedure will be adopted in case the mover of the notice of breach of privilege ceases to be the member and secondly, if before the disposal of the case the member of the Legislative Assembly against whom the allegation of breach of privilege has been made, becomes a Member of Parliament?

WITNESS, CROSS-EXAMINATION AND EVIDENCE IN PRIVILEGE CASES

While taking evidence, whether the person alleged to have committed breach of privilege can be allowed to cross-examine the witnesses appearing against him?

Whether a member of the Privileges Committee can be called before the Committee as a witness?

Whether the Chairman of the Committee of Privileges can be summoned to the Privileges Committee for tendering evidence on oath?

Whether a visitor who misconducts and shouts slogans in the gallery and thus is guilty of contempt of the House should be given a chance to put his viewpoint before the House or his interrogation by the Speaker, be treated sufficient evidence to take decision on cases of contempt?

CODIFICATION OF PRIVILEGES

Codification of Privileges under articles 105 and 194 of the Constitution.

Misreporting of matters raised in Parliament by the media.

Deputy Speaker in his official letter addressed to a primary school teacher for a job; can attract breach of privilege?

UNIFORMITY OF RULES

Uniformity of the rules, regulations and manner to deal with privilege issues.

TENTH SCHEDULE OF THE CONSTITUTION

Whether the Privilege Committee is competent to consider the anti-defection cases which will be sent by the Chairman or Speaker of a House or whether the Privilege Committee be entrusted with the job of fact-finding and/or investigating, recommending and deciding authority of the House?

TENTH SCHEDULE OF THE CONSTITUTION

Disqualification on ground of defection

Implementation thereof

The participating Chairmen of Committees of Privileges expressed their views on various items of the Agenda in the light of their experiences. They also expressed the view that this Conference would be useful and meaningful at once in dealing with privilege issues which they have to decide from time to time. Several Chairmen suggested that this Conference should be held regularly, at least once in the lifetime of a particular Lok Sabha or, if possible, every year.

OBITUARY

The former Speaker of Lok Sabha and veteran parliamentarian, Dr. G.S. Dhillon passed away on 23 March, 1992. We greatly mourn the loss of Dr. Dhillon and pay our respectful homage to his memory.

—Editor

DR. G.S. DHILLON

Dr. Gurdial Singh Dhillon, former Speaker of Lok Sabha, breathed his last after a cardiac arrest in New Delhi on 23 March, 1992. His mortal remains were consigned to flames at the Nigambodh Ghat (Electric Crematorium) the next day.

Son of Sardar Harjit Singh, Dr. Dhillon was born in Panjwar village in Amritsar on 6 August, 1915. He had a distinguished academic career and was a student of Government College, Punjab. He obtained his LL.B in 1st Division from the University Law College in Lahore in 1937 and practised law for quite some time thereafter. Soon, he was drawn into political activism and participated in the freedom struggle.

Actively associated with the Indian National Congress, Dr. Dhillon's legislative and parliamentary career began in 1952, when he was elected to the Punjab Vidhan Sabha. Before that, he was a member of the Panchayat Samiti and District Board during 1948-52. From 1952 to 1954, he was Deputy Speaker of the Punjab Vidhan Sabha and from 1954 to 1962 its Speaker. During this time, he had the good fortune to come across Shri G.V. Mavalankar and was greatly influenced by the Dadasaheb's personality. As Presiding Officer of the Punjab Vidhan Sabha, he carved out a niche for himself and earned the regard and respect of all sections of the House for the calm, composed and just manner in which he conducted the proceedings.

In 1967, Dr. Dhillon was elected to the Lok Sabha from the Taran Taran constituency in Punjab. In the Lok Sabha, too, he actively participated in the proceedings and was soon appointed Chairman of the Select Committee on the Banking Laws (Amendment) Bill. He was

Chairman of the Committee on Public Undertakings for 1968-69 and was re-appointed for a second term in May 1969.

Dr. Dhillon was first elected Speaker of the Lok Sabha on 8 August, 1969 following the resignation of Dr. Neelam Sanjiva Reddy. He held the unique distinction of being the youngest Speaker of Lok Sabha. Dr. Dhillon was unanimously re-elected Speaker of the Fifth Lok Sabha on 22 March, 1971 which amply proved his wide acceptance by all parties and groups in the House. He remained Speaker of Lok Sabha till 1 December, 1975 when he joined the Union Cabinet as Minister of Shipping and Transport.

As Speaker of Lok Sabha, Dr. Dhillon did yeoman's service in upholding the dignity of the House. He was held in high esteem by all members irrespective of their party affiliations. During his tenure as Speaker, he laid down important conventions and precedents which have been of immense help in the orderly conduct of the House. A firm believer in strict impartiality, Dr. Dhillon, on his election as Speaker, had resigned from his membership of the Executive Committee, Standing Committees and even ordinary membership of the Congress Party in Parliament. By his amiable nature, rare sense of humour and firm, yet tactful, handling of trying situations, Dr. Dhillon endeared himself to all sections of the House.

Dr. Dhillon firmly believed in the efficacy of inter-parliamentary cooperation as a means to promote better international understanding among the comity of nations. His eminence in the parliamentary field and his charming personality earned recognition all over the parliamentary circles. He attended several Conferences of the Commonwealth Parliamentary Association (CPA) and the Inter-Parliamentary Union (IPU) during the period 1957-77.

Dr. Dhillon presided over the 57th Inter-Parliamentary Union Conference held in India in 1969 and remained on its Executive Committee for several years. He was elected acting President in Tokyo in 1974 for another term till 1976. Dr. Dhillon was the Regional Representative for Asia on the Executive Committee of the CPA. He attended the first Conference of the Commonwealth Speakers and Presiding Officers in Ottawa in 1969 and presided over the second Conference held in New Delhi in 1970. He was Chairman of the Standing Committee of the Commonwealth Speakers during 1971-74. He also presided over the CPA Conference held in New Delhi in 1975. As Leader of several Indian Parliamentary Delegations abroad, he brought great prestige and honour to the country, the people and the Parliament. Parliaments of several countries also honoured him on various occasions.

As Chairman of the Conference of Presiding Officers of Legislative Bodies in India for almost a decade, he ably guided the deliberations of this apex parliamentary body in the country.

Dr. Dhillon was an able and efficient administrator. He was a Cabinet Minister in Punjab during 1964-66 holding the portfolio of Transport. He

also served as Union Minister of Shipping and Transport during 1975-77. After his election to the Eighth Lok Sabha, he was inducted into the Union Cabinet as Minister of Agriculture and remained in that position during 1986-88. Dr. Dhillon was a Member of the Planning Commission in 1980. He represented India as High Commissioner to Canada during 1980-82. He was also the leader of Indian Delegation to the 41st and 42nd Sessions of the United Nations Commission on Human Rights in Geneva in 1985 and 1986.

Dr. Dhillon evinced keen interest in journalism and was himself a journalist for some time. During 1948-52, he edited a Punjabi daily *Vartman* and an Urdu daily *Sher-i-Bharat*. He held several positions in various associations of journalists and was one of the founding members of the Indian Federation of Working Journalists. He was also a progressive farmer, a sportsman and a keen patron of civil aviation and gliding.

A man of many parts, Dr. Dhillon had a long association with several educational, social and cultural organisations. He was honoured with Honoris Causa Doctorates by several Universities, including Punjab University, Chandigarh, Punjabi University, Patiala, Kurukshetra University, Guru Nanak Dev University, Amritsar, Humbolt University, Germany and Sung Kayum Kwang University, Korea. He was also a recipient of the *Tamra Patra* in recognition of his services to the nation.

In Dr. Dhillon's passing away, the nation has lost an outstanding parliamentarian, an efficient administrator and a fine human being.

Parliament's Homage to Dr. Dhillon

On 24 March, 1992, both Houses of Parliament paid rich tributes to the memory of Dr. G.S. Dhillon. The departed leader's body was brought to Parliament House where the Speaker, Lok Sabha, Shri Shivraj V. Patil and members of the two Houses paid their respectful homage. In the Rajya Sabha, the Chairman, Dr. Shanker Dayal Sharma made obituary references and the House observed silence with the members standing as a mark of respect to the memory of Dr. Dhillon.

In the Lok Sabha, Speaker, Shri Shivraj Patil informed members of the said demise of Dr. Dhillon the previous day. In his obituary reference, Shri Patil described him as a suave, gentle and affectionate person. Referring to Dr. Dhillon's long tenure as Speaker, he said that the proceedings of the House bear ample testimony to his deep knowledge of parliamentary practice and procedure. Shri Patil observed that Dr. Dhillon's passing away had created a void which could be felt by all.

In his speech, Prime Minister Shri P.V. Narasimha Rao said that what was remarkable about Dr. Dhillon was his personality—very pleasant, soft-spoken, firm where it was needed and a person of charm all along. He was one whose company just drove away sadness and gloom the moment one started talking to him, he added.

The Leader of the Opposition, Shri L.K. Advani described Dr. Dhillon as a very gentle and affectionate person who was also very duty conscious. Shri Ram Vilas Paswan said that Dr. Dhillon left an indelible mark on whosoever came in contact with him. Shri Somnath Chatterjee observed that Dr. Dhillon discharged his functions as Speaker with great efficiency and commitment to the true principles of parliamentary democracy. Shri Chitta Basu said that Dr. Dhillon was a patriot, a freedom fighter and a champion of secular and democratic values. The Minister for Agriculture, Dr. Bal Ram Jakhar described Dr. Dhillon as an embodiment of human virtues. Sarvashri Rabi Ray, P.G. Narayanan, Nani Bhattacharya, Ebrahim Sulaiman Sait and Bhogendra Jha also paid their rich tributes to Dr. Dhillon.

The members then stood in silence for a short while. The Speaker, Shri Shivraj Patil later adjourned the House for the day as a mark of respect to the memory of Dr. Dhillon.

On 30 March 1992, the Officers and Staff of the Lok Sabha Secretariat at two condolence meetings, presided over by Shri C.K. Jain, Secretary General, Lok Sabha Secretariat mourned the sad demise of Dr. G.S. Dhillon who headed the Secretariat during his tenure as the Speaker of Lok Sabha and paid homage to the departed soul.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

First Conference of Chairmen of Committees of Privileges of Parliament and State Legislatures: The First Conference of Chairmen of Committees of Privileges of Lok Sabha, Rajya Sabha and State Legislatures in India was held in New Delhi on, 14 and 15 March, 1992. The Conference was inaugurated by Shri Shivraj V. Patil, Speaker, Lok Sabha. Dr. (Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha delivered the welcome address. Shri Shiv Charan Mathur, Chairman, Committee of Privileges, Lok Sabha delivered the key-note Address. Besides, the Deputy Chairman, Rajya Sabha, 19 Chairmen of Committee of Privileges of State/Union Territory Legislatures attended the Conference.

Meeting of the Presiding Officers of Legislative Bodies in India: A meeting of the Presiding Officers of Legislative Bodies in India was held on 11 February, 1992 in New Delhi to discuss the Anti-defection Law and relations between the Legislature and Judiciary. Shri Shivraj V. Patil, Speaker, Lok Sabha, made introductory observations. Presiding Officers from almost all the State and Union Territory Legislatures in India participated in the meeting.

PARLIAMENTARY DELEGATIONS VISITING INDIA

Afghanistan: In response to an invitation from the Parliament of India, a 7-member Afghan Parliamentary Delegation, led by His Excellency Dr. Khalil Ahmed Abawi, President of the House of Representatives of Afghanistan, visited India from 23 to 29 March 1992. The Delegation called on Shri Shivraj V. Patil, Speaker, Lok Sabha on 24 March, 1992 who hosted a banquet in their honour. On the same day, the Delegation also called on Dr. Shanker Dayal Sharma, Vice-President of India and Chairman, Rajya Sabha and Dr. (Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha. The Delegation also called on Shri Ghulam Nabi Azad, Minister of Parliamentary Affairs and Shri Madhav Singh Solanki, the then Minister of External Affairs on 25 March, 1992. A meeting between the visiting delegation and members

of the Parliament of India was also held on the same day. Besides Delhi, the delegation visited Jaipur, Ajmer and Agra.

BIRTH ANNIVERSARY OF DR. RAM MANOHAR LOHIA

On the Birth Anniversary of Dr. Ram Manohar Lohia, a function was held under the auspices of the Indian Parliamentary Group (IPG) on 23 March, 1992 in the Central Hall of Parliament House, Shri Shivraj V. Patil, Speaker, Lok Sabha, Shri Sitaram Kesri, Minister of Welfare, Shri L.K. Advani, Leader of the Opposition in Lok Sabha, Dr. (Smt.) Najma Heptulla, Deputy Chairman, Rajya Sabha, Members of Parliament and former members of Parliament paid floral tributes on the occasion.

BUREAU OF PARLIAMENTARY STUDIES & TRAINING

During the period 1 January to 31 March, 1992, the following programmes/courses were organised by the Bureau of Parliamentary Studies and Training (BPST):

Appreciation courses in Parliamentary Processes and Procedures for All India/Central Services and Officers of Government of India: The following Appreciation courses were organised by the BPST: (i) for IAS Probationers from 3 to 7 February, 1992; (ii) for Probationers of Indian Audit and Accounts Service, Indian Civil Accounts Service, Indian Defence Accounts Service and Indian Defence Estate Service from 10 to 14 February, 1992; (iii) for Audit Officers, Probationers of Indian Ordnance Factories Service and Journalists from foreign countries attending a Training Programme at the Indian Institute of Mass Communication from 3 to 6 March, 1992; (iv) for Indian Foreign Service Probationers and foreign diplomats attending a Training Programme at the Foreign Service Training Institute from 9 to 13 March, 1992; and (v) for Scientific and Technical Officers of the Department of Electronics and Probationers of Indian Postal Accounts and Finance Service from 23 to 27 March, 1992.

Attachment Programme for other Foreign participants: An Attachment Programme for participants in the International Training Programme on Audit of Public Works and Projects was arranged by the BPST from 1 to 3 January, 1992. Thirty-two participants from various countries attended the Programme.

Another such attachment Programme for Foreign participants in the International Training Programme on Audit of Energy Sector was Organised by the BPST from 30 to 31 March, 1992. Twenty-five participants from various countries attended the Programme.

In-Service Courses for Officers/Staff of Parliament and State Legislature Secretariats: The following in-service courses for Officers/Staff of Parliament and State Legislature Secretariats were organised by the BPST: (i) for reporters of Lok Sabha and State Legislature Secretariats from 2 to 14 January, 1992; (ii) for Watch and Ward Officers of Lok Sabha, Rajya Sabha and State Legislature Secretariats from 21 to 27 January, 1992;

and (iii) for Officers of Lok Sabha, Rajya Sabha and State Legislature Secretariats in the working of Parliamentary Committees from 27 to 31 January, 1992.

Study Visits: At the request of various training and educational institutions, ten study visits were organised during the period '1 January to 31 March 1992' by the BPST.

PRIVILEGE ISSUES

LOK SABHA

Notice to a member who was a former Speaker of Lok Sabha from the Supreme Court in connection with a Writ Petition: On 4 March, 1992, a notice was received by Shri Rabi Ray, member and former Speaker of Lok Sabha, from the Supreme Court in the matter of Writ Petition No. 149 of 1992 requiring him to appear before the Supreme Court in person or through counsel on 10 March, 1992 to show cause as to why *Rule Nisi* in terms of the prayer of the Writ Petition be not issued.

On the same day, the said notice, in original, was forwarded to the Speaker, Lok Sabha by Shri Rabi Ray for his advice in the matter.

On 9 March, 1992, the Speaker, Shri Shivraj V. Patil observed in the House that in the meeting of Presiding Officers of India held on 11 February, 1992, it had been decided unanimously that the judgement given by the Supreme Court should be respected until the law was amended. It was also decided in that meeting that the Presiding Officers might not subject themselves to the jurisdiction of the Judiciary. The Speaker stated that protection of the prestige and dignity of the Legislature was as much important as that of the Judiciary. Hence, some sort of balance between the two was important.

In the light of the above, the Speaker observed that the former Speaker might not appear before the Court. But relevant papers could be given to the court for taking a decision and whatever be the decision of the Court, would be respected by the Presiding Officers and the Legislatures. The matter could, however, be brought to the notice of the Law Ministry and the point of view of the Legislature could be presented to the Judiciary through the Law Ministry, if necessary, the Speaker added.

The House agreed with the Speaker's observation and the Ministry of Law was informed accordingly.

STATE LEGISLATURES

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

Alleged casting of reflections on the Speaker by a newspaper (Andhra Jyothi): On 10 August, 1990, the Hyderabad edition of the Telugu daily newspaper *Andhra Jyothi* published a news item under the caption "Speaker's double-tongued manner".

The news item stated the criticism of the Anti-Pollution Forum with regard to the stand taken by the Speaker Shri P. Ramachandra Reddy on the anti-pollution movements. The Forum had criticised the Speaker of double standards in the sense that while the Speaker professed not to tolerate pollution of the environment, at the same time he took the stand that anti-pollution movements hampered industrial growth.

The Speaker, after going through the said news item, referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after considering the explanation of the Editor, *Andhra Jyothi*, and all other relevant documents, in their Second Report dated 13 August, 1991 reported, *inter-alia* as follows:

The Committee discussed at length whether a distinction could be drawn between a speech made by the Speaker while discharging his duties as Speaker and a speech made by him at a public function in order to arrive at a conclusion whether the news item in question constituted a breach of privilege or not. In this connection "the Committee had gone through certain earlier cases.

In a similar case in Lok Sabha on 4 March, 1966, the Speaker (Sardar Hukum Singh) informed the House of receipt of notice of a question of privilege from Sarvashri N.G. Ranga, Kapur Singh, Yashpal Singh and other members in respect of a certain passage occurring in a brochure titled "Punjab at Cross Roads" written and published by one Shri H.L. Sally of Chandigarh, wherein Shri Sally had cast reflections on the Speaker and members of the Parliamentary Committee on the demand for the Punjabi Suba.

The above matter was referred to the Committee of Privileges. The Committee of Privileges, after considering Shri Sally's written statement and after examining him in person, in their report presented to the House on the 30 April, 1966 reported that 'Speeches or writings reflecting upon the character of the Speaker and accusations of partiality in the discharge of his duty or casting reflections upon any member of the House for or relating to his service therein or concerning the character or conduct of the member in that capacity, constitute a breach of privilege and contempt of the House on the principle that such acts tend to obstruct the House and its members in the performance of their functions and duties by diminishing the respect due to them and by bringing them into odium, contempt and ridicule.'

The Committee were therefore, of the view that Shri H.L. Sally committed a breach of privilege and contempt of the House.

The Committee had, however, recommended then, that in view of the full and unqualified apology tendered by Shri H.L. Sally, no further action be taken by the House in the matter.

On the issue before the Committee, the Committee opined that though the speech made by the Speaker did not relate to his functions as Speaker the heading given to the news item was giving scope for lowering the reputation and image of the Speaker in the public eye. The Committee also felt that the news item as such referred only to the views of an 'organisation' known as 'Anti-pollution Samithi' and not the views of the Editor.

The Committee observed that the Constitution of India gives freedom of Press and Freedom of expression as a fundamental right to every citizen of India. In view of this, unless the statement was designed to lower the dignity of the House or the Speaker in relation to his position as such, no contempt or breach of privilege could be held to have occurred.

The Committee noted with concern, the free and reckless use of words by the newspapers in general and the heading given to the news item in *Andhra Jyothi* i.e., 'Double-tongued manner' attributed to the Speaker which tended to belittle the dignity of the Speaker in the image of the public. Therefore, the Committee would like to caution the Press that such writings were not in the interest of proper functioning of democracy where the office of the Speaker is given an exalted status and advised the Press to be careful in their writings.

However, the Committee at its meeting held on 8 April, 1991 further considered the explanation of the Editor of the *Andhra Jyothi* in which it was stated that 'he has the highest respect for the person and office of the Speaker' and the news item was not at all meant to show any disrespect to the Speaker, Andhra Pradesh Legislative Assembly'.

In view of the explanation by the Editor, *Andhra Jyothi*, the Committee recommended that no further action need be taken by the House in the case.

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

Alleged casting of reflections on the Speaker and the House by a newspaper the Deccan Chronicle: During the year 1990, *The Deccan Chronicle* an English daily newspaper, published various news items and articles on different days, on the functioning of the State Assembly and the Speaker. The news items and their captions were as follows:

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|---|-----------|
| 1. Can't see Eye to Eye | 29.1.1990 |
| 2. Zero Hour kicks up issue of sorts | 3.3.1990 |
| 3. Congmen accused of receiving kickbacks | 1.4.1990 |
| 4. Speaker influenced by TDP? | 3.4.1990 |
| 5. With enigmatic Speaker, storm in store | 19.7.1990 |
| 6. Warm send off to Rajiv | 20.7.1990 |
| 7. C.M.'s return silences critics | 2.8.1990 |

8. N.T.R.'s dream lies shattered

8.11.1990

9. A.P. political scenario

20.12.1990

The Speaker referred the matter to the Committee of Privileges for examination, investigation and report. The Committee of Privileges, after considering the written explanation of the Deputy Editor, *Deccan Chronicle* and after examining in person Shri D. Sitaram, Senior Editorial Member, *Deccan Chronicle*, in their Third Report dated 13 August 1991, reported *inter alia* as follows: The Committee identified the following 2 items and decided to call for the explanation of the Editor, *Deccan Chronicle*:

(i) Speaker influenced by T.D.P.? published on 3.4.1990

(ii) With enigmatic Speaker, storm in store†published on 19.7.1990.

The Committee felt this to be showing disrespect to the Office of the Speaker, as the Speaker is to be impartial and has to take decisions on his own uninfluenced by party consideration. The Committee also took objection for the words "unsolicited advice from the Chair" used in the article.

The Committee took strong objection for the words "enigmatic" used in the 2nd item in respect of the Speaker. The Committee also took exception to the questioning of the right of the Speaker to send for Officers for discussion.

The Committee directed the Editor, *Deccan Chronicle*, to furnish his explanation on the above two news items.

The Committee recorded the evidence of Shri D. Sitaram, Senior Editorial Member, *Deccan Chronicle* on oath. In his evidence, Shri Sitaram submitted to the Committee that if the members felt hurt for the caption used in the news item "Speaker influenced by T.D.P.?" published on 3.4.1990, he was sorry for the same. He further stated that a question mark was put at the end of the caption leaving scope for doubt and requested the Committee not to take it as conclusive. It was also never his intention to undermine the authority of the Speaker.

With regard to the second news item, i.e. "With enigmatic Speaker, storm in store", the Senior Editorial member said that they had the highest respect for the Institution of the Speaker. He further stated that he had not questioned the authority of the Speaker to send for Officers for discussion. The Committee referred to the sentence in the article that "Constitutional experts" say that the Speaker cannot have access to the Officers directly and asked him to cite the Constitutional experts. The witness could not name any authority and admitted that he would be discussing with a cross section of the people like politicians, intellectuals and officials, etc., and with the cumulative knowledge he gained to write that article.

After hearing Shri D. Sitaram, the Committee came to the unanimous conclusion that since he expressed his regrets for using the caption "Speaker influenced by T.D.P.?" the matter might be treated as closed.

With regard to the second news item, since Shri D. Sitaram submitted that he had not questioned the authority of the Speaker to send for Officers for discussion, the matter might be treated as closed.

While admitting that the Press should be allowed full freedom in publishing news items, it should be cautious in commenting on the functioning of the Legislature and the Presiding Officers. Utmost care, and caution should be exercised in giving captions to various items published in newspapers as generally the public would be guided by the captions first before they start reading what the inside news contained... The Committee considered it important that in a parliamentary system, the press should enjoy complete freedom to report the proceedings of the Legislature fairly and faithfully; if, however, freedom of press is exercised mala-fide, it is the duty of the Legislature to intervene in such cases.

The Committee recommended that no further action be taken by the House in the matter and it might be dropped.

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

Alleged casting of reflections on the Speaker: On 19 July 1990, *The Citizen*, an English evening daily from Hyderabad, published a news item with the caption "Speaker seeks Assembly meet immediately". The impugned news item read as follows:

While Legislators' resentment against the style of functioning of the Chief Minister is a fact of life, an unexpected factor is the position taken by the Speaker of the State Legislative Assembly; Mr. P. Ramachandra Reddy. Dr. Channa Reddy and Mr. Ramachandra Reddy were unable to get on well during the previous Legislature sessions, and there had been heated arguments between them in the past. It is stated that the senior Ministers close to the Chief Minister are not willing to convene the Assembly session immediately. However, Mr. Ramachandra Reddy is learnt to be insisting that almost all political parties have been demanding the immediate convening of the Legislature to discuss issues like cyclone relief measures, Mandal set-up and green cards and more importantly, the worsening law and order situation in the State.

The Speaker, though the issue is not in his jurisdiction, seems to be insisting that the wishes of the Opposition should be respected.

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The Speaker and the Chief Minister, according to political observers, are on a collusion course. It is not known what steps Dr. Channa Reddy would take to neutralise the Speaker. But most Congressmen are agreed that a rapprochement between the two leaders alone could protect the image of the party.

The Speaker observed that the publication of the said news item in *The Citizen* was baseless, concocted and was only the self-imagination of the reporter. He further stated that it was not the Speaker who convened the meeting of the Assembly but it was the Governor who summoned the Assembly. The Speaker also stated that the concerned reporter had never met him. The reporter had also made an adverse comment on the relationship between himself (The Speaker) and the Chief Minister. The Speaker further observed that such comments would reflect on the

functioning of the Speaker and denigrate the position of the Office of the Speaker in the eyes of the public.

The Speaker therefore, referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after considering the explanation from the Editor, *The Citizen*, and relevant documents, in their First Report dated 6 August 1991 reported *inter alia* as follows:

The Editor assured that they had no mala-fide intention or motives whatever in publishing the Report and apologised for any inconvenience caused to the Speaker.

The Committee noted the expression of regret by the Editor, and decided to drop further proceedings against the daily.

The Committee recommended that no further action need be taken by the House in the case.

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

MADHYA PRADESH LEGISLATIVE ASSEMBLY

Alleged obstruction caused to a member by the police within the precincts of the House : On 2 August 1991, Shri Prem Singh Dattigaon, a member, gave notice of a question of privilege regarding alleged obstruction caused to him by the police by attempting to arrest him within the precincts of the House.

Shri Dattigaon alleged that on 2 August 1991, when he was coming out of the Notice Office in Vidhan Sabha precincts, a police officer in a cream colour safari caught hold of him and started dragging him. When he resisted, the police officer told him that he was under arrest. He further stated that Sarvashri Hari Singh Narwaria, Ram Niwas Rawat and Ravindra Choubey, members, were also present there at the time of the incident. Shri Dattigaon further alleged that Shri R.K. Choudhary, Deputy Superintendent of Police and Shri Ajay Singh Bisen, City Police Inspector, were also informed of the incident but they took no action against the erring police officer; they rather allowed him to escape.

Subsequently, on the same day the Speaker observed that there was a *prima-facie* case against Shri Bachan Singh, police officer, Shri Ajay Singh Bisen, City Police Inspector and Shri R.K. Choudhary, DSP, and referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after examining in person Sarvashri Prem Singh Dattigaon, Ravindra Choubey and Hari Singh Narwaria, members, and Shri R.K. Choudhary, Deputy Superintendent of Police, Shri Ajay Singh Bisen, City Police Inspector, and Shri Bachan Singh, Police Officer, in their First Report presented to the House on 7 August 1991, reported *inter-alia* as follows:

From the evidence tendered before the Committee, it could not be denied that the Police Superintendent, Bhopal, Deputy Superintendent of Police, Shri R.K. Choudhary, City Police Inspector Shri Ajay Singh Bisen and the Police Inspector Shri Bachan Singh arrived at the Vidhan Sabha Complex on 2 August 1991 before the adjournment of the House for lunch. When Shri Prem Singh Dattigaon reached in front of the Notice Office after the adjournment of the House for lunch, Police Inspector, Shri Bachan Singh met him and told him that CSP, T.T. Nagar Police Station, Shri S.K. Sharma wanted to see him near the gate. It was also a fact that when Shri Bachan Singh was taking the MLA towards the Western gate than near the security office; Shri Prem Singh Dattigaon refused to go towards the Western gate and went back.

Shri R. K. Choudhary and Shri Ajay Singh Bisen admitted that three to four persons had told them that the person wearing safari suit had misbehaved and he should be arrested but both of them did not try to arrest the Police Officer wearing safari suit, i.e. Shri Bachan Singh.

The contention of Shri Prem Singh Dattigaon was that after collecting mail, etc. from the Notice Office of the Vidhan Sabha at about 1 o'clock after lunch, when he reached the verandah outside, a person in safari suit of pale colour came there and held the upper part of his arm and told him that the C.S.P. wanted to see him. Upon his asking him who the C.S.P. was and why was he holding his shoulder, that man freed his hold. When he could not see the C.S.P. down the stairs, that man told him that the C.S.P. was in the room of the Chief Security Officer. On reaching there he did not find the C.S.P. there. This created suspicion in his mind against the behaviour of that man. When enquired further, that man told the C.S.P. was waiting near the gate.

Shri Prem Singh Dattigaon further contended that he asked that man to call the C.S.P. there as he was going to see Shri Shyama Charan Shuklaji. Upon this that man held his shoulder and said 'You are under arrest' and shouted to call the C.S.P. there.

According to Shri Prem Singh Dattigaon, he could not be arrested within the precincts of the House as he was an MLA. That person told him that he knew that very well. Shri Dattigaon further stated that he got himself freed only after the scuffle and when he turned to come back, the said person caught hold of his waist and pulled his T-shirt and during the scuffle he caught his both hands and asked him to come out of the gate.

Shri Prem Singh Dattigaon stated that he did not free him even after the scuffle and when he came back near the stairs, that person started shouting 'come here' 'come here' and freed his waist. As per statement of Shri Prem Singh Dattigaon, after that he went to Shri Virendra Tiwari and narrated to him the incident. According to him, Shri Hari Singh Narwaria, Shri Ram Niwas Rawat and Shri Ravindra Choubey witnessed the incident and they also raised an alarm to apprehend the man in safari suit but Shri R.K. Chaudhary, D.S.P. and Shri Ajay Singh Bisen who were standing nearby did not try to apprehend him.

Shri Ravindra Chaubey also corroborated the statement of Shri Prem Singh

Dattigaon. According to him, when he was coming out after the lunch hour, some people were having a scuffle with Shri Prem Singh Dattigaon, MLA, near the gate. When he went to the security office no one was present there. D.S.P. Shri R. K. Choudhary was standing outside the gate near his vehicle. He also saw that Shri Hari Singh Narwaria and Shri Ram Niwas Rawat were running after somebody. Shri Choubey also stated he had asked D.S.P. Shri Choudhary to arrest that person as he could be a murderer or a dacoit and if he was a police official let his identity be known. According to him, D.S.P. Shri Choudhary said that he knew that person and that Shri Ajay Singh Bisen had gone to arrest him. Thereupon, Shri Choudhary remarked that he (Shri Choubey) could do whatever he liked and could report at the security office also. He had also stated that Sarvashri Narwaria and Rawat told him that the C.I. had helped him in his escape''.

Shri Hari Singh Narwaria confirmed the statements of Shri Prem Singh Dattigaon and Shri Ravindra Choubey.

In an explanation given for not arresting the safari clad person, i.e. Bachan Singh, Sarvashri R. K. Choudhary and Ajay Singh Bisen stated that they were not deployed at Vidhan Sabha Complex and also were not authorised to arrest anyone. That was why they did not take any action to apprehend Bachan Singh even on request. The Committee were of the view that the statements given by Shri Choudhary and Shri Ajay Singh Bisen were an afterthought and was an attempt to hide their faulty conduct. Shri Choudhary and Shri Bisen did not carry out their duties even after repeated requests by honourable legislators. Rather they ignored them. The presence of the said three Police Officers in Vidhan Sabha Complex and their meeting with Superintendent of Police, Bhopal, in Security Officer's room prior to the said incident and overlooking of indecent behaviour of Shri Bachan Singh towards the hon'ble legislators and not heeding to the requests of hon'ble legislators, Shri Hari Singh Narwaria and Ravindra Choubey, etc. clearly showed that all these three police officers had come in Vidhan Sabha Complex with the same motive and this motive was to arrest the hon'ble legislator, Shri Prem Singh Dattigaon by taking him out from Vidhan Sabha Complex by allurements or force. This was the reason that when Shri Dattigaon protested, he was manhandled and attempt was made to take him outside the Western gate of the Vidhan Sabha Complex.

The statements given by Sarvashri Choudhary, Bisen and Bachan Singh before the Committee were quite contradictory and the three persons tried their best to hide the true story. They even obtained service entry passes from the Chief Security Officer's room to justify their entry into the Vidhan Sabha Complex. In this context, the statement of Bachan Singh needed to be noted that he had got his entry pass from the office situated near the Eastern Gate whereas after the scrutiny of the entry pass and the entry made in the Chief Security Officer's office, it was observed that the entry pass was issued from the Chief Security Officer's room.

The Committee came to the conclusion that the statement given by Shri Prem Singh Dattigaon in connection with the said incident and which had been confirmed by Shri Ravindra Choubey and Shri Hari Singh Narwaria was trustworthy.

The Committee concluded that the Deputy Superintendent of Police Shri R.K. Choudhary and City Police Inspector Shri Ajay Singh Bisen did not take any action against Shri Bachan Singh for his misconduct and indecent behaviour with Shri Dattigaon even after repeated requests from other Honourable Legislators to intervene in the matter. They were, therefore, indirectly supporting Shri Bachan Singh's misconduct with Shri Dattigaon. It is thus proved beyond doubt that Shri R. K. Choudhary, DSP, Shri Ajay Singh Bisen, City Police Inspector and Shri Bachan Singh, Police Officer had entered into the prohibited area of the Vidhan Sabha Complex and therefore all these three persons were guilty of the contempt of the House.

Entering into the Vidhan Sabha Complex with the intention to arrest the Hon'ble Legislator and the indecent behaviour with him constitute contempt of the House and is a breach of privilege as the Vidhan Sabha Complex comes under the jurisdiction of the Speaker.

Hence, the Committee recommended that the DSP, Shri R. K. Choudhary, City Police Inspector, Shri Ajay Singh Bisen and Police Officer, Shri Bachan Singh should be called in to the bar of the House and reprimanded.

Subsequently on 8 August 1991, the Speaker asked the Security Officer to bring Shri R. K. Choudhary, Shri Ajay Singh Bisen and Shri Bachan Singh to the House successively who were then reprimanded turn by turn.

MAHARASHTRA LEGISLATIVE ASSEMBLY*

Alleged casting of reflections on the Speaker and the House : On 20 June 1990, Sarvashri B. A. Desai, Madan Bafna, Madhukar Pichad, Dilip Sopal, Sunil Shinde, Anil Varahde, Ramesh Debe, Eknath Gaikwad and Syyed Ahmed, all members, gave a joint notice of question of privilege and contempt of the House against Shri Ramdas Nayak, ex-MLA and Municipal Councillor and Shri Dharamchand Choradia, General Secretary, BJP, Maharashtra State, for allegedly casting reflections on the Speaker and the House in a press conference jointly held by them on 19 June, 1990 at Bombay.

The members referred to the news items published in this regard in the *Lok Satta*, *Times of India*, *Free Press Journal*, *The Daily and Indian Express* dated 20 June 1990 and the *Independent* dated 21 June 1990 wherein there were references to the impugned remarks made against Shri Madhukarrao Choudhary, Speaker, Maharashtra Legislative Assembly, by Sarvashri Ramdas Nayak and Dharamchand Choradia. They alleged that the remarks were scurrilous, insulting, crass, defamatory and cast aspersions on the character and moral integrity of the Speaker thereby lowering the dignity of the high office of the Speaker in the minds of the general public and thus tarnished the image of the august House.

The said press conference was held pursuant to the judgement delivered earlier by the learned Additional Chief Metropolitan Magistrate, Fourth Court, Girgaum, Bombay, in a case filed against Shri Ramdas Nayak, ex-MLA and Municipal Councillor, by one Shri V.K. Netare, Administrator of the Chetana Group of Colleges, Bandra (East) acquitting

Shri Ramdas Nayak against the complaint made therein. It was alleged at the said conference that Shri Netare had filed the case against Shri Ramdas Nayak at the behest and instigation of Shri Madhukarrao Choudhary, Chairman, Chetana group of Colleges, and that this act was done by Shri Choudhary vindictively because Shri Nayak earlier had also made charges of corruption, against the Educational Institution headed by Shri Choudhary. The judgement was thus held to be a clear reflection on Shri Choudhary's character, integrity and his alleged failure to uphold the high democratic traditions. A demand was, therefore, made by Sarvashri Ramdas Nayak and Dharamchand Choradia for the resignation of Shri Choudhary from the Office of the Speaker.

The matter was referred to the Committee of Privileges by the Chairman for examination, investigation and report.

The Committee of Privileges, after examining in person Shri B.A. Desai, member, and after considering the joint written statement of Sarvashri Ramdas Nayak and Dharamchand Choradia, and of Shri B.A. Desai, in their report presented to the House on 7 December, 1990 reported *inter-alia* as follows:

The Committee felt that both Shri Nayak and Shri Choradia, as persons holding responsible positions in society and one of them (Shri Nayak) happening to be a former member of the Assembly, were quite aware of the rights and privileges of the members as well as of the Legislature and they should have been fully aware of the consequences that would follow when they jointly made such scurrilous and derogatory remarks about the Speaker. The Committee was astonished to see that instead of having a sense of remorse and regret, both of them went on submitting written statements which contained some unsavoury remarks and further tended to aggravate the offence.

The concluding paragraph of the judgement on which Shri Ramdas Nayak and Shri Dharamchand Choradia based their allegations against Hon. Speaker read as follows:

"There also appears much truth in the defence of the accused that as he had made complaints against the management of Chetana Trust of which the Complainant was the administrator as stated above, the Complainant got annoyed and hence he filed his case against the accused".

After going through the above observation of the Hon. Magistrate, the Committee observed that no same person would come to the conclusion that the Magistrate had cast any aspersion on the Speaker, Shri Madhukarrao Choudhary as it was devoid of any allegation of misuse of office. Nowhere in the entire judgement was it mentioned that Shri Netare had filed the case in 1983 against Shri Ramdas Nayak at the behest of the Speaker. Since this case pertained to the period when Shri Madhukarrao Choudhary was not holding the office of Speaker, not even that of member of the House the question of misusing the same would not arise

at all. It was, therefore, apparently clear that it was a deliberate attempt on the part of Shri Ramdas Nayak and Shri Dharamchand Choradia to give a distorted version of the said judgement so as to malign the image of the Speaker and to bring into odium the high office of the Speaker. Therefore, Shri Nayak and Choradia committed breach of privilege and contempt of the office of the Speaker and of the Maharashtra Legislative Assembly.

The Committee, recommended that Shri Nayak and Shri Dharamchand Choradia be imprisoned for a period of fourteen days in Civil Jail.

In view of the fact that the persons committed to prison would be released on prorogation of the Assembly Session, the Committee recommended that if the period of imprisonment undergone during the Session fell short of the required number of days as a result of the prorogation of the Session, they be committed to prison again in the succeeding Sessions so as to make up the aggregate period of their imprisonment in one or more Sessions hereafter.

Judging from the writing and undignified language used by Shri Ramdas Nayak in his letter, addressed to all the members of the Privileges Committee, the Committee held that Shri Nayak attempted to maliciously attack the members of the Committee and thereby showed utter disregard to the dignity of the House. He had also attempted to prejudge the working of the Committee with caprice, malice and misconception. The Committee recommended that Shri Ramdas Nayak be imprisoned for a further period of one additional day in Civil Jail.

The House concurred with the findings of the Report of the Committee and strongly condemned Shri Ramdas Nayak and Shri Dharamchand Choradia for their action. Though the Committee recommended fifteen and fourteen days imprisonment in Civil Jail in respect of Shri Ramdas Nayak and Shri Dharamchand Choradia respectively, the House resolved that each of them should be awarded one day's imprisonment in Civil Jail.

HOUSE OF REPRESENTATIVES (AUSTRALIA)

Alleged premature publication of the proceedings of a Parliamentary Committee by a newspaper: On 17 September 1990, Dr. A. Theophanous, a member, raised in the House a question of privilege pertaining to the alleged premature publication of the proceedings of the Joint Standing Committee on Migration regulations in the form of an article entitled 'Lift ban on HIV partners' by Martin Daly in the *Melbourne Sunday Herald* dated 16 September 1990. The Committee viewed this article seriously as it appeared to reveal knowledge of a submission to the Committee which the Committee had determined should be treated as confidential. The Committee determined by resolution that it constituted substantial interference with the work of the Committee.

On the same day, the Speaker observed that the Committee itself

should consider taking steps to ascertain the source of disclosure before the matter was referred to the Committee of Privileges.

As suggested by the Speaker, the Joint Standing Committee on Migration Regulations, in the first instance, took steps to seek to ascertain the source of disclosure at their end.

On 18 September 1990, Dr. Theophanous, reported to the House on behalf of the Committee that as Chairman of the Joint Standing Committee on Migration regulations, he had asked the following two questions from seven members of the Committee and the Committee's staff:

- (i) "Have you, on any occasion, provided or assisted or allowed to be provided to Mr. Daly or any other journalist information confidential to the Committee?"
- (ii) "Have you supplied to Mr. Daly or any other journalist material which is confidential to the Committee or material which is covered by parliamentary privilege?"

Dr. Theophanous further reported that all members, including himself, answered 'no' to those questions and that the Committee's staff members had also responded in the negative.

Subsequently, on 19 September, 1990, Dr. Theophanous moved the motion for referring the matter to the Committee of Privileges.

The matter was accordingly referred to the Committee of Privileges.

The Committee of Privileges, after considering all the relevant documents, in their report held *inter-alia* as follows:

In the absence of disclosure either from the members or staff of the Joint Standing Committee on Migration Regulations reported by the Committee, the Committee of Privileges considered that it was possible that the submission in question, or details of its contents, might have been disclosed by persons other than those associated with the Committee, for instance by those responsible for the submission or other persons who might have become aware of its contents. The Committee therefore contacted a representative of the Gay and Lesbian Immigration Task Force (GLITF) seeking information as to the circulation given to the submission before and after it was lodged, information on steps taken to ensure its confidentiality and information as to whether those who might have had access to its details were made aware of its confidentiality.

On 5 November, a response was received from GLITF. In analysing this response, the Committee considered that the following points were particularly relevant:

"GLITF had made a submission to the Joint Select Committee on Migration Regulations on 22 January 1990, and later, on 11 July, lodged the same submission with the Joint Standing Committee, which was established in the new Parliament;

GLITF did not ask that the submission be kept confidential (not that this fact meant that the submission should not have been treated as confidential);

A draft of the submission was circulated amongst GLITF members in Sydney, Melbourne, Adelaide and Canberra. It was probable that at least 60 members viewed and retained copies of either the draft or the final version.

Although GLITF urged members not to circulate its submission, it did not inform its members that the submission was confidential and it appeared that those responsible were not aware of the parliamentary rule in this matter;

GLITF sent copies of its submission to two other organisations and to two persons".

In view of the extensive dissemination of the submission, the Committee recognised that there was a large number of possible sources of disclosure. The Committee also recognised that as an identical submission had been presented by GLITF to the Joint Select Committee on Migration Regulations in January, it was theoretically possible that disclosure had been made by a person or persons associated with the Select Committee. Further, it was possible, indeed probable, that a number of those persons who would have had access to a copy of the draft or the final submission, would not have been aware of the parliamentary prohibition on publication of submissions before or unless their publication was authorised by the Committee in question. The extent of the publication of the submission was such, however, that this Committee concluded that it was quite unlikely that further inquiry would enable it to bring the matter to a more satisfactory conclusion.

The Committee concluded that in the circumstances of the widespread dissemination of the submission, and the apparent ignorance of the relevant parliamentary rules on the part of many involved, it was at least probable that the person or persons responsible for the disclosure(s) did not act with deliberate intent to breach the prohibition on unauthorised disclosure.

The Committee recommended that in the light of its findings, no further action be taken by the House in the case.

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

Alleged obstructions to a member in performing his parliamentary duties: On 13 September 1990, Mr. G.G.D. Scholes, a member, raised as a matter of privilege a letter which was sent to him on 6 September 1990 by a firm of solicitors, Dunhill Butler, signed by one Mr. A. Elder. The member quoted from certain paragraphs in the letter and stated that if he were to comply with the requests set out in the letter, it would result in his being inhibited in the performance of duties as a member. The letter, among other matters, asked the member not to distribute further a document which he had distributed to members of branches of the

Australian Labour Party in Corio relating to the activities of the Forrow Group or as it is often known the Pyramid Building Society. The letter further asked the member to tell people, to whom the document had already been distributed, to put it to one side, and further to refrain from making such statements in the future.

Citing from a similar case in 1947 of the U.K. House of Commons' Committee of Privileges Report and from the House of Representatives Practice, the Speaker observed subsequently on 17 September 1990 that any attempt by any improper means to influence or to impair a member's conduct or future performance was a contempt.

The matter was referred to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after examining in person Mr. G.G.D. Scholes, member, and considering all the relevant documents, reported *inter-alia* as follows:

The essential question for determination by the Committee was:

'Did the action of Mr. Elder in writing to Mr. Scholes in the terms that he did in the letter complained of, constitute a contempt?'

There was no suggestion that the actions of Mr. Scholes in publishing his letter to members of his party in his electorate were absolutely privileged, i.e. immune. Mr. Scholes confirmed his awareness of this in his evidence to the Committee. The substance of Mr. Scholes' concern was rather his belief that, if he complied with the requests, Mr. Elder made of him, he would be inhibited in carrying out his duties as a member.

The Committee felt, the House did indeed have the power to act to protect a member from conduct which amounted or was intended or likely to amount, to an improper interference with the free performance by the member of his or her duties as a member (Parliamentary Privileges Act, 1987, Section 4). Thus although actions such as those of Mr. Scholes which gave rise to Mr. Elder's letter might not be absolutely privileged, it would be possible for the House to hold that, even if they did not breach any specific right or immunity, they were contempts.

Mr. Elder's letter was certainly an explicit attempt to influence Mr. Scholes. But the test to be applied was to assess whether Mr. Elder's actions constituted a contempt in regard to the requirements of section 4 of the Parliamentary Privileges Act, 1987, and were accordingly improper.

In the view of the Committee, there were two matters under which the possibility of a contempt could be considered. First, did the action of Mr. Elder in writing to Mr. Scholes and asking him to take the actions Mr. Elder sought, and stating what he (Mr. Elder) would do—if Mr. Scholes did not comply, itself constitute contempt — i.e. was the whole action of Mr. Elder in this matter a contempt? On this aspect, the Committee recognised the need for members to be able to act effectively and appropriately in carrying out their responsibilities. Nevertheless, the essential point is that members do not enjoy absolute immunity in their

ordinary work, rather their immunity is confined to their participation in proceedings in Parliament. This narrow drawing of the ambit of absolute privilege reflects a proper concern that the rights and immunities of members should be limited to those considered absolutely necessary for the performance of their duties and for the work of the House. It reflects a recognition of the legitimate rights of others in the community.

Considering Mr. Elder's letter in the context of Mr. Scholes' action in distributing the material he did distribute, the Committee concluded that Mr. Elder's basic action in writing the letter of 6 September should not be seen as an attempt at improper interference with Mr. Scholes' work as a member, whilst the Committee was mindful of Mr. Scholes' position in the whole matter, Mr. Elder's letter, in its view, needed to be seen as a response on behalf of a person claiming to be affected by the actions of a member. The Committee did not believe the House would want members of the public to feel that they could not respond, or have responses made on their behalf, in appropriate terms, when matters of personal interest to them arise as a result of the actions of members.

The second possibility was more specific and concerned the request in Mr. Elder's letter that Mr. Scholes 'refrain from making such statements in the future.'

On this, the Committee could find out that Mr. Scholes did not feel Mr. Elder's request that he refrained from making such statements in the future was an attempt to intimidate him in performing his work in the Parliament.

The Committee, however, believed that this particular statement of Mr. Elder's should be considered in the context of the events which preceded it, namely Mr. Scholes' actions in distributing his circular within his electorate. Further, there was no explicit reference in the letter to debates or the proceedings in the House. In the circumstances, and having regard to the nature of the letter itself and the words actually used, the Committee concluded that there was not sufficient evidence to lead it to a conclusion that the particular statement should be found to constitute an attempt by improper means to influence Mr. Scholes in respect of his participation in proceedings in Parliament.

The Committee concluded that the action of Mr. Elder in writing to Mr. Scholes in the terms that he did in his letter did not constitute a contempt of the House.

In view of its finding, the Committee recommended that the House take no further action in this matter.

No action was taken by the House in the matter.

PROCEDURAL MATTERS

LOK SABHA

Instance when time for presentation of Railway Budget was changed twice: The Railway Budget for 1992-93 was to be presented on 25 February 1992 after Question Hour and members were accordingly informed through Bulletin Part-II. On 25 February, the Minister of Railways, Shri C.K. Jaffer Sharief, in his letter to the Speaker, requested that the Railway Budget be presented at 1700 hrs. on 25 February 1992. His request was agreed to and members were informed accordingly through Bulletin Part-II.

On 21 February 1992, the Leader of Opposition in Lok Sabha, Shri L.K. Advani, in a letter to the Speaker, Shri Shivraj V. Patil, requested that as per convention Railway Budget should be presented on 25 February 1992 after Question Hour and also raised the issue in the House on 24 February 1992. On the Prime Minister agreeing to it, the Speaker announced that the Railway Budget would be presented after Question Hour. Members were accordingly informed through Bulletin Part-II once again. The Minister of Railways, thereupon presented the Railway Budget after Question Hour on 25 February 1992.

Permission to a Minister to lay on the Table a document, listed in the Agenda for the next sitting: The Summary of the recommendations contained in the interim report of Dr. Raja Chelliah Committee, which was constituted to examine the structure of direct and indirect taxes, was to be laid on the Table on 3 March 1992 as per the List of Business issued for that date on 28 February 1992. However, on 29 February 1992, before the presentation of the General Budget for 1992-93, the Leader of the Opposition and some other members demanded that the document in question might be laid on the Table on that very day. The Finance Minister, Dr. Manmohan Singh, thereupon, with the permission of the Speaker, laid the document on the Table of the House, before the commencement of the Budget speech.

Presiding Officers not to subject to the jurisdiction of Judiciary: On 9 March 1992, the Speaker Lok Sabha, Shri Shivraj V. Patil, referred to the receipt of a notice from the Supreme Court by the former Speaker Lok Sabha, Shri Rabi Ray, in connection with impeachment proceedings against a Supreme Court judge and *inter-alia* observed as follows:

"The hon. Presiding Officers may not subject themselves to the jurisdiction of the judiciary. We, as a very responsible institution, like to protect the prestige and dignity of the Legislature. Now here we have to strike a balance and that is very very important.

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The Papers may be given to the Court and Court can decide in whatever fashion they want to. This matters can be brought to the notice of the Law Ministry also and the point of view of the Legislature can be presented to the judiciary through the Law Ministry if it is necessary. But on the one hand, we will give the papers and we would accept and respect the decision, but on the other hand, we would not expect the Presiding Officers to go to the Court and subject themselves to the jurisdiction of the Court. That was the view I had expressed. And at the same time, I had said that I would bring this matter to the notice of this august House and with their agreement only we would come to a conclusion. So, I have brought this view to your notice. And, I think if it is agreeable to us, we will follow this. The House then agreed to that."

It is the Speaker's prerogative to allow a Calling Attention: On 11 March 1992, after the Question Hour, Shri Rupchand Pal and some other members raised the issue of a strike in the Jute Mills in West Bengal. Shri Sudarshan Roychoudhury and some other members submitted that a Calling Attention on the subject be allowed. The Deputy Speaker, who was in the Chair, observed that a Calling Attention was under consideration by the Speaker. The Minister of State for Parliamentary Affairs, Shri P.R. Kumaramangalam, thereupon, clarified that admission of Calling Attention was the prerogative of the Speaker.

Instance of the House being presided over by a member who was not on the panel of Chairmen: On 12 March 1992, during a combined discussion on the Railway Budget and other related items, Shri P.R. Kumaramangalam, Minister of Parliamentary Affairs, suggested that since the Chairman, Shri P.M. Sayeed was to go and as neither the Speaker nor the Deputy Speaker nor any member on the Panel of Chairmen was available to preside, Shri Nirmal Kanti Chatterjee, a member might take the Chair. The House agreed to that. Shri Chatterjee, thereupon presided over the House from 17.50 hrs. till the House adjourned at 18.23 hrs.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

1 January to 31 March 1992)

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

—Editor

INDIA

DEVELOPMENTS AT THE UNION

Developments in Janata Dal: On 1 January, Janata Dal President Shri S.R. Bommai issued show-cause notices to Shri Rasheed Masood, Shri Harpal Panwar and Shri Satyapal Singh Yadav, all MPs, asking them to explain why disciplinary action should not be taken against them for anti-party activities. On 4 January, Shri Bommai expelled all the three MPs from the Janata Dal.

On 15 January, the Speaker, Lok Sabha, Shri Shivraj V. Patil declared that Mr. Ajit Singh "will be seated separately outside the Janata Dal bloc for the purpose of functioning" in the Lok Sabha. Meanwhile, the Delhi High court stayed the expulsion of Shri Ajit Singh and three other MPs from the Janata Dal till 20 January.

On 19 January, the Janata Dal National Executive adopted a resolution expelling the four MPs from the primary membership of the party for six years. The Delhi High Court, on 20 January, declined to extend the interim stay on the expulsion of the MPs.

On 5 February, a faction of the Janata Dal held a meeting of the National Executive and elected Shri Ajit Singh as the party President and authorised him to take action against Shri S.R. Bommai and Shri V.P. Singh.

Ordinance on countermanding of elections: On 4 January, President Shri R. VenKataraman issued an Ordinance amending the Representation of the People Act, 1951 to restrict countermanding of elections only on the death of a candidate of a recognised political party. It would apply to the whole of the country and came into force with immediate effect.

On 11 March, the Rajya Sabha passed the Representation of the People (Amendment) Bill, 1992 replacing the Ordinance. The Bill was passed by Lok Sabha on 18 March 1992.

Ordinance on campaign period: On 10 January, the President promulgated an Ordinance reducing the campaigning period for Lok Sabha and Assembly elections from a minimum of 20 days to 14 days.

Death of members: Congress(I) member of Rajya Sabha, Shri Sat Paul Mittal, passed away on 12 January.

Shri Senapathi Gounder, Congress(I) member of Lok Sabha from Palani constituency, passed away on 25 February.

SC ruling on disqualification issue: On 18 February, the Supreme Court ruled that a member of Parliament or of a State Legislature can be disqualified for defying a whip only on two counts—voting on a motion of confidence or no-confidence or when the matter relates to the programmes and policies of the political party. The Court was delivering its detailed reasoning on the November 1991 judgement holding the anti-defection law constitutional while striking down Para 7 of the Tenth Schedule of the Constitution.

Newly elected LS members from Punjab: The following were declared elected to Lok Sabha from Punjab in the elections held on 19 February: Smt. Sukhbans Kaur-Gurdaspur; Shri Raghunandan Lal Bhatia-Amritsar; Shri Surinder Singh Kairon-Tarn Taran; Smt. Santosh Chowdhary-Phillaur; Shri Kamal Chaudhary-Hoshiarpur; Shri Harchand Singh-Ropar; Shri Sant Ram Singla-Patiala; Shri Gurcharan Singh Galib-Ludhiana; Shri Kewal Singh-Bhatinda; Shri Jagmit Singh Brar-Faridkot; Shri Gurcharan Singh Dadahoor-Sangrur; and Shri Mohan Singh-Ferozepur. Of the twelve elected, except for Shri Mohan Singh who was returned on the Bahujan Samaj Party ticket, all others belonged to Congress(I).

Der-recognition of Parties: On 21 February, the Election Commission derecognised three national parties—Janata Dal (Samajwadi); Lok Dal; and Indian Congress (Socialist-Sarat Chandra Sinha). It also derecognised 10 state parties. They are: Democratic Party (Mizoram); Kerala Congress; Nagaland Peoples Party; Pattali Makkal Katchi (Pondicherry); Peasants and Workers Party of India (Maharashtra); Peoples Party of Arunachal; Plains Tribals Council of Assam; Pondicherry Manila Makkal Munnani; Revolutionary Socialist Party (Kerala); and United Minorities Front (Assam).

Minister to assist PM: According to a Rashtrapati Bhavan communique issued on 23 February, the Minister of State for Coal, Shri P.A.

Sangma, would also assist the Prime Minister, Shri P.V. Narasimha Rao in the work of the Ministry of Labour.

Budget Session of Parliament: The Budget Session of Parliament started on 24 February with the customary President's Address to the members of the two Houses assembled together in the Central Hall.

The motion of thanks on the President's Address was passed by the Lok Sabha and the Rajya Sabha on 9 and 10 March 1992, respectively.

Notice on CEC's impeachment: On 4 March, the National Front-Left Front combine submitted to the Speaker, Lok Sabha, Shri Shivraj V. Patil, a notice signed by 122 MPs for the impeachment of the Chief Election Commissioner, Shri T.N. Seshan.

Rajya Sabha elections: On 16 March, the following were declared elected unopposed to the Rajya Sabha:

Andhra Pradesh: Shri V. Hanumantha Rao, Shri V. Rajeshwar Rao, Shri A.S. Chowdhri Shri G. Prathapa Reddy (all congress-I; Smt. Renuka Chowdhury (TDP); and Shri N. Giri Prasad (CPI).

Kerala: Shri T. Balakrishna Pillai (Congress-I); Shri B.V. Abdulla Koya (Muslim League); and Shri M.A. Baby (CPI-M).

On 24 March, the following were elected to Rajya Sabha:

Assam: Shri Matang Singh (Congress-I); and Shri Tara Charan Mazumdar (Independent).

Himachal Pradesh: Shri Maheshwar Singh (BJP).

Karnataka: Smt. Margaret Alva, Shri Satehidananda, Shri K.R. Jayadevappa and Shri Gundappa Korwar(all Congress-I).

Nagaland: Shri Vizol (Nagaland People's Council)

Tripura: Shri Sudhir Ranjan Mujumdar (Congress-I).

Shiv Sena group in Lok Sabha: On 6 March, the Speaker, Lok Sabha, Shri Shivraj V. Patil recognised Shri Ashokrao Deshmukh and Shri Vilasrao Gundewar as a separate group of the Shiv Sena in Lok Sabha. The group would be known as Shiv Sena(B).

Developments in Telugu Desam Party: On 12 March, eight Telugu Desam Party members of Lok Sabha wrote to Speaker Shri Shivraj Patil requesting that they may be allotted separate seats in the House as the parent party had split on 6 March. They are: Sarvashri Vijayakumar Raju, K.V.R. Chowdhary, K.P. Reddaiah Yadav, S. Thota Subba Rao, A. Indrakaran Reddy, G. Ganga Reddy, G.M.C. Balayogi, and B.B. Ramaiah. Later, three of these-Sarvashri B.B. Ramaiah, G.M.C. Balayogi and S. Thota Subba Rao-retracted from the move.

On 13 March, the Speaker recognised the five-member group led by Shri Vijayakumar Raju and allotted them new seats and division numbers.

Later, Shri S. Thota Subba Rao informed the Speaker that he stood by his earlier decision to join the new group, following which the Speaker directed that he be treated as a member of that group.

On 14 March, TDP President Shri N.T. Rama Rao expelled Shri P. Upendra and the six Lok Sabha members who were allotted separate seats in the House from the party for anti-party activities.

On 18 March, Rajya Sabha Chairman, Dr. Shanker Dayal Sharma granted Shri P. Upendra the status of "a member without any party affiliation".

Resignation of Minister: On 31 March, the Minister of External Affairs, Shri Madhavsingh Solanki resigned from office. Earlier, the Opposition had demanded his resignation he had sought to influence the Bofors probe by handing over a memorandum to the Swiss Foreign Minister Mr. Rene Felber during his visit to Switzerland.

AROUND THE STATES

BIHAR

Removal of Minister: On 15 January, Chief Minister Shri Laloo Prasad Yadav dropped Tourism Minister Shri Hind Kesri Yadav from the council of Ministers.

Death of MLAs: Congress (I) MLA, Shri T. Mochirai Munda, passed away on 23 March.

On 28 March, Congress (I) MLA Shri Hemant Sahi was critically injured in a shoot-out near Goraul. He succumbed to the injuries on 30 March.

Termination of membership of MLAs: On 25 March, Speaker Shri Ghulam Sarwar terminated the membership of three MLAs for criminal misconduct, hooliganism and mischief directed at the Speaker, after the House adopted a motion to that effect. They were: Shri Sakuni Chaudhary and Shri Bachcha Choubey of Congress (I) and Shri Awnish Kumar Singh of the BJP.

On 27 March, the Patna High Court stayed any action on the notification of the state assembly which sought to terminate the membership of the three MLAs.

GOA

Dismissal of petitions against CM, MLAs: The Goa Bench of the Bombay High Court, on 4 February, disallowed two writ petitions seeking disqualification of the chief Minister Shri Ravi Naik and six other Ministers from the membership of the state Assembly.

GUJARAT

Death of MLA: Congress (I) MLA Shri Virji Munia passed away on 15 March.

KARNATAKA

Death of Minister: Shri K.H. Patil, Minister for Rural development, passed away on 9 February.

MADHYA PRADESH

Reshuffle of portfolios: On 9 February, Chief Minister Shri Sunder Lal Patwa took over from Shri Kailash Chawla the portfolios of Home and Culture and from Dr. Rajendra Prakash Singh the Departments of Public Health and Family Welfare.

MAHARASHTRA

Death of MLA: Shiv Sena MLA, Shri Vithal Chavan, was shot dead by unidentified assailants at Parel on 23 March.

Reshuffle of portfolios: In a reshuffle of portfolios on 22 March, Shri Babasaheb Kedar was divested of Rural Development and given forest, till then held by Shri Dharmarao Atram. Irrigation and Command Area Development Authority was taken away from Shri Ranjit Deshmukh and he was instead given portfolios of Planning and Protocol, held by Shri Praveen Bhosale and Shri Arun Gujarati, respectively. Dr. Patangrao Kadam was given additional charge of Irrigation and Command Area Development Authority, besides education and Technical Education. The Department of Rural Development was allocated to Shri Bapusaheb Thite in addition to Home.

Developments in Shiv Sena: On 27 March, the six-member Shiv Sena (B) split giving rise to a three-member Shiv Sena (C); they, however, joined Congress (I) later. The three members are: Shri Hanuman Bobde, Shri Marotrao Shinde and Shri Dilip Desai. The other three returned to the Shiv Sena. They are: Shri Gulabrao Gawande, Shri Prakash Bharsakale and Shri Baban Gholap.

MANIPUR

Matters relating to disqualification of MLAs: On 2 January, the Supreme Court served a show-cause notice on the Speaker of the state Legislative Assembly, Shri H. Borababu Singh, for contempt of court for not implementing its orders overruling the disqualification of seven MLAs.

On 17 January, the Supreme Court directed the Speaker to reply within ten days to a contempt petition filed by seven MLAs for disobedience of an earlier order quashing their disqualification by him. In his submission, the Speaker said that he had not flouted any Court order. On 31 January, the Supreme Court asked the speaker to state in writing latest by 10 February that he would respect the Court's order in terms and in spirit.

The Speaker disqualified three more MLAs, Sarvashri T. Krishna Singh (Janata Dal), Selkai Hrangchal (Janata Dal) and Holkhomang (Congress—S), on 31 January.

The Constitution Bench of the Supreme Court, on 27 February, decided

to initiate contempt proceedings against Speaker Shri Borobabu Singh for wilfully disobeying the orders and judgement of the Court.

On 6 March, the Supreme Court directed the Secretary of the Manipur Legislative Assembly and other concerned authorities to make payment of salaries and allowances to the seven MLAs whose disqualification by the speaker was quashed by the Apex Court in November 1991.

On 24 March, the Supreme Court granted another opportunity till 31 March to the speaker to file a satisfactory affidavit on why contempt proceedings should not be initiated against him. The Speaker, on 31 March, filed an affidavit stating that he would not take any action or omit to take any action inconsistent with the Court's order.

Political developments: On 2 January, the Janata dal and the congress(S) revoked the suspension orders on former Health Minister Shri Selkai Hrangchal and former Industries Minister, Shri Holkhomang Haokip.

On 6 January, forest Minister Shri T. Krishna Singh and Minister of state for Works, Shri Daising Panmei withdrew their support to the Government. Three MLAs—Sarvashri Hidam Bidur, B.D. Behring and selkai Hrangchal—all belonging to Janata Dal, also withdrew their support. Speaker Shri Borobabu Singh, meanwhile, cancelled the Assembly Session which was to begin on 8 January.

On 7 January, president's rule was imposed in the state and the assembly kept under suspended animation.

MEGHALAYA

Political development: Three MLAs belonging to the Meghalaya United Parliamentary Party—Sarvashri Chesterfield Marak, Sherji Sangam and P.D. Sangam—joined the Congress(I)—led United Meghalaya Parliamentary Forum on 23 January.

Swearing in of Ministry: A Congress (I)-led United Meghalaya Parliamentary Forum Ministry, headed by Shri D.D. Lapang, was sworn in on 5 February. The Ministry was expanded on 7 February. The following is the list of Ministers and their portfolios:

Cabinet Ministers: Shri D.D. Lapang (Chief Minister): Finance, Cabinet Affairs, Personnel and Administrative Reforms Programme Implementation, Taxation, Election; Shri J.D. Pohmen (Deputy Chief Minister): Secretariat Administration, Food and Civil Supplies, Law, Parliamentary Affairs; Shri Atul C. Marak: Public Health Engineering, Geology and Mining; Shri O.L. Nongtdu: Home (Police), Health and Family Welfare; Dr. R.C. Laloo: Industry, Excise; Shri Armison Marak: Cooperation, Relief and Rehabilitation, Stationery; Shri P.G. Momin: Education, Environment; Shri H.B. Dan: Fuel Conservation, District Council Affairs, General Administration; Shri Crunden Sangma: Transport, Civil Defence, Home Guard; Shri H. Suchiang: Power, Information, and Public Relations; Shri chamberlain A. Marak: Science and Technology, Tourism; Shri J.D. Rymbai:

Animal Husbandry, Dairy Development; Shri Chesterfield Marak: Agriculture, including Minor Irrigation; Shri Projend Sangma: Forest, including Social Forestry; Shri Pravin K. Raswai: Sports and Youth Affairs, Border Area Development; Shri Friday Lyngdoh: Home (Passport); Shri Norwin Sangma: Home (Jail), Stamp Registration, Fisheries; Smt. M. War: Social Welfare, Art and Culture; Shri Sherjee M. sangma: Public Works Department; Shri Dhabal Chandra Barman: Sericulture, Weaving; Shri H.S. Shylla Community Welfare Rural Development Ministers of State; Shri M.D. Kharkongor: Housing (Independent Charge); Shri L. Sangma: Labour (Independent charge); Shri Mountbatten sangma: Communication (Independent Charge) also attached to the Minister of Industry).

Confidence vote: On 19 February, the D.D. Lapang Ministry won a confidence motion in the State Assembly by a voice vote.

NAGALAND

State Assembly dissolved: On 27 March, Governor Shri M.M. Thomas dissolved the state Assembly on the advice of Chief Minister Shri Vamuzo.

PUNJAB

Poll notification: On 24 January, the President issued a notification calling on the people to elect 13 members to Lok Sabha in a poll on 19 February. The Governor of Punjab also issued a similar notification for elections to the State Assembly.

Two elected unopposed to State Assembly: The candidates of Akali Dal (K) and Congress (I), Capt. Amrinder Singh and Shri Dalbir Singh Dalike respectively, were elected unopposed to the State Assembly from Samana and Taran Taran constituencies, respectively, on 5 February, the last day for withdrawal of nominations.

Election results: The party position in the state Assembly following elections held on 19 February is as under: Total seats: 117; results declared: 117; Congress (I):86; BSP:9; BJP:6; CPI:4; Akali Dal (K):3; CPI (M): 1; Janata Dal: 1; UCPI: 1; Independents and others:6.

Ministry sworn in: A 26-member Council of Ministers, headed by Shri Beant Singh, was sworn on 25 February. One more Minister was inducted on 26 February.

The list of Ministers and their portfolios is as under:

Cabinet Ministers: Shri Beant Singh (Chief Minister): *Personnel and General Administration, Vigilance, Home and Justice, Industries, Information and Public Relations, Revenue and Rehabilitation, science, Technology and Environment, and other departments not specifically attached to any other Minister;* Shri Harcharan Singh: *Irrigation and Power;* Shri Brahm Mohindra: *Social Welfare;* Dr. Kewal Krishan: *Finance, Planning and Local Government;* Shri Umrao Singh: *Rural Development and Panchayats, Defence, Services welfare;* Shri Dilbagh Singh: *Agriculture*

and Forests; Smt. Rajinder Kaur Bhatta: Food and Supplies; Shri Shamsher Singh Dule: Excise and Taxation; Shri Lal Singh: Health and Family Welfare; Shri Balmukand Sharma: Relief and Resettlement, Removal of Grievances, Pension and Welfare of Pensioners; Shri Sajjan Kumar Jakhar: Cooperation; Shri Harnam Dass Johar: Education and Languages; Shri Lakhmir Singh Randhawa: Technical Education and Industrial Training. Ministers of State with Independent Charge: Shri H.S. Sidhu: Animal Husbandry and Fisheries; Shri Joginder Singh Mann: PWD (Building and Roads) and Architecture; Shri Gulzar Singh: Labour and employment; Shri Jagjit Singh: Housing and Urban Development; Master Jagir Singh: Transport; Shri Mahinderjit Singh Bitta: Public Health; Shri Dharam Pal Sabharwal: Printing, Stationery and Freedom fighters' Cell; Shri Mohinder Singh Kaypee: Youth Affairs; and Shri Karam Singh Gill: Tourism and Culture (also attached to the chief Minister for the department of Industries.)

Ministers of State attached to Cabinet Ministers: Shri Gurmej Singh: Social and Women's Welfare and Welfare of Scheduled Castes and Backward Classes (attached to Shri Brahm Mohindra); Kum. Sushil Mahajan: Education and Languages (attached to Shri Harnam Dass Johar); Shri Surinder Kapur: Technical Education and Industrial Training (attached to Shri Lakhmir Singh Randhawa); Shri Jagmohan Singh Kang: Revenue and Rehabilitation (attached to the Chief Minister); Shri Naresh Thakur: Defence Services welfare (attached to Shri Umrao Singh).

First Session of State Assembly: On 16 March, the Punjab Vidhan Sabha began its first Session with the Speaker pro-tem, Shri Harcharan Singh Ajnala, administering oath to the newly elected members.

Election of Speaker/Deputy Speaker: On 17 March Shri Harcharan Singh Ajnala of the Congress (I) was unanimously elected Speaker of the Vidhan Sabha. Shri Romesh Chander Dogra of Congress (I) was elected Deputy Speaker on 7 April 1992.

RAJASTHAN

Resignation of Ministers: Chief Minister Shri Bhairon Singh Shekhawat accepted the resignation of two Janata Dal (D) Ministers—Transport Minister Shri Jagmal Singh Yadav and Agriculture Minister Shri Sampat Singh—from the council of Ministers on 8 January. The resignations of Minister of State for Ayurveda, Shri Yogeshwar Garg and Minister of State for Tribal area development, Shri Chuni Lal Garsia were accepted by the Chief Minister on 23 January.

Expansion of Cabinet: On 17 February, Shri Kailash Meghwal was inducted into the State Cabinet as Minister of State. On 19 February, Shri Meghwal was given charge of Drought Relief and Rehabilitation, till then held by Km. Pushpa Jain who is also in charge of Tourism, art and Culture. Shri Vijay Singh Kjhala was made Minister without portfolios. Home Minister Shri Digvijay Singh was given additional charge of

Transport while Energy Minister Shri Ramnarain Bishnoi would look after Agriculture.

Swearing in of Governor: Dr. M. Channa Reddy was sworn in as **Governor of Rajasthan** on 5 February.

TAMIL NADU

New Minister: Shri R. Raghupathy was sworn in as a Cabinet Minister on 27 February. He would look after the portfolios of Labour, Employment and Training, Urban and Rural Employment Programmes and Census.

TRIPURA

Resignation of CM: On 17 February, the Chief Minister Shri Sudhir Ranjan Majumdar submitted his resignation following the withdrawal of support by the Tujs, a coalition partner of the Congress (I).

A 12-member congress (I) Tujs coalition Ministry, headed by Shri Samir Ranjan Barman, was sworn in on 19 February. The other Ministers are: Shri Nagendra Jamatia; Shri Drau Kumar Reang; Shri Rabindra Deb Barma; Shri Kashiram Reang; Shri Birjit Sinha; Shri Ratan Chakraborty; Shri Surajit Dutta; Shri Billal Mian; Shri Rashik Lal Roy; Shri Moti Lal Saha; and Smt. Bibha Nath.

In the allocation of portfolios announced on 25 February, Chief Minister Shri Samir Ranjan Barman retained 14 Departments including Home, Finance and Industry. All those Ministers who were there in the previous Cabinet retained their portfolios with minor changes. Shri Rashik Lal Roy, who was not in the previous Cabinet, was given Employment, Printing, Stationery and Jails.

DEVELOPMENT ABROAD

ALBANIA

Election results: In the first round of parliamentary elections held on 22 March, the Democratic Party won outright 79 of the 100 seat contested ending a half century of domination by the Communists. In the second round run-off elections on 29 March, the Democratic Party took all the 11 seats contested.

ALGERIA

Political developments: On 12 January, President Mr. Chadli Benjedid resigned from office. Prime Minister Mr. Ahmed Ghazali announced that the Army was taking over law enforcement responsibility. The governing Security Council later cancelled the second round of elections which was to be held on 16 January. A five-man Presidency called the High Committee of State took control on 15 January.

BULGARIA

Election results: President Mr. Zhelyu Zhelev failed to win a clear majority in the first round of Presidential elections held on 12 January receiving between 43 and 45 per cent votes, short of the 50 per cent needed for outright victory. Mr. Zhelev, however, won 54.4 per cent of the votes in the run-off election held on 19 January and was re-elected President.

CAMEROON

Election results: President Mr. Paul Biyaz's Cameroon People's Democratic Movement won an absolute majority in Parliament in the elections held on 1 March.

EL SALVADOR

Pact on ending civil war: On 16 January, Government and rebel leaders signed a pact ending the country's 12-year-old civil war.

ESTONIA

Resignation of Government: Prime Minister Mr. Edgar Savisaar announced his Government's resignation on 23 January. The Parliament approved a new Government headed by Mr. Tijt Vjahi on 30 January.

EUROPEAN PARLIAMENT

New President: On 15 January, Mr. Egon Klepsch, a German Christian Democrat, was elected the President of the European Parliament.

GEORGIA

Political developments: On 2 January, Opposition leaders announced the formation of a military council to replace President Mr. Zviad Gamsakhurdia who remained holed up in Parliament after 12 days of fighting. Mr. Gamsakhurdia fled the country to neighbouring Armenia on 6 January. Acting Prime Minister Mr. Tengiz Suaga, appointed by the military council, announced the formation of a civilian coalition Government and promised elections by April this year. Mr. Gamsakhurdia returned to Georgia on 16 January and urged his supporters to fight against the military council.

GERMANY

Resignation of Minister: On 31 March, Defence Minister Mr. Gerhard Stoltenberg resigned in the wake of allegations surrounding unauthorized shipment of German tanks to Turkey.

IRELAND

New PM: Mr. Albert Reynolds was elected the new leader of the ruling coalition of Fianna Fail, following the resignation of Prime Minister Mr. Charles Haughey on 10 February.

ISRAEL

Resignation of Ministers: Two Cabinet Ministers—Mr Yuval Neeman and Mr. Rehavam Zeevi—resigned from the Cabinet on 19 January.

ITALY

Dissolution of Parliament: On 2 February, President Mr. Francesco Cossiga dissolved the Parliament and called for elections on 5 April.

JAMAICA

New PM: On 31 March, Mr. P.J. Patterson was sworn in as the new Prime Minister in place of Mr. Michael Manley who resigned due to health reasons.

KENYA

Dissolution of Parliament: President Mr. Daniel Arap Moi dissolved the Parliament on 4 January.

MALTA

Election results: In the general elections held on 24 February, Prime Minister Mr. E. Fenech Adami's Nationalist Party won 51 per cent votes as against 47 per cent won by its main rival, the Labour Party.

MAURITIUS

Mauritius becomes Republic: On 12 March, Mauritius became a Republic. Mr. Veerasamy Ringadoo took over as the country's first president.

MONGOLIA

New name for the country: Mongolia's Legislature—People's Great Hural—adopted a new Constitution on 13 January and Officially named the country as the "State of Mongolia" dropping the prefix "People's Republic".

RUSSIA

Tatarstan in favour of independence: On 22 March, 61 per cent majority of voters in Tatarstan opted in a referendum for self-rule.

SOUTH AFRICA

Result of referendum: On 17 March, a referendum was held among the whites in the country on the question whether they supported the continuation of the process which President Mr. F.W. De Klerk began on 2 February 1990 which was aimed at a new Constitution through negotiations. 68.7 per cent of the eligible 3.3 million voters said 'Yes'. Fourteen out of 15 areas voted 'Yes'. with only Pietersburg voting 'no'.

SOUTH KOREA

Election results: In the elections held on 24 March, the ruling Democratic Party won 149 seats in the 299-member National Assembly.

THAILAND

Election results: In the general elections held on 23 March, the pro-military parties, particularly the Samakhithan Party, won a majority of seats.

TRINIDAD AND TOBAGO

New Speaker: On 13 January, Miss Occah Seapaul took oath as the Speaker of the House of Representatives.

UK

Elections in April: On 11 March, Prime Minister Mr. John Major recommended dissolution of Parliament and called for elections on 9 April.

VENEZUELA

Coup attempt foiled: On 4 February, President Mr. Carlos Andres Perez survived a military *coup* and assassination attempt.

YUGOSLAVIA

Result of referendum: On 1 March, more than 50 per cent of the voters in a referendum voted for independence of Bosnia Hersegovina from Yugoslavia.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

Section 52 of the Representation of the People Act, 1951 provided for the countermanding of a poll on the death of a candidate. Due to the rise of terrorism and violence in certain parts of the country, combined with the phenomenal increase in the number of independent candidates, the danger of disruption of the election process had increased. One of the measures suggested to prevent such disruption and danger to the lives of independent candidates, who were an easy prey to terrorism, was to amend the aforesaid provision so as to restrict the countermanding of election only to the case of death of a candidate belonging to a recognised political party. In 1985, when elections were due to be held in Punjab, such an amendment was carried out through an ordinance which, however, was subsequently allowed to lapse. This question was also examined by the Electoral Reforms Committee set up in 1990 under the Chairmanship of the then Minister of Law and Justice. The Committee recommended substitution of section 52 and a provision to this effect had been included in the Representation of the People (Amendment) Bill, 1990, which was pending in Rajya Sabha.

Meanwhile, general elections were announced in Punjab. In view of the situation prevailing in Punjab and in order to prevent the possible disruption of the election process and the danger to the lives of the contesting candidates, it was considered imperative to amend section 52 of the Representation of the People Act, 1951, by means of an Ordinance. The said Ordinance was accordingly promulgated by the President on 4 January, 1992.

The Representation of the People (Amendment) Bill, 1992 sought to replace the aforesaid Ordinance. It was passed by Rajya Sabha and Lok Sabha on 11 March and 18 March 1992 respectively, and received President's assent on 26 March 1992.

We reproduce here the text of the above Act.

—Editor

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1992

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

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

1. *Short title and commencement:* (1) This Act may be called the Representation of the People (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 4th day of January, 1992.

2. *Substitution of new section for section 52:* In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), for section 52, the following section shall be substituted, namely:—

'52 Death of candidate before the poll: If a candidate, set up by a recognised political party,—

(a) dies at any time after 11 A.M. on the last date for making nominations 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, countermand the poll and report the fact to the Election Commission and also to the appropriate authority and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no order for countermanding 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:

Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

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

Explanation.—For the purposes of this section, "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.'

3. Repeal and saving: (1) The Representation of the People (Amendment) Ordinance, 1992, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

SESSIONAL REVIEW

TENTH LOK SABHA

THIRD SESSION

The Budget Session of the Tenth Lok Sabha commenced on 24 February 1992. A brief resume of the important discussions held and other business transacted during the period 1 January to 31 March 1992 is given below.

A. DISCUSSIONS/STATEMENTS/ANNOUNCEMENTS

*President's Address**: On 24 February 1992, the President Shri R. Venkataraman addressed the members of the two Houses of Parliament assembled together in the Central Hall of Parliament at the commencement of the first Session of Parliament in 1992 and outlined the policies of the Government on various issues and the legislative programmes for the Session.

The President's Address** was discussed for five days, i.e. 3, 4, 5, 6 and 9 March 1992 on a Motion of Thanks moved by Shri P.M. Sayeed. Initiating the discussion** on 3 March 1992, Shri Sayeed said that the new Industrial Policy announced by the Government was part of a wider package of economic reforms. The Government attached highest importance to the control of inflation and price rise, he added. Shri Pawan Kumar Bansal, who seconded the motion, said that a sincere endeavour had been made to reduce fiscal deficit.

*For the text of the President's Address, see the Feature on President's Address to Parliament.

Other members who took part in the discussions were: Sarvashri Pawan Kumar Bansal, Jaswant Singh, Rabi Ray, Jagmeet Singh Brar, Ayub Khan, P.C. Thomas, Piyus Tirkey, Peter G. Marbaniang, J. Chokka Rao, Yaima Singh Yunnam, Acharya Vishwanath Das Shastri, Shravan Kumar Patel, Shankersinh Vaghela, Sayed Shahabuddin, Sukh Ram, Sultan Salehuddin Owaisi, Chhtranji Lal Sharma, Madan Lal Khurana, Ram Vilas Paswan, K.P. Reddiah Yadav, R. Jeevarathinam, M.R. Kadambur Janardhanan, Amar Roy Pradhan, Mohan Rawale, Yash, Anil Basu, Atal Bihari Vajpayee, Dr. Kartikeshwar Patra, Prof. K.V. Thomas, Prof. Ummareddy Venkateswarlu, Prof. K. Venkatagiri Gowda, Prof. Prem Dhumal, Shrimati Girija Devi, Shrimati Geeta Mukherjee, Shrimati Malini Bhattacharya and Shrimati Saroj Dubey.

Participating in the discussion on 4 March 1992, Shri Somnath Chatterjee said that neither the budget nor the President's address made any provisions as to how to contain the price rise. Another important aspect which did not find any reference was the Centre-State relations, he added.

Opposing the motion, on 6 March 1992, Shri Moreshwar Save said that the president's Address was silent about any solution for price rise and to the unemployment problem.

Participating in the discussion on 9 March, 1992, Shri Indrajit Gupta said that the burden of economic reforms was being put on those sections who were the least able to bear it and was going to lead to disastrous consequences. He emphasised that the nation would have to fight together to defend the unity and integrity and secular ethos of the country.

Participating in the discussion, Shri Ebrahim Sulaiman Sait said that the interests of the downtrodden, weaker sections and of those living below the poverty line must be given particular consideration. There should not be any compromise on national interest and national honour, he added.

Opposing the motion, Shri Vishwanath Pratap Singh said that regarding backward classes, the Government should make it clear whether the backward classes would get a share in the power structure. He added that the working class should be taken into confidence while effecting structural changes.

Replying to the debate, the Prime Minister Shri P.V. Narasimha Rao asserted that he would go by the method of consensus and said that progress had been made in correcting the fiscal deficit and improving the balance of payments. Dealing with the employment problem, the Prime Minister said that the conversion of over 6000 km. of metre gauge into broad gauge, which was announced by the Railway Minister, was a labour intensive programme. As regards educated unemployed, they would have to be given opportunities for self-employment only in the context of rapid industrialisation of the country. In the agricultural sector, whatever was possible for self-employment would be taken, he added.

The Motion of Thanks was adopted after all amendments moved were negatived.

Railway Budget: Presenting the Railway Budget for 1992-93 in the Lok Sabha on 25 February 1992, the Minister for Railways, Shri C.K. Jaffer Sharief, said that the role of Indian Railways in the socio-economic and political life of the nation as a unifying force was no mean achievement. An action plan to achieve reduction in working expenses by cost control, cost reduction and economy measures and marketing strategies to augment earnings had been launched and was being implemented in all earnestness by the Zonal Railways.

The Budget target of Rs. 9,222 Cr. of goods earnings was likely to be exceeded by Rs. 96 Cr. Passenger earnings were also expected to go up from Rs. 3,493 Cr. to Rs. 3,647 Cr. The revised estimates of Gross Traffic Receipts would be higher by Rs. 267 Cr. compared to the budgeted figure of Rs. 13,319 Cr.

The Railways were making determined efforts to improving the passenger services. The allocation for passenger amenities had been stepped up from Rs. 31 Cr. in the current year to Rs. 50 Cr. in 1992-93, an increase of 61 per cent.

The Eighth Plan objectives were 83 million tonnes incremental originating revenue-earning traffic over the original target of 335 million tonnes in 1991-92 and an annual growth of 5 per cent in passenger traffic. There was also an added need to take care of the thrust areas such as gauge conversion, electrification, rolling stock and terminal capacity. A number of energy conservation measures and programmes involving technological changes had been identified and were being pursued.

In 1992-93, the Railways were expected to carry 17 million tonnes more of revenue earning traffic over the level of 337 million tonnes likely to be reached in the current year. As regards passenger traffic, a growth rate of 5 per cent had been estimated. Based on those projections, the Gross Traffic Receipts at current fares and freight rates were estimated at Rs. 14,518 Cr., an increase of Rs. 931 Cr. over the revised estimates for the current year. The ordinary working expenses for the year were estimated at Rs. 10,460 Cr., an increase of Rs. 1,255 Cr. over the revised estimates for the current year. It was proposed to step up the contribution to depreciation Reserve Fund from Rs. 2,000 Cr. in the current year to Rs. 2,300 Cr. in 1992-93. The contribution to Pension Fund was proposed to be increased from Rs. 1,090 Cr. in the Revised Estimates for 1991-92 to Rs. 1,200 Cr. in 1992-93.

Resources had to be raised for investment in technology, human resource development and operational strategies by adopting cost-effective methods and economic pricing of services.

The Railway Budget was discussed in the House on 11, 12, 13, 16 and

17 March 1992. Initiating the discussion on 12 March 1992, Shri Kanshi Ram stated that the Budget was of inflationary nature and it would result in further increase of economic difficulties for the common man. Whatever amenities were being provided to the passengers in the Budget were not adequate; so, ample funds should be allocated for this purpose, he added.

Winding up the discussion, Railway Minister Shri C.K. Jaffer Sharief stated that the country needed to boost economic activity and ensure mobility of labour for greater productivity and prosperity of the nation. For the first time, the Railways could take a bold decision of converting 6000 route kilometres to broad gauge in the Eighth Plan. Every Kilometre of gauge conversion would generate 10,000 mandays for employment as a result of construction work to be taken up in that connection. Other thrust areas were electrification, track renewal, human resource development and technological upgradation. An action plan had been launched to bring down working expenses through cost control cost reduction and various other economy measures. It was intended to further reinforce those measures and eliminate all wasteful expenditure with a view to improving productivity and efficiency of the system.

All the Demands for Grants (Railways) 1992-93 were voted in full and all the Supplementary Demands for Grants (Railways), 1991-92 were voted in full.

General Budget: Presenting the General Budget for 1992-93, on 29 February 1992, Minister of Finance, Dr. Manmohan Singh stated that it had been a year of crisis and crisis management and had also been a year of great challenges and bold new initiatives. The first and immediate challenge was to arrest the slide and restore India's credibility, both domestically and in the eyes of the world. To achieve this objective, we had to take immediate measures to avert a default in international payments and also take steps to restore macro-economic balance in the economy. With a view to controlling inflation and reducing the balance of

Other members who took part in the discussion were: Sarvashri Chandulal Chandrakar, George Fernandes, Shriballav Panigrahi, Basudev Acharia, V.S. Vijayaraghavan, K. Ramamurthee Tindivanam, Kamla Mishra Madhukar, Mohan Rawle, Sandipan Bhagwan Thorat, Aantha Venkata Reddy, Mohan Singh, Ram Kapse, E. Ahmed, Dau Dayal Joshi, Amal Datta, Nural Islam, Gobinda Chandra Munda, Sharad Dighe, S.M. Labjan Basha, Bir Singh Mahato, Dwarka Nath Das, C.K. Kuppuswamy, Piyus Tirkey, Manjay Lal, Brahmanand Mandal, Ram Naik, Sarat Chandra Pattanayak, Pratap Singh, Ratilal Verma, Era Anbarasu, Muhi Ram Saikia, Bhogendra Jha, Sayeed Masudal Hossain, Sunil Dutt, Vilasrao Nagnathrao Gundeewar, Krishna Rao, Bhuvan Chandra Khanduri, Kodikkunil Suresh, Prem Chand Ram, Oscar Fernandes, Harisinh Chavada, K.H. Muniyappa, Uddhab Barman, Ram Tahal Choudhary, A. Pratapsai, P.C. Thomas, Chandubhai Deshukh, Manik Rao, Hodya Gavit, Sivaji Patnaik, Harish Narayan Prabhu Zantye, N. Dennis, V. Dhananjaya Kumar, R. Dhanuskodi Athithan, K.D. Sultanpuri, K. Thulasiah Vandayar, V. Krishna Rao, Dr. Laxmi Narayan Pandeya, Dr. Rajagoplan Sridharan, Dr. Vasant Niwruiti Pawar, Dr. Vishwanatham Kanithi, Prof. Rasa Singh Rawat, Prof. Prem Dhumal, Prof. Shusanta Chakraborty, Shrimati Suseela Goplan and Kumari Frida Topno.

payments deficit to a manageable level, our medium term objective was to place the economy back on the path of high and sustainable growth.

The long term objective was to evolve a pattern of production which was labour intensive and which would generate larger employment opportunities in productive higher income jobs and reduce the disparities in income and wealth between rural and urban areas. He further stated that we must ensure that the burden of these adjustments on the poorer and weaker sections of our society was ameliorated to the maximum possible extent.

The ability to fight inflation had been considerably enhanced by the improvement in our foreign exchange reserves. The Government would remain fully vigilant on the price front and would use the public Distribution System to counter inflation and in particular to protect the poorer sections of the population from high prices and shortages.

Referring to balance of payments, he said that the new system of partial convertibility of the Rupee was designed to provide a powerful boost to exports as well as to efficient import substitution.

One of the initiatives of the new Industrial Policy was a new approach towards foreign investment, which could play a vital role in upgrading the technology levels, integrating the industry into the global economy and bringing in non-debt resources.

The Government had established the National Renewal Fund, which would provide assistance to cover the cost of retraining and redeployment of labour arising as a result of modernisation and restructuring and also provide compensation to labour affected by restructuring of an industrial unit. The Eighth Plan aimed at the objective of achieving near full employment in a period of ten years.

The total allocation for non-plan expenditure stood at Rs. 84,475 Cr. higher by Rs. 4,405 Cr. compared to the revised Estimates for 1991-92. Central assistance for the Plans of States and Union Territories was being stepped up from Rs. 14,710 Cr. in Budget Estimates of 1991-92 to Rs. 16,111 Cr. in 1992-93. The proposals on direct taxes were estimated to yield a net revenue gain of Rs. 795 Cr. out of which Rs. 435 Cr. would accrue to the States.

The proposed changes in excise duty were likely to yield additional revenue of Rs. 25,15.70 Cr. and concessions and reliefs aggregate to Rs. 304.80 Cr. Out of the net additional sharable revenue from excise duties of Rs. 2210.90 Cr. the Centre's share would be Rs. 1146.53 Cr. and the States share Rs. 1064.37 Cr. The net impact of proposals on customs and excise duties taken together amounted to an additional mobilisation of Rs. 187.55 Cr. on indirect taxes. The Finance Minister said that the economy, polity and society would have to be extraordinarily resilient and alert, if we were to take full advantage of the opportunities.

The discussion on the general Budget was held for three days, *i.e.* 23, 25 and 26 March 1992, Participating in the discussion on the general Budget, Shri, P.G. Narayanan said that it was a well balanced Budget and it was no mean achievement to have brought down the fiscal deficit. He observed that the scheme of permitting import of gold by Indians upto five kilograms by paying 15 per cent of import duty in convertible foreign currency was an attractive proposition.

Participating in the discussion, Shri Chandra Shekhar said that the policies of the Government had not taken care of the regional imbalances and the poor and tribal people of backward regions. The Government should take care of the aspirations of the people of the country, he added.

On 25th March 1992, during the discussions, Shri Chitta Basu said that the budget policy would open wide the gates for the multi-national corporations and would destroy the indigenous industry. The Budget would be highly inflationary in character because the projection of the non-Plan expenditure for 1992-93 was Rs. 84,475 Cr. as against Rs. 79,697 Cr. in 1991-92.

Participating in the discussion on 26 March 1992, Shri Moreswar Save said that there should be more efficient management of the Public Distribution System (PDS). The Government should seriously consider the issues of disinvestment and rehabilitation programmes and as far as possible avoid running sick industries in the public sector.

Replying to the discussion on 26 March 1992, Minister of Finance Dr. Manmohan Singh said that so far as industrial policy reforms were concerned, Government had given top priority to developing export capability in a wide range of industries to earn foreign exchange. The Government were working to make India a self-reliant and technologically sophisticated nation and to remove poverty. He said that the Government stood committed to stricter enforcement of tax administration measures and all those who evaded tax would be brought to book.

All the Demands for Grants on Accounts (General) 1992-93, were voted in full. All Supplementary Demands for Grants (General), 1991-92 were voted in full. The Appropriation (Vote on Account) Bill, 1992 and the Appropriation Bill 1992 were passed.

¹Other members who took part in the discussion were: Sarvasbri Amal Datta, Manoranjan Bhakta, Rupchand Pal, A. Charles, Harin Pathak, Atal Bihari Vajpayee, Muri Deora, Chandrajit Yadav, George Fernandes, Kalka Dass, Kabindra Purkayastha, Sanat Kumar Mandal, K.P. Reddalah Yadav, K. Muraleedharan, Yaima Singh Yunnan, Sobhanadreeswara Rao Vadde, Bijoy Krishna Handique, Upendra Nath Verma, Nirmal Kanti Chatterjee, K.P. Singh Deo, Bhogendra Jha, Sukh Ram, Muhi Ram Saikia, Shiva Sharan Sinha, Gopinath Gajapathi, Manishankar Aiyar, Vijay Kumar Vadav, Sunil Dutt, Oscar Fernandes, Udaysingrao Gaikwad, Sant Ram Singhia, Aslam Sher Khan, Inderjit, Maj. Gen. R.G. Williams, Dr. Debi Prasad Pal, Dr. R. Mallu, Dr. P.R. Gangwar, Prof. K. Venkatagiri Gowda and Shrimati Keerharbai Sonaji Kshirsagar.

Statutory Resolution regarding continuance in force of Presidential Proclamation in respect of Jammu & Kashmir: Moving the Statutory Resolution on 26 February 1992, Union Home Minister, Shri S.B. Chavan said that in view of the then prevailing situation in Jammu and Kashmir, a Proclamation under article 356 of the Constitution was issued by the President on 18th July 1990 on the recommendation of the State Governor. As the law and order and security situation in the State continued to be grim, approval of both the Houses of Parliament was obtained for continuance in force of the Proclamation dated 18 July 1990, for a further period of six months with effect from 3 March 1991 and again from 3 September 1991 which was to expire on 2 March 1992. Keeping in view the prevailing situation in the State and taking all relevant factors into consideration, it was proposed that President's rule in Jammu and Kashmir might be continued for a further period of six months with effect from 3 March 1992.

Participating in the discussion, the Minister of State in the Ministry of Communications, Shri Rajesh Pilot said that everybody should rise above party politics for solving the Kashmir problem.

Winding up the discussion on 27 February 1992, the Minister of Home Affairs, Shri S.B. Chavan said that we should generate a feeling of confidence and a sense of participation amongst the Government servants of Jammu and Kashmir. With regard to the involvement of Pakistan in Kashmir, he said that country was trying to internationalise the issue to encourage trouble. He observed that we must be absolutely clear in our mind that article 370 had been provided as a temporary measure. But to dispense with that provision, we should have to create a feeling of confidence among the local people and ask them to take initiative in the matter to request the Government to withdraw the article.

The statutory Resolution was adopted.

Statutory Resolution regarding approval of Presidential Proclamation in relation to the State of Manipur and Motion regarding Revocation of presidential Proclamation in relation to the State of Manipur: Moving a statutory Resolution regarding approval of Presidential Proclamation in respect of Manipur on 28 February 1992, the Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Home Affairs, Shri M.M. Jacob stated that the Governor of Manipur, in his report dated 2 February 1992 addressed to the President of India, had informed that with the Supreme Court delivering its judgement on 12 November 1991 removing the disqualification of seven members by the Speaker of the State Assembly, there was hectic political activity in the State. A special Session of the Legislative Assembly was convened on 9

Other members who took part in the discussion were: Sarvaswari P.C. Chacko Hari Kishore Singh, Suraj Mandal, Vijay Naval Patil, E. Ahmed, Ramashray Prasad Singh, Madan Lal Khurana, Subrata Mukherjee, Pius Tirkey, Dr. S.P. Yadav, Prof. Prem Dhurmal and Prof. Ummaresddy Venkateswarlu.

December 1991 by the Chief Minister who secured a vote of confidence with 29 members voting in favour, excluding the Speaker. The Governor further reported that three members of the Legislative Assembly were subsequently disqualified by the Speaker under the antidefection Law. Keeping in view the existing conditions in Manipur, the Governor recommended that a Proclamation might be issued by the president under article 356 of the Constitution and the State Assembly be kept under suspended animation. The Governor was of the view that the political instability would lead to a rapid deterioration of the situation in the State. He further informed that he had explored all available alternatives to prevent or rectify a breakdown of constitutional machinery in the State, but those had been of no avail and also mentioned that it would be preferable to suspend the Legislative Assembly because it would not be desirable so soon to have another election. The Union Government considered the reports of the Governor and the situation in Manipur and decided to recommend to the President of India to issue a Proclamation under article 356 of the Constitution and keep the Legislative Assembly under suspended animation.

Participating in the discussion, on 3 March 1992, Shri Indrajit Gupta said that prolongation of this kind of suspension would only lead to a total breakdown of any kind of political stability in that State and it would also affect the other neighbouring States of the North-East.

Winding up the discussion, the Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Home Affairs, Shri M.M. Jacob said that the Governor had given a well-considered view that the conditions were not ripe to hold an election in Manipur. The Government of India and the President of India had considered all aspects of the insurgency in the North-East, all aspects of the instability of the situation, the deteriorating law and order situation, and everything else, before the action was taken, he added.

The Motion, was, by leave, withdrawn.

The Resolution was adopted.

Foreign Secretary's Visit to USA: Making a statement in the House on 16 March 1992, the Minister of State in the Ministry of External Affairs, Shri Eduardo Faleiro said that India's Foreign Secretary visited Washington from 9 to 11 March 1992 for talks on matters of mutual interest. He stated that the Foreign Secretary conveyed India's serious concerns on the Pentagon Paper, extracts of which appeared in the U.S. Press on 8 March 1992. The Pentagon Paper was actually a draft which outlined USA's perceptions and strategies in relation to the entire world. There was

Other members who took part in the discussion were: Sarvashri Guman Mal Lodha, Yaima Singh Yumnam, Ram Vilas Paswan, Uddab Barman, Mohan Singh, Bijoy Krishna Handique, Girdhari Lal Bhargava, and Prof. M. Kamson.

no perception at US policy-making levels which reflected the negative reference to India contained in the Pentagon Paper. On the reported Pentagon advocacy for continued substantial US military relationship with Pakistan, the Foreign Secretary strongly conveyed India's views that while it was a bilateral matter between the United States and Pakistan, this would naturally have consequences in terms of Indian assessments and policy orientation. As regards India's position regarding the Non-Proliferation Treaty (NPT), the Foreign Secretary reaffirmed that India would not sign the NPT as it was discriminatory.

Indo-US Cooperation in the defence field was focussed on exchange of professional information, high level visits and training. In this context, joint training exercises would be undertaken by Indian and US Navies. Shri Faleiro further stated that India would like to see the maintenance of peace and stability in all areas of the Indian Ocean, free from intimidation or rivalry in the context of the objectives outlined in the 1971 Declaration of the Indian Ocean as a Zone of Peace. Shri Faleiro further stated that the Special 301 investigation against India on the issue of Intellectual Property Rights had been terminated. The United States Trade Representative had, however, announced on 26 February 1992 that an Inter-Agency Committee, would be mandated to develop options for possible implementation and action if the facts so warranted. The talks that the Foreign Secretary conducted with US Officials were in a spirit of mutual understanding and friendliness, Shri Faleiro added.

B. LEGISLATIVE BUSINESS

Public Liability Insurance (Amendment) Bill 1992: Moving that the Bill be taken into consideration, the Minister of State in the Ministry of Environment and Forests Shri Kamal Nath¹ said on 11 March that the Public Liability Insurance Act, 1991, was enacted with the object of providing immediate relief to the victims other than workmen of the factory in respect of accidents while handling hazardous substances. The Act had provided for the owner, who had control over handling hazardous substances, to pay specified amounts to the victims as interim relief by taking insurance policy for the purpose.

As per the provisions of the Act, the Units handling hazardous substances had to take insurance policies by 31 March 1992. However, the Act could not be implemented on account of the General Insurance

¹The Bill was introduced on 3 March 1992 by the Minister of State in the Ministry of Environment and Forests, Shri Kamal Nath.

Other members who took part in the discussions were: Sarvashri A. Charles, V. Dhanjaya Kumar, Rupcharid Pal, Praful Monoharbai Patel, B.B. Ramaiah, George Fernandes, Vijay Naval Patil, P.C. Thomas, Kamla Mishra, Madhukar, A. Ashokraj, Prithviraj D. Chavan, Syed Shahabuddin, Ajoy Mukhopadhyay, Gopinath Gajapathi, Sobhanandreswara Rao Vadde, Sriballav Panigrahi, Bhagwan Shankar Rawat, Nitish Kumar, Ramesh Chennithala Sudarshan Roy Choudhuri, Venkateswara D. Rao, Ramashray Prasad Singh, Oscar Fernandes, Dr. Sudhir Ray, and Prof. Rasa Singh Rawat.

Corporation not agreeing to give insurance policies for unlimited liability cover. They also wanted that the insurance should only cover chemical accidents as a result of which some persons suffer physical harm.

Therefore the Public Liability Insurance Act, 1991 was being amended for limiting the Liability of the insurance companies and creating an Environmental Relief Fund to meet the residual liability for the relief of the victims at the time of an accident.

In order to expedite payment of relief to the victims, a time-frame of 30 days for depositing the amount by the insurance companies was proposed to be fixed. Moreover, every owner holding a policy should credit a sum not exceeding the amount of its premium of Environmental Relief Fund.

Earlier, moving a Statutory Resolution regarding disapproval of the Public Liability Insurance (Amendment) Ordinance, 1992, on 11 March 1992, Shri Girdhari Lal Bhargava urged that the Public Liability Insurance Act 1991 was enacted with the object of providing immediate relief to the victims of accidents that might occur while handling hazardous substances. But the aforesaid Act could not be implemented on account of the insurance companies not agreeing to give insurance policies for unlimited liability of the owners.

The Statutory Resolution was by leave withdrawn and the Bill was passed.

Copyright (Amendment) Bill 1992: Moving that the Bill be taken into consideration, the Minister of Human Resource Development Shri Arjun Singh said on 17 March 1992 that an Ordinance had to be brought because the Copyright Act was going to expire on 31 December 1991. The extension was given for ten years and that was eligible for everyone.

Earlier, moving a Statutory Resolution regarding disapproval of the Copyright (Amendment) Ordinance, 1991, Shri Girdhari Lal Bhargava said that it was not appropriate to promulgate an ordinance only to extend the period of Copyright Act.

Supporting the Bill, Shri Chitta Basu said that Shri Rabindra Nath Tagore's works should be translated into all vernacular languages and should be made available to the people of the country. He also suggested that the Copyright should not be left with the Vishwa Bharathi alone; a national Board should be set up to aid and advise Vishwa Bharathi, he added.

Winding up the discussion," the Minister of Human Resource development Shri Arjun Singh said that the Government had been making efforts

The Bill was introduced on 28 February 1992 by the Minister of Human Resource Development, Shri Arjun Singh.

"Others who took part in the discussion were: Sarvashri Mohan Singh, Kodikkunnil Suresh, Girdhari Lal Bhargava, Radhika Ranjan Pramanik, Ramashray Prasad Singh, George Fernandes, Prof. K.V. Thomas, Prof. Rasa Singh Rawat, Prof. Prem Dhumal, Shrimati Malini Bhattacharya and Shrimati Geeta Mukherjee.

to comprehensively amend the Indian Copyright Act. After giving consideration to all the views, the Government took a balanced view and thought it proper to extend it for at least 10 years. With regard to Gurudev Tagore, he said it was necessary to publish his works.

The Resolution was by leave withdrawn and the Bill was passed.

*Representation of the People (Amendment) Bill, 1992** On 17 March, moving that the Bill be taken into consideration, the Minister of Law, Justice and Company Affairs Shri K. Vijaya Bhaskara Reddy said that the main purpose of countermanding an election on the death of a candidate was to enable a recognised political party to field another candidate in his place. In view of the situation prevailing in the State of Punjab and in order to curb the danger of disruption of election process there, it became imperative to amend Section 52 of the Representation of the People Act, 1951 so as to restrict the countermanding of the elections only in the case of the death of a candidate set up by a recognised political party.

Earlier, moving a Statutory Resolution regarding Disapproval of the Representation of People (Amendment) Ordinance, 1992, Shri Girdhari Lal Bhargava said that the high-powered Committee constituted to give suggestions for electoral reforms had recommended that the election in any constituency should be countermanded only in the event of death of the candidate belonging to a recognised political party and not due to the death of an independent candidate. It would have been better had a Committee been constituted in consultation with all political parties in order to listen to the views of the people and then a comprehensive Bill should have been brought forward for electoral reforms, he added.

Winding up the discussion** the Minister of Law, Justice and Company Affairs, Shri K. Vijaya Bhaskara Reddy said that the Bill was first introduced in 1985 when the Punjab elections were considered. In 1991, the Election Commission discussed the matter with all the political parties and they had come to a decision that it should be passed.

The Resolution was, by leave, withdrawn and the Bill was passed.

C. OBITUARY REFERENCES

During the period 1 January to 31 March 1992, the House made obituary references to the passing away of Dr. Gurdial Singh Dhillon (former Speaker of Lok Sabha), Sarvashri Daulat Gunaji Gawai, Chhotey

*The Bill, as Passed by Rajya Sabha, was Placed on the Table of Lok Sabha, on 13 March 1992 by the Minister of Law and Company Affairs, Shri K. Vijaya Bhaskara Reddy.

**Other members who took part in the discussion were: Sarvashri Sriballav Panigrahi, Bhagwan Shankar Rawat, Nitish Kumar, Ramesh Chennithala, Sudarsan Roy Chaudhuri, D. Venkateswara Rao, Ramashray Prasad Singh, Oscar Fernandes, Gopinath Gajapathi, Sobhanandreeswara Rao Vadde, Girdhari Lal Bhargava, Dr. Sudhir Ray and Prof. Rasa Singh Rawat.

Lal, Pashupati Venkata Raghavaiah, Sant Bux Singh, Kalyan Singh Solanki, Rajagopala Rao Boddepalli, Madeppa Bandappa Kadadi, Dr. Sankata Prasad, Brij Basi Lal and Col. Bashin Hussain Zaidi (all former members).

RAJYA SABHA

HUNDRED AND SIXTY-SECOND SESSION*

THE RAJYA SABHA MET FOR ITS ONE HUNDRED AND SIXTY-SECOND SESSION ON 24 FEBRUARY 1992 AND ADJOURNED *sine die* ON 3 APRIL 1992. A RESUME OF SOME OF THE IMPORTANT DISCUSSIONS HELD AND OTHER BUSINESS TRANSACTED DURING THE SESSION IS GIVEN BELOW.

A. DISCUSSIONS

Motion of Thanks on the President's Address: The discussion on the Motion of Thanks on the President's Address took place in the Rajya Sabha on 3,4,5,9 and 10 March 1992. On 3 March 1992, Shri Ram Naresh Yadav moved that an address be presented to the President in the following terms:

"That the members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on 24 February, 1992".

Speaking on the Motion, Shri Yadav referred to several national problems. He said that the Kashmir problem had become a challenge for the country. In his opinion, the need of the hour was that like in Punjab, elections should be held in Kashmir also so that the people of that State could decide their fate in a democratic manner. As regards Assam, many extremists had surrendered and many others had been arrested, the member added. Despite the efforts of the State Government to find a solution to the problem within the Constitutional framework, there was no question of surrender before the militants, the member said. He also congratulated the Prime Minister for fulfilling the longstanding demand to constitute a Rapid Action Force to deal with communal riots. Similarly a 'Sampradayik Sauhard Prasthan' had been established to look after the children of the people affected by communal violence.

Referring to the achievements on the economic front, Shri Yadav said that the Government had to take some harsh steps to overcome the grim situation confronting the country. As a result, the balance of payment problem had been successfully handled. Inflation rate had come down from over 16 per cent to about 12 per cent. Due to the liberalised industrial policy, foreign investment had increased and the balance of payment position had consequently improved.

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

The member stated that there was a great need to adopt new technologies in the field of agriculture not only to increase production but also to improve the quality of the produce so that the country might compete in the international market and earn more foreign exchange. He suggested that due emphasis should be given to research work for increasing the productivity of oilseeds and pulses. Attention should be given to drought-prone areas and special programmes should be initiated there. Agro-based industries should be given more attention. For the alleviation of poverty, the benefit of the schemes like Jawahar Rozgar Yojana, Training of Rural youth for Self-Employment (TRYSEM) and Integrated Rural Development Programme (IRDP) should reach the rural people. For this purpose, the democratic system should be decentralised by strengthening the Panchayati Raj institutions.

Concluding, Shri Yadav said that to ensure social justice to Scheduled Castes, Scheduled Tribes and other backward classes, reservation quota in jobs for them should be adhered to. The decision regarding the eradication of the practice of scavenging and rehabilitation of those engaged in this job was a good step. Setting up of a National Backward Classes Finance and Development Corporation to promote the economic development of the socially and educationally backward classes was a step towards ensuring social justice to them, he added.

Replying to the debate* on 10 March 1992, the Prime Minister, Shri P.V. Narasimha Rao said that when the present Government came to power in June 1991, the exchange reserves had declined considerably. Foreign banks were not willing to extend fresh instalments of credit. Non-resident Indians were taking their money out, therefore, the arrangement of loans with the World Bank through structural adjustments became necessary. The conditions for loans were, however, by no means be deemed derogatory to the sovereignty of India, he said.

Giving details regarding the measures taken by the Government in the direction of strengthening the Public Distribution System, (PDS), the Prime Minister said that for the first time, micro-planning of the PDS had been adopted. Government had identified 1700 blocks for introduction of the revamped PDS where every citizen in rural and remote areas would be served. The foodgrain release during the last four months had amounted to more than 4 million tonnes. A proposal to

* Other members who took part in the discussion were: Sarvashri M.S. Gurupadaswamy, R.K. Dhawan, E. Balanandan, Murali Maran, Maulana Asad Madni, Pramod Mahajan, Santosh Bagrodia, Yashwant Sinha, G.G. Swell, Hiphei, Ramchandran Pillai, Dhuleshwar Meena, Ram Jethmalani, R.T. Gopalan, Dayanand Sahay, Shabbir Ahmad Salaria, Dr. Ratnakar Pandey, Dr. G. Vijaya Mohan Reddy, Dr. Nagen Salkia, Prof. Sourin Bhattacharya, Sardar Jagjit Singh Aurora and Shrimati Pratibha Singh.

import more wheat was also in the pipeline, the Prime Minister informed the House.

Speaking about some other developments in the economic front, the Prime Minister said that the Government had taken a decision that henceforth there would be no new contracts for exporting iron ore. The country would get the technology or it would be developed indigenously for a proper use of this raw material. The amount of industrial investment in India by multinationals had recently increased to a great extent, the Prime Minister added.

The Planning Commission was coming up with a new package of employment scheme in the country in which wasteland development was also one of the measures adopted for generating employment. The Eighth Five Year Plan has employment as one of its very important objectives. The Railway Minister had made an announcement that 6,000 kms of metre-gauge would be converted into broad gauge. That was essentially a labour-intensive scheme which would generate more employment, the Prime Minister stated.

All the amendments moved were either negated or withdrawn and the motion of Thanks was adopted on 10 March 1992.

The Budget (Railways), 1992-93: The Railway Budget was discussed in the Rajya Sabha on 11,12,13,16,17 and 18 March 1992. Initiating the discussion on 11 March 1992, Shrimati Kamla Sinha referred to the new organisational and structural changes proposed by the Railway Minister. She observed that while privatisation of catering services would give rise to malpractices and favouritism, the proposed freight policy would discourage small traffic which would subsequently lead to inflation because the small business would be forced to transport their goods by road. Besides, the increased use of road transportation would cause environmental hazard. The Railway Minister had decided to privatise the uneconomic Railway lines of North-Eastern Zone and the North-Eastern Frontier Zone, the member said. In consequence, the travelling public of that neglected region would be at the mercy of the private companies. Referring to the proposed plan that the Railways were going to retrench 10 per cent of their work force, she demanded that the Railway Minister should take back such a retrograde step.

Replying to the debate on the Railway Budget on 17 March 1992, the Minister of Railways, Shri C.K. Jaffar Sharief said that no industrial or

¹The Budget (Railways) was laid on the Table of Rajya Sabha on 25 February 1992. ²Other members who took part in the discussion were: Sarvashri Moturu Hanmuantha Rao, Chhotubhai Patel, Raghavji, Mohinder Singh Lather, B.L. Panwar, V. Gopalsamy, Bhadravar Buragohain, V. Narayanasamy, Sangh Priya Gautam, W. Kulabidhu Singh, John F. Fernandes, B.K. Hariprasad, G.Y. Krishnan, M. Vincent, Krishna Kumar Birla, Mallikarjun, Santosh Kumar Sahu, Ish Dutt Yadav, Surendra Singh Thakur, Chaturanan Mishra, Sardar Jagjit Singh Aurora, Sarada Mohanty, Nyodek Yonggam, Shankar Dayal Singh, A.G. Kulkarni, Maulana Obaidullah Khan Azmi, H. Hanumanthappa, Ram Nareesh Yadav, Dr. Nareddy Thulasi Reddy, Dr. Babu Kaldate, Dr. Ratnakar Pandey, Prof. Sourin Bhattacharya, Prof. I.G. Sanadi, Shrimati Retan Kumari and Shrimati Sarala Maheshwari.

economic development would be possible without the basic transport infrastructure. He said that with the proposed liberalisation of the economy, investment would be directed towards all the backward regions of the country. Consequently, the economic activity in the backward regions would get a fillip to help people to improve their quality of life. This was the philosophy behind the present Budget, the Minister emphasised.

Continuing his reply on 18 March 1992, the Minister said that infrastructure development was a must and expressed the hope that the Planning Commission would be able to allocate more funds to the Railways during the Eighth Plan period. The Minister, informed that he intended to introduce pantry cars in long-distance trains. The Station Master/Station Superintendent would have the sole responsibility of ensuring cleanliness at stations. 'Own Your Wagon' and 'Own Your Container' schemes would soon be launched so as to supplement the wagon fleet of the Railways and to generate more income. Great stress was being laid on the punctuality aspect. Through advertisements in important trains, at important metropolitan city stations and in the Calcutta Metro, possibilities would be explored for generation of revenues.

Concluding the discussion, the Minister said that efforts had been made to reduce the burden on the lower and the middle class people. The increase of Rs. 5 in the sleeper charges for the distance-slab of 501 km to 1,000 km had been withdrawn. It had also been decided to reduce the increase in fare from 20 per cent to 15 per cent in the case of First Class, Second Class, A.C. Sleeper and A.C. Chair-Car.

Foreign Secretary's Visit to U.S.A.: Making a statement on the issue on 16 March 1992, the Minister of State in the Ministry of External Affairs, Shri Eduardo Faleiro said that Indo-US consultations at the Foreign Secretary's level were a regular feature in the bilateral relations and generally covered the whole gamut of Indo-US ties.

Referring to the Pentagon Paper, extracts of which had appeared in the US press on 8 March 1992, the Minister informed that the Paper was actually a draft which outlined the perceptions and strategies of USA in relation to the entire world. However, there were certain paragraphs which were of particular concern to India.

In his meetings, the Foreign Secretary conveyed India's serious concern on the negative references made in the Paper and in turn he was informed that the document was a draft paper prepared by middle level pentagon officials and would be subject to review and modification. The Indian Foreign Secretary was categorically told that there was no

perception at the US policy-making levels which reflected the negative references to India contained in the pentagon Paper, the Minister explained.

Taking up the issue of India's position regarding the Nuclear non-Proliferation Treaty (NPT), the Minister categorically stated that there was no change in India's position with regard to the NPT. In Washington, the Foreign Secretary reaffirmed India's position that it would not sign the NPT since it considered the Treaty to be discriminatory. The Foreign Secretary unambiguously put forward India's views with regard to total and complete nuclear disarmament through balanced, simultaneous, comprehensive and time-bound measures on the lines advocated by India's Action Plan presented at the Third Special Session of the UN on Disarmament in 1988.

As regards the proposal for Indo-US joint naval exercises, the Minister said that Indo-US defence cooperation was focussed on exchange of professional information, high-level visits and training. In this context, joint training exercises would be undertaken by the Indian and the US Navies. It was the Government's view that those training exercises would be professionally useful to the Indian Navy. However, no agreement had been signed in that regard.

Making a reference to the Special 301, the Minister informed that the Special 301 investigation against India on the issue of Intellectual Property Rights (IPR) had been terminated. The United States Trade Representative had, however, announced on 26 February 1992 that an Inter-Agency Committee would be mandated to develop options for possible implementation and action, if the facts so warranted. The trade-related IPR issues were being discussed and negotiated in the General Agreement on Tariffs and Trade (GATT) under the Uruguay Round of Multilateral Trade Negotiations. It was in that context that the Foreign Secretary had conveyed that Indo-US consultations could continue at the Uruguay Round to narrow down differences wherever possible.

The Budget (General), 1992-93 The General Budget 1992-93, was discussed in the House on 24, 26 and 27 March 1992 initiating the discussion on 24 March 1992, Shri S. Jaipal Reddy commented that the present Budget was not made by the Finance Ministry, but by many other agencies. He asked the Finance Minister to clarify as to how Indian industrialists would be able to compete with their foreign rivals with the present high interest regime and the high excise regime. This would, in fact, lead to deindustrialisation of the country, he said. The BHEL and some other public sector units which produced copper rods would soon be facing closure. Too much dependence on multinationals and indiscriminate

welcome to them would kill the indigenous industry. The boom in the stock market could not be the only index of the positive signs of the economy. It could even lead to starvation of the small-scale sector which employed 113 lakhs of people while the organised private industry employed only 75 lakhs of people.

The member commented that contrary to the claims of the Finance Minister for 1991-92, the actual rate of inflation was 12 per cent as against 9 per cent and growth rate was less than 2.5 per cent as against 4 per cent. Similarly, the growth rate in the agricultural sector and the industrial sector was zero. Thus, the inflation rate had not been brought down to the targeted level. Foreign exchange positions had not improved because exports had gone up. Imports were severely squeezed. The performance of the private sector in the country had not been much better than that of the public sector.

Referring to the deteriorating employment situation, the member said that there were more than 35 million unemployed persons on the registers. While in the meantime there would be no employment whatsoever, in 1993-94 those thrown out of employment would range between 6 and 10 million. Hence, the unemployment on the registers of the Employment Exchange would increase manifold he added.

Replying to the debate on 27 March 1992, the Minister of Finance, Shri Manmohan Singh refuted the charge that the Budget had been dictated by the IMF or the World Bank. With regard to the point that the Budget was anti-poor, anti-growth and anti-national, he said that such a charge was simply baseless. The Minister further added that the present Budget and the previous Budget had been formulated against the background of extraordinary financial and balance of payment difficulties facing the country. The goal for the country in its economy and of the Government was to make India an internationally competitive economy, the Minister observed.

Speaking about the progressive measures included in the Budget, the Minister said that excessive bureaucratisation of economic and social

*Other members who took part in the discussions were: Sarveshri Jagesh Desai, Dipen Ghosh, Ashwani Kumar, Vithalbai M. Patel, Kamal Morarka, Vishvijit P. Singh, T.R. Balu, Rajni Ranjan Sahu, Chaturanan Mishra, G. Swaminathan, Krishna Kumar Birla, Kapil Verma, Subramanian Swamy, S.K.T. Ramachandran, Shanti Tyagi, Prakash Yashwant Ambedkar, Harvendra Singh Harnepal, Ashis Sen, Arangil Sreedharan, Ramdas Agarwal, Bhupinder Singh Mann, Satyanarayana Dronamraju, Prof. Chandresh P. Thakur, Prof. M.G.K. Menon, Choudhury Hari Singh and Dr. Yelamanchili.

processes would be avoided because it had led to corruption and inefficiency. The task of tackling the problems of India's agricultural and rural development would be taken seriously. The Minister said that the Budget proposed to reduce the import duty from 60 per cent to 55 per cent on the critical sector, namely, project imports and general machinery. Increase in the import duty, coupled with the increase in excise duty, had placed an excessive burden on the light commercial vehicle industry. The Minister concluded that he proposed to restore the import duty on components of such fuel efficient commercial vehicles to the level prevailing before 1 March 1992.

Orders pending with H.E.C. Ranchi : Raising a half-an-hour discussion on 30 March 1992, Shri Shankar Dayal Singh said that it was all due to the farsighted efforts of Pandit Jawaharlal Nehru that after independence some big public sector undertakings were set up to make India a self-reliant country in all major sectors of economy, such as steel, crude oil, iron, electricity, etc. BHEL at Bhopal, steel plants at Rourkela, Durgapur, Bhilai and Bokaro and the Heavy Engineering Corporation (HEC) at Ranchi were some of the famous public sector undertakings. The H.E.C. set up in 1958 at Ranchi started its production work in full capacity from the year 1970. The main function of the Corporation was to produce machinery required for establishing big industries in India. The new economic policy of the Government had given an impression that further investment in public sector undertakings was not advisable because they were running in losses, and therefore, private sector should be encouraged. The member asked as to who were responsible for running the H.E.C. into losses as the Corporation earned a profit of Rs. 12.53 crore in 1988-89 but suffered losses of crores of rupees during the years 1989-90 and 1990-91.

The member demanded that the report of the Enquiry Committee set up to enquire into the functioning of the H.E.C. should be placed before the House. Pending submission of the report of the Committee, the Officer responsible for causing losses to the Corporation should be suspended. He cautioned that as per agreement, Government of India had to pay some amount to USSR. If payment was not made in time, it would lead to more losses to H.E.C.

Replying to the discussion on 3 April 1992, the Minister of State in the Ministry of Industry, Shri P. K. Thungon assured the house that HEC was not going to be closed. The Minister said that in the beginning of 1988-89, there was a capital restructuring proposal which was later on accepted by the Government and Rs. 319.64 crore were written off. As a result of that action of the Government in 1988-89, the company showed profit. The Minister informed that during the last few years, the order book position was very poor. But as a result of the Government's intervention, during

1991-92, the order book position had become quite satisfactory. It had now got orders worth Rs. 700 crore out of which Rs. 400 crore worth of orders were based upon import substitution.

The Progress of Investigation into the Bofors Gun Deal : Initiating a short duration discussion on 2 April 1992, the Minister of State in the Ministry of Defence, Shri S. Krishna Kumar stated that the Bofors case was sub-judice in Courts in India and abroad. He also placed before the House recent progress of the case, to enable appreciation of facts. The Minister said that investigations in the Bofors case were entrusted to the CBI which had registered a Preliminary enquiry on 8 November 1988.

The CBI took up the matter with the Swiss and Swedish authorities, seeking their assistance in the investigations. As a result of the CBI's efforts, the Swiss authorities froze certain Swiss Bank accounts on 26 January 1990. A Letter Rogatory was issued by the Special Judge, Delhi, on 7 February 1990, which was presented to the Swiss authorities. The investigating Judges at Geneva and Zurich accepted the Letter Rogatory. Thereafter, appeals were filed by certain parties in the Cantonal Courts at Zurich and Geneva.

As regards the apprehension that Government were thwarting the investigation and had given signals to the Swiss authorities not to pursue the case, Government wished to emphatically deny all such allegations. The Minister reminded the House about the statement made by the then External Affairs Minister on 30 March 1992 regarding a note he had handed over to his Swiss counterpart, during his visit to Switzerland in February. The Minister further said that Shri Madhavsinh Solanki had already tendered his personal explanation in the matter and expressed his regrets to the House. He told the House that the incident in Switzerland had no effect on Government's consistent position in the matter and that the Government remained firm in its intention that the law should be allowed to take its course and the investigating agency should proceed in accordance with the law.

Concluding his speech, the Minister said that a message had been sent to the Swiss Government confirming that the Government of India's policy was and would continue to be one of seeking effective investigation into the Bofors case. The Swiss Government had also been requested to ignore the note handed over by Shri Solanki in February 1992 to his Swiss counterpart, the Minister informed.

Replying to the debate on the same day, the Prime Minister, Shri P. V. Narasimha Rao said that no effort would be spared for getting at the

*Other members who took part in the discussion were : Sarvasri S. Jaipal Reddy, Madan Bhatia, Dipen Ghosh, P. Upendra, Yashwant Sinha, Vishjit P. Singh, V. Gopalsamy, Subrameniam Swamy, P. Chidambaram, Ram Awadesh Singh, Prakash Yashwant Ambedkar, Dr. Jinendra Kumar Jain, Prof. Sourin Bhattacharya and Shrimati Margaret Alva.

truth. The policy of the Government was to seek an effective investigation into the Bofors affairs and it had requested the Swiss Government to render all possible assistance in the matter. The Swiss authorities would take appropriate follow-up action. The Prime Minister said that the Memorandum of Understanding (MOU) is the basis on which every debate had to be held and every decision had to be taken. He assured the House that everything would be done within the MOU.

B. LEGISLATIVE BUSINESS

The Representation of the People (Amendment) Bill, 1992: Moving the motion for consideration of the Bill on 10 March 1992, the Minister of Law, Justice and Company Affairs, Shri K. Vijaya Bhaskara Reddy said that Section 52 of the Representation of the People Act, 1951 provided for countermanding of a poll on the death of even an independent candidate. Due to the rise of terrorism and violence in certain parts of the country, combined with the phenomenal increase in the number of independent candidates, the danger of countermanding of an election on account of the death of an independent candidate had increased. One of the measures suggested to reduce disruption of the election process was to amend the provision so as to restrict the countermanding of elections only in the case of death of a candidate set up by a recognised political party.

In the meanwhile, it was decided to hold the general elections in Punjab. In view of the situation prevailing in the State and in order to curb the danger of disruption of election process there, it became imperative to amend Section 52 of the Representation of the People Act, 1951, so as to restrict the countermanding of elections only in the case of the death of a candidate set up by a recognised political party. As Parliament was not in Session, the said Section was amended by the promulgation of an Ordinance by the President on 4 January 1992. The Bill sought to replace that Ordinance by an Act of Parliament.

The Motion for the consideration of the Bill and its various clauses were adopted and the Bill was passed on 11 March 1992.

The Copyright (Amendment) Bill, 1992: Moving the Motion for consideration of the Bill on 30 March 1992 to further amend the Copyright Act, 1957, the Minister of Human Resource Development, Shri Arjun Singh said that the Bill had been brought on a public demand that the copyright in regard to the works of the national poet Shri Rabindranath Tagore should be extended for some time. The Copyright (Amendment) Ordinance was passed for the specific purpose of extending the copyright

The Bill was introduced in Rajya Sabha on 26 February 1992.

The Bill, as passed by Lok Sabha, was laid on the Table of Rajya Sabha on 18 March 1992.

in this regard from 50 years to 60 years. The present Bill did not take into consideration any comprehensive aspect of the Copyright Act.

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

*The Securities and Exchange Board of India Bill, 1992** Moving the Motion for consideration of the Bill on 1 April 1992, the Minister of State in the Ministry of Finance, Shri Rameshwar Thakur said that the Securities and Exchange Board of India (SEBI) was constituted on 12 April 1988. The Finance Minister in his Budget Speech of 24 July 1991, had stated that full statutory powers would be given to that Board. Keeping in view the growth of the Stock Market at a rapid pace, it had become essential to take immediate measures so that confidence in the stock market is maintained. The main powers and functions of the Board so far related to the regulation of business in the stock exchange and other security markets. A well-regulated market was essential for channelling an increasing flow of savings into investments in securities for the further development of the economy. Additional powers would be given to SEBI to strengthen its capability.

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

*The Indian Red Cross Society (Amendment) Bill, 1992*** Moving the motion for consideration of the Bill on 3 April 1992, the Minister of Health and Family Welfare, Shri M. L. Fotedar said that on account of internal wranglings, the Indian Red Cross Society had not been able to discharge certain responsibilities like holding of the Annual General Meeting, passing of annual accounts and approval of the budget in 1990 and in 1991. The Society was also unable to appoint a regular Chief Executive because of several litigations.

The Bill sought to provide that the Managing Body existing immediately before the promulgation of the Ordinance dated 23 January 1992 should cease to operate and a new Managing Body would be reconstituted within a period of six months from the date of the Ordinance. There will be 12 elected members and 6 nominated members. The intention was to keep the voluntary and autonomous nature of the Society intact.

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

*The Bill, as passed by Lok Sabha, was laid on the Table of the House on 30 March 1992.
**The Bill, as passed by Lok Sabha, was laid on the Table of Rajya Sabha on 23 March 1992.

C. QUESTION HOUR

During the 162nd Session of the Rajya Sabha, 9488 notices of questions (8569 Starred and 919 Unstarred) were received. However, only 449 Starred Questions and 4489 Unstarred Questions were admitted. 3 Short Notice Questions were received and one was admitted. After Lists of Questions were printed, 15 Starred and 137 Unstarred Questions were transferred from the Listed Ministries to the Ministries which were more directly concerned.

Daily Average of Questions : Each of the Lists of Starred questions contained 18 to 21 Questions. On an average, 4 Questions were orally answered per sitting. The maximum number of Questions orally answered was 7 on 12 March 1992 and the minimum number of Questions orally answered was 2 on 25 February 1992.

The minimum number of Questions admitted in Unstarred Lists was 75 on 23 March 1992 and the maximum number was 33 on 27 March 1992. The average came to 196 per day.

Half-an-Hour Discussion : 13 notices of Half-an-Hour Discussion were received during the Session and 5 were admitted out of which only one was discussed.

Statement correcting answers to Questions : 3 statements correcting answers to Questions answered in the House were made by the Ministers concerned.

D. OBITUARY REFERENCES

During the Session, references were made to the passing away of Sarvashri S. Kumaran, Mahabir Prasad Bhargava, Vinaykumar Ramlal Parashar, Chakrapani Shukla, Kalyan Chand, Shriyans Prasad Jain, Dr. Sankata Prasad, Col. Bashir Hussain Zaidi, all ex-members; Shri Sat Paul Mittal, sitting member and Shri Gurdial Singh Dhillon, former Speaker of Lok Sabha. Members stood in silence for a while as a mark of respect to the deceased.

STATE LEGISLATURES

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Seventh Himachal Pradesh Legislative Assembly commenced its Sixth Session on 20 February 1992 and was adjourned *sine die* on 26 March 1992. The House was prorogued on the same day. There were 21 sittings in all.

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

Financial Business: On 4 March 1992, the supplementary Budget for 1991-92 was presented by the Chief Minister, who also holds the Finance

*Material Contributed by Himachal Pradesh Legislative Assembly Secretariat

portfolio. The necessary Appropriation Bill was considered and passed by the House on the same day. The Excess Demands over-grants for the financial year 1988-89 and 1989-90 were presented on 24 March 1992 and the necessary Appropriation Bills were introduced, considered and passed by the House on 6 March 1992. The Chief Minister also presented the Budget Estimates for the financial year 1992-93. The necessary Appropriation Bill was introduced, considered and passed by the House on 25 March 1992.

Obituary References: On 21 February 1992, the House paid homage to former member of the Assembly, late Shri Guman Singh.

MADHYA PRADESH LEGISLATIVE ASSEMBLY*

The Ninth Madhya Pradesh Vidhan Sabha commenced its Seventh Session on 10 February 1992 and was adjourned *sine die* on 17 March 1992. There were 25 sittings in all.

Governor's Address: The Governor of Madhya Pradesh, Kunwar Mehmood Ali Khan, addressed the House on the opening day. The Motion of Thanks on the Governor's address was moved by Shri Tejsing Sendhav which came up for discussion on 10 February 1992 and was adopted by the House on 21 February 1992.

Financial business: On 19 February 1992, the Budget for 1992-93 was presented by the Finance Minister Shri Ramhit Gupta. The Demands for Grants of all Departments were discussed and none was guillotined. The relevant Appropriation Bill was introduced on 16 March 1992 and discussed and passed by the House on 17 March 1992. The Second Supplementary Demand for 1991-92 was placed before the House on 11 February 1992 and discussed and passed on 12 February 1992. The relevant Appropriation Bill was introduced and passed on 12 February 1992.

Obituary References: On 12 February 1992, the House made obituary references to former member of the Assembly, Shri Dilan Singh and to Shri Kumar Gandharva, eminent vocalist. On 16 March 1992, tribute was paid to Shri Chakra Pani Shukla, a former member of the Assembly.

NAGALAND LEGISLATIVE ASSEMBLY**

The Seventh Nagaland Legislative Assembly commenced its Twelfth Session on 16 March 1992 and was adjourned *sine die* on 26 March 1992.

Governor's Address: The Governor of Nagaland, Dr. M.M. Thomas addressed the House on the opening day. The Motion of Thanks on the Governor's address was moved by Shri Chubatemjen Ao, which was

*Material contributed by Madhya Pradesh Legislative Assembly Secretariat.

**Material contributed by Nagaland Legislative Assembly Secretariat.

seconded by Shri Neeljee Rio. The Motion of Thanks was adopted by the House on 19 March 1992.

Legislative Business: During the Session, four Bills, (a) The Nagaland Profession, Trade, Calling and Employment Taxation (3rd Amendment) Bill, 1992; (b) The Motor Vehicle Taxation Amendment Bill, 1992; (c) The Salary and Allowances of the Leader of Opposition in Nagaland Legislative Assembly Bill, 1992; and (d) The Nagaland (Ownership and Transfer of Land and its Resources) Bill, 1992 were passed by the House.

Financial Business: The Supplementary Demands for Grants for regularisation of excess expenditure incurred during 1982-83 and 1983-84 were presented in the House by the Chief Minister Shri Vamuzo, who also holds the Finance portfolio, on 17 March 1992 and was passed on 20 March 1992. The necessary Appropriation Bill was adopted by the House on the same day by voice vote. The Supplementary Demands for Grants for 1991-92 was presented to the House on 19 March 1992 and was passed on 20 March 1992. The Appropriation Bill relating to the Supplementary Grants was passed on 20 March 1992. The Budget for 1992-93 was presented to the House by the Chief Minister, Shri Vamuzo. The Demands for Grants for 1992-93 was passed and the necessary Appropriation Bill was adopted by the House on 26 March 1992.

Obituary References: Obituary references were made on the demise of Shri K. Shikhu, a former Speaker; and Shri R.S. Rengma and Shri Zulutemba, former Ministers.

ORISSA LEGISLATIVE ASSEMBLY*

The Tenth Orissa Legislative Assembly commenced its Budget Session (Seventh Session) on 12 February 1992 and was adjourned on 4 April 1992. There were 30 sittings in all.

Legislative Business: During the Session, three Ordinances; (a) The Orissa Education (Amendment) Ordinance, 1992; (b) The Orissa Gram Panchayats (Postponement of Elections) (Second Amendment) Ordinance 1991; and (c) the Orissa Panchayat Samitis (Postponement of Elections (Second Amendment) Ordinance, 1991 were replaced by Bills passed on 4 March 1992. Besides, five other Bills; (a) The Orissa Industrial Establishment (National and Festival) Holidays (Amendment) Bill, 1992; (b) The Orissa Transport Vehicles (Levy of Toll) Bill, 1992; (c) The Orissa Electricity (Duty) (Amendment) Bill, 1992; (d) The Orissa Irrigation (Validation) Bill, 1992; and (e) The Orissa Special Courts (Amendment) Bill, 1992 were passed by the House.

Financial Business: The Second Supplementary Grants for 1991-92 were put to vote. The Appropriation Bill for 1991-92 was passed on 18 February 1992. The Budget for 1992-93 was also passed after fifteen

*Material contributed by Orissa Legislative Assembly Secretariat.

demands were voted. Rest of the Demands were gullotined and the Appropriation Bill for 1992-93 was passed on 31 March 1992.

Obituary References: On 31 March 1992, the House paid respectful tribute to the memory of Shri Nand Kishore Mishra, former Speaker of the Legislative Assembly. On 4 April 1992, obituary reference was made on the demise of Shri Naka Kanaya, a sitting member.

SIKKIM LEGISLATIVE ASSEMBLY*

The Sikkim Legislative Assembly commenced its Budget Session on 4 March 1992 and was adjourned *sine die* on 11 March 1992.

Governor's Address: The Governor of Sikkim, Shri R.H. Tahillani, addressed the House on the opening day. The Motion of Thanks on the Governor's Address was moved by the Chief Minister, Shri N.B. Bhandari. The Motion was discussed and unanimously adopted by the House on 6 March 1992.

Legislative Business: During the Session, Six Bills: (a) The Sikkim Home Guards Bill, 1992; (b) The Sikkim Excise Bill, 1992; (c) The Land Acquisition Sikkim (Amendment) Bill, 1992; (d) The Appropriation Bill for Excess Demands, 1992; (e) The Sikkim Appropriation Bill for Supplementary Demands, 1992; and (f) The Sikkim Appropriation Bill for the Budget 1992-93, were passed by the House.

Financial Business: The Budget for 1992-93 was presented by the Chief Minister, who also holds Finance portfolio, on 4 March 1992. The Demands for Grants under the charge of individual Ministries were presented to the House from 7 March 1992 onwards. They were discussed and passed by the House on 11 March 1992. The Excess Demands for Grants for 1983-84 and 1984-85 and the Supplementary Demands for Grants incorporated in supplementary Estimates for 1991-92 were also passed by the House. The Budget for 1992-93 was put to vote and passed unanimously by the House on 11 March 1992.

*Material contributed by the Sikkim Legislative Assembly Secretariat.

SUMMARIES OF BOOKS

OLIVER, Dawn, *Government in the United Kingdom*, (Open University Press, Buckingham), 1991. Pages 241 (Price not mentioned).

Accountability of government to Parliament is one of the cornerstones of the Constitution. There is, however, a major problem in the relationship between Parliament and the government and the difficulties in achieving the appropriate balance between the two. The Executive playing a dominant role in this relationship, the accountability of government to Parliament and to the public gets weak, and the public interest, which it is the prime duty of government to promote, suffers. But the dilemma is that measures that make Parliament the dominant partner might undermine the effectiveness of government. While it has been argued that an adjustment in the relationship is required, it should not be such as to make an effective government impossible.

The weakness of Parliament in its relations with the Executive has been attributed to a range of factors. There are insufficient pressures on the government to respond to the needs and wishes of the citizenry. Procedural reform in Parliament needs to be redressed to provide a fairer reflection of the balance of public support for different political philosophies and strategies for government and to revitalise the operation of the political process in Parliament. This can be achieved by electoral reforms. In this respect, institutional and political reforms are closely linked.

Electoral reform alone would not secure an effective political process that encourages accountability, effectiveness and citizenship. Any parliamentary majority, whether formed by a single party or by a coalition or pact has the power to secure the passage of legislation that suppresses accountability and undermines the effectiveness of the citizen in participating in the political process. So, proposals for legislation that protects fundamental rights, especially those to do with the openness of the political process, have a place in the prescriptions for improving the accountability of government. That accountability has to be secured not only in Parliament, but also outside it through other mechanisms than the conventions on ministerial responsibility.

Efficiency and effectiveness in government cannot be guaranteed. However, the view expressed by some that the way to secure better government is simply to vote for another party suggests that there is nothing wrong with the system, but only with the people who operate it. The Cabinet system involves collective decision making, which means that if all ministers in the Cabinet are responsible for policy, then they should all take an interest in it, a discussion in Cabinet should allow for doubts to be expressed and taken into account and a better decision to emerge from the process. Not only individual decisions on overall policy should be more coherent and consistent, it should also have a sense of direction and strategy.

The weak accountability of government in the system as it operates at present is added to by the ethos of secrecy backed up by law, which denies to Parliament and to the public information about government activity which could form the basis of informed and constructive criticisms. The secrecy of public administration in the UK, particularly in the central government, not only limits its accountability to Parliament and to the public for the substantive policies that it pursues, but it also allows the government to operate according to ground rules that do not promote its effectiveness and efficiency, besides frustrating the efforts of citizens to make a contribution to the political process. Secrecy poses problems beyond the realms of political and public accountability. Where government invokes public interest immunity in court, secrecy also protects it from legal accountability. Hence, the case for improved rights of access to official information is based on the need to improve all forms of accountability.

The weak accountability of ministers, both individually and collectively, to Parliament is yet another dimension of the problem of Cabinet government. Accountability is limited by the highly secretive way in which Cabinet government is conducted, and the ability of ministers to avoid answering parliamentary questions. If a written Constitution is adopted, it could include an express duty to be accountable to Parliament.

Citizens have a role to play in giving service to the community; this is most obvious in the willingness of individuals to stand for election to Parliament and in local governments but it is also found in the magistracy, and in work in voluntary agencies. If there is not a strong body of citizens prepared to give their services in this way, the society would find itself governed by bureaucrats and limited in its ability to effect the way the system worked. A modern concept of citizenship has to include a sense of belonging to the national, local and functional communities in the country.

Institutionally, local authorities would have a role in promoting social cohesion and good relations between communities in their areas if they were allowed the resources and freedom of action to do so. A system of decentralization to national and regional assemblies would promote a

sense of identity with communities in those areas. It is not easy for the central government to provide opportunities for citizen participation in the political process and community service. Local government, however, is well placed to play a role here.

But the local government, too, suffers from poor accountability to its electorate and the consumers of its services. Its weak accountability to its voters is in part due to the long-standing problem of low turn outs in local elections. The unwillingness of voters to turn out in local elections is a reflection on the undoubtedly poor quality of some local governments, but this itself may be explained by the fact that the status of local government is not such as to attract into its service councillors of high calibre. The poor quality of some local authority services has been due in part to its lack of accountability to its voters.

Local government's role would depend to some extent on whether decentralization is introduced. A view has also been gaining ground that a single-tier local government system might in any event be better, more effective and more transparent than the present two-tier system that prevails in most of the country. There is also a strong case for giving back to local government freedom to raise revenue without the threat of 'capping' by Whitehall. But, here the issue of the political accountability of local government enters into the picture and so the political process and institutional reforms once again become inter-dependent. The case for introducing the single transferable vote in local government, and for encouraging the organisation of authorities into neighbourhood committees is based on a recognition of the need to increase the accountability and responsiveness of the local government to its electors and consumers, rather than to the central government, and thereby also setting in place structures that should promote efficiency and effectiveness.

Legal accountability is an important aspect of the range of accountability mechanism. Since the relationship between the courts and the government has developed in a piecemeal way, the rules that the courts apply in judicial review cases are in many respects unclear and unpredictable. In particular, the judges' problems derive from the absence of a written Constitution that would articulate what was expected of the government, and a Bill of Rights which would supply substantive criteria against which the acts of government could be measured and adjudicated upon. In this respect and in others, administrative law in the UK is weak. But administrative law is not only about legal accountability and judicial review, it is also about openness, explicit codes of conduct and ground rules, internal review, procedures, audit, ombudsman, and a whole range of procedures that together belong under the form of administrative accountability.

Problems over the policy-making process, however, are not confined to the government. They often originate in the quality of work done by the

Opposition parties preparing to form the government. The political parties are hindered in preparing realistic policies due to their lack of resources. They lack not only information, but the money and the staff necessary to enable them to research alternative policies thoroughly and produce realistic alternatives. They are also limited in their ability to make informed and constructive criticism of the government, and the lack of such responses to government makes it less pressing for the government to react to parliamentary criticism from the Opposition by reviewing its policies. Civil servants are shielded from political and public accountability and ministers too do not tend to be particularly interested in efficiency and effectiveness. The introduction of Executive agencies is, therefore, an important innovation and one which, properly managed and protected from ministerial meddling by a regime of openness, should improve the quality of administration, whatever party is in power.

Though the adoption of a Bill of Rights would not provide a panacea for the ills of the Constitution, its existence could transform the political process by making the citizen more aware of its role and importance and the attitudes of politicians and administrators would like wise change for the better.

A Second Chamber (House of Lords) has an important role as a constitutional watchdog, which is particularly necessary so long as U.K. has no written Constitution and subscribes to the doctrine of parliamentary sovereignty. Even if this were to go with the adoption of a written Constitution with entrenched provisions, a constitutional watchdog would be required and a Second Chamber could perform that role.

The experience of other countries is seldom regarded by British politicians or civil servants as persuasive in favour of action, but a more likely approach would be a mixture of administrative measures, and piecemeal legislation. For example, open government experiment in Bradford shows that its manner of implementation must be well thought out and supervised if it is to be effective in promoting the objectives of accountability and effectiveness in government, consumer protection, the protection of individual privacy and autonomy, and the promotion of citizenship. The sudden availability of a mass of undigested and indigestible information would be of no use to the individual or to pressure groups and other organisations with special interests in the subject matter. Information in government files would have to be systematically registered, a consistent policy in the form of codes of practice on dealing with requests for information would have to be devised and its implementation monitored.

What is required, then, is a wider consciousness of the defects of the system as it operates at present and an appreciation of the complexities of the process of reform. The political parties and campaigning groups such as charter 88 have an important role to play in securing that these issues

receive the attention that they deserve. The need to improve accountability, effectiveness and citizenship ought not to divide the political parties, if only they could appreciate the nature of the argument for them. While it is understandable that a party in power will resent attempts to make it more accountable, parties in opposition recognise that need. Politicians should have the commitment and courage to ensure that necessary reforms are undertaken, without which the sad history of policy failures of the post-war years is likely to continue. While a vital, effective, accountable political system and a mature citizenry cannot guarantee successful government, a system that lacks those three is doomed to failure.

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APPENDIX I

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

1. PERIOD OF THE SESSION	24 February to 3 April 1992
2. NUMBER OF SITTINGS HELD	28
3. TOTAL NUMBER OF SITTING HOURS	164 hours and 36 minutes
4. NUMBER OF DIVISIONS HELD	5
5. GOVERNMENT BILLS	
(i) Pending at the Commencement of the Session	18
(ii) Introduced	5
(iii) Laid on the Table as passed by Lok Sabha	14
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	16
(x) Passed	16
(xi) Withdrawn	1
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	9
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	20
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	116
(ii) Introduced	17
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	2
(vii) Withdrawn	1
(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 of Member-in-charge of the Bill	17
(xvi) Pending at the end of the Session	115
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)	
(i) Notices received	93
(ii) Admitted	7
	(on two subjects)
(iii) Discussions held	2

8. NUMBER OF STATEMENTS MADE UNDER THE RULE 180 (CALLING-ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE.)

Statements made by Minister	Nil
9. HALF-AN-HOUR DISCUSSIONS HELD	1
10. STATUTORY RESOLUTIONS	
(i) Notices received	24
(ii) Admitted	24
	(on 6 subjects)
(iii) Moved	4
(iv) Adopted	2
(v) Negatived	Nil
(vi) Withdrawn	2
	.
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	4
(ii) Admitted	4
(iii) Discussed	Nil
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	203*
(ii) Admitted	136
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil

*Include 67 notices on identical subjects.

16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY DURING THE SESSION AND NAME OF THE COMMITTEE CREATED. Nil

17. TOTAL NUMBER OF VISITORS' PASSES ISSUED 20-26

18. TOTAL NUMBER OF PERSONS VISITED 2746

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED 156 (on 3.4.92)

20. MAXIMUM NUMBER OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED 182 (on 26.2.92)

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) STARRED	449
(ii) UNSTARRED	4489
(iii) SHORT-NOTICE QUESTIONS	1

22. DISCUSSION ON THE WORKING OF THE MINISTRIES Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of Committee	No. of meetings held during the period from 1 January to 31 March, 1992	No. of Reports presented during the 162nd Session
(i) Business Advisory Committee	5	Nil
(ii) Committee on Subordinate Legislation	6	Nil
(iii) Committee on Petitions	7	Nil
(iv) Committee on Privileges	2	Nil
(v) Committee on Rules	Nil	Nil
(vi) Committee on Government Assurances	5	Nil
(vii) Committee on Papers Laid on the Table	12	Nil

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE 3

25. PETITIONS PRESENTED Nil

26. NAME OF NEW MEMBERS SWORN IN WITH DATES

S.No.	Name of Members sworn	Date on which sworn
1	2	3
1.	Shri A.S. Chowdhri	3.4.92
2.	Shrimati Renuka Chowdhury	-do-
3.	Shri N. Giri Prasad	-do-
4.	Shri V. Hanumantha Rao	-do-
5.	Shri V. Rajeshwar Rao	-do-
6.	Shri G. Prathapa Reddy	-do-
7.	Shri Matang Sing	-do-
8.	Shri Tara Charan Mazumdar	-do-
9.	Shri Maheshwar Singh	-do-
10.	Shrimati Margaret Alva	-do-
11.	Shri K.R. Jayadevappa	-do-
12.	Shri Gundappa Korwar	-do-
13.	Shri Satchidananda	-do-
14.	Shri M.A. Baby	-do-
15.	Shri B.V. Abdulla Koya	-do-
16.	Shri Thennala Balakrishna Pillai	-do-
17.	Shri Vizol	-do-
18.	Shri Sudhir Ranjan Majumdar	-do-

27. OBITUARY REFERENCES

S.No.	Name	Sitting Member/ Ex-Member
1.	Shri S. Kumaran	Ex-Member
2.	Shri Mahabir Prasad Bhargava	-do-
3.	Shri Vinay Kumar Ramial Parashar	-do-
4.	Shri Sat Paul Mittal	Sitting Member
5.	Shri Chakrapani Shukla	Ex-Member
6.	Shri Kalyan Chand	-do-
7.	Shri Shriyans Prasad Jain	-do-
8.	Dr. Sankata Prasad	-do-
9.	Col. Beshir Husain Zaidi	-do-
10.	Shri Gurdial Singh Dhillon	Former Speaker, Lok Sabha

APPENDIX II
STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES
DURING THE PERIOD 1 JANUARY TO 31 MARCH 1992

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.*	16.3.92 to 20.3.92	4	3(3)	—	100(92)	62(57)	—
Arunchal Pradesh L.A.	—	—	—	—	—	—	—
Assam L.A.*	20.3.92 to 27.3.92	6	1(1)	—	896(451)	74(409)	454(32)
Bihar L.A.	20.3.92 to 28.3.92	7	(1)	—	349(279)	(4)	173(78)
Bihar L.C.	11.2.92 to 3.4.92	39	12(10)	10	6469(3203)	92(83)(a)	93(21)
Gujarat L.A.	23.3.92 to 31.3.92	7	3(4)	2	628(357)	17(27)(b)	2(1)
Goa L.A.	9.3.92 to 25.3.92	10	4(4)	—	298(165)	72(33)	—
Haryana L.A.	21.2.92 to 26.3.92	21	16(16)	—	2051(2036)	110(70)	2
Himachal Pradesh L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.A. @	—	—	—	—	—	—	—
Jammu & Kashmir L.C.*	—	—	—	—	—	—	—
Karnataka L.A.*	—	—	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—
Kerala L.A.	3.3.92 to 1.4.92	19	6(5)	—	2534(1204)	7499(6499)	15(12)
Madhya Pradesh L.A.	10.2.92 to 17.3.92	25	6(6)	—	7501(2229)	2294(1589)	4(2)
Maharashtra L.A.	16.3.92 to 24.4.92	24	15(15)	11	7898(1164)	101(324)	201(21)
Maharashtra L.C.	16.3.92 to 24.4.92	24	5(5)	1	3839(769)	67(6)	56(6)
Manipur L.A.*	—	—	—	—	—	—	—
Meghalaya L.A.*	—	—	—	—	—	—	—
Mizoram L.A.	11.3.92 to 1.4.92	15	9(7)	—	264(263)	8	—
Nagaland L.A.	16.3.92 to 26.3.92	7	7(8)	—	49(48)	10(10)	—

Orissa L.A.*	—	—	—	—	—	—	—	—	—
Punjab L.A.	16.3.92 to 9.4.92	19	4(4)	—	—	—	—	—	—
Rajasthan L.A.*	—	—	—	—	—	—	—	—	—
Sikkim L.A.*	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.*	20.2.92 to 25.2.92	14	5(5)	—	—	—	—	—	—
Tripura L.A.	and 20.3.92 to 1.4.92	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.*	10.2.92 to 12.3.92	11	6(3)	—	—	—	—	—	—
Uttar Pradesh L.C.	—	—	—	—	—	—	—	—	—
West Bengal L.A.*	—	—	—	—	—	—	—	—	—
UNION TERRITORIES									
Delhi Metropolitan@@	—	—	—	—	—	—	—	—	—
Council	—	—	—	—	—	—	—	—	—
Pondicherry L.A.	4.3.92 to 10.3.92	4	2(2)	—	—	—	—	—	—

* Information not received from the State Legislature.

@ During Governor's rule in the State, the Assembly was dissolved on 19.2.1990 and the State was brought under President's rule from 19.7.90

@@ The Delhi Metropolitan Council stands dissolved since 13.1.1990.

NOTES:—

- (i) Figures in cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced with the number of Bills passed in brackets.
- (ii) Figures in cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
- (a) The figure 83 includes Notices for 82 Starred Questions admitted as Unstarred Questions.
- (b) The figure 271 includes Notices for 254 Starred Questions admitted as Unstarred Questions.
- (c) The figure 197 includes Notices for Starred Questions admitted as Unstarred Questions.
- (d) The figure 629 includes Notices for 77 Short Notice Questions admitted as Starred Questions.
- (e) The figure 45 includes Notices for 11 Starred Questions and 6 Short Notice Questions admitted as Unstarred.

- (c) Members Allowance Rules Committee—2 sittings; Committee on Welfare of S.T.—5 sittings and 2 reports; Committee on Absence of Members—1 sitting and 1 report; Committee on Panchayati Raj—3 sittings and 2 reports; Committee on Welfare of the Socially and Educationally Backward Classes—1 sitting; Committee on Papers Laid on the Table of the House—2 sittings; Ad-hoc Committee to inquire into the incident of Liquor tragedy at Sutrapada Village of Junagadh District—1 Report; and Ad-hoc Committee to inquire into the incident of Police firing on Adivasis at Sidumber Village of Valsad District—2 sittings.
- (d) Press Gallery Committee—1 sitting.
- (e) Committee on Forest, Environment and Allied Matters—4 sittings and 5 reports; Committee on Agriculture; Horticulture and Allied Matters—2 sittings and 6 reports; Committee on Papers Laid on the Table—2 sittings and 1 report; Committee on Tourism and Allied Matters—3 sittings and 4 reports; and Committee on Implementation of Official Language—2 sittings and 3 reports.
- (f) Subject Committee (I)—1 sitting; Subject Committee (II)—3 sittings; Subject Committee (III)—3 sittings; Subject Committee (IV)—1 sitting; Subject Committee (V)—1 sitting; Subject Committee (VI)—2 sittings; Subject Committee (VII)—1 sitting; Subject Committee (VIII)—5 sittings and 1 report; Subject Committee (IX)—3 sittings and 1 report; and Subject Committee (X)—2 sittings and 1 report.
- (g) Rules Reviewing Sub-Committee—1 sitting; Women and Children's Welfare Committee—3 sittings; and Question and Reference Committee—3 sittings and 1 report.
- (h) Catering Committee—5 sittings; Employment Guarantee Scheme Committee—7 sittings; Panchayati Raj Committee—7 sittings; and Committee on Welfare of Vimuktia Jatis and Nomadic Tribes—6 sittings and 2 reports.
- (i) Committee on Leave of Absence from sittings of the House—1 sitting and 1 report.
- (j) Committee on Delegated Legislation—1 report.
- (k) Committee on Financial and Administrative Delays—8 sittings; Questions and References Committee—8 sittings; Committee on Parliamentary Studies—10 sittings; Committee on Compilation of Rulings—3 sittings; and Parliamentary and Social Goodwill Committee—18 sittings.

APPENDIX III

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1 JANUARY TO 31 MARCH 1992

S. No.	Title of the Bill	Date of assent by the President
1	2	3
1.	The Government of National Capital Territory of Delhi Bill, 1991	2.1.1992
2.	The Representation of the People (Amendment) Bill, 1992	26.3.1992
3.	The Appropriation (Railways) Bill, 1992	27.3.1992
4.	The Appropriation (Railways) No. 2 Bill, 1992	27.3.1992
5.	The Appropriation Bill, 1992	30.3.1992
6.	The Appropriation (Vote on Account) Bill, 1992	30.3.1992
7.	The Manipur Appropriation Bill, 1992	31.3.1992
8.	The Manipur Appropriation (Vote on Account) Bill, 1992	31.3.1992
9.	The Jammu and Kashmir Appropriation Bill, 1992	31.3.1992
10.	The Jammu and Kashmir Appropriation (Vote on Account) Bill, 1992	31.3.1992
11.	The Public Liability Insurance (Amendment) Bill, 1992	31.3.1992
12.	The Destructive Insects and Pests (Amendment and Validation) Bill, 1992	31.3.1992

APPENDIX IV

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 JANUARY TO 31 MARCH 1992

STATES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The North East Agency Panchayati Raj Regulation (Amendment) Bill, 1992.
2. The Arunachal Pradesh Appropriation Bill, 1992.
3. The Arunachal Pradesh Appropriation (No. 2) Bill, 1992.

BIHAR LEGISLATIVE ASSEMBLY

1. Bihar Vinayog (Lekhanudan) Vidheyak, 1992.

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Appropriation (Vote on Account) Bill, 1992.

GOA LEGISLATIVE ASSEMBLY

1. The Goa Supplementary Appropriation Bill, 1992.
2. The Goa Appropriation (Vote on Account) Bill, 1992.
3. The Goa Sales Tax (Amendment) Bill, 1992.
4. The Goa (Brackish Water) Fish Farming Regulation Bill, 1991.

GUJARAT LEGISLATIVE ASSEMBLY

1. The Bombay Motor Vehicles Tax (Gujarat Amendment) Bill, 1992.
2. The Gujarat Public Works Contracts Disputes Arbitration Tribunal Bill, 1992.
3. The Gujarat Sales Tax (Amendment) Bill, 1992.
4. The Gujarat (Supplementary) Appropriation Bill, 1992.
5. The Gujarat Sales Tax (Third Amendment) Bill, 1992.
6. The Bombay Stamp (Gujarat Amendment) Bill, 1992.
7. The Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of Gujarat Legislative Assembly, Ministers and Leaders of the Opposition Laws (Amendment) Bill, 1992.
8. The Gujarat Appropriation Bill, 1992.
9. The Gujarat Motor Transport Vehicles Toll Bill, 1992.
10. The Gujarat Sales Tax (Second Amendment) Bill, 1992.

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana and Punjab Agricultural Universities (Haryana Amendment) Bill, 1992.
2. The Haryana Appropriation (No. 1) Bill, 1992.
3. The Haryana Municipal (Amendment) Bill, 1992.
4. The Haryana Appropriation (No. 2) Bill, 1992.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1992.
2. The Himachal Pradesh Town and Country Planning (Amendment) Bill, 1992.
3. The Himachal Pradesh Appropriation Bill, 1992.
4. The Himachal Pradesh Tax on Luxuries (In Hotels and Lodging Houses) (Amendment) Bill, 1992.
5. The Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Bill, 1992.
6. The Himachal Pradesh Appropriation (No. 2) Bill, 1992.
7. The Himachal Pradesh Appropriation (No. 3) Bill, 1992.
8. The Himachal Pradesh Appropriation (No. 4) Bill, 1992.
9. The Societies Registration (Himachal Pradesh Amendment) Bill, 1992.
10. The Himachal Pradesh Kuflehar Forest (Acquisition of Management) Bill, 1992.
11. The Himachal Pradesh Board of School Education (Amendment) Bill, 1992.
12. The Himachal Pradesh General Sales Tax (Amendment) Bill, 1992.
13. The Himachal Pradesh University (Amendment) Bill, 1992.
14. The Indian Stamp (Himachal Pradesh Amendment) Bill, 1992.
15. The Himachal Pradesh Electricity (Duty) (Amendment) Bill, 1992.
16. The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Bill, 1992.

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Building Tax (Amendment) Bill, 1992.
- * 2. The Kerala Co-operative Societies (Amendment) Bill, 1992.
3. The Kerala Appropriation Bill, 1992.
4. The Kerala Appropriation (Vote on Account) Bill, 1992.
- * 5. The Kerala Public Men's Corruption (Investigations and Inquiries) Amendment Bill, 1992.

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. Madhya Pradesh Viniyog Vidheyak, 1992
2. Madhya Pradesh Manoranjan Shulka tatha Vigyapan Kar (Sanshodhan) Vidheyak, 1992.
3. Madhya Pradesh Vishwavidyalaya (Sanshodhan) Vidheyak, 1992
4. Madhya Pradesh (Lok Abhikaranon Ke Madhyam Se) Din Dayal Antyodaya Karyakram ka Kiryanvyan (Sanshodhan) Vidheyak, 1992
5. Madhya Pradesh Vidhansabha Sadasya Vetan, Bhatta tatha Pension (Sanshodhan) Vidheyak, 1992.
6. Madhya Pradesh Viniyog Vidheyak, 1992.

MAHARASHTRA LEGISLATIVE ASSEMBLY

1. The Maharashtra Village Panchayats (Temporary Postponement of certain Elections) (Second Amendment) Bill, 1992
2. The Maharashtra Zilla Parishads and Panchayat Samities (Amendment) Bill, 1992.
3. The Maharashtra Drinking Water Supply Requisition (Amendment) Bill, 1992.
4. The Bombay Village Panchayats (Amendment) Bill, 1992
5. The Maharashtra (Supplementary) Appropriation Bill, 1992.
6. The Maharashtra Appropriation (Vote on Account) Bill, 1992
7. The Maharashtra Tax Laws (Levy, Amendment and Validation) Bill, 1992.

*Awaiting assent.

8. The Maharashtra Appropriation Bill, 1992.
9. The Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Bill, 1992.
10. The Bombay Moneylenders (Amendment) Bill, 1992.
11. The Maharashtra Kidney Transplantation (Amendment) Bill, 1992.
12. The Bombay Municipal Corporation (Amendment) Bill, 1992.
13. The Maharashtra Housing and Area Development (Amendment) Bill, 1992.
14. The Bombay Provincial Municipal Corporation and City of Nagpur Corporation (Amendment) Bill, 1992.

MAHARASHTRA LEGISLATIVE COUNCIL

1. The Bombay Moneylenders (Amendment) Bill, 1992
2. The Maharashtra Kidney Transplantation (Amendment) Bill, 1992
3. The Bombay Municipal Corporation (Amendment) Bill, 1992
4. The Maharashtra Housing and Area Development (Amendment) Bill, 1992.
- *5. The Bombay Provincial Municipal Corporation and City of Nagpur Corporation (Amendment) Bill, 1992.
6. The Maharashtra Village Panchayats (Temporary Postponement of certain Elections) (Amendment) Bill, 1992.
7. The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Bill, 1992.
8. The Maharashtra Drinking Water Supply Requisition (Amendment) Bill, 1992.
9. The Bombay Village Panchayats (Amendment) Bill, 1992.
10. The Maharashtra (Supplementary) Appropriation Bill, 1992
11. The Maharashtra Appropriation (Vote on Account) Bill, 1992.
12. The Maharashtra Tax Laws (Levy, Amendment and Validation) Bill, 1992.
13. The Maharashtra Appropriation (Amendment) Bill, 1992.
- *14. The Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Bill, 1992.

MIZORAM LEGISLATIVE ASSEMBLY

1. The Mizoram (Sales of Petroleum and Petroleum Products including Motor Spirit and Lubricants) taxation (Amendment) Bill, 1992.
- *2. The Mizoram Excise Bill, 1992.
3. The Mizoram Salaries and Allowances of Speaker and Deputy Speaker (Amendment) Bill, 1992.
4. The Mizoram Revenue Assessment (Amendment) Bill, 1992.
- *5. The Mizoram Fruit Nurseries Registration Bill, 1992.
- *6. The Mizoram Appropriation (No.1) Bill, 1992.
7. The Mizoram Appropriation (No.2) Bill, 1992.

*Awaiting assent

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Appropriation (No.1) Bill, 1992.
2. The Nagaland Appropriation (No.2) Bill, 1992.
3. The Nagaland Appropriation (No.3) Bill, 1992.
4. The Nagaland Appropriation (No.4) Bill, 1992.
- *5. The Nagaland Professions, Trades, Callings and Employment Taxation (3rd Amendment) Bill, 1992.
- *6. The Nagaland Motor Vehicles Taxation (Amendment) Bill, 1992.
- *7. The Nagaland (Ownership and Transfer of Land and its Resources) Bill, 1990.
- *8. The Salary and Allowances of Leader of the Opposition in the Nagaland Legislative Assembly, Bill, 1992.

PUNJAB LEGISLATIVE ASSEMBLY

1. The Punjab Appropriation Bill, 1992.
2. The Punjab Appropriation (Vote on Account) Bill, 1992.
3. The Punjab Appropriation (No.2) Bill, 1992.
4. The Punjab Agricultural Produce Markets (Amendment) Bill, 1992.

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Appropriation Bill, 1992.
2. The Tripura Vigilance Commission Bill, 1991.
3. The Tripura (Courts) Order (Second Amendment) Bill, 1992.
4. The Tripura Excise (Amendment) Bill, 1992
5. The Tripura Panchayats (Third Amendment) Bill, 1992

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpekalk Vyawastha) (Amendment) Bill, 1992
2. The Uttar Pradesh Public Moneys (Recovery of Dues) (Amendment) Bill, 1992
3. The Uttar Pradesh Public Services (Tribunals) (Amendment) Bill, 1992.
4. The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 1992.
5. The Uttar Pradesh State University (Amendment) Bill, 1992.
6. Indian Stamp (Uttar Pradesh Amendment) Bill, 1992.
7. The Uttar Pradesh State Cement Corporation Limited (Acquisition of Shares) Bill, 1992.
8. The Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (Acquisition and Transfer of Undertaking) Bill, 1992.
9. The Uttar Pradesh Appropriation (Second Supplementary 1991-92) Bill, 1992.
10. The Uttar Pradesh Sales-Tax (Amendment) Bill, 1992.
11. The Uttar Pradesh Motor Vehicles Taxation (Amendment) Bill, 1992.
12. The Uttar Pradesh Appropriation (Vote on Account) Bill, 1992.

PONDICHERY LEGISLATIVE ASSEMBLY

1. The Appropriation Bill, 1992
2. The Appropriation (Vote on Account) Bill, 1992

*Awaiting assent

APPENDIX V
ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD
FROM 1ST JANUARY TO 31 MARCH 1992

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
1.	The Representation of the People (Amendment) Ordinance, 1992	4.1.1992	24.2.1992	—	Replaced Legislation
2.	The Representation of the People (Second Amendment) Ordinance, 1992	19.1.1992	-do-	—	-do-
3.	The Indian Red Cross Society (Amendment) Ordinance, 1992	23.1.1992	-do-	—	-do-
4.	The Destructive Insects and Pests (Amendment and Validation) Ordinance, 1992	25.1.1992	-do-	—	-do-
5.	The Securities and Exchange Board of India Ordinance, 1992	31.1.1992	-do-	—	-do-
6.	The Public Liability Insurance (Amendment) Ordinance, 1992	-do-	-do-	—	-do-
7.	The Cess and other Taxes on Minerals (Validation) Ordinance, 1992	15.2.1992	-do-	—	-do-

	BHAR				
1.	The Patna University (Amendment) Ordinance, 1992				
2.	The Bihar Private Sanskrit School (Management and Control) Ordinance, 1992				
3.	The Bihar Intermediate Education Council Ordinance, 1992				
4.	The Nalanda Open University Ordinance, 1992				
5.	The Bihar State Weaker Section Legal Aid (Amendment) Ordinance, 1992				
6.	The Bihar Panchayat Raj (Amendment & Law Validation) Ordinance, 1992				
7.	The Bihar Motor Vehicle Taxation (Second Ordinance) 1992				
8.	The Bihar and Orissa Motor Vehicle Taxation (Fourth Amendment) ordinance, 1992				
9.	The Kosi Sufferem Development Authority (Amendment) ordinance, 1992				
10.	The Bihar Forest Land Renovation and Development Taxation Ordinance, 1992				
	GUJARAT				
1.	The Gujarat Sales Tax (Amendment) Ordinance, 1991	25.3.92			Replaced by Legislation
2.	The Gujarat Public Works Contracts Disputes Arbitration Tribunal Ordinance, 1991	-do-			
3.	The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1992	-do-			

1	2	3	4	5	6
		HIMACHAL PRADESH			
1.	The Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1991.	Raj 7.12.91	21.2.92	—	Replaced by Legislation
		KERALA			
1.	The Kerala Contingency Fund (Amendment) Ordinance, 1992	9.1.92	5.3.92	—	—
2.	The Kerala Building Tax (Amendment) Ordinance, 1992	25.1.92	-do-	—	—
3.	The Kerala Co-operative Societies (Amendment) Ordinance, 1992	7.2.92	-do-	—	—
4.	The Kerala Contingency Fund (Second Amendment) Ordinance, 1992	21.2.92	-do-	—	—
		MAHARASHTRA			
1.	The Municipal Corporations (Temporary Amendment) Ordinance, 1992	17.1.92	16.3.92	27.4.92	—
2.	The Maharashtra Drinking Water Supply Regulation (Amendment) Ordinance, 1992	20.1.92	-do-	-do-	—
3.	The Municipal Corporations (Temporary Amendment) (Second Amendment) Ordinance, 1992	23.1.92	-do-	-do-	—
4.	The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1992.	-do-	-do-	-do-	—
5.	The Municipal Corporations (Temporary Amendment) (Third Amendment) Ordinance, 1992	04.2.92	-do-	-do-	—

		UTTAR PRADESH		
1.	The U.P. Motor Vehicles Taxation (Amendment) Ordinance, 1992	24.1.92	10.2.92	Replaced by Legislation
2.	The U.P. Co-operative Societies (Amendment) Ordinance, 1992	28.1.92	-do-	—
3.	The Uttar Pradesh Public Examinations (Prevention of Unfair Means) Ordinance, 1992	3.2.92	-do-	—
4.	The Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd. (Acquisition and Transfer of Undertaking) Ordinance, 1992	6.2.92	-do-	—
5.	U.P. Krishi Utpadan Mandi Samiti (Alpakaik Vyawastha) (Amendment) Ordinance, 1992	16.3.92	-do-	—
6.	The U.P. State University (Amendment) Ordinance, 1992	-do-	-do-	—
7.	The U.P. Government Litigation (Engagement of Counsel) Ordinance, 1992	-do-	-do-	—
8.	The U.P. Subordinate Services Selection Commission (Amendment) Ordinance, 1992	-do-	-do-	—

APPENDIX VI
A. PARTY POSITION IN LOK SABHA (As on 3.6.1992)

Sl. No.	Name of State/ Union Territories	Seats	Cong(I)	BJP	J.D.	CPI(M)	CPI	Others	Ind./ Nomi- nated	Total Vacancy	
1	2	3	4	5	6	7	8	9	10	11	12
I STATES											
1.	Andhra Pradesh	42	25	1	—	1	1	14(a)	—	42	—
2.	Assam	14	8	2	—	—	—	2(b)	1	2	—
3.	Bihar	54	1	5	31	1	8	5(c)	—	14	—
4.	Goa	2	2	—	—	—	—	—	—	51	3
5.	Gujarat	26	5	20	—	—	—	1(d)	—	2	—
6.	Haryana	10	9	—	—	—	—	1(e)	—	26	—
7.	Himachal Pradesh	4	2	2	—	—	—	—	—	10	—
8.	Karnataka	28	23	4	—	—	—	1(f)	—	4	—
9.	Kerala	20	13	—	—	3	—	4(g)	—	28	—
10.	Madhya Pradesh	40	27	12	—	—	—	1(h)	—	20	—
11.	Maharashtra	48	40	5	—	1	—	2(i)	—	40	—
12.	Manipur	2	1	—	—	—	—	1(j)	—	2	—
13.	Meghalaya	2	2	—	—	—	—	—	—	2	—
14.	Mizoram	1	1	—	—	—	—	—	—	1	—
15.	Nagaland	1	—	—	—	—	—	1(k)	—	1	—
16.	Orissa	21	13	—	6	1	1	—	—	21	—
17.	Punjab	13	11	—	—	—	—	1(l)	—	12	1
18.	Rajasthan	25	13	12	—	—	—	—	—	25	—
19.	Sikkim	1	—	—	—	—	—	1(m)	—	1	—
20.	Tamil Nadu	39	27	—	—	—	—	11(n)	—	38	1
21.	Tripura	2	2	—	—	—	—	—	—	2	—
22.	Uttar Pradesh	85	5	51	22*	—	1	5(o)	—	84	1
23.	West Bengal	42	5	—	—	27	3	7(p)	—	42	—

II UNION TERRITORIES													
25.	Andaman & Nicobar Islands	1	1	—	—	—	—	—	—	—	—	—	—
26.	Chandigarh	1	1	—	—	—	—	—	—	—	—	—	1
27.	Dadra & Nagar Haveli	1	1	—	—	—	—	—	—	—	—	—	1
28.	Daman & Diu	1	—	1	—	—	—	—	—	—	—	—	1
29.	Delhi	7	2	4	—	—	—	—	—	—	—	—	6
30.	Lakshadweep	1	1	—	—	—	—	—	—	—	—	—	1
31.	Pondicherry	1	1	—	—	—	—	—	—	—	—	—	1
32.	Nominated	2**	—	—	—	—	—	—	—	—	—	2	2
Total =		539	244	119	59	35	14	58	3	532	7		

Four members sitting separately consequent upon receipt of intimation from the leader of Janata Dal Party in Lok Sabha regarding their expulsion from the party.

** Nominated by President under Article 331.

(a) Telugu Desam-7; Telugu Desam(V)-6; All India Majlis Ittehadul Muslimeen-1.

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

(c) Jharkhand Mukti Morcha-5.

(d) Janata Dal (Gujarat)-1.

(e) Haryana Vikas Party-1.

(f) Janata Party-1.

(g) Muslim League-2; Kerala Congress (Mani)-1; Indian Congress (Socialist-Sarat Chandra Sinha)-1.

(h) Bahujan Samaj Party-1.

(i) Shiv Sena-2.

(j) Manipur People's Party-1.

(k) Nagaland People's Council-1.

(l) Bahujan Samaj Party-1.

(m) Siddim Sangram Parishad-1.

(n) All India Anna Dravida Munnetra Kazhagam-11.

(o) Janata Party-4; Bahujan Samaj Party-1

(p) All India Forward Bloc-3; Revolutionary Socialist Party-4.

B. PARTY POSITION IN RAJYA SABHA (As on 6.4.1992)

Sl. No.	States/Union Territories	Seats	Cong(I)	Janata Dal	CPI(M)	BJP	Janata Dal(S)	Others	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
	STATES										
1.	Andhra Pradesh	18	9	1	1	—	—	6(a)	1	18	—
2.	Assam	7	4	—	—	—	—	2(b)	1	7	—
3.	Bihar	22	3	3	—	2	2	2(c)	—	22	—
4.	Goa	1	1	—	—	—	—	—	—	1	—
5.	Gujarat	11	7	2	—	2	—	—	—	11	—
6.	Haryana	5	1	—	—	1	3	—	—	5	—
7.	Himachal Pradesh	3	1	—	—	2	—	—	—	3	—
8.	Jammu & Kashmir	4	—	—	—	—	—	2(d)	—	2	2
9.	Karnataka	12	9	3	—	—	—	—	—	12	—
10.	Kerala	9	3	1	3	—	—	2(e)	—	9	—
11.	Madhya Pradesh	16	9	—	—	6	—	—	—	15	1
12.	Maharashtra	19	14	1	—	2	1	—	—	18	1
13.	Manipur	1	—	1	—	—	—	—	—	1	—
14.	Meghalaya	1	—	—	—	—	—	1(f)	—	1	—
15.	Mizoram	1	1	—	—	—	—	—	—	1	—
16.	Nagaland	1	—	—	—	—	—	1(g)	—	1	—
17.	Orissa	10	5	4	—	—	1	—	—	10	—
18.	Punjab	7	1	—	—	—	—	1(h)	—	2	5
19.	Rajasthan	10	6	1	—	1	1	—	1	10	—
20.	Sikkim	1	—	—	—	—	—	1(i)	—	1	—
21.	Tamil Nadu	18	3	—	1	—	—	14(j)	—	18	—
22.	Tripura	1	1	—	—	—	—	—	—	1	—
23.	Uttar Pradesh	34	17	6	—	2	6	2(k)	1	34	—
24.	West Bengal	16	—	—	11	—	1	4(l)	—	16	—

II UNION TERRITORIES

1. Delhi	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3
2. Pondicherry	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
3. Nominated	12	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
Total	245	110	23	16	18	15	38	12	232	13										

(a) Telugu Desam-5; C.P.I.-1.

(b) Asom Gana Parishad-1; Natun Asom Gana Parishad-1.

(c) C.P.I.-1; Lok Del-1.

(d) National Conference-2.

(e) M.L.-1; CPI-1.

(f) Hill State Peoples' Democratic Party-1.

(g) Nagaland Peoples' Council-1.

(h) Akali Del-1.

(i) Siddim Sangram Parishad-1.

(j) AIADMK-4; D.M.K.-10.

(k) Janata Party-1; C.P.I.-1.

(l) R.S.P.-2; CPI-1; F.B.-1.

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.**	—	—	—	—	—	—	—	—	—	—	—
(As on)											
Arunachal Pradesh L.A.	60	48	1	—	—	—	—	—	11	60	—
(As on 1.4.92)											
Assam L.A.**	—	—	—	—	—	—	—	—	—	—	—
(As on)											
Bihar L.A.	325	68	126	—	29	6	23	36(a)	29	317	8
(As on 29.4.92)											
Bihar L.C.	96	33	15	—	3	1	5	2(b)	2	61*	34
(As on 1.4.92)											
Goa L.A.	40	20	—	—	—	—	—	17(c)	2	39	1
(As on 1.4.92)											
Gujarat L.A.	182	32	2	—	67	—	—	68(d)	9	178	4
(As on 1.4.92)											
Haryana L.A.	90	52	2*	—	1	—	—	29(e)	5	89*	—
(As on 31.3.92)											
Himachal Pradesh L.A.	68	9	3	—	46	—	1	8(f)	1	68	—
(As on 1.4.92)											
Jammu & Kashmir L.A.@	—	—	—	—	—	—	—	—	—	—	—
(As on)											
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—
(As on)											

4

	1	2	3	4	5	6	7	8	9	10	11	12
Tamil Nadu L.A.**												
(As on)												
Tripura L.A.		60	24				25		19(m)		59	1
(As on 1.4.92)												
Uttar Pradesh L.A.*												
(As on)												
Uttar Pradesh L.C.		108	36	12	1	9			39(n)	11	108	
(As on 1.4.92)												
West Bengal L.A.**												
(As on)												
UNION TERRITORIES												
Delhi Metropolitan Council@												
(As on)												
Pondicherry L.A.		30	15	1				1	10(o)	3	30	
(As on 16.4.92)												

* Excluding Speaker/Chairman in case of Legislative Council.

** Information not received from the State Legislature.

@ Dissolved since 19.2.90.

@@ Dissolved since 27.3.92.

@@@ Dissolved since 13.1.90.

- (e) Jharkhand Mukti Morcha—17; Indian People's Front—7; Socialist Party (Lohia)—1; Marxist Co-ordination Party—2; Jharkhand Party—1; Unattached—7; and Nominated—1.
- (f) Jharkhand Mukti Morcha—1; and Unattached—1.
- (g) Maharashtrawadi Gomantak Party—11; and Goan Peoples Party—6.
- (h) Janata Dal (Gujarat)—65; Lok Swarajya Manch—1; Yuva Vikas Party—1; and Party affiliation not declared—1.
- (i) Janata Party—16; Haryana Vikas Party—12; and Bahujan Samaj Party—1.
- (j) Janata Dal (S)—5; and Himachal Congress—3.
- (k) Muslim League—18; Kerala Congress (M)—10; Revolutionary Socialist Party—2; Indian Congress (Socialist-Sarat Chandra Sinha)—2; National Democratic Party—2; Kerala Congress (B)—2; Kerala Congress—1; and C.M.P.—2.
- (l) Shiv Sena—38; Peasants and Workers Party—8; Muslim League—1; Republican Party of India (Khobragade)—1; and Nominated—1.
- (m) Peasants and Workers Party—3; Shiv Sena—4; Republican Party of India (Gavai Group)—1; Republican Party of India—1; and Unattached—2.
- (n) Mizo National Front—12; Mizo National Front (D)—2.
- (o) Bahujan Samaj Party—9; Shiromani Akali Dal (Kabul)—3; Indian People's Front—1; and United Communist Party of India—1.
- (p) Janata Dal (D)—25.
- (q) Tripura Upejati Juba Samiti—8; and Revolutionary Socialist Party—2.
- (r) Janata Dal (S)—31; and Shikshak Dal (Non-Political)—8.
- (s) All India Anna Dravida Munnetra Kazhagam—6; and Dravida Munnetra Kazhagam—4.