

# The Journal of Parliamentary Information

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**LOK SABHA SECRETARIAT**

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

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## EDITORIAL NOTE

The Constitution of India provides for an Address by the President to either House of Parliament or both the Houses assembled together. Under art. 86 (1), the President may address either House of Parliament or both the Houses assembled together, and for that purpose require the attendance of members. Art. 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 members of both the Houses of Parliament assembled together and inform Parliament of the causes of its summons.

On 24 May 1996, the President of India, Dr. Shanker Dayal Sharma addressed the members of the two Houses of Parliament assembled together in the Central Hall of Parliament House at the commencement of the First Session of Parliament after the constitution of the Eleventh Lok Sabha following the General Elections. We reproduce in this issue of the *Journal* the text of the Address.

Our readers will recall that in a historic decision, the Eleventh Lok Sabha had unanimously elected Shri Purno Agitok Sangma as the Speaker. It was for the first time in our parliamentary history that a member not belonging to the ruling party was elected to the Office of the Speaker, Lok Sabha. On 12 July 1996, Shri Suraj Bhan, belonging to the Bharatiya Janata Party, coincidentally the single largest Party in the Lok Sabha, was unanimously elected the Deputy Speaker of the Lok Sabha. On behalf of the *Journal of Parliamentary Information* and its worldwide readership, we extend our hearty felicitations to Shri Suraj Bhan on his assuming the office of the Deputy Speaker of the Lok Sabha. We include in this issue of the *Journal* a Short Note on the election of the Deputy Speaker.

Ever since Montesquieu proffered the concept of separation of powers in 1748, this doctrine has been found to be a useful guide to the distribution of legislative, executive and judicial powers in liberal democracies. However, when interpreted rigidly, and applied universally, it has led more to misconception rather than enlightenment. In his article, "Separation of Powers: The Power Relationships between Parliament and the Judiciary in Zambia", the Clerk of the National Assembly of Zambia, Mr. N.M. Chibesakunda argues that the reasons for this can be traced to the differences in national Constitutions, political culture and the nature of the historical development of the political institutions in a given political system. The article discusses in detail the degree of application of separation of powers in Zambia, with particular reference to the relationship between the Parliament and the Judiciary. It also looks at the position existing in some democracies like India, the United States and the United Kingdom where the concept of separation of powers has endured, notwithstanding occasional assertions of the component units to protect their respective jurisdictions.

Narrating extensively several instances which involved the Parliament and the Judiciary in Zambia, Mr. Chibesakunda stresses that Parliament is the only elected body which represents all the people in the country and is the nation's highest legislative forum. Besides, Parliament is entrusted with the onerous task of overseeing the activities of the executive and ensuring its accountability to the elected body. For these reasons, Mr. Chibesakunda feels, it is apparently important not to make Parliament and its members vulnerable to outside interferences. As such, in Zambia, it is not farfetched to advocate greater adherence to the relevant Articles of the Constitution which empower the National Assembly to determine its own procedure and which provide for its privileges and immunities. However, practice does not always conform to theory or provisions since offices are held by men, and men in general tend to respond to pressures which are brought to bear upon them differently and at times tend to take advantage of particular situations that crop up. Perhaps, what is more important in this context is to emphasize demonstration of mutual respect by the Parliament and Judiciary to each other, Mr. Chibesakunda concludes.

We extend our heartiest congratulations to Shri Ganesh Kutum, Prof. Chhattar Singh Chauhan, Ch. Mohammad Aslam, Shri M. Vijayakumar, Thiru V.M.C. Sivakumar, Thiru P.T.R. Palanivel Rajan and Shri Hashim Abdul Halim on their election, respectively, as the Speakers of the Legislative Assemblies of Assam, Haryana, Jammu and Kashmir, Kerala, Pondicherry, Tamil Nadu and West Bengal. We also extend our felicitations to Shri Nurul Hussain, Shri Faqir Chand, Shri C.A. Kurian, Thiru V. Nagarathinam, Thiru Parithi Ilamvazhuthi and Shri Anil Mukherjee on their election, respectively, as the Deputy Speakers of the Legislative Assemblies of Assam, Haryana, Kerala, Pondicherry, Tamil nadu and West Bengal.

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

We have been constantly endeavouring to make this *Journal* more useful and informative. Needless to say, we would welcome suggestions from our readers 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 realm of parliamentary political science.

—S. Gopalan  
Editor

## ADDRESS BY THE PRESIDENT TO PARLIAMENT

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The Constitution of India provides for an Address by the President to either House of Parliament or both the Houses assembled together. The provision for an 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.

Under art.86 (1), of the Constitution, the President may address either House of Parliament or both the Houses assembled together, and for that purpose require the attendance of members. Art.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 members of both the Houses of Parliament assembled together and inform Parliament of the causes of its summons.

The Address by the President is a statement of policy of the Government which is responsible for its contents. The Address 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 national and international issues. 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 May 1996, the President of India, Dr. Shanker Dayal Sharma addressed the members of the two Houses of Parliament assembled together in the Central Hall of Parliament House at the commencement of the First Session of Parliament after the General Elections held in April-May 1996.

We reproduce below the text of the Address.

—Editor

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Honourable Members,

It gives me great pleasure to address both Houses of Parliament at this First Session after the Eleventh General Election to the Lok Sabha. I extend my warm felicitations to the members of the new Lok Sabha.

The General Election, just concluded, has demonstrated the democratic credentials of the country. The nation and the world have witnessed the majesty of the democratic process in India. The recent General Election was organized with efficiency and despatch. Our people participated in large numbers and exercised their sovereign right in electing their representatives. Once again, India has demonstrated the strong, vibrant and enduring nature of her democratic ethos. Government will fully honour the mandate implicit in the result of the election. The present Session of Parliament should enable the House of the People to determine whether it has confidence in the Council of Ministers.

The country stands at the crossroads of history. As the century comes to a close and the millennium turns, our destiny as a strong and a powerful nation beckons us. The Government is conscious of our common responsibility to fulfil these historic tasks. Our endeavour should be to strive for a wholesome consensus on all vital national issues.

Among our primary tasks is that of ensuring to the State its due honour, prestige and strength. The basic institutions devised by the founding fathers with a view to providing good governance have to be strengthened. This may necessitate appropriate reforms in our polity and governance.

Providing clean and efficient administration is the need of the hour and the Government must commit itself to this goal. Probity and accountability have to be the key norms of public administration. Due propriety, promptitude and effectiveness should characterize every measure - administrative, legislative and political.

The deficiencies in our electoral processes are to be attended to. The matter has been pending for long and we can ill-afford any further delay. A large number of suggestions have been made from time to time. On the basis of the wealth of material available and otherwise, necessary reforms will be taken up urgently. The prime objectives would be that the use of money power in the electoral process is eliminated, accountability of political parties is ensured and unfair practices are removed.

An in-depth review of our decision making processes is another field which requires immediate attention. The primary task is to reduce as much as possible the scope of arbitrary decision making by ensuring that our processes are made simpler and more transparent. For a meaningful implementation of such a programme, we will have to provide for expeditious means for speedy disposal of public grievances.

Government is committed to uphold the prestige and independence of the Judiciary. A comprehensive examination of the work methods and environment, emoluments and conditions of service of the subordinate Judiciary is being undertaken by the First National Judicial Pay Commission. Government will facilitate its work with a view to ensuring speedy submission of its report.

Every effort will be made to reduce the arrears in the Courts through the spread of modern management techniques and expeditious filling of the vacancies of judges.

Government is conscious of the need to improve the welfare of Central Government employees. The Fifth Pay Commission is currently looking into their emoluments, structure and service conditions. Since the final report of the Commission is likely to take some time, Government have requested them for their interim recommendations as early as possible, on the basis of which appropriate relief would be given.

The Government has a deep and abiding commitment to the freedom of the press and media. The electronic media are acquiring increased importance in our daily lives as a result of their pervasive presence and Government are determined to free All India Radio and *Doordarshan* from governmental control by finally implementing the Prasar Bharati Act, 1990. In 1995, the Supreme Court had even directed the Government to set up an independent authority to regulate the airwaves. The Government would take all necessary steps to establish a truly autonomous *Prasar Bharati Corporation* which would strengthen national identity, integration, credibility in dissemination of information and provision of quality education and entertainment.

The vastness of our country, its diversity and the underlying unity are our basic strengths. India is one people, one nation with her unique culture. Government will do all that it may to ensure that harmonious relations are maintained between different communities and groups. Government is committed to provide security and protect the life and property of all people, particularly the weaker sections and minorities. Violence manifesting itself in separatist, extremist, criminal and anti-social activities has no place in any civilized society and would be effectively dealt with by the Government. In doing so the Government cannot forget that political, social and economic measures are equally necessary in resolving these problems.

The North-Eastern region of our country continues to suffer from violence, insurgency and ethnic strife. There is need to check the inflow of foreign arms and terrorists from across the border by strengthening the security apparatus and the intelligence network. Illegal immigration which has an unsettling effect will be curbed through comprehensive measures. Effective administration for acceleration of economic development and providing for a prompt grievance redressal system, are also urgent requirements.

Jammu & Kashmir is an inalienable part of India. No attempt to interfere with our internal affairs there will be tolerated. We are keen to restore the democratic functioning of the State for which all efforts are being made to ensure free and fair polls in the State. Side by side, efforts for socio-economic development of the different regions will be intensified.

Government is anxious to improve Centre-State relations. The report of the Sarkaria Commission and other extensive studies provide ample material on the various facets of this problem. Government will ensure that there is increased consultation with the State Government and that there is no misuse of art. 356. The role and status of the Inter-State Council envisaged under art 263 of the Constitution will be reviewed in-depth and action taken to make it an effective mechanism to resolve disputes between States and for better coordination of policies and action in matters of common interest to States.



In order to fulfil the aspirations of the people of Uttaranchal and Jharkhand, the Government will take such steps as are necessary to give them full statehood. The various problems connected with the grant of full statehood to Delhi will also receive our serious consideration.

Our vision of India's economy is one which enables India to achieve its destiny in the forefront of the nations of the world. We have an abiding faith in the creative genius of every Indian. Our task is to release their energies by shedding out-dated structures of controls and regulations and re-equipping Government for its new role of providing a supportive framework for free market operations for growth, while strengthening programmes for poverty eradication and building of social infrastructure.

The economic reforms of the past five years did achieve some measure of success. Government will invigorate the growth impulses in the economy and control inflation by accelerating the process of economic reforms, providing much greater support and impetus to infrastructure development, and maintaining a sound framework of fiscal and monetary policies.

Today, high interest rates and scarce credit are inhibiting the growth of industry, trade and agriculture. The root cause of the problem is the continued recourse to high levels of borrowings by Government, to meet its ever-expanding expenditures. Government will prune non-development expenditure and accelerate tax reform to reduce the fiscal deficit and thus release resources for more productive activities. Government will identify areas from which it needs to withdraw. In taxation, we will ensure that not only levels and rates of taxation are such that growth is not constrained, but that the burden-sharing is equitably distributed among all affluent sections of the society. Government will also devise a suitably structured value added tax.

To deal with the massive overhang of past public debt and to ensure a higher return to assets in public enterprises, the Government will constitute a Disinvestment Commission to accelerate the process of disinvestment in a systematic and transparent manner. Part of the proceeds will be earmarked for retiring public debt and the balance to finance capital expenditure. While disinvesting, care will be taken so that the workers' interests are not harmed. The National Renewal Fund will be realigned towards retraining and redevelopment of workers that may be necessary in a fast growing economy.

Public savings will increase and private savings will be stimulated to finance the much higher levels of national investment necessary to accelerate economic growth and eradicate poverty. Foreign savings and investment will be welcomed to supplement the national savings efforts. A country of India's size and potential can easily double the flow of direct foreign investment, especially in the critical infrastructure areas of power, roads, ports and telecommunications.

The Government will draw up an integrated time bound programme to increase capacities and release bottlenecks posed by insufficient

**infrastructure in energy, especially power, coal and petroleum, roads, ports, railways, irrigation and telecommunications. The policy framework for inducing private, including foreign, investment will be revamped and made transparent.**

**Government is committed to bring about long pending reform of the corporate laws which will ensure their functioning as instruments of economic growth, rather than merely regulatory mechanisms. The laws must promote entrepreneurship and freedom of industry from all avoidable inhibitions and disincentives. Necessary legislative action in this direction will be speedily undertaken.**

**The Government fully recognizes the importance of the small scale sector for production and employment in the economy. The difficulties faced by this sector will be carefully reviewed and the obstacles to rapid progress will be eliminated.**

**The construction industry is one of our largest sectors, providing jobs to millions. A major constraint to growth of this sector has been the Urban Land Ceiling Act. Government will review the rationale of this Act.**

**All this will be necessary to restore the competitive edge of our producers, large and small, so that they can effectively win the challenges of the international market place. Our export growth has to be stepped up to meet the import needs of a more dynamic economy. For the short and medium-term viability of our balance of payments, Government will ensure policies for rapid and sustained export growth and for attracting adequate inflows of non-debt creating capital. Government will review and simplify the regime of foreign exchange controls in line with the needs of a modernizing economy.**

**To strengthen our financial and capital markets, Government will provide for greater accountability and competition for public financial institutions, including banks. To promote healthy development and avoid scams and irregularities, the Government will undertake a programme to modernize the infrastructure of capital markets, including swift passage of enabling legislation for depositories.**

**Three quarters of our citizens live in rural India, and agriculture is the life-blood of rural society. Rapid broad-based development of agriculture is vital for ameliorating rural poverty, ensuring self-sufficiency in food, strengthening the domestic market for industry and services and building mutually beneficial links between agriculture and industry. The Government will allocate more funds for rural infrastructure, ensure remunerative prices to farmers, free agro-based industries such as sugar from licensing controls and strengthen the Public Distribution System in rural areas. Optimal utilisation of scarce water resources is critical for agricultural development. Government will give special priority to completing ongoing irrigation projects.**

Water is our most precious resource and its conservation and effective utilisation is of paramount importance. The Government attaches high priority for watershed based development of drought prone areas and waste land reclamation through adequate technical support and people's involvement.

In order to ensure cow protection, and to impose a total ban on the slaughter of cows and cow progeny, Government will take up suitable measures.

The Government will pursue policies aimed at the real empowerment of women, so as to ensure that their dignity and rights are not violated and their full potential is realized. The Government will take necessary legislative and other steps to provide for reservation of 33 percent of the seats for women in all elected bodies, including State Assemblies and Parliament.

The disabled and all those who are placed in a position of undeserved want for reasons beyond their control, are the primary responsibility of the State. Simultaneously trade and industry will be sensitized as to their social obligation in this respect. Our senior citizens also deserve special care. Government will consider their problems and take measures which would make their lives easier in their old age.

The Government is painfully aware of the extensive levels of poverty in the country. The needs of the poorest sections in the country require the most urgent, sympathetic attention. We shall strengthen the programmes which contribute substantially to their social and economic uplift. These would provide them with gainful employment and income generating assets. In doing so our endeavour would be to ensure that the present disparities in socio-economic conditions are eliminated. Special attention would therefore be given to the Scheduled Castes, Scheduled Tribes, the Backward Classes, the other deprived sections of the society and to the problems of bonded and child labour. Programmes for poverty alleviation and other welfare measures for weaker sections of our society need to be accurately focussed on those who really need support from the Government. Government will soon begin the process of identifying the five crore poorest of the poor families for immediate relief. The role of the State Government in implementing these programmes is crucial and it would be our effort to give necessary flexibility to them and enlist their active support in the task of promoting greater economic and social justice.

Growth cannot be measured in economic terms alone. The problems of poverty, disease and hunger require a multi-dimensional approach. In fact, no improvement in the quality of life, which is the real index of growth, is possible without social inputs like education, health and other welfare measures. Government would initiate a pioneering ten-year plan focussed upon providing nutrition for the children of the poor, their health care and facilities for education so that they are brought at the same

level as other children. Adequate resources for this plan would be made available.

The Government attaches high priority to education as an instrument for the material, physical and spiritual development and enrichment of society and the individual. We witness today the old economic order based on comparative advantage of labour and resources giving way to a new order being built on the foundations of human resource, skills and technology. The changing economic scenario and rising social aspirations require significant modifications in our educational programmes. We have not yet been able to provide free elementary education to our children as enjoined by our Constitution. This requires urgent rectification. Government will encourage vocational and technical education. Government recognizes the need for special efforts for the spread of education amongst women. Programmes in vocational and technical education to enable them to be eligible for suitable employment opportunities would be given emphasis. Higher education would be revamped so as to facilitate India emerging as a major economic power in the international arena. In this sphere, the existing centres of excellence require urgent attention to be strengthened. Such centres in new areas are also called for.

We believe in increasing state investment in health and nutrition programme as this is essential for raising the quality of life of our people. Our goal will be health for all. Reduction of the infant mortality rate, immunisation of children against killer diseases and improvement of the primary health care systems will be the corner stones of these programmes. In this we will make full use of Ayurveda, Unani, Homoeopathy and other Indian systems of medicine.

The Government will give due priority to population related issues, especially family planning in the national agenda. The long-term objective is to stabilize population by the first decade of the next century. The Government will devise a system of incentives and disincentives for encouraging adoption of family planning norms.

It is unfortunate that even safe drinking water is still scarce or unavailable to a large number of our habitations. There are 1.6 lakh habitations with no drinking water facilities and 1.4 lakh habitations where such water is badly contaminated. The Government is committed to providing drinking water facilities to all our people in a time-bound manner. We shall consult the State Governments and extend necessary support to them in achieving this goal. In areas where drinking water is chemically contaminated, available technologies would be harnessed for making it safe and potable. The Government considers community participation in this programme necessary and would take action to encourage this.

The Government recognizes the important role that science and technology has in transforming society. Steps would be taken to harness the latest advances in the service of the people. Special attention will be

paid to the needs of the rural areas. Measures will be taken to see that national interests and intellectual property rights are adequately protected. Government will continue to support the country's space programme which has demonstrated its high potential and utility for the overall development of the country.

Our foreign policy is governed by our national interests and reflects India's position as a major player in the world arena, responding to the possibilities and challenges of the post-Cold War situation and rejecting all forms of hegemonism or dominance. In this process, our political, economic, security and other concerns, will be pursued in a clear and unambiguous manner.

The Government's foremost priority in the area of foreign policy will be the improvement of relations with all our neighbours in South Asia, including Pakistan, bilaterally and in the SAARC forum. We will foster mutually beneficial partnership with all countries. We will strengthen our broad-based ties with Russia. We look forward to the further strengthening and diversification of our relations with the USA. We will utilize the opportunities offered in India-China relations to enhance friendship and cooperation. In keeping with our commitment to Asian solidarity, we look forward to reinforcing our friendly relations with the ASEAN member states.

India's role in the multilateral field has always been constructive. Our policy on issues such as a Comprehensive Test Ban Treaty and a Fissile Material Cut-Off Treaty will be governed by our traditional commitment to a nuclear weapons-free world. While our commitment to the peaceful uses of nuclear energy is well-known, where necessary in the light of our national interests, our nuclear policy will be re-evaluated.

The situation in some parts of India's immediate neighbourhood continues to be uncertain in security terms. It is regrettable that Pakistan continues to instigate terrorism against India. We call upon Pakistan to respond constructively to our repeated offers to resolve all outstanding issues bilaterally.

There will be no compromise on our country's vital security concerns. The programme of indigenous development of our defence capability in terms of research and acquisitions will continue and be reinforced in the light of our security needs. We will stress a coordinated approach to national security by revitalising the structure and enhancing the status of the National Security Council.

We repose full confidence in the capability of the Indian armed forces to defend the nation and will do whatever is necessary to maintain and enhance this capability. I am sure honourable members join me in commending the armed forces for their professionalism and dedication. Recognizing their invaluable contribution, Government is committed to taking all possible steps to promote their welfare. We cannot forget the large

community of our ex-Servicemen. They have rendered valuable service to the nation and deserve our special consideration. The Government will establish a *Sainik Kalyan Foundation* with a suitable endowment to take care of their rehabilitation and welfare.

The country is faced with a number of crucial challenges as we stand on the threshold of the next century. The Eleventh Lok Sabha will have the honour of contributing to the task of piloting the country to the next century.

My good wishes are with you in this historic task.

JAI HIND.

# SEPARATION OF POWERS : THE POWER RELATIONSHIPS BETWEEN PARLIAMENT AND THE JUDICIARY IN ZAMBIA

N.M. CHIBESAKUNDA

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## Introduction

The doctrine of separation of powers in liberal democracies provides a useful guide to the distribution of legislative, judicial and executive powers, but interpreted rigidly and applied universally, it leads to misconception rather than enlightenment. This is so for various factors which include the differences in national Constitutions, political culture and the nature of the historical development of the political institutions in a given political system. It is for these considerations that the degree of application of the doctrine inevitably varies between countries.

This paper, though not exhaustive, considers the degree of application of the doctrine of separation of powers in Zambia with particular reference to the relationship between Parliament and the Judiciary. In doing so, the paper begins with a brief review of what constitutes the doctrine of separation of powers. This is followed by a brief discussion on Parliament and the Judiciary vis-a-vis the doctrine of separation of powers with inferences on some democracies namely, Britain, the United States and India. The paper thereafter looks at the Zambian experience and concludes with some observations.

## Separation of Powers

The doctrine of separation of powers is popularly attributed to the French writer, Baron de Montesquieu who, in 1748, published his famous book *The Spirit of the Laws* which was foreshadowed in Aristotle's *Politics*. Montesquieu's theory put in its simplest terms identified three essential organs of State for democratic governance, namely, the *Legislature* to legislate, the *Executive* to govern, and the *Judiciary* to arbitrate or administer justice or interpret laws. He argued that if powers or functions of the three organs of State were not separated, the result would be the passing of oppressive laws, arbitrary rule and tyranny. It was felt that liberty and freedom would be safeguarded or protected only if these arms of the State are independent of each other for them to provide the necessary checks and balances.

The rationale behind the principle of checks and balances assumes *inter alia*, that the three organs of State, the Legislature, the Executive and the Judiciary, should all be at par and that they all have methods of checking

each other's activities. The doctrine of separation of powers and its associated principle of checks and balances has been acknowledged worldwide. It is today widely held that the three basic and essential functions in the administration of any independent and democratic State should be kept separate from each other to prevent the concentration of power in any one of them which might lead to tyranny or oppression, "lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner." The fundamental question, however, is to what extent should the three organs of State check on each other? Put in other words, what should be the relationship between the Legislature, the Executive and the Judiciary? In what follows below, is an attempt to answer the above question though with emphasis on the relationship between the Legislature or Parliament and Judiciary which is the interest of this paper as earlier stated.

### **Parliament and the Judiciary**

It is perhaps necessary to state, albeit briefly, what the Judiciary is and what it does before examining the relationship between Parliament and the Judiciary.

The Judiciary can be defined as the State organ that interprets and administers the law. The Judiciary undertakes its duties through the medium of the courts. The Judiciary, depending on individual countries, performs various important functions which include: judicial review and interpretation of the Constitution; arbitration between separate institutions in the political process; general support for the existing political system; and protection of individual rights.

It is however, important to acknowledge the fact earlier alluded to, that the extent to which the Judiciary performs its functions depends on the Constitution of a particular country and the doctrine of separation of powers which assigns definite functions to each of the three organs of the State.

On the basis of the foregoing, it can be stated that the relationship between the Judiciary and Parliament is governed by the same mechanisms, namely, the Constitution and the doctrine of separation of powers bearing in mind the principle of supremacy of Parliament or parliamentary sovereignty which underscores the fact that Parliament can make or unmake any law in the land. This entails also that what Parliament does cannot be undone by any other body or person.

However, as one would expect, the relationship between the Judiciary and Parliament and the extent to which the two organs of State check on each other vary enormously. In the United States, for instance, legislative power is exercised by the Congress while the Supreme Court exercises judicial review and interprets the Constitution, arbitrates between separate institutions in the American political process and protects the individual rights. The most important point to note, however, is that the American supreme



Court has the right to declare a law void if it is in opposition to the American Constitution as interpreted by the court<sup>1</sup>. Thus, in the American context, the principle of parliamentary sovereignty is diluted. In this respect the American model exhibits the most effective application of the doctrine of separation of powers.

In contrast to the American model is the British arrangement which reveals a minimal application of the doctrine of separation of powers. In the United Kingdom, the Judiciary and Parliament are fused. The Lord Chancellor, who is the head of the Judiciary is at the same time a member of the Upper House as the Presiding Officer and also as a member of the Cabinet. Furthermore, the highest court of appeal in Britain is the Judicial Committee, which is part of the Legislature.

The United Kingdom does not, however, have a written Constitution as such and the division of powers has been exercised largely through conventions and usage, supplemented by statute with the consequence that the principle of parliamentary supremacy exists in its widest sense; no court of law can declare an Act passed by the British Parliament to be null and void or *ultra vires*. Thus, under Article IX of the Bill of Rights, proceedings of the two Houses of Parliament are "ring fenced" and cannot be "impeached or questioned" outside Parliament.<sup>2</sup>

India, meanwhile provides another interesting model. Kaul and Shakhder have shown that, in India, all legislation, whether Union, State or delegated, is subject to the doctrine of *ultra vires* and liable to judicial review. The scope of review is, however, limited to see whether the legislation impugned falls within the periphery of the power conferred and whether it contravenes any of the articles of the law and Courts are not to enter upon a discussion as to what the law should be.<sup>3</sup>

Further, subject to the provisions of the Constitution, like in Zambia as it will be seen later, Parliament and the State Legislatures regulate their own procedure. The validity of any proceedings in either House of Parliament or a State Legislature cannot be questioned before a court of law on the ground of any alleged irregularity of procedure just like in the British arrangement. The Courts have no jurisdiction to issue a writ, direction or order relating to a matter in respect of what is done in the House or which affects the internal affairs of the House. The Constitution guarantees immunity from proceedings in any Court in respect of "anything" said in the House or any Committee thereof, and "anything" has been held to be equivalent to "everything". The Allahabad High Court in this regard held:

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1. Alan R Ball, *Modern Politics and Government* (The MacMillan Press Ltd., London, 1982), p. 207

2. Commonwealth Newsletter, July, 1996

3. M.N. Kaul and S.L. Shakhder, *Practice and Procedure of Parliament* (Lok Sabha Secretariat, New Delhi, Fourth Ed. 1991), pp.7-8

...This Court is not, in any sense whatever, a court of appeal or revision against the Legislature or against the ruling of the Speaker who, as the holder of an office of the highest distinction, has the sole responsibility cast upon him of maintaining the prestige and dignity of the House.

... This Court has no jurisdiction to issue a writ, direction or order relating to a matter which affected the internal affairs of the House.<sup>4</sup>

Further, on the right of the House to punish its members for their conduct in Parliament, the Allahabad High Court observed that a "Legislative Assembly would not be able to discharge the high functions entrusted to it properly, if it had no power to punish offenders against breaches of its privileges, to impose disciplinary regulations upon its members or to enforce obedience to its commands."

Again in a case which related to an action for contempt of Court arising out of a speech delivered in the Orissa Legislative Assembly, the Orissa High Court held that : "anything said or done in the House is a matter to be dealt with by the House itself" and the Legislature or the Speaker had the power "to take suitable action against a member who, while exercising his freedom of speech... transgresses the limits laid down..."<sup>5</sup>

In another case, in a writ petition filed by some members of the Haryana Vidhan Sabha, the High Court of Punjab and Haryana observed *inter alia* that the power of the Speaker to regulate the procedure and conduct of business could not be questioned by the Court and it was not competent to inquire into the procedural irregularities of the House.<sup>6</sup>

Thus, the courts of law in India have recognised and accepted that Parliament or a State Legislature is the sole authority to judge as to whether or not there has been a breach of privilege or contempt and that a court of law would be incompetent to scrutinise the exercise of that power.<sup>7</sup>

### **Separation of Powers — The Zambian Case**

The Zambian Republican Constitution does not recognise the doctrine of separation of powers in its absolute rigidity as envisaged by the framers of the doctrine. However, Zambia does, to some degree, follow the tradition of separation of powers. The then Minister of Legal Affairs, Hon. Dr. R.G.K. Mushota, contributing to the debate on the Constitution of Zambia (Amendment) Bill, 1996 on 14 May 1996 noted that the Constitution laid down specific functions and powers to the three organs of State. He observed that the Constitution also laid down specific functions and powers and provided the links that established relationship between the organs while

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4. *Ibid.* p. 211

5. *Ibid.* pp. 211-12

6. *Ibid.* p. 212

7. *Ibid.* p. 239

putting in place checks and balances between them in order to curb any abuse of power. Hon. Mushota held that :

...This doctrine which is to the effect that in a nation which has political liberty as a direct object of its Constitution, no one person, body or persons ought to be allowed to control the Legislature, Executive and Judicial powers or any two of them...<sup>8</sup>

In this scenario, the Legislature and the Judiciary, for instance, are provided for by different Articles of the Constitution. Article 91 (1) of the Constitution provides for the Judicature of the Republic which consists of the Supreme Court of Zambia, the High Court of Zambia and other Courts as may be prescribed by an Act of Parliament. Further, Article 91 (3) provides that the Judicature shall be autonomous and shall be administered in accordance with the provisions of the Act of Parliament. Article 92 (2) meanwhile provides that judges of the Courts shall be independent, impartial and subject only to the Constitution. The Legislature is provided for under Article 62 and 63 (1) of the Constitution and consists of the President and National Assembly. Article 86 (1) empowers Parliament to determine its own procedures while Article 87 (1) provides for parliamentary immunities and privileges.

The fundamental question at this stage, is what has been the relationship between the Legislature and the Judiciary vis-a-vis the doctrine of separation of powers? Most observers are of the view that the relationship between the Legislature and the Judiciary in Zambia has until recently been cordial. Notwithstanding, there had been a number of incidents where the Courts in Zambia have had to intervene in what appeared to be the domestic affairs of Parliament. The cases cited below illustrate this position.

***The People Vs The Chairman of the Standing Order Committee of the National Assembly, ex-parte Nalumino Mundia (1971)***

On 19 February 1971, Mr. Speaker 'named' Mr. Nalumino Mundia, MP for disregarding the authority of the Chair when the House was in Committee of Supply. Through a motion by the Leader of the House, Mr. Mundia, MP was suspended for one month although the question was not put to the House as required by the Standing Orders. Later in the day, that motion was withdrawn and substituted by one to refer the matter to the Standing Orders Committee which subsequently imposed a suspension of three months. Mr. Nalumino Mundia instituted Court proceedings against the Chairman of the Standing Orders Committee of the National Assembly asking the Court to quash the suspension imposed on him. In its ruling, the High Court for Zambia rejected Mr. Mundia's application and held that internal proceedings of the House were exclusive. The conclusion of the Court ignored even the fact that the House had disregarded certain procedural rules.

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8. National Assembly Daily Parliamentary Debates – 14 May 1996 (uncorrected transcript)

***The People Vs. The Speaker of the National Assembly, ex-parte Harry Mwaanga Nkumbula (1970)***

The Leader of the African National Congress, Mr. Harry Mwaanga Nkumbula, MP had applied to Mr. Speaker for recognition as the Official Opposition Leader in the House. In his ruling, the Speaker rejected Mr. Nkumbula's application on grounds that in the House of one hundred and ten (110) members, the African National Congress held only twenty-three (23) seats which was less than one-quarter of all the members of the Assembly necessary to be recognised as the Official Opposition Party. Mr. Nkumbula, MP applied for issue of an order of mandamus to the Speaker by the Court to recognise him as the Official Leader of the Opposition. In his application, Mr. Nkumbula quoting from *Parliamentary Debates* contended that the Speaker had earlier referred to him as the Leader of the African National Congress and had alluded to the African National Congress as a Party in the Assembly.

In its ruling, the High Court for Zambia permitted the issue of an order of mandamus to the Speaker ordering him to recognise Mr. Nkumbula as the Official Leader of the Opposition. The Court quoted the passages from the *Parliamentary Debates* which described the applicant as "the Leader of the African National Congress" and those which showed clearly that the African National Congress was "a political party in the National Assembly holding 23 seats" but played down the issue of numerical strength constitutionally required to be recognised as the Official Opposition.

Mundia's case raised the important constitutional issue of the extent of the High Court's jurisdiction in relation to the affairs of Parliament. The Court refused Mundia's application for an order of *Certiorari* (to quash) the three months' suspension imposed on him by Parliament. But in the earlier case of Nkumbula, the Court permitted the order of mandamus (to command) to issue against the Speaker ordering him to comply with the relevant Article of the then Constitution of Zambia. There was a distinction between the right of the National Assembly to manage its internal affairs (*i.e.*, disciplining a member of Parliament) and the discharge of obligations imposed by the Constitution on the Speaker of the National Assembly.

In more recent times, there have also been some other interesting cases involving the issue of parliamentary sovereignty in Zambia and include the following :

***Christine Mulundika and 7 others vs the people (1995)***

The appellants challenged the constitutionality of certain provisions of the Public Order Act, Cap 104 especially Section 5 (4) which required any person wishing to hold a peaceful assembly to obtain a permit and contravention of which was criminalised by Section 7 of the same Act. In its ruling, the Supreme Court for Zambia held that Section 5 (4) of the Public Order Act, Cap 104 as challenged contravened Articles 20 and 21

of the Zambian Constitution and was declared null and void, and therefore invalid for unconstitutionality. In response to the Court ruling, the National Assembly of Zambia amended the Act accordingly.

### ***Fred M'membe and Bright Mwape Vs Attorney-General***

On 30 January 1996, His Honour the Vice-President and the Leader of the House raised a point of order over an article which appeared in *The Post* newspaper of 29 January entitled "Miyanda has forgotten about the need for justice", saying the story was an infringement of the member's freedom of speech. The Vice-President contended that the article by Ms. Lucy Sichone on parliamentary debate criticising the quashing of the Public Order Act was libellous because it even went on to accuse him of fanning violence when that was not the case. The Vice-President raised another point of order on another article by Fred M'membe entitled, "What will replacing the Public Order Act mean?". The Vice-President contended that the two articles were written in a manner to expose the House to public ridicule and bring down the dignity of Parliament.

On 20 February 1996, Mr. Speaker informed the House that he had found Mr. Fred M'membe of *The Post* guilty of libelling and publishing inflammatory and contemptuous remarks which lowered the authority and dignity of the House and that a *prima facie* case had been established. The Speaker also found the article authored by Ms. Lucy Sichone to have been wantonly contemptuous of the dignity of the House, the Speaker and the Leader of the House and a *prima facie* case established. The Speaker further announced the establishment of another *prima facie* case against the author of a third article, Mr. Bright Mwape as malicious and contemptible.

On 22 February 1996, the Standing Orders Committee considered the three cases and found Mr. Fred M'membe Mr. Bright Mwape and Ms. Lucy Sichone of gross contempt of the House and its members and calculated breaches of parliamentary privileges by authoring highly inflammatory and manifestly contemptuous libellous articles in *The Post* newspaper meant to put the House into odium, contempt and ridicule. The House consequently committed into custody the three accused and fined them the sum of one thousand Kwacha each. Mr. M'membe and Mr. Mwape were accordingly detained in prison on 4 March 1996.

In response, the accused sought on 5 March 1996 a Court order to be released from prison on various grounds, including the following: the order for their detention was not ratified by the whole House of the National Assembly and that they were not accorded a fair trial where they would have had a chance to put their case to their accusers; their liberty and other fundamental freedoms had been violated; that Parliament was not a Court on the line of the British Parliament as it did not discharge judicial or quasi judicial functions; not being a Court, Parliament should have observed the rules of natural justice; and the High Court for Zambia

deserved the right to review any act done by the National Assembly of Zambia as the Assembly was inferior to the High Court in the field of adjudication.

In its ruling, the High Court for Zambia held that: the High Court possessed power on jurisdiction over major parliamentary actions, especially those that affected persons outside Parliament; the Zambian Parliament was not a court in any sense; that although not a court, the Zambian Parliament had the power to punish for contempt to preserve its dignity and honour; and the use of abusive language in a statement, speech or writing amounted to contempt of Parliament.

Consequently, the High Court ruled against the indefinite remand of the applicants as being incompatible with the spirit of the Zambian legal system and therefore ordered the release of the applicants. The Court stated that Parliament ought to have fixed a determined period of remand and not indefinite remand. The Court, however, ordered one applicant, Mr. M'membe to surrender himself to Parliament to formally answer to the charge of contempt of the House, a *prima facie* case of which had been found. The Zambian Parliament has appealed to the Supreme Court against the ruling as the case involves the constitutional position, powers and functions.

#### ***Akashambatwa Mbikusita-Lewanika Vs Attorney-General***

On 27 February 1996, the House committed to prison for gross contempt and breach of authority and privileges of the Assembly Mr. Fred M'membe, Mr. Bright Mwape and Ms. Lucy Sichone in the case described above. On 4 March 1996, Mr. Akashambatwa Mbikusita-Lewanika, the then member of Parliament for Mongu constituency wrote a letter to the Speaker of the National Assembly which was first circulated to the press who published it asserting that the House was grossly unjust and persecuting Mr. Fred M'membe, Mr. Bright Mwape and Ms. Lucy Sichone by committing them to prison. He, thus, in very strong language disassociated himself from the action of the House.

On 10 May 1996, the Standing Order Committee met and considered Mr. Mbikusita-Lewanika's letter. The Committee established a case of gross contempt of the House and in line with the rules of natural justice resolved that the Hon. member of Parliament be requested to show cause why he should not be subjected to disciplinary proceedings of the House for his apparent affront to the collective decision of the House.

On 13 May 1996, a letter was written to Mr. Mbikusita-Lewanika requesting him to exculpate himself against the charges and was given almost the whole day to do that. On the same day, Mr. Mbikusita-Lewanika acknowledged receipt of the letter from Mr. Speaker, as Chairman of the Standing Orders Committee on the charges, but declined to respond directly to the charge. He observed that in view of the short notice given to him, and in the light of the significance of the issues raised in the letter, he

was unable to immediately make a considered reply but promised to do so in fourteen days' time.

The Standing Orders Committee considered Mr. Mbikusita-Lewanika's letter and resolved that the reply was inadequate considering that the member ought to have had a ready reply having initiated the original letter that led to the disciplinary charges. On 16 May 1996, the Standing Orders Committee informed Mr. Mbikusita-Lewanika to furnish them with a considered reply within twelve hours up to 07.00 hours on 17 May 1996. On 17 May 1996, in the morning, the Standing Orders Committee met expecting to consider the reply from Mr. Mbikusita-Lewanika. The Committee learnt that the member had not yet replied and consequently extended the time in which to reply from 07.00 hours to 12.00 hours the same day. The member was informed accordingly. On the same day, Mr. Mbikusita-Lewanika acknowledged receipt of both letters of 16 and 17 May 1996, but said were received just at 10.00 hours and 11.00 hours on the same day, 17 May 1996. In his reply he indicated that he was still preparing his exculpatory letter which he said was going to be ready in the afternoon of 17 May 1996. On 17 May 1996 at 14.30 hours, the Standing Orders Committee met for the second time. The Chairman informed the Committee of the reply received from Mr. Mbikusita-Lewanika and noted that the member had pleaded for an extension of time in which to submit the exculpatory letter. The Committee resolved to meet on 20 May 1996 and take a final decision with or without the member's reply.

On 20 May 1996, in line with the above resolution, the Committee met and still no exculpatory reply had been received from the member in spite of ample opportunities given to him. In its observations, the Committee held that parliamentary democracy and decorum dictated that a member of Parliament who disagreed with any decision of the House did so on the floor of the House, either through a personal statement or a Substantive Motion. Further, the Committee noted that the member was at liberty to raise a Motion before the House calling for the discharge of Mr. Fred M'membe, Mr. Bright Mwape and Ms. Lucy Sichone as the resolution for their committal into custody amply provided for such a move; instead the member decided to cast gross aspersions on the House. The Standing Orders Committee preferred charges of gross contempt and breach of parliamentary privileges on Mr. Mbikusita-Lewanika, MP because the contents of his letter under reference contained serious aspersions against the House and how it conducted its affairs. The Committee consequently held that in the absence of a meaningful exculpatory statement from the member, at their meeting held on 20 May 1996, the assertions by Mr. Mbikusita-Lewanika were derogatory to the dignity of the House and inconsistent with the standards which Parliament was entitled to expect from its members and resolved that the member be expelled from the services of the House for the rest of the life of the current Parliament forthwith. In pursuance of the Electoral (General) Regulations, 1991, the Speaker informed the

President and the Electoral Commission that a vacancy had occurred in the National Assembly by reason of the expulsion of Mr. Mbikusita-Lewanika.

Mr. Mbikusita-Lewanika, MP instituted Court proceedings challenging the decision by the Standing Orders Committee that he was guilty of gross contempt of the House and for his expulsion from the National Assembly. He applied for leave to an order of judicial review. On 6 July 1996, Mr. Justice Kabazo Chanda in the Lusaka High Court, ruled that while the Court did have jurisdiction to review a decision by the Speaker declaring vacant a seat in the House, he did not see the need to grant the applicant the leave. In his reaction, Mr. Mbikusita-Lewanika, MP appealed to the Supreme Court for Zambia against the High Court ruling. On 2 August 1996, the Supreme Court for Zambia ruled on the appeal and held that leave be granted to the appellant to apply for judicial review before another Judge. The Court further ordered that the bye-election in the member's constituency which was scheduled for 16 August 1996 be stayed until the matter had been finally heard and determined by the High Court.

On 25 September 1996, Mr. Speaker made an announcement in the House on the matter. He informed the House that as the decision of the House had not been reversed by the House, the seat vacated by Mr. Mbikusita-Lewanika among others would remain vacant until the final determination of the Court. Mr. Speaker, however, said that in dealing with the member, all the procedures and precedents of the House and those from other Commonwealth countries were followed. He further said that those who held contrary views to reasons given by the House through the Standing Orders Committee would have to convey those reasons to the Committee to either review the case or stand by its decision or ask for a general debate on the case through a Motion. The Speaker explained that under Article 87 (2) of the Constitution of Zambia and indeed Section 34 of the National Assembly (Powers and Privileges) Act Cap 17, the decisions or proceedings of the House were not subject to the jurisdiction of any Court or tribunal. In conclusion, Mr. Speaker stressed the fact that insofar as Parliament was concerned, Mr. Mbikusita-Lewanika was not a member until his case was dealt with by the Court. The National Assembly further contended that the order of 2 August 1996 by the Supreme Court was directed at the Electoral Commission not to hold the bye-election and did not include an order for the stay of expelling Mr. Mbikusita-Lewanika from the House.

#### **Tribunal Complaint Nos. 1 and 2 of 1996 in relation to Dr. Remmy K.K. Mushota and Patrick G. Katyoka**

On 28 May 1996, the Chief Justice of the Republic of Zambia appointed a Tribunal in terms of Section 13 (3) of the Parliamentary and Ministerial Code of Conduct Act No 35 of 1994 to investigate complaints against Dr. Remmy K.K. Mushota, the then Minister of Legal Affairs and member of Parliament for Pambashe. A related complaint was made against Mr. Patrick G. Katyoka, member of Parliament for



Mandevu. Upon completion of investigations, the Tribunal in terms of Section 13 (4) of the Parliamentary and Ministerial Code of Conduct Act No. 35 of 1994 submitted a report to the President and to the Office of Mr. Speaker. Later, the President's Office notified the Speaker that the President had accepted the Tribunal's findings and recommendations, which included the expulsion of the two members from Parliament. On receipt of this notification, the Speaker, in turn, acting under the provisions of Regulation 7 (1) of the Electoral (General) Regulations 1991, notified the Electoral Commission that two vacancies had occurred in the elected membership of the National Assembly, as the members of Parliament had lost their seats pursuant to Section 3 (1) of the Parliamentary and Ministerial Code of Conduct Act 35 of 1994.

The two Members of Parliament instituted Court proceedings in which the declarations that their seats had become vacant were challenged. The matter is still before the Courts.

Parliament's stand on these issues is that the Tribunal was not appointed by Parliament nor did Parliament complain to the Chief Justice about the conduct of the two members. The complaints came from outsiders and the Speaker only received the Tribunal reports on behalf of the House as laid down by law. In view of this, Parliament has ordered that the two respective seats will remain vacant until the final determination of matters before the Courts of law. Parliament asserts that the Courts themselves appointed a Tribunal and produced a report of their findings and submitted the same to the President and to the Speaker. The Courts themselves will review their decisions as they see fit and, in conformity with the principles of separation of powers, Parliament will not dictate to them.

### **Observations**

From a brief review of some cases involving the Zambian Parliament and the Judiciary, it is evident that there are similarities on a number of aspects in the application of the doctrine of separation of powers to those which prevail in the United States, Britain and India. However, the Zambian experience is neither purely American nor British.

Perhaps and more importantly, it seems not to be very clear as to what extent should the Judiciary in Zambia check on Parliament, particularly with regard to the latter's internal affairs. This problem seems to emanate to a large extent from the various constitutional provisions. On the one hand, for instance, the 1996 Constitution in Article 94 (1) states that "there shall be a High Court which shall ... have unlimited or original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law" and Article 92 (1) declares that "the Supreme Court is the final Court of appeal for the Republic Zambia". This means that judicial power in Zambia

is vested in the Judiciary. Such power extend to all inherent powers and sanctions of a Court of law. Furthermore, the 1996 Constitution, in Article 1 (3), provides that : "this Constitution is the supreme law of Zambia and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void". On the other hand, Article 86 (1) of the 1996 Constitution empowers the National Assembly to determine its own procedure while Article 87 (1) of the same Constitution provide for the National Assembly privileges and immunities.

Further, the National Assembly (Powers and Privileges) Act, Cap 17 of the Laws of Zambia made under the constitutional provision of Article 86 (1) (as amended from time to time) insulates the National Assembly against Court proceedings on proceedings in Parliament (without raising the issue of what constitutes "proceedings of Parliament"). The provisions of Article 86 (1), together with Cap 17 of the Laws of Zambia, mean that Parliament possesses the right to judge for itself what is contempt or what is not, and the power to punish for contempt without any outside interference. These parliamentary powers are what some have described as "keystone of parliamentary privilege".

From the foregoing observations, it is imperative to state that to ensure that the Judiciary and Parliament in Zambia know their powers and limitations in accordance with the doctrine of separation of powers and checks and balances appropriate to the Zambian environment, provisions in this respect should be made much clearer in the Constitution. As it can be seen in *Mundia's* case, for instance, the High Court distanced itself and ruled that it could not interfere in Parliament's affairs while in the case of *Nkumbula*, the High Court permitted the order to be issued against the Speaker to comply with the Constitution.

Similarly, in the *M'membe and Mwape Vs Attorney-General* case, the High Court held, *inter alia* that the Court possessed power on jurisdiction over major parliamentary actions especially those that affected persons outside Parliament while at the same time, the High Court ordered M'membe to formally surrender to Parliament and answer to the charges of contempt of the House. In doing so, however, it is important to recognise one important factor : the position of Parliament in society.

Parliament occupies a very unique position in society. First, Parliament is the only elective body which represents all the people in the country. Second, Parliament is the highest legislative body in the country. Third, Parliament carries the challenge of overseeing the activities of the all powerful arm of government, namely the Executive. For these reasons, it is apparently important not to make Parliament and its members vulnerable to outside interferences. Consequently, it is not far-fetched to advocate a greater adherence to Article 86 (1), which empowers the National Assembly to determine its own procedure and Article 87 (1) which provides for privileges

and immunities of the National Assembly. Notwithstanding, practice does not always conform to theory or provisions since offices are held by men and men in general tend to respond to pressures which are brought to bear upon them differently and sometimes tend to take advantage of particular situations that arise. Perhaps, what is more important in this regard is emphasis on mutual respect by the two organs of State rather than compulsion.

## THE ELECTION OF THE DEPUTY SPEAKER OF THE ELEVENTH LOK SABHA

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The procedure for holding election to the Office of the Deputy Speaker of the Lok Sabha is the same as that of the Speaker, Lok Sabha with the exception that in the case of the Speaker, the date for the election is fixed by the President of India whereas the date for election of the Deputy Speaker is fixed by the Speaker himself as per provisions of Rule 8 of the *Rules of Procedure and Conduct of Business in Lok Sabha*. The Deputy Speaker is elected by the Lok Sabha from amongst its members by a simple majority of members present and voting in the House.

The Speaker, Lok Sabha, Shri P.A. Sangma fixed 12 July 1996 as the date for holding election to the Office of the Deputy Speaker. The members were accordingly informed of the procedure and programme thereof through the Lok Sabha Bulletin Part-II on 3 July 1996 and again on 9 July 1996. Members were required to give notices of motions for the election in the prescribed form before noon on 11 July 1996.

In all, nine notices proposing the name of Shri Suraj Bhan, a member, were received by the prescribed time. All the motions were found to be in order and were included in the List of Business for 12 July 1996 in the order in which they were received in point of time.

On 12 July 1996, when the item was taken up, the Speaker, Shri P.A. Sangma called upon Shri Sharad Pawar to move the motion standing in his name proposing the name of Shri Suraj Bhan. Shri Sharad Pawar then moved the motion which was seconded by Shri Sontosh Mohan Dev.

Subsequently, the following members moved the motions proposing Shri Suraj Bhan's name : Shri Atal Bihari Vajpayee, Shri Ram Vilas Paswan, Dr. Murli Manohar Joshi, Shri Surjit Singh Barnala, Shri George Fernandes, Shri Jai Prakash, Shri Santosh Kumar Gangwar and Shri Chandra Shekhar. These motions were seconded by Smt. Sushma Swaraj\*, Shri S.R. Balasubramanian, Shri Jagmohan, Shri Madhukar Sarpotdar, Shri Nitish Kumar, Shri O.P. Jindal, Dr. Satya Narayan Jatiya\*\* and Shri Pramod Mahajan, respectively.

The motion moved by Shri Sharad Pawar and seconded by Shri Sontosh Mohan Dev was then adopted unanimously and Shri Suraj Bhan was chosen as the Deputy Speaker. Shri Suraj Bhan was conducted to his seat by the Prime Minister, Shri H.D. Deve Gowda, the Leader of the House, Shri Ram Vilas Paswan, the Leader of the Opposition, Shri Atal Bihari Vajpayee and the Leaders of various parties.

\*on behalf of Smt. Vijayaraje Scindia

\*\*on behalf of Shri Jagat Vir Singh Drone

Congratulating the newly elected Deputy Speaker, the Leader of the House, Shri Ram Vilas Paswan expressed his confidence that Shri Suraj Bhan's election would add dignity to the Office.

Offering felicitations, the Leader of the Opposition, Shri Atal Bihari Vajpayee said that Shri Suraj Bhan had been a devoted and articulate member, always raising issues and making significant contribution in bringing about social changes by striking a proper balance between his activities in Parliament and outside it.

Shri Sontosh Mohan Dev described the newly elected Deputy Speaker as a very active member. His election was in keeping with the traditions of the House.

Shri Basudeb Acharia and Shri Madhukar Sarpotdar expressed the hope that Shri Suraj Bhan would provide ample opportunities to the new members to raise their problems in the House.

Extending his felicitations, Shri Surjit Singh Barnala pointed out that the unanimous election of both the Speaker and the Deputy Speaker set a very good tradition.

Congratulating Shri Suraj Bhan, Shri George Fernandes hoped that the Deputy Speaker would uphold the dignity of the Office to which he had been elected unanimously.

The other members who felicitated Shri Suraj Bhan were Shri Pramotes Mukherjee, Smt. Geeta Mukherjee, Shri Chitta Basu, Prof. G.G. Swell, Shri E. Ahmed, Shri Jai Prakash, Shri P.C. Thomas, Dr. Prabin Chandra Sarma, Shri Harbhajan Lakha, Shri S. Bangarappa and Shri P.N. Siva.

The Speaker, Shri P.A. Sangma, in his felicitations, said that Shri Suraj Bhan would be a great strength and support for him.

Responding to the felicitations, Shri Suraj Bhan observed that the unanimous election of the Speaker and the Deputy Speaker was a unique expression of the dignity of the House. Seeking the members' cooperation and guidance in conducting the business of the House, he assured them that it would be his foremost duty to protect their interests.

### **SHRI SURAJ BHAN - A LIFE SKETCH**

Son of Late Shri Garibu Ram, Shri Suraj Bhan was born on 1 October 1928 at Mehlan Wali village of Ambala District in Haryana. He was educated at the Punjab and Kurukshetra Universities and is a Post Graduate with a Degree in Law.

Shri Suraj Bhan, who is an advocate and agriculturist, has been a social and political activist. He was the founder President of the Punjab Scheduled Castes Students' Federation. He formed the Punjab Scheduled Castes Welfare Association in 1950 and remained its President till 1996. Closely

associated with the Bharatiya Jan Sangh from 1960, he was a member of its All India Working Committee from 1970 to 1973 and Secretary of the Haryana State Jan Sangh from 1973 to 1976, he was also in-charge of its All India Harijan Wing.

Shri Suraj Bhan was an active trade union worker, associated with the P&T trade union in various capacities from 1952 to 1967.

He was the Organizing-Secretary of the Haryana Harijan Sangharsh Samiti, General-Secretary of the Bharatiya Depressed League from 1978, President of the Haryana unit of the Bharatiya Janata Party (BJP) and All India General-Secretary and Vice-President (Programming of SC and ST Morcha).

Shri Suraj Bhan was first elected to the Fourth Lok Sabha in 1967 from Ambala. He was also a member of the Sixth Lok Sabha (1977-79) and Seventh Lok Sabha (1980-84). In the General Election held in 1996, he was returned to the Eleventh Lok Sabha from the Ambala constituency. During his parliamentary career, he had been a member of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and the Committee on Petitions. He had also functioned as the Chairman of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and the Joint Parliamentary Committee on the Revision of the List of Scheduled Castes and Scheduled Tribes. For a while, he was General-Secretary of the Parliamentary Forum for Scheduled Castes and Scheduled Tribes.

Shri Suraj Bhan was elected to the Haryana Vidhan Sabha in 1987. During 1987-89, he served as the Minister of Revenue in Haryana. From 1989 to 1990, he was the Leader of the Opposition in the Haryana Vidhan Sabha.

Shri Suraj Bhan was the Union Minister of Agriculture in the BJP-led Government at the Centre in 1996.

All through his career, Shri Suraj Bhan has campaigned against casteism and worked for the uplift of the Scheduled Castes and the Scheduled Tribes, labourers and farmers.

Shri Suraj Bhan was Editor of *Upright*, an English fortnightly, during 1969-70. He has an avid interest in reading and gardening. His favourite sports are Volleyball and Hockey. Shri Suraj Bhan is married to Smt. Chameli Devi and they have three sons and four daughters.

## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCES AND SYMPOSIA

*Meetings of the Executive Committee of the Commonwealth Parliamentary Association*: The mid-year meetings of the Executive Committee of the Commonwealth Parliamentary Association (CPA) were held in Cape Town, South Africa from 22 to 26 April 1996. Dr. M. Aram, MP from India (Main) Branch; the Chairman, Maharashtra Legislative Council and Regional Representative for Asia Region, Shri J.S. Tilak; and the Minister-in-Charge, Department of Industrial Development, etc. of the Government of West Bengal, Shri Patit Paban Pathak attended the meetings.

*The 8th Commonwealth Parliamentary Seminar*: The 8th Commonwealth Parliamentary Seminar was held in Hong Kong from 13 to 18 May 1996. Shri Ram Niwas Mirdha, MP, a delegate from India (Main) Branch could not attend the Seminar due to the dissolution of the Lok Sabha. The then Secretary-General, Lok Sabha, Shri S.N. Mishra attended the Seminar as a special guest and presented a Paper on "Support Services to Members of Parliament" prepared by the India Branch. Apart from him, the Speaker, Andhra Pradesh Legislative Assembly, Shri Y. Ramakrishnudu, and Smt. Roshan Warjri, MLA, Meghalaya Legislative Assembly, attended the Seminar.

*The 95th Inter-Parliamentary Conference*: The 95th Inter-Parliamentary Conference was held in Istanbul from 15 to 20 April 1996. The Indian Delegation to the Conference was led by the Deputy Chairman, Rajya Sabha, Dr. (Smt.) Najma Heptulla. The other members of the Delegation were Shri Rabi Ray, MP; Miss Saroj Khaparde, MP; Shri Amal Datta, MP; Shri Inderjit, MP; and Smt. V.S. Rama Devi, Secretary-General, Rajya Sabha. The then Secretary-General, Lok Sabha, Shri S.N. Mishra was Secretary to the Delegation.

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

- (i) The protection of minorities as a global issue and a prerequisite for stability, security and peace
- (ii) Conservation of world fish stocks in order to provide an important source of protein and ensure continued viability and economic stability of fishing around the world
- (iii) Fighting terrorism, an international phenomenon which threatens democracy and human rights as well as international peace and security and which hampers development: measures needed on the national and international levels to prevent acts of terrorism (placed on the agenda as supplementary item).

Besides, the Conference held the General Debate on the Political, Economic and Social Situation in the World in which 127 speakers took part.

During the above Conference, the Indian Delegation got a chance to chair the two major Drafting Committees and participated in the deliberations of the third Drafting Committee.

*Joint IPU/UNESCO Conference on Education, Science, Culture and Communication on the eve of the 21st Century* : The joint IPU and UNESCO Conference on Education, Science, Culture and Communication on the eve of the 21st Century was held in Paris from 3 to 6 June 1996 at the invitation of the Director-General of the UNESCO, Mr. F. Mayor. The main object of the Conference was to enable participants to identify the major world challenges with regard to education, science, culture and communication in the 21st Century and examine in-depth the major thrusts of the policies implemented by the UNESCO in these fields.

An Indian Parliamentary Delegation led by Shri Ramesh Chennithala, MP participated in the above Conference. The other members of the Delegation were Dr. Srikant Ramchandra Jichkar, MP and Shri Ananth Kumar, MP. The Under Secretary, Lok Sabha Secretariat, Shri U.S. Saxena was the Secretary to the Delegation.

The agenda of the Conference mainly consisted of the following subjects: Education for the 21st Century: Policies and Priorities; Culture and Development in the 21st Century: Pluralism, Diversity and Creativity; and Information Highways and Byways: Opportunities and Challenges.

The Conference unanimously adopted a final document containing the detailed findings and recommendations. Shri Ananth Kumar, MP from India got the privilege of being represented in the Drafting Committee.

*Felicitations to the Lok Sabha Speaker by the Lok Sabha Employees' Association* : On 13 June 1996, a function was organized by the Lok Sabha Employees' Association (LSEA) in the Central Hall of Parliament House to felicitate Shri P.A. Sangma on his election as the Speaker of the Lok Sabha. Besides Shri Sangma, the function was addressed by the then Secretary-General, Lok Sabha and Patron of the LSEA, Shri S.N. Mishra, the President of the LSEA, Smt. Paramjit Kaur Sandhu and the General Secretary of the LSEA, Shri K. Srinivasan.

#### **BUREAU OF PARLIAMENTARY STUDIES AND TRAINING (BPST)**

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

*Orientation Programme* : An Orientation Programme for the newly elected members of the Sikkim Legislative Assembly was organized from 12 to 14 June 1996. The Programme was inaugurated by the former Union Minister of State for Information and Broadcasting, Shri P.M. Sayeed, MP.



*Appreciation Courses in Parliamentary Processes and Procedures for Probationers of All India/Central Services and Officers of Government of India* : The following Appreciation Courses were organized :

- (1) for Probationers of : (i) IRSS; (ii) IRSSE; (iii) IRSME; and (iv) IIS (8 to 12 April 1996)
- (2) for IAS Probationers (15 to 19 April 1996)
- (3) for Group 'A' Probationers in Central Audit, Accounts and Finance Service (22 to 26 April 1996)
- (4) for Officers of the rank of Section/Desk Officers to the Government of India and Indian Postal Service Probationers (6 to 10 May 1996)

*Training Course for Officers of Parliament and State Legislature Secretariats*: A one-day training programme for Reporting Officers serving in various Committee Branches was organized on 30 May 1996.

*Sixth Residential Course on 'Effective Communication Skills'* : Shri Frank Christopher and Smt. Sadhana Gupta, Deputy Directors, Lok Sabha Secretariat, attended the Sixth Residential Course on "Effective Communication Skills" at the Lal Bahadur Shastri National Academy of Administration, Mussoorie from 27 to 31 May 1996.

*Study Visits*: At the request of various training and educational institutions, six Study Visits were organized.

### **NEW SECRETARY-GENERAL OF LOK SABHA**

On 12 July 1996, the Speaker, Shri P.A. Sangma made the following announcement in the House :

Hon. Members may be aware that in 1990 a Committee of eminent Parliamentarians have recommended that the Office of the Secretary-General, Lok Sabha is to be held by an Officer of the rank and status of the Cabinet Secretary. This recommendation had been accepted by the Chair. This is also consistent with general international practice.

I am happy to announce that I have appointed Shri S. Gopalan, currently Secretary, Ministry of Information and Broadcasting as the Secretary-General, Lok Sabha. He is the seniormost amongst the serving Secretaries to Government of India. He has had 36 years of diversified and distinguished career. I have great pleasure in placing Shri S. Gopalan at your service.

I also place on record on behalf of myself and the House our deep appreciation of the services rendered by Shri S.N. Mishra, Additional Secretary, Lok Sabha Secretariat who has been officiating as Secretary-General with effect from 1st January, 1996.

Shri Gopalan assumed the Office of the Secretary-General, Lok Sabha and the Lok Sabha Secretariat on 15 July 1996. He also took over as the Secretary-General of the Indian Parliamentary Group (IPG).

### **SHRI S. GOPALAN - A LIFE SKETCH**

Having done his Honours in History and Economics in the Madras Christian College, Shri S. Gopalan joined the IAS (1960 batch) and belongs to the Kerala Cadre.

He has had diversified experience in various fields — Agriculture, Rural Development, Industries, Commerce, Labour, Housing and Education. The important assignments held by him include: Director of Agriculture; Agricultural Production Commissioner; Commissioner of Rural Development; Housing Commissioner; Labour Commissioner; Commissioner for Higher Education; and Secretary to the Chief Minister (in Kerala); and Chairman, Marine Products Export Development Authority; Executive Director, Trade Development Authority; Joint Secretary, Ministry of Commerce; Additional Secretary, Ministry of Human Resource Development, Department of Education; Director-General, CAPART; Secretary, Ministry of Labour; and Secretary, Ministry of Information and Broadcasting (in Government of India).

Shri Gopalan briefly served as a Consultant on International Trade with the Commonwealth Secretariat, London and in that capacity worked in the Government of the Republic of Guyana.

Through his career, at various stages, he served on the Boards of several State and Central Public Sector Corporations and has had extensive corporate experience.

Shri Gopalan has extensively travelled abroad and interacted on behalf of the Government of Kerala and the Government of India in international fora like the World Bank, UNCTAD, GATT, ESCAP, the World Intellectual Property Organization (WIPO), UNESCO and the ILO.

In the ILO, Shri Gopalan held elective positions of honour as Chairman of the Technical Cooperation Committee and Chairman of the Resolutions Committee and Committee on Application of Standards of the International Labour Conference (ILC).

## PRIVILEGE ISSUES

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### LOK SABHA

*Alleged reflections on members and the House by Additional Sessions Judge, Delhi* : On 27 February 1996, Shri George Fernandes, a member, gave notice of a question of privilege against the Additional Sessions Judge, Delhi, Shri S.N. Dhingra, for having allegedly committed a breach of privilege and contempt of the House while passing an order on the application of Shri Kalp Nath Rai, another member, (who was lodged in Central Jail, Delhi in connection with a criminal case) for permission to attend the proceedings of the House.

Shri Fernandes quoted in his notice of question of privilege excerpts, from the order of the Additional Sessions Judge, Delhi, which were widely reported in the national Press. Some of the remarks objected to by Shri Fernandes, were as follows :

In today's India MPs and Ministers think it a privilege if they get a chance to sit at the feet of underworld Dons and base businessmen, to get secret donations from them and to get their blessings... most of the time of nation's most prestigious institutions i.e. Lok Sabha and Rajya Sabha has been wasted at the huge cost to national exchequer by causing walk outs, pandemoniums, creating fish market scene and Halla Gulla... The politics seems to have become the most profitable business of the day wherein the individual enjoys the fruits of political power and he becomes holder of several new accounts in the Indian and foreign banks and these accounts fatten day in and day out...

Shri Fernandes contended in his notice that the observations made by Shri Dhingra were tantamount to 'gross contempt of the House' and amounted to a 'breach of privilege' and sought the permission of the Speaker to raise the matter on the floor of the House as a question of privilege.

On 11 March 1996, Shri Mani Shankar Aiyar, another member, also gave notice of question of privilege against Shri Dhingra "for his remarks against politicians as a class" in another order dated 24 January 1996, in a case relating to Shri H.K.L. Bhagat, a former member.

The same day, when Shri Rabi Ray, a member, sought to raise the matter in the House, the Speaker, Shri Shivraj V. Patil observed as follows:

I would like to read out what the hon. leaders of the parties in principle, not exactly in the same words, wanted that an expression to the views expressed by them in the House should be given on

the floor of the House. In the meeting of the leaders of the parties held in my chamber, I was asked to give expression to the views of the members of Parliament regretting and resenting the sweeping observations made against the Parliament and the members of the Parliament. Before it could be done, the High Court of Delhi has expunged the objectionable observation and has said as follows:

"In the present case, there was no occasion for the learned Additional Sessions Judge to make comments either against the Parliament or its proceedings or against the parliamentarians or politicians. He ought to have confined himself to the specific issue before him and dealt with the said question and nothing else."

Lord Corman in *Duport Steel Limited versus SAS Weekly Law Report 142* has observed as follows:

"If people and Parliament come to think that the judicial power is to be confined to nothing other than the Judges' sense of what is right, confidence in the judicial system will be replaced by fear of it becoming uncertain and arbitrary in its application".

Again Abraham Lincoln has said as follows:

"Nearly all men can stand adversity. But if you want to test a man's character give him power."

This statement applies again in the quotation of what the Judge of the High Court has said:

"This statement applies to all forms of power including the judicial power. Judicial power also requires to be used with great restraint. In fact, greater the power, greater is the need for restraint. The learned Additional Sessions Judge totally exceeded the normal limitations imposed by judicial restraint in making uncalled for observations against the Parliament, its proceedings, Parliamentarians and politicians. The remarks extracted above are hereby expunged".

These are the views expressed by the hon. High Court. What has been done by the High Court, this is what I am saying, is very judicious and meets the ends of justice and can be appreciated. And that is the spirit in which all the wings of the State should function in the interest of justice, welfare of the people and unity of the country. Mistakes committed by the individuals here or there should not reduce the respect and regard the persons working in all the wings of the State have for one another, for the people and State and the unity of the country, and should not be corroded or reduced. The balanced, judicious and correct constitutional approach adopted by all would be in the interest of the people, the ends of justice and the unity of the country.

I think, in view of these developments and observations by the High Court, nothing more need be done by this Parliament.

Thereafter, Shri Mani Shankar Aiyar, while welcoming the Speaker's observations, drew attention to the alleged derogatory remarks of the said Judge in his earlier order in January 1996, as mentioned by him in his notice of question of privilege. The Speaker, thereupon, observed:

You have given me the notice; and the copy is here. I have not given the consent to the notice... the extracts of the judgement and all those things are before us; and you have said in your notice also, the remarks relate to politicians. Of course, the parliamentarians are also politicians; and yet what has been said by the higher judiciary is just and proper. This august House is of the view that the same principle may be applied to what has been said or done which should not have been said or done.

The matter was thereafter closed.

### DELHI VIDHAN SABHA

*Alleged contempt of the House by a member:* On 18 April 1995, Shri Mukesh Sharma, a member, who had been repeatedly raising the issue of the alleged irregularities committed by the Government in sale/purchase of country liquor, managed to bring in to the Chamber two bottles of country liquor which were displayed by him in the House to prove his point. Shri Mukesh Sharma was then named by the Speaker for his disorderly behaviour and on a motion moved by the Minister of Health, he was suspended from the House under Rule 256.

Subsequently, Shri Alok Kumar, another member, with the permission of the Chair, moved a motion regarding breach of privilege and contempt of the House against Shri Mukesh Sharma. The motion was seconded by Shri Ram Bhaj.

The Motion was adopted and the matter stood referred to the Committee of Privileges.

The Committee of Privileges considered all the relevant documents and the written explanation of Shri Mukesh Sharma. In their First Report presented to the House on 18 December 1995, the Committee reported *inter alia* that Shri Mukesh Sharma made a statement stating the reasons and the background which prompted him to bring two bottles of country liquor to the House. He also stated that the purpose of bringing liquor bottles to the House was not to bring to disrepute the prestige of the august House but to substantiate his charge that country liquor was still being sold at the rate of Rs. 45/- per bottle as against Rs. 42/- as claimed by the Finance Minister. Shri Sharma said that he had absolutely no intention to commit any contempt of the House and offered his unconditional apology for the same.

The Committee recommended that since Shri Mukesh Sharma accepted his mistake and tendered an unconditional apology, his apology be accepted and the case of alleged contempt of the House against him be dropped.

The Committee expressed the hope that members would strive through their actions and conduct to maintain the decorum and the sanctity of the august House.

The Report of the Committee was adopted by the House on 18 December 1995.

## PROCEDURAL MATTERS

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### LOK SABHA

*Matter pending in the Court should not be referred to in the House:* On 27 May 1996, during the discussion on the Motion of Confidence in the Council of Ministers, Shri George Fernandes, a member, quoted from a printed document and referred to some persons by name involved in the *hawala* case. Thereupon, Shri B.K. Gadhavi and Shri Priya Ranjan Das Munshi took objections to referring to the persons by name since they were not present in the House to defend themselves and also the matter was pending in the Court. The Chair, thereupon, observed:

It seems the member is authenticating it. He can quote from that. The name of anybody who is not here should not be referred to as he cannot defend himself. Normally, the convention is that any case pending before the court is not referred.

Thereafter, the Minister of Home Affairs submitted that quoting from an authenticated document is permitted. Thereupon, the Chair further observed:

Whatever is authenticated is permitted. Whatever is pending in the court is not referred to here.

*Reference to report of a Committee laid on the Table is in order:* On 11 June 1996, during the discussion on the Motion of Confidence in the Council of Ministers, Smt. Sushma Swaraj, a member, while referring to the contents of the 102nd Report of the Committee on Petitions of the Rajya Sabha laid on the Table of that House, referred to Shri Chaturanan Mishra, another member, who was also a member of that Committee. Shri E. Ahamed, another member, submitted that Smt. Sushma Swaraj was referring to the deliberations in the Committee which was not proper. Thereafter, Smt. Sushma Swaraj stated that she was only quoting from the Report. The Chairman, Shri Nitish Kumar, thereupon, observed:

What has been discussed in the Committee meeting cannot be made public but the Report which has been presented in the House can be referred to or quoted from.

## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 APRIL TO 30 JUNE 1996)

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

—Editor

### INDIA

#### DEVELOPMENTS AT THE UNION

*Eleventh General Elections* : On 19 March 1996, the Election Commission announced the schedule for the Eleventh General Elections and elections to five State Legislative Assemblies and one Union territory Assembly as also by-elections to several State Legislative Assemblies. The Lok Sabha elections were to be held on 27 April and 2 and 7 May 1996. In Jammu and Kashmir, the Lok Sabha elections were to be held on 7, 23 and 30 May 1996. On 27 March 1996, the President of India issued the notification for the elections in accordance with the provisions of the Representation of the People Act, 1951. Polling passed off peacefully in most parts of the country barring stray incidents of violence.

*Election results* : As the election results started coming in, it became clear that no single party was going to get an absolute majority in the House. The Bharatiya Janata Party (BJP) emerged as the single largest party, followed by the Congress (I). The party position in the Lok Sabha as on 6 June 1996 was as under: Total seats: 543; BJP: 160; Congress (I): 139; Janata Dal: 45; CPI (M): 32; Tamil Manila Congress (TMC): 20; DMK: 17; Samajwadi Party: 17; Telugu Desam Party: 16; Shiv Sena: 15; CPI: 12; Bahujan Samaj Party: 11; Samata Party: 8; Shriomani Akali Dal: 8; RSP: 5; Asom Gana Parishad (AGP): 5; All India Indira Congress (T): 4; All India Forward Bloc: 3; Haryana Vikas Party: 3; Muslim League: 2; All India Majlis-e-Ittehadul Muslimeen: 1; Autonomous State Demand Committee (ASDC): 1; Jharkhand Mukti Morcha: 1; Madhya Pradesh Vikas Congress: 1; Maharashtra Gomantak Party: 1; Karnataka Congress Party: 1; Kerala Congress (M): 1; Sikkim Democratic Front: 1; United Goan Democratic Party: 1; Independents: 9; Vacancies: 3.

*Dissolution of the Tenth Lok Sabha* : On 10 May 1996, the President, Dr. Shanker Dayal Sharma dissolved the Tenth Lok Sabha.



**Constitution of the Eleventh Lok Sabha** : On 15 May 1996, the Eleventh Lok Sabha was constituted with the Election Commission issuing a notification under Section 73 of the Representation of the People Act, 1951.

**New Prime Minister** : On 15 May 1996, the President, Dr. Shanker Dayal Sharma invited the Leader of the single largest party in the Lok Sabha, Shri Atal Bihari Vajpayee of the BJP, to form the Government. The President asked Shri Vajpayee to prove his majority in the Lok Sabha by 31 May 1996.

Shri Vajpayee was sworn in as the Prime Minister on 16 May 1996 along with 11 Ministers of Cabinet rank. The Ministers and their portfolios were: Shri Sikander Bakht : *Urban Affairs and Employment*; Shri Suraj Bhan : *Agriculture*; Shri Ram Jethmalani: *Law, Justice and Company Affairs*; Shri V. Dhananjaya Kumar: *Civil Aviation and Tourism*; Dr. Murli Manohar Joshi: *Home Affairs*; Shri Pramod Mahajan: *Defence and Parliamentary Affairs*; Shri Karia Munda: *Welfare*; Shri Suresh Prabhu: *Industry*; Shri Sartaj Singh: *Health and Family Welfare*; Shri Jaswant Singh: *Finance*; and Smt. Sushma Swaraj: *Information and Broadcasting*.

Later, Shri Sikander Bakht was given the charge of External Affairs.

**Pro tem Speaker** : On 18 May 1996, the President, Dr. Shanker Dayal Sharma appointed veteran parliamentarian, Shri Indrajit Gupta as the Speaker *pro tem*.

**First Session of the Eleventh Lok Sabha** : The First Session of the Eleventh Lok Sabha began on 22 May 1996 with the Speaker, *pro tem*, Shri Indrajit Gupta administering the oath or affirmation to the newly elected members.

**New Speaker of the Lok Sabha\*** : Shri P.A. Sangma of the Congress (I) was unanimously elected the Speaker of the Eleventh Lok Sabha on 23 May 1996.

**Address by the President\*\*** : On 24 May 1996, the President, Dr. Shanker Dayal Sharma addressed members of both the Houses of Parliament assembled together in the Central Hall of the Parliament House.

**Leader of the Opposition** : The Speaker, Shri P.A. Sangma recognized the Leader of the Congress (I) in the Lok Sabha, Shri P.V. Narasimha Rao as the Leader of the Opposition in the Lok Sabha with effect from 16 May 1996.

**Resignation of Prime Minister** : On 27 May 1996, the Prime Minister, Shri Atal Bihari Vajpayee moved in the Lok Sabha the Motion of Confidence in the Council of Ministers. The House discussed the Motion on 27 and

\*For details, see Short Note, "The Election of the Speaker of the Eleventh Lok Sabha", in *The Journal of Parliamentary Information*, Vol. XLII, No. 2, June 1996, pp. 175-80

\*\*For the text of the Address by the President, see pp.273-81.

28 May 1996. While replying to the debate, on 28 May 1996, the Prime Minister announced that he was going to tender his resignation to the President. The Speaker, thereupon, observed that in view of the resignation announced by the Prime Minister on the floor of the House, putting the Motion of Confidence to the vote of the House had become infructuous and also no other listed business of the House for the day could be taken up. He, therefore, adjourned the House *sine die*.

The Prime Minister, Shri Atal Bihari Vajpayee then called on the President, Dr. Shanker Dayal Sharma and submitted his resignation. The President requested Shri Vajpayee to continue in Office till alternate arrangements were made.

The same day, the President called upon the Leader of the United Front, Shri H.D. Deve Gowda to form the Government. Shri Deve Gowda was asked to prove his majority in the Lok Sabha by 12 June 1996. The Congress (I), which was the second largest party in the Lok Sabha, had already intimated to the President their support for the United Front.

*New Cabinet sworn in* : A 21-member Council of Ministers, headed by Shri H.D. Deve Gowda, was sworn in on 1 June 1996. The Council of Ministers and the portfolios are as under :

Shri H.D. Deve Gowda : (Prime Minister) *Agriculture; Home Affairs; Science and Technology; Personnel, Public Grievances and Pensions; Atomic Energy; and the other Ministries/Departments not allocated to any other Cabinet Ministers, viz. Chemicals and Fertilizers; Communications; Environment and Forests; Food Processing Industries; Health and Family Welfare; Mines; Non-Conventional Energy Sources; Petroleum and Natural Gas; Planning and Programme Implementation; Power; Steel; Textiles; Electronics; Jammu and Kashmir Affairs; Ocean Development; and Space.*

*Cabinet Ministers* : Shri Balwant Singh Ramoowalia: *Welfare; additional charge of Labour*; Shri C.M. Ibrahim: *Civil Aviation and Tourism; additional charge of Information and Broadcasting*; Shri Devendra Prasad Yadav: *Civil Supplies, Consumer Affairs and Public Distribution; additional charge of Commerce*; Shri I.K. Gujral: *External Affairs; additional charge of Water Resources*; Shri M. Arunachalam: *Urban Affairs and Employment*; Shri Mulayam Singh Yadav: *Defence*; Shri Murasoli Maran: *Industry*; Shri P. Chidambaram: *Finance; additional charge of Justice and Company Affairs*; Shri Ram Vilas Paswan: *Railways and Parliamentary Affairs*; Shri S.R. Bommai: *Human Resource Development; additional charge of Coal*; Shri T.G. Venkatraman: *Surface Transport*; and Shri Yerrannaidu: *Rural Areas and Employment.*

*Ministers of State* : Shri Beni Prasad Varma: *Communications and Parliamentary Affairs*; Shri Chandradeo Prasad Varma: *Rural Areas and Employment*; Capt. Jai Narayan Prasad Nishad: *Environment and Forests*; Smt. Kanti Singh: *Human Resource Development*; Shri Md. Taslimuddin:

*Home Affairs*; Dr. S. Venugopalachari: *Power*, Shri Saleem Iqbal Shervani: *Health and Family Welfare*; and Dr. U. Venkateswarlu: *Agriculture and Parliamentary Affairs*.

*Leader of the House* : On 11 June 1996, the Speaker, Shri P.A. Sangma introduced in the Lok Sabha the Leader of the House, Shri Ram Vilas Paswan.

*New Leader of the Opposition* : The Speaker, Shri P.A. Sangma recognized the Leader of the BJP in the Lok Sabha, Shri Atal Bihari Vajpayee as the Leader of the Opposition in the Lok Sabha with effect from 1 June 1996, the date from which the Leader of the Congress (I) in the Lok Sabha, Shri P.V. Narasimha Rao had ceased to hold the post.

*Confidence Motion* : On 11 June 1996, the Prime Minister, Shri Shri H.D. Deve Gowda moved the Motion of Confidence in the Council of Ministers. The Motion was adopted on 12 June 1996. Later, the House adjourned *sine die*.

*Election to Rajya Sabha* : Shri Nebam Rebia, an independent, was elected to the Rajya Sabha from Arunachal Pradesh on 23 May 1996.

*Expansion of the Union Cabinet* : On 28 June 1996, the Prime Minister, Shri H.D. Deve Gowda expanded the Union Council of Ministers by inducting five more Ministers of Cabinet rank and nine Ministers of State. The new Ministers and their portfolios are :

*Cabinet Ministers* : Shri Indrajit Gupta : *Home Affairs*; Shri Chaturanan Mishra; *Agriculture*; Shri Janeshwar Mishra: *Water Resources*; Shri Srikanta Kumar Jena: *Parliamentary Affairs and Tourism*; and Shri Birendra Prasad Baishya: *Steel and Mines*.

*Ministers of State (Independent Charge)* : Shri Bolla Bulli Ramaiah: *Commerce*; Shri Dilip Kumar Ray: *Food Processing Industries*; Shri Ramakant D. Khalap: *Department of Legal Affairs, Legislative Department and Department of Justice*; Shri Sheesh Ram Ola: *Chemicals and Fertilizers*; Shri Yoginder K. Alagh: *Planning and Programme Implementation and Science and Technology*; and Shri R.L. Jalappa; *Textiles*.

Shri R.L. Jalappa was later elevated as Cabinet Minister.

*Minister of State* : Shri S.R. Balasubramaniam: *Personnel, Public Grievances and Pensions and Parliamentary Affairs*; Shri Muhi Ram Salkia: *Human Resource Development (Department of Education)*; and Shri Dhanushkodi Athithan: *Human Resource Development (Department of Youth Affairs and Sports)*.

## AROUND THE STATES

### ANDHRA PRADESH

*Change of party affiliation* : On 20 May 1996, thirteen MLAs belonging to the Telugu Desam Party (NTR) joined the Telugu Desam Party (Naidu).

They were: Sarvashri N. Prasanna Kumar Reddy; M. Moola Reddy; P. Ram Rao; K. Nageshwar Rao; M. Ranga Reddy; M. Ramesh Babu Pranay Bhaskar; P. Mahender Reddy; P. Chandrasekhar; Ch. Rama Chandra Rao; Achyut Reddy; Dr. M. Pedarathaiah and Smt. Pratibha Bharti.

### ARUNACHAL PRADESH

*New Governor* : Shri M.M. Jacob was sworn in as Governor of Arunachal Pradesh on 2 April 1996.

### ASSAM

*New Chief Minister* : On 22 April 1996, Dr. Bhumidhar Barman was sworn in as the Chief Minister of Assam in succession to Shri Hiteshwar Saikia who died of cardiac arrest on the same day.

*Death of Minister* : On 6 May 1996, the Minister of Rural Development, Shri Nagen Neog was killed in an ambush by the ULFA militants at Farkating in Golaghat district.

*Election results* : Elections to the Assam Legislative Assembly were held on 27 April 1996. The AGP-ASDC, CPI, CPI (M) and UPP alliance secured an absolute majority. The party position is as under: Total seats: 126; countermanded: 4; elections held: 122; AGP: 58; Congress (I): 34; ASDC: 5; BJP: 4; CPI: 3; CPI (M): 2; All India Indira Congress (T): 2; United Minority Front: 2; UPP: 1; others: 11.

Following the elections, Shri Prafulla Kumar Mahanta of the AGP was sworn in as the Chief Minister on 15 May 1996 along with his Council of Ministers. The following is the list of Minister and their portfolios: Shri Prafulla Kumar Mahanta: (*Chief Minister*) *Home, Law, Finance, General Administration and Departments not allocated to others.*

*Cabinet Ministers* : Sarvashri Atul Bora: *Public Works*; Nagen Sarma: *Forest*; Pradip Hazarika: *Transport*; Shahidul Alam Choudhury: *Panchayat and Rural Development*; Digen Bora: *Food and Civil Supplies*; Thanesar Bora: *Higher Education*; Promod Gogoi: *Flood Control*; Jatin Mali: *Elementary Education*; Abdul Muhib Mazumdar: *Irrigation*; Phani Bhusan Choudhary: *Labour and Employment*; Biraj Kumar Sarma: *Municipal Administration*; Surendra Nath Medhi: *Veterinary*; Zoi Nath Sarma: *Revenue*; Chandra Mohan Patowari: *Agriculture*; Gumin Hazarika: *Industry*; Dr. Kamala Kalita: *Health*; and Smt. Rekha Ram Das Boro: *Social Welfare*.

*Ministers of State* : Sarvashri Utpal Dutta: *Social Welfare, Mines and Minerals*; Ramendra Narain Kalita: *Sericulture*; Haji Abdul Rouf: *Science and Technology*; Akon Rabha: *Soil Conservation*; Abdul Jabbar: *Char Areas Development and Wakf Board*; Hiranya Konwar: *Veterinary and Animal Husbandry*; Bulbul Das: *Fisheries*; Rajendra Mushahary: *Plains Tribes*; Bhanbendra Baruah: *Health and Family Welfare*; and Joseph Tappo: *Labour and Employment*.

*Election of Speaker/Deputy Speaker* : Shri Ganesh Kutum of the AGP was unanimously elected the Speaker of the State Legislative Assembly on 12 June 1996. Shri Nurul Hussain, also of the AGP, was elected unopposed as the Deputy Speaker.

### HARYANA

*Election results* : The elections to the 90-member State Legislative Assembly took place on 27 April 1996. The Haryana Vikas Party (HVP)-BJP alliance gained a clear majority by winning 43 seats. The party position was as under: HVP:32; BJP: 11; Samata Party: 24; Congress (I): 9; All India Indira Congress (T): 3; Independents: 10; Vacancy: 1.

Following the elections, Shri Bansi Lal of the HVP was sworn in as the Chief Minister on 11 May 1996 along with two Ministers of Cabinet. On 15 May 1996, the Chief Minister inducted another six Cabinet Ministers.

The following is the list of Ministers and their portfolios:

Shri Bansi Lal : (*Chief Minister*): *General Administration, CID, Vigilance, Personnel, Administrative Reforms and Training, Legislative, Administration of Justice, Town and Country Planning and Urban Estates.*

*Cabinet Ministers* : Sarvashri Mani Ram Godara: *Home, Jails, PWD (B&R), Transport, Environment and Housing*; Jagan Nath: *Development and Panchayats, Parliamentary Affairs and Public Health*; Seth Siri Kishan Dass: *Finance, Institutional Finance and Credit Control Planning, Industries, Industrial Training and Vocational Education, Mines and Geology, Prohibition, Excise and Taxation*; Ram Bilas Sharma: *Education, Languages, Technical Education, Cultural Affairs, Archives, Archaeology and Museums*; Rao Narbir Singh: *Food and Supplies and Printing and Stationery*; Karam Singh Dalal: *Agriculture, Wakf, Fisheries, Sports, Forest and Wild Life Preservation*; Suraj Pal Singh: *Revenue, Rehabilitation, Consolidation, Animal Husbandry and Dairy Development*; Dr. (Smt.) Kamla Verma: *Health, Ayurveda, Local Government, Social Welfare and Welfare of Scheduled Castes and Backward Classes.*

*Election of Speaker/Deputy Speaker* : On 22 May 1996, Shri Chhattar Singh Chauhan of the HVP and Shri Faqir Chand of the BJP were unanimously elected the Speaker and the Deputy Speaker, respectively, of the State Legislative Assembly.

### HIMACHAL PRADESH

*New Governor* : On 21 April 1996, the President, Dr. Shanker Dayal Sharma accepted the resignation of the Governor of Himachal Pradesh, Smt. Sheila Kaul.

The Governor of Haryana, Shri Mahabir Prasad was given the additional charge of the Office of the Governor of Himachal Pradesh.

## KARNATAKA

*Resignation of Chief Minister* : The Chief Minister, Shri H.D. Deve Gowda resigned from Office on 31 May 1996 following his election as the Prime Minister-designate. The newly elected Leader of the Janata Dal Legislature Party, Shri J.H. Patel was sworn in as the new Chief Minister and Shri K. Siddaramaiah as the Deputy Chief Minister on the same day. On 5 June 1996, the Ministry was expanded.

The following is the list of Ministers and their portfolios: *Cabinet Ministers*: Sarvashri H.D. Revanna: *Housing*; M.D. Prakash: *RDPR*; R.V. Deshpande: *L&M Industries*; P.G.R. Sindhia: *Transport*; C. Byre Gowda: *Agriculture*; M.C. Nanaiah: *Law, PA, Information and Publicity*; H.G. Govide Gowda: *Primary and Secondary Education*; Ramesh C. Jigajinagi: *Revenue*; Tippeswamy: *Minor Irrigation*; H.C. Mahadevappa: *Health and Family Welfare*; S.S. Patil: *Cooperation*; S.D. Jayaram: *Mines and Geology*; G. Basavannappa: *Food and Civil Supplies*; K.M. Krishna Reddy: *Social Welfare*; K.N. Nage Gowda: *Major Irrigation*; M.S. Patil: *Textiles*; Gurupadappa Nagamarapalli: *Forest*; V. Somashekhar: *Higher Education*; B.A. Mohideen: *Small Scale Industries*; Umesh Kalti: *Sugar*; C.M. Udasi: *Public Works Department*; M.V. Guttedar: *Backward Classes and Minorities*; and K.B. Shanappa: *Excise*.

*Ministers of State*: Sarvashri R. Roshan Baig; *Home and Wakf*; D.T. Jayakumar: *Horticulture*; Ajay Kumar Samaik: *Youth Services and Sports*; B. Muniyappa Muddappa: *Revenue*; Merajuddin N. Patel: *Municipal Administration*; K. Jayaprakash Hegde: *Fisheries and Ports*; Anant Nag: *BDA, BCC, UIDC, BMRDA*; Sharanabasappa Darshanapur: *Power*; B. Satyanarayan: *Labour*; H. Nagappa: *Agriculture Marketing and Stationery*; B.B. Ningaiah: *Animal Husbandry*; V. Somanna: *Prisons and Home Guards*; M. Varde Gowda: *Sericulture*; M. Shankar Naik: *Medical Education*; K. Venkatesh: *CADA, HKDB*; Shivannanavar B. Neelappa: *EFS&T and NCF*; Smt. Leeladevi R. Prasad: *Tourism, Kannada Culture*; and Smt. Vimalabai J. Deshmukh: *Women and Child Development*.

## KERALA

*Resignation of Governor* : On 1 May 1996, the Governor of Kerala, Shri P. Shiv Shankar resigned from Office. Shri Khursheed Alam Khan was sworn in as Governor of Kerala in addition to his duties as the Governor of Karnataka.

*Election results* : Elections to the 140-member State Legislative Assembly were held on 27 April 1996. The CPI (M)-led Left Democratic Front gained an absolute majority. The party position is as under: CPI (M): 38; Congress (I): 37; CPI: 17; Muslim League: 13; Kerala Congress (M): 6; RSP: 5; Kerala Congress (J): 5; Janata Dal: 4; Indian Congress (Socialist): 3; Kerala Congress (Jacob): 2; Kerala Congress (B): 1; JSS: 1; Independents: 5; Vacancies: 3.

Following the elections, Shri E.K. Nayanar of the CPI (M) was sworn in as the Chief Minister on 20 May 1996.

The following is the list of Ministers and their portfolios:

Shri E.K. Nayanar (*Chief Minister*): *General Administration, All India Services, Planning and Economic Affairs, Excise, Jails, Personnel and Administrative Reforms, Science, Technology and Environment, Elections, Home and Vigilance, Administration of Civil and Criminal Justice, Inter-State River Waters, Inland Navigation and Posts and Telegraphs*; Shri T.K. Ramakrishnan: *Fisheries, Culture, KSFDC, Rural Development*; Shri T. Sivadasa Menon: *Finance and Stock Purchase*; Shri Pinarayi Vijayan: *Cooperation and Electricity*; Shri K. Radhakrishnan: *Youth Affairs, SC/ST Development*; Shri K.E. Ismail: *Revenue*; Shri E. Chandrasekharan Nair: *Tourism, Food, Civil Supplies, Law and Animal Husbandry*; Shri V.K. Rajan: *Agriculture*; Shri Baby John: *Irrigation, Labour (except Rehabilitation and Employment) and Training and Water Authority*; Shri P.J. Joseph: *Public Works, Education and Housing Registration*; Shri A.C. Shanmukhadas: *Health*; Shri P.R. Kurup: *Forest, Transport and Devaswom*; Shri Paloli Mohammed Kutty: *Local Administration*; and Smt. Susheela Gopalan: *Industries and Social Welfare*.

*Election of Speaker*: On 30 May 1996, Shri M. Vijayakumar of the CPI (M) was elected the Speaker of the State Legislative Assembly.

### MAHARASHTRA

*Death of member*: Shri S.V. Deshmukh, an independent MLA representing the Wangi-Bhitwadi constituency, passed away on 17 May 1996.

*Change of party affiliation*: On 7 June 1996, six independent MLAs joined the Shiv Sena. They are: Sarvashri Tukaram Dighule, Bharmo Anna Fatil, Dhondiba Waghmare, Dilip Sopal, Gajdhar Rathod and Vijay Gavit.

On 8 June 1996, a Congress (I) MLA, Shri Suresh Jain joined the Shiv Sena.

*Resignation of Ministers*: On 10 June 1996, the Minister of State (Independent Charge) of Irrigation, Shri Ashok Patil Dongaonkar and the Minister of State for Civil Supplies, Shri Anil Rathod resigned from the State Cabinet.

*Expansion of Cabinet*: On 10 June 1996, the Chief Minister, Shri Manohar Joshi expanded his Cabinet by inducting Shri Suresh Dada Jain as Cabinet Minister and Sarvashri Ramdas Kadam, Tukaram Digholi, Shivajirao Naik and Goverdhan Sharma as Ministers of State.

### MANIPUR

*Resignation of Ministers*: The Deputy Chief Minister, Shri Radhabinod Koijam, Higher Education Minister, Shri Nemaichand Luwang and Sericulture

and Labour Minister, Shri N. Birin resigned from the State Cabinet on 12 May 1996.

*Samata Party MLA joins Congress (I)* : On 20 May 1996, Samata Party MLA, Shri Samuel joined the Congress (I).

*Expansion of Cabinet* : On 10 June 1996, the Chief Minister, Shri Rishang Keishing expanded his Cabinet by inducting three Cabinet Ministers—Sarvashri Kumar Singh; L. Tomba Singh and Ngamthang Haokip.

### MEGHALAYA

*No-Confidence Motion defeated* : A No-Confidence Motion against the Council of Ministers was defeated by a voice vote in the State Legislative Assembly on 5 April 1996.

### PONDICHERRY

*Election results* : The elections to the 30-member Assembly were held on 27 April 1996. The party position was as under: Congress (I): 9; DMK: 7; TMC: 6; CPI: 2; AIADMK: 3; Janata Dal: 1; PMK: 1; and Independent: 1. Shri R.V. Janakiraman of the DMK was sworn in as the Chief Minister on 27 May 1996.

The following is the list of Ministers and their portfolios:

Shri R.V. Janakiraman (*Chief Minister*) : *Confidential and Cabinet Department, Industries, Public Works, General Administration, Planning and Finance (excluding Statistics), Science and Technology and Environment, Electricity, Fisheries, Administration of Hindu Religious Institutions and other subjects not attached to any other Ministers*; Sarvashri P. Kannan: *House, Revenue, including excise, Adi Dravidar Welfare, Town and Country Planning, Urban Development, Planning Authorities and Cooperation*; A.M.H. Nazim: *Health and Family Welfare, Irrigation and Flood Control, Transport and Wakf Board*; C. Jayakumar: *Local Administration, including Municipality, Commerce and Village Panchayats and Town, Slum Improvement, Food and Civil Supplies, Housing, Animal Husbandry, Economics and Statistics*; S.P. Siva Kumar: *Education, Law and Labour, Public Health Engineering including Drainage, Sewage and Drinking Water Supply, and Tourism*; and R. Vishwanathan: *Agriculture, Community Development, District Rural Development Agency, Social Welfare, Urban Basic Service and Fire Service*.

*Election of Speaker* : Shri V.M.C. Sivakumar of the DMK was unanimously elected the Speaker of the Pondicherry Assembly on 10 June 1996.

### PUNJAB

*Death of Minister* : The Minister of State for Legal and Legislative Affairs, Shri Karan Singh Gill passed away on 8 June 1996.



## TAMIL NADU

*Resignation of Minister* : The Law Minister, Shri K.A. Krishnaswamy resigned from the State Cabinet on 1 April 1996.

*Election results* : The elections to the 234-member Tamil Nadu Assembly were held on 27 April 1996. The DMK-TMC alliance secured an absolute majority by winning 212 seats. The party position was as under: DMK: 173; TMC: 39; AIADMK: 4; CPI: 8; PMK: 4; Janata Dal: 1; BJP: 1; Janata Party: 1; Independents and Others: 3.

Following the elections, Shri M. Karunanidhi of the DMK was sworn in as the Chief Minister on 13 May 1996.

The following is the list of Ministers and their portfolios:

Shri M. Karunanidhi (*Chief Minister*) : *Public, General Administration, Indian Administrative Service, District Revenue Officers, Home, Finance, Planning, Industries, Prohibition and Excise and Commercial Taxes*; Sarvashri K. Anbazhagan : *Education (including Technical Education), Legislature, Election, Electronics, Science and Technology, Sports and Youth Service Corps and Ex-Servicemen*; N. Veerasamy: *Health, Medical Education and Family Welfare and Electricity*; Nanjil K. Manoharan: *Revenue, Board of Revenue, District Revenue, Establishment and Deputy Collectors*; K.S. Mani: *Rural Development and Local Administration*; V. Arumugan: *Agriculture, Agriculture Engineering, Agro Service Cooperatives, Horticulture, Sugarcane Cess and Sugarcane Development*; Duraimurugan: *Public Works, Irrigation (including Minor Irrigation and Programme Works)*; P. Deivasigamani: *Transport, Nationalized Transport, Motor Vehicles Act, Ports and Highways and Madras Metropolitan Development Authority*; M. Thamizhkudimagan: *Tamil Official Language and Tamil Culture*; K.N. Nehru: *Food Price Control and Civil Supplies and PDS*; K. Sundaram: *Milk and Dairy Development, Slum Clearance and Accommodation Control*; A. Rehman Khan: *Labour, Census Employment and Training, Iron and Steel Control, Newsprint Control and Wakf*; N. Thangapandian: *Cooperation and Statistics*; N.K.K. Periasamy: *Handlooms, Textiles and Environmental Pollution Control*; M.R.K. Panneerselvam: *Backward Classes, Most Backward Classes and Denotified Communities, Indian Overseas Refugees and Evacuees*; Pongalur N. Palanisamy: *Forest and Animal Husbandry*; K. Pitchandi: *Housing, Rural Development, Town Planning and Urban Development*; I. Periasamy: *Rural Industries (including Village and Cotton Industries), Registration and Stamp Act and Nutritious Meals*; V. Mullaivendan: *Information and Publicity, Film Technology and Cinematography Act*; Pulavar Senguttuvan: *Hindu Religious and Charitable Endowments*; N. Suresh Rajan: *Tourism and Tourism Development Corporation*; A. Selvarasu: *Khadi Board, Bhoodan and Gramadan, Stationary and Printing and Governmental Press*; Aladi Aruna: *Law, Courts, Prisons, Legislation on Weights and Measures, Registration of Companies, Debt Relief, including Legislation on Money Lending and*

*Legislation on Chits; Smt. S. Jennifer Chandran: Fisheries and Fisheries Development Corporation; and Smt. S.P. Sargunam: Social Welfare, Hill Tribes and Bonded Labour.*

*Election of Speaker/Deputy Speaker :* Shri P.T.R. Palanivel Rajan was unanimously elected the Speaker of the State Legislative Assembly on 23 May 1996. Shri Parithi Ilamvazhuthi was elected the Deputy Speaker.

### TRIPURA

*Resignation of Minister :* The Agriculture Minister, Shri Bajuban Reang resigned from the State Cabinet on 17 May 1996.

### UTTAR PRADESH

*Resignation of Governor :* On 1 May 1996, Shri Motilal Vora submitted his resignation to the President. On 4 May 1996, Shri Mohammed Shafi Qureshi was sworn in as the Governor of Uttar Pradesh in addition to his duties as the Governor of Madhya Pradesh.

### WEST BENGAL

*Election results :* Elections to the 294-member State Legislative Assembly were held on 27 April 1996. The CPI (M)-led Left Front gained an absolute majority by winning 189 seats. The party position was as under: CPI (M): 150; Forward Bloc: 21; RSP: 18; Congress (I): 82; CPI: 6; GNLF: 3; Independents and Others: 14.

Following the elections, Shri Jyoti Basu was sworn in as the Chief Minister for a fifth term on 20 May 1996. On 27 May 1996, the Cabinet was expanded.

The Ministers and their portfolios were as under:

*Cabinet Ministers :* Sarvashri Ashim Kumar Das: *Finance, Excise, Development and Planning*; Ashok Bhattacharya: *Municipal Affairs and Urban Development*; Abdul Razak Molla: *Food Processing, Horticulture and Sundarbans Affairs*; Mohammed Amin: *Minority Affairs, Wakf, Urdu Academy and Haj*; Anisur Rahman: *Animal Resource Development*; Buddhadeb Bhattacharjee: *Home, Police, Information and Cultural Affairs*; Bidyut Ganguly: *Commerce and Industry*; B.B. Mondal: *Cooperation*; Biswanath Choudhury: *Social Welfare and Jails*; Birendra K. Maitra: *Agriculture Marketing*; B.G. Choudhury: *Technical Education and Training*; Kalimuddin Shams: *Food and Supplies Department*; Debabrata Bandopadhyay: *Irrigation and Waterways*; Dinesh Chandra Dakua: *Scheduled Castes and Tribes and OBC Welfare*; Goutam Deb: *Housing and Public Health Engineering*; Jogesh Chandra Barman: *Forest Department*; Kiranmay Nanda: *Fisheries*; K. Goswami: *PWD*; Manabendra Mukherjee: *Youth Services, Environment and Tourism*; Mrinal Banerjee: *Public Undertaking and Industrial Reconstruction*; Narendra Nath De: *Agriculture*; Nanda Gopal Bhattacharya: *Water*

*Investigation and Development*, Nishit Adhikary: *Legislative and Judicial Department*; Partha De: *Health and Family Welfare*; Pralay Talukdar: *Cottage and Small Scale industries*; Prabodh Chandra Sinha: *Parliamentary Affairs*; Sankar Sen: *Power, Science and Technology*; Surya Kanta Mishra: *Land Reforms, Rural Development and Panchayat*; Santi Ranjan Ghatak: *Labour*; Subhas Chakraborti: *Transport and Sports*; Satya Sadhan Chakraborty: *Higher Education*; Satya Ranjan Mahato: *Relief Department*; Smt. Kanti Biswas: *School Education, Refugee Relief and Rehabilitation*; Smt. Chhaya Bera: *Self Employment Generation Programme, Urban Employment Exchange and ESI*.

*Ministers of State* : Sarvashri Bilashibala Sahis: *Forest Department*; Dhiren Sen: *Excise Department*; Ganesh Mandal: *Irrigation and Waterways*; Kamalendu Sanyal: *Land and Land Revenue Department*; Maheshwar Murmu: *Special Tribal Areas Development*; Manohar Turkey: *PWD*; Nimai Mal: *Library Services*; Pratim Chatterjee: *Fire Services*; Srikumar Mukherjee: *Civil Defence*; Susanta Ghosh: *Transport Department*; Upen Kisku: *Scheduled Castes and Tribes and OBC Welfare*; Smt. Mimati Ghosh: *Health and Family Welfare*; and Smt. Anju Kar: *Mass Education on Extension*.

*Election of Speaker/Deputy Speaker* : On 10 June 1996, Shri Hashim Abdul Halim was elected the Speaker of the State Legislative Assembly and Shri Anil Mukherjee was elected the Deputy Speaker.

## DEVELOPMENTS ABROAD

### BANGLADESH

*Election results* : On 11 June 1996, elections were held for the *Jatiya Sangsad* (Parliament). The Awami League emerged as the single largest party by securing 146 seats while the Bangladesh Nationalist Party won 116 seats. The Jatiya Party got 31 seats. The Awami League leader Sheikh Hasina Wajed was sworn in as the Prime Minister on 23 June 1996.

### ISRAEL

*Election results* : On 29 May 1996, elections were held for the *Knesset* (Parliament). The Likud Party won 50.4 per cent of the votes compared with 49.5 per cent votes won by the Labour Party. Subsequently, Mr. Benjamin Netanyahu of the Likud Party was sworn in as the Prime Minister on 19 June 1996.

### ITALY

*Political developments* : On 31 May 1996, the Prime Minister, Mr. Romano Prodi's new Government won a Vote of Confidence in the Lower House completing parliamentary approval of the Centre-Left coalition Government.

### **SOUTH AFRICA**

*New Constitution* : On 8 May 1996, the Parliament which also served as the Constitutional Assembly, reached a final agreement on a permanent Constitution. The Constitutional Assembly which worked for two years to draft the Constitution voted 421-2, with 10 abstentions to pass the document. The Constitution would take effect gradually over the next three years and it would come into full force with the next national elections in 1999.

### **SOUTH KOREA**

*Election results* : On 12 April 1996, the ruling New Korea Party (NKP) won 139 seats, including 18 seats allocated on a proportional basis, 11 seats short of a majority in the National Assembly. The main opposition National Congress for New Politics (NCNP) got 79 seats followed by the United Liberal Democrats (ULD) with 15 seats.

### **TURKEY**

*Resignation of Prime Minister* : On 6 June 1996, the Prime Minister, Mr. Mesut Yilmaz announced his resignation following a crisis within the ruling coalition. Mr. Necmettin Erbakan of the coalition Welfare Party-True Path Party was sworn in as the Prime Minister on 29 June 1996.

### **UKRAINE**

*Resignation of Prime Minister* : The Prime Minister, Mr. Yevhen Marchuk resigned from Office on 27 May 1996. He was succeeded by the First Deputy Prime Minister, Mr. Pavlo Lazarenko.

## SESSIONAL REVIEW

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### ELEVENTH LOK SABHA FIRST SESSION

The First Session of the Eleventh Lok Sabha was held in two parts. Part I commenced on 22 May 1996 and was adjourned *sine die* on 28 May 1996 and had 5 sittings. Part II commenced on 10 June 1996, and adjourned *sine die* on 12 June 1996 and had 3 sittings. The House was prorogued by the President of India on 13 June 1996. During the First Session, there was no Question Hour nor did the House take up any legislative business.

#### A. MOTIONS

*Election of the Speaker\**: Shri Purno Agitok Sangma was unanimously elected the Speaker of the Eleventh Lok Sabha on 23 May 1996.

*Address by the President of India to Parliament\*\**: On 24 May 1996, the President of India, Dr. Shanker Dayal Sharma addressed members of both the Houses of Parliament assembled together in the Central Hall of Parliament House. The Motion of Thanks to the President for his Address was not moved till 12 June 1996, the day when the House adjourned *sine die*. Consequently, on the prorogation of the Lok Sabha on 13 June 1996, the Motion lapsed.

*Motion of Confidence in the Council of Ministers*: Moving the motion on 27 May 1996, the Prime Minister, Shri Atal Bihari Vajpayee said that the Bharatiya Janata Party (BJP) had increased its influence gradually. Initially, it became the main Opposition Party and in the 1996 General Elections, it emerged as the single largest party. Those developments reflected the process of change in the nation's history. Those countries which attained independence almost simultaneously with India had left us behind in the race for progress. There was no dearth of resources in the country. The problem was that we had not been able to utilize the available resources.

The Prime Minister said that those parties which had united presently to vote out the BJP Government had fought the elections separately. By extending an invitation to the BJP to form the Government, the President had acted according to the constitutional conventions. Competition in politics had become so intense that the interests of the country had been relegated to the background. There was nothing objectionable if we differed on some

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\*For details, see Short Note, "The Election of the Speaker of the Eleventh Lok Sabha", in *The Journal of Parliamentary Information*, Vol. XLII, No. 2, June 1996, pp. 175-80

\*\*For the text of the Address, see "Address by the President to Parliament", pp. 273-81.

issues but there were some values on which there could not be any compromise. One such issue was the honesty of the politicians.

The question of electoral reforms had been lingering on for years. If black money was being collected for contesting elections, then the economy could not be free from the tainted money after the elections. The Lok Pal Bill had also been gathering dust for years.

Ours was a multi-religious country wherein secularism stood for the equality of all religions and wherein there was no discrimination on the basis of religion. The need of the hour was to evolve a consensus on such matters.

The Government was committed to social justice. Disparities prevailing in the society should be removed. However, it was essential that while removing inequality, social animosity was not created and caste feelings were not incited. We should have both social equality and social harmony.

If today, we had a hung Parliament, the electorate could not be blamed. If a coalition Government was to be formed in the country, it should be on the basis of a common programme. Before doing so, the country should be assured that the people would not be subjected to injustice, the Prime Minister added.

Participating in the discussion\*, Shri Sharad Pawar observed that the BJP did not get even one-third seats in the Eleventh Lok Sabha nor did it get even a single seat in nineteen States in the country. The previous Congress (I) Government had brought peace to Punjab and had started the electoral process in Jammu and Kashmir. Those parties having faith in the unity and integrity of the county were getting united and the Congress (I) chose to extend support to the United Front from outside.

Supporting the motion, Shri George Fernandes pointed out that the situation facing the Lok Sabha was not the creation of any political party. It was the voting pattern of the electorate that chose not to give any party a clear majority in the House. The President had taken an appropriate step by inviting Shri Atal Bihari Vajpayee to form the Government.

Shri Chandra Shekhar clarified that the Samata Party was not committed in any way to implement the manifesto of the BJP. Shri Vajpayee, before accepting the President's invitation to form the Government, should have held consultations with other parties. That he did not do so was not in keeping with the parliamentary traditions.

Shri Somnath Chatterjee said that the people had decisively voted for secularism and against communalism. As such, the people deserved a Government which would fight against communal forces.

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\*The other members who took part in the discussions were Sarvashri Sanat Mehta, Pramothas Mukherjee, Mahendra Karma, Dr. Prabin Chandra Sama, Prof. G.G. Swell and Smt. Meira Kumar

Shri Madhukar Sarpotdar said that when the BJP and the Shiv Sena combine were in the process of setting up a Government, the United Front was formed with the sole purpose of creating a hindrance in that direction. The constituents of the United Front which were never united earlier displayed rare unity for that purpose.

Opposing the Motion, Shri Murasoli Maran observed that if the President, instead of appointing Shri Vajpayee as the Prime Minister, had asked him to find out and explore the possibilities of getting the majority, things could have been different.

Taking part in the discussion on 28 May 1996, the Minister of Home Affairs, Dr. Murli Manohar Joshi said that the mandate of 1996 had two connotations. Firstly, the Congress (I) had been denied a majority by the people and secondly, the BJP had emerged as the single largest party. The time had come to evolve a policy of consensus to enable the country to march ahead.

Shri Mulayam Singh Yadav said that communalism should not be able to raise its head in India. We could not allow fascism to strike its roots in the country.

Shri Indrajit Gupta said that the current battle was one between conflicting ideologies - the ideology which was going to come on top and rule the country and the ideology which should be prevented from coming on top because it was disastrous for the country.

Supporting the Motion, Shri Surjit Singh Barnala said that one Government was on the way out and the formation of the successor government was also not going to be easy. Therefore, we should think in the direction of forming a national government.

The Finance Minister, Shri Jaswant Singh stressed that the mandate of 1996 clearly and unambiguously rejected the Congress (I). The disharmony was between the spirit of the mandate and the arithmetic of Parliament.

Opposing the Motion, Shri Bolla Bulli Ramaiah said that a BJP Government at the Centre would be a severe setback to communal harmony and the unity and integrity of the country.

Shri Kanshi Ram said that the Bahujan Samaj Party would support all those who were prepared to bring forth changes.

Shri G.M. Banatwalla expressed the view that it was the result of a constitutional hazard that the BJP led Government was currently in power. It was a deplorable exploitation of the constitutional process.

Supporting the Motion, Shri Jai Prakash said that the BJP had honoured the popular mandate to form the Government as the people voted it as the single largest party in the Lok Sabha.

Shri Salahuddin Owaisi said that the country was passing through a very unusual situation and he failed to understand what the Government wanted to do.

Shri Shibu Soren pointed out that though different Governments had given assurances to extend various facilities to the *Adivasis* and ensure their development, nothing had been done.

Shri Alemao Charchil Braz also participated in the debate.

Dr. Jayanta Rongpi felt that the BJP's ascendancy in the national body politic was a cancerous growth and the nation must get rid of it.

Shri P.C. Thomas observed that the assurances given by the BJP about their secular credentials and about their resolve to safeguard the whole nation could not be given much credence in the light of what had happened in the past.

Replying to the debate, the Prime Minister, Shri Atal Bihari Vajpayee said that the BJP did not stand for uniformity; it recognized India's multi-religious, multi-lingual and multi-ethnic character. In the Westminster model of parliamentary system, which India had adopted, the number of seats obtained in the elections by a party was taken into account and not the percentage of votes it got. In the case of the United Front, the constituents did not approach the electorate with a common programme. The mandate and the vote percentage which they were presently highlighting were different for different States and for divergent reasons. The BJP had emerged as the single largest party; that was why it was our endeavour to bring about a consensus on various issues and move ahead with such consensus. The President of India had given time till 31 May 1996 to prove the Government's majority. During the intervening period, we talked to other parties and made an attempt to provide a stable Government. The time involved in the exercise was properly utilized for holding talks with different political parties. Some parties had come to our support and some others showed their inability to do so. There could not be a polarization of the people either on communal or caste lines. Politics should not be divided into two camps, without any dialogue or discussion. Governments would come and go but the nation would always remain there. In the present case, the President of India gave us an opportunity to form the Government and we availed of it. It was a different matter that we were successful. Even then, we would sit as the largest party in the Opposition and the next Government would have to seek our cooperation to run the House. We assure them that we would extend our full cooperation.

While concluding, the Prime Minister, Shri Atal Bihari Vajpayee announced that he was going to tender his resignation to the President of India.

The Speaker, Shri P.A Sangma thereupon observed that in view of the resignation announced by the Prime Minister on the floor of the House,



the putting of the Motion of Confidence to the vote of the House had become infructuous and also that no other listed business of the House for the day could be taken up. The Speaker, thereafter, adjourned the House *sine die*.

*Motion of Confidence in the Council of Ministers:* Moving the Motion in the Lok Sabha on 11 June 1996, the Prime Minister, Shri H.D. Deve Gowda said that the mandate of the people in the 1996 General Elections was for a coalition Government. The Government had a Common Minimum Programme (CMP) which had spelt out the priorities. The Congress (I), while extending its support to the Government, had not put any conditions. At this critical juncture, when the political atmosphere was so confused, we should function with necessary cooperation.

Participating in the discussion\*, Shri Somnath Chatterjee said that the Lok Sabha would shortly prove to the world that here was a legitimate Government which had the support of 77 per cent of the electorate and a majority support inside the House. The Prime Minister had a great duty to provide a pro-poor, humane, transparent and progressive administration to usher in a progressive and economically strong India.

Supporting the Motion, Shri Sharad Yadav pointed out that the BJP had formed a Government even though they did not enjoy a majority in the House. That had happened for the first time in the history of the country.

Opposing the Motion, Shri Madhukar Sarpotdar said that all the religions in the country should get equal treatment. There should be no discrimination of any kind against anybody. The laws of the land should be equally applicable to all the people and the rights guaranteed by the Constitution should be equally enjoyed by all.

Shri Kanshi Ram observed that so long as the social system prevalent in the country was not changed, there could be no social justice. There should first be a change in the social system which should be followed by a change in the economic system.

The Minister of Defence, Shri Mulayam Singh Yadav said that the United Front had been constituted after due thought and deliberations. The United Front had already prepared its policies and programmes and placed them before the country.

Shri Surjit Singh Barnala wanted that the Centre should give more powers to the States. If all parties were to form a National Government, we would support it. But the current problem was that there were 13 parties in the ruling United Front. Differences might crop up any time among these parties, leading to the Government's downfall.

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\*The other members who took part in the discussions were Sarvashri A.R. Antulay, Chaturanan Mishra, Rajesh Pilot, Anand Mohan, N.K. Prémachandran, Surender Singh, Louis Islary, Gulam Rasool Kar, Prof. G.G. Swell, Prof. Rita Verma, Smt. Sushma Swaraj and Kum. Mamata Banerjee

Shri Chitta Basu felt that the installation of the United Front Government symbolized the victory of all progressive, democratic and secular forces in the country. It also represented a new era in the Indian political system. The new era, as the mandate had clearly shown, was an era of coalition.

Supporting the Motion, Shri Birendra Prasad Baishya said that in the 1996 General Elections, the people had voted in favour of secularism.

Taking part in the discussion on 12 June 1996, the Minister of Finance, Shri P. Chidambaram said that the effort had been to broaden the political, economic and social consensus that was needed to be built to govern a country so complex and so pluralistic as India. What had been done was to put together a programme which had a tremendous appeal to the hard-working middle class and to the peasants and farmers of India.

Shri Alemao Charchil Braz said that the United Goa Democratic Party and the people of Goa had always stood for secularism. Communal fundamentalism would spell doom for the minorities and the need of the hour was to suppress such forces.

Supporting the Motion, Shri S. Bangarappa said that the verdict of the people had given a hung Parliament and naturally in favour of a coalition Government of several parties having divergent views as expressed in their election manifestoes. However, it was necessary for like-minded parties to come together.

Shri G.M. Banatwalla said that while the CMP assured non-imposition of any uniform civil code or changes in personal laws, there was no identification of any concrete action plan for the economic and educational development of the minorities.

Shri Narayan Dutt Tiwari observed that we should make sincere efforts to present a good Government before the country even while remaining committed to our compulsions, party politics and election manifestoes.

Shri Salahuddin Owaisi suggested that a Commission under the relevant laws should be constituted to ascertain the reasons behind the declining number of Government jobs for the Muslims and to initiate measures to improve the situation.

Supporting the Motion, Shri P.V. Narasimha Rao said that the mandate of 1996 was the most difficult mandate the people of India had ever given. There was no question of all of us going back to the people for another mandate. The Congress (I) did not hesitate to authoritatively state even before talking to other parties and even before the confabulations were going on as to what we wanted to do. We were very clear as to what we were not going to do and that was to support the BJP. The BJP programme had some very salient points on which we had not only a very strong reservation but we were diametrically opposed to those programmes. Having such differences, there was no question of the Congress (I) ever

lending its support to the BJP Government. So far as the understanding with the United Front was concerned, the understanding was that the Congress (I) would not allow the Government to fall under any circumstances. The Prime Minister would get full support in all matters in the implementation of the Government's programmes, the rule of law and also whatever had been said in their programme about eradication of corruption.

Opposing the Motion, the Leader of the Opposition in the Lok Sabha, Shri Atal Bihari Vajpayee pointed out that while it was true that no party had received a majority in the General Elections, it was equally true that the BJP had emerged as the single largest party. To say that a coalition era had dawned was not correct because even in 1977 and 1989, coalition Governments had worked in the Centre. Coalition arrangements would become successful where a major party got the cooperation of smaller parties to form a majority. The constituents of the United Front neither forged an alliance before the elections nor did they put forward a common programme. They had since united simply to keep the BJP out of power. The BJP wanted a national debate on secularism and we had succeeded in it. Ours was country of many religions and never a theocratic state. There was no question of imposing a uniform civil code. If all the political parties felt the need for such a law, then it could be done. Presently, only the face of power had changed but the character of power should also change which was very important. The country was passing through a very critical time and the only way to come out of it was through consensus. When the United Front Government was formed, we had said that we would support them on merits. The BJP would not oppose the Government merely for the sake of opposition.

Replying to the debate, the Prime Minister, Shri H.D. Deve Gowda said that there was a large measure of consensus on foreign policy which was based on our traditional values, on the experience gained during the freedom struggle and in the post-independence era.

The Motion was adopted.

## **B. OBITUARY REFERENCES**

On 24 May 1996, references were made to the passing away of Dr. Govind Das Richhariya and Sarvashri Tarun Kanti Ghosh, Onkar Lal Berwa, Hukam Chand Kachwai, Ram Swarup and Prakash Koho Brahm Bhatt, all former members. Members stood in silence for a short while as a mark of respect to the deceased. On 10 June 1996, the House made references to the passing away of the former President of India, Dr. Neelam Sanjiva Reddy and Sarvashri Ram Charan, Valmiki Choudhury, D.D. Puri, P.A. Anthony and Vijay Pal Singh, all former members. As a mark of respect to the deceased, members stood in silence for a short while and thereafter the House was adjourned for the day. On 12 June 1996, references were made to the passing away of Shri Shyam Lal Kamal and Shri Raghavendra Singh, both former members. Members stood in silence for a short while as a mark of respect to the deceased.

## RAJYA SABHA HUNDRED AND SEVENTY-SEVENTH SESSION\*

The Rajya Sabha met for its Hundred and Seventy-seventh Session on 24 May 1996 and adjourned *sine die* on 30 May 1996. The House held only two sittings on 24 May and 30 May 1996. The Rajya Sabha was prorogued on 13 June 1996.

There were no discussions and legislative business before the House. The Question Hour was also not held. Fifty-nine newly elected members subscribed oath and took their seats in the House which constituted the major part of the proceedings.

Obituary references were made to the passing away of Dr. Govind Das Richharia, Shri Dev Datt Puri and Prof. Rasheeduddin Khan, all former members. Members stood in silence for a short while as a mark of respect to the deceased.

### STATE LEGISLATURES

#### ASSAM LEGISLATIVE ASSEMBLY\*\*

The Ninth Assam Legislative Assembly, which commenced its last Session (Budget Session) on 18 March 1996, was prorogued on 22 March 1996. There were five sittings in all.

*Address by the Governor* : The Governor of Assam addressed the House on 18 March 1996. The Motion of Thanks on the Governor's Address was moved by Shri Abdul Jalil Ragibi. The Motion was discussed for two days and was adopted by the House.

*Financial business* : During the Session, the Finance Minister presented the list of Supplementary Demands for Grants for 1995-1996 which were discussed and passed by the House. The Assam Appropriation (No. 1) Bill, 1996, was also introduced, considered and passed by the House. On 19 March 1996, the Annual Financial Statement of the Government of Assam for the year 1996-97 was passed. The Vote-On-Account for four months of the financial year 1996-97 was also passed by the House.

*Legislative business*: During the Session, eight Government Bills, including two Appropriation Bills were introduced, considered and passed by the House. The Bills were: (i) The Assam College Education (Provincialisation) Bill, 1996; (ii) The Assam Junior College Education (Provincialisation) Bill, 1996; (iii) The Assam Classical Institutions (Sanskrit and Pali Prakrit) (Provincialisation) Bill, 1996; (iv) The Assam Administrative Tribunal (Amendment) Bill, 1996; (v) The Lalung (Tiwa) Autonomous Council (Amendment) Bill, 1996; (vi) The Rabha Hasong Autonomous Council (Amendment) Bill, 1996; (vii) The Assam Appropriation (No.1) Bill, 1996; and (viii) The Assam Appropriation (Vote-On-Account) Bill, 1996.

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

\*\*Material contributed by the Assam Legislative Assembly Secretariat

*Obituary references:* During the Session, obituary references were made on the passing away of twenty-one leading personalities. Obituary references were also made on the tragic death of about 312 persons, mostly school children, in the sad fire incident which occurred in Dabwali Town of Haryana on 23 December 1995.

The Tenth Assam Legislative Assembly commenced its First Session on 12 June 1996 and was prorogued on 15 June 1996. There were four sittings in all.

*Election of Speaker and Deputy Speaker:* The election to the Office of the Speaker was held on 12 June 1996. Shri Ganesh Kutum, a member belonging to the Asom Gana Parishad, was elected unopposed as the Speaker. Shri Nurul Hussain, a member belonging to the AGP, was elected unopposed as the Deputy Speaker of the Assembly.

*Address by the Governor:* The Governor of Assam addressed the House on 13 June 1996. The Motion of Thanks on the Governor's Address was moved by Shri Hitendra Nath Goswami and seconded by Shri Atul Bora. The Motion was discussed for two days and was adopted by the House on 15 June 1996.

*Financial business:* During the Session, the Chief Minister, who also holds the charge of Finance, presented the Vote-on-Account for 1996-97.

*Legislative business:* During the Session, two Ordinances, viz. The Assam Contingency Fund (Amendment), Ordinance, 1996 (Assam Ordinance No. II of 1996) and The Assam Contingency Fund (Amendment) Ordinance, 1996 (Assam Ordinance No. III of 1996) were laid and two Bills in this respect were introduced, considered and passed. The House also passed the Assam Appropriation (No. II) Bill, 1996.

*Obituary references:* On 12 June 1996, obituary references were made on the demise of ten leading personalities and also to those people who lost their lives in the violence at Gossaigaon, Kokrajhar and Merapani.

#### MAHARASHTRA LEGISLATIVE ASSEMBLY\*

The First Session of the year 1996 of the Maharashtra Legislative Assembly commenced on 18 March 1996 and was prorogued on 22 March 1996. There were four sittings in all.

*Address by the Governor:* The Governor of Maharashtra addressed the members of both the Houses assembled together on 18 March 1996. Later, the Motion of Thanks was moved and adopted by the House.

*Financial business:* On 19 March 1996, the Finance Minister presented the Supplementary Demands for the year 1995-96 and the Budget (Vote-on-Account) for the year 1996-97. A Motion for the Vote-on-Account, for grant of expenditure for the next four months, was moved and passed on

\*Material contributed by the Maharashtra Legislature Secretariat

21 March 1996. Thereafter, the Supplementary Demands, the Vote-on-Account, and the Appropriation Bills were passed on 22 March 1996.

**Legislative business :** During the Session, the following Bills were passed by the Legislative Assembly: (i) The Maharashtra Krishna Valley Development Corporation Bill, 1996; (ii) The Maharashtra (Supplementary) Appropriation Bill, 1996; and (iii) The Maharashtra Appropriation (Vote-on-Account) Bill, 1996.

**Obituary references :** During the Session, obituary references were made on the passing away of four former members of the Legislative Assembly.

### WEST BENGAL LEGISLATIVE ASSEMBLY\*

The Eleventh West Bengal Legislative Assembly, which commenced its Tenth Session on 8 February 1996, was adjourned *sine die* on 2 March 1996. The House was prorogued on 7 March 1996. There were fourteen sittings in all.

**Address by the Governor:** The Governor of West Bengal, Shri K.V. Raghunath Reddy addressed the House on 8 February 1996. The Motion of Thanks was moved and discussed for four days and was adopted by the House.

**Financial business :** During the Session, a Motion for Vote-on-Account for grant of expenditure for the next four months was moved by the Finance Minister who also placed before the House the Annual Financial Statement of the Government of West Bengal for the year 1996-97. The Motion for Vote-on-Account was passed on 27 February 1996. On 26 February 1996, the Statement of Supplementary Expenditure for the year 1995-96 was presented. Later, it was discussed and passed on 28 February 1996.

**Legislative business:** During the Session, 14 Bills were introduced and passed by the House. Some of the important Bills were: The West Bengal Acu-puncture system of Therapy Bill, 1996; The Calcutta Municipal Corporation (Amendment) Bill, 1996; The West Bengal Fire Services (Amendment) Bill, 1996; The West Bengal Primary Education (Amendment) Bill, 1996; The West Bengal Appropriation Bill, 1996; and the West Bengal Appropriation (Vote-on-Account) Bill, 1996.

**Obituary references:** During the Session, obituary references were made on the demise of Shri Beant Singh, Chief Minister of Punjab, Mr. Yitzhak Rabin, Prime Minister of Israel, Shri Nandamuri Tarak Rama Rao, the founder of the Telugu Desam and Chairman of the National Front and Mr. Francois Maurice Mitterand, the former President of France. Obituary references were also made on the demise of Shri Salil Chowdhury, the eminent musician and lyricist, Shri Haripada Jana, an MLA and other former members and dignitaries.

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\*Material contributed by the West Bengal Legislative Assembly Secretariat

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**APPENDIX I**  
**STATEMENT SHOWING THE WORK TRANSACTED**  
**DURING THE HUNDRED AND SEVENTY-SEVENTH**  
**SESSION OF THE RAJYA SABHA**

1. PERIOD OF THE SESSION	24 May to 30 May 1996
2. NUMBER OF SITTINGS HELD	2
3. TOTAL NUMBER OF SITTING HOURS	1 hours and 6 minutes
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
i) Pending at the commencement of the Session	31*
ii) Introduced	Nil
iii) Laid on the Table as passed by the Lok Sabha	Nil
iv) Returned by the Lok Sabha with any amendment	Nil
v) Referred to Select Committee by the Rajya Sabha	Nil
vi) Referred to Joint Committee by the Rajya Sabha	Nil
vii) Referred to the Departmentally related Standing Committees	Nil
viii) Reported by Select Committee	Nil
ix) Reported by Joint Committee	Nil
x) Reported by the Departmentally related Standing Committees	Nil
xi) Discussed	Nil
xii) Passed	Nil
xiii) Withdrawn	Nil
xiv) Negatived	Nil
xv) Part-discussed	Nil
xvi) Returned by the Rajya Sabha without any recommendation	Nil
xvii) Discussion postponed	Nil
xviii) Pending at the end of the Session	31
6. PRIVATE MEMBERS' BILLS	
i) Pending at the commencement of the Session	58
ii) Introduced	Nil
iii) Laid on the Table as passed by the Lok Sabha	Nil
iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
v) Reported by Joint Committee	Nil
vi) Discussed	Nil
vii) Withdrawn	Nil
viii) Passed	Nil
ix) Negatived	Nil
x) Circulated for eliciting opinion	Nil
xi) Part-discussed	Nil

\*Four more Bills which were pending at the end of the 176th Session of the Rajya Sabha have lapsed on the dissolution of the Tenth Lok Sabha

xii) Discussion postponed	Nil
xiii) Motion for circulation of Bill negated	Nil
xiv) Referred to Select Committee	Nil
xv) Lapsed due to the retirement/death of member-in-charge of the Bill	Nil
xvi) Pending at the end of the Session	58
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)</b>	
i) Notices received	Nil
ii) Admitted	Nil
iii) Discussions held	Nil
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling attention to matters of urgent public importance) Statements made by Ministers</b>	Nil
<b>9. HALF-AN-HOUR DISCUSSIONS HELD</b>	
<b>10. STATUTORY RESOLUTIONS</b>	
i) Notices received	Nil
ii) Admitted	Nil
iii) Moved	Nil
iv) Adopted	Nil
v) Negated	Nil
vi) Withdrawn	Nil
<b>11. GOVERNMENT RESOLUTIONS</b>	
i) Notices received	Nil
ii) Admitted	Nil
iii) Moved	Nil
iv) Adopted	Nil
<b>12. PRIVATE MEMBERS' RESOLUTIONS</b>	
i) Received	Nil
ii) Admitted	Nil
iii) Discussed	Nil
iv) Withdrawn	Nil
v) Negated	Nil
vi) Adopted	Nil
vii) Part-discussed	Nil
viii) Discussion postponed	Nil
<b>13. GOVERNMENT MOTIONS</b>	
i) Notices received	Nil
ii) Admitted	Nil
iii) Moved	Nil
iv) Adopted	Nil
v) Part-discussed	Nil
<b>14. PRIVATE MEMBERS' MOTIONS</b>	
i) Received	Nil
ii) Admitted	Nil

iii) Moved	Nil
iv) Adopted	Nil
v) Part-discussed	Nil
vi) Negatived	Nil
vii) Withdrawn	Nil
<b>15. MOTION REGARDING MODIFICATION OF STATUTORY RULE</b>	
i) Received	Nil
ii) Admitted	Nil
iii) Moved	Nil
iv) Adopted	Nil
v) Negatived	Nil
vi) Withdrawn	Nil
vii) Part-discussed	Nil
viii) Lapsed	Nil
<b>16. NUMBER, NAME AND DATE OF THE PARLIAMENTARY COMMITTEE CREATED, IF ANY</b>	Nil
<b>17. TOTAL NUMBER OF VISITORS' PASSES ISSUED</b>	145
<b>18. TOTAL NUMBER OF PERSONS VISITED</b>	194
<b>19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED</b>	145 on 24.5.96
<b>20. MAXIMUM NUMBER OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED</b>	150 on 24.5.96
<b>21. TOTAL NUMBER OF QUESTIONS ADMITTED</b>	
i) Starred	Nil
ii) Unstarred	Nil
iii) Short Notice Questions	Nil
<b>22. DISCUSSION ON THE WORKING OF THE MINISTRIES</b>	Nil

## 23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 April to 30 June 1996	No. of Reports presented during the 177th Session
1	2	3	4
(i)	Business Advisory Committee	Nil	Nil
(ii)	Committee on Subordinate Legislation	1	Nil
(iii)	Committee on Petitions	Nil	Nil
(iv)	Committee on Privileges	—	—
(v)	Committee on Rules	—	—
(vi)	Committee on Government Assurances	Nil	Nil
(vii)	Committee on Papers Laid on the Table	2	Nil

## DEPARTMENTALLY RELATED STANDING COMMITTEES

(viii)	Commerce	Nil	Nil
(ix)	Home Affairs	Nil	Nil
(x)	Human Resource Development	Nil	Nil
(xi)	Industry	Nil	Nil
(xii)	Science & Technology, Environment & Forests	Nil	Nil
(xiii)	Transport and Tourism	Nil	Nil

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE

Nil

25. PETITIONS PRESENTED

Nil



## 26. NAME OF NEW MEMBERS SWORN IN WITH DATES

Sl. No.	Name of Members sworn in	Date on which sworn in
1	2	3
<b>MADHYA PRADESH</b>		
1.	Shri Sikander Bakht	24-5-96
<b>MAHARASHTRA</b>		
2.	Shri S.B. Chavan	-do-
<b>ANDHRA PRADESH</b>		
3.	Dr. Y. Lakshmi Prasad	-do-
4.	Dr. Y Radhakrishna Murty	-do-
5.	Dr. D. Venkateshwar Rao	-do-
6.	Shri Solipeta Ramachandra Reddy	-do-
7.	Shri Saifulla	-do-
<b>ASSAM</b>		
8.	Shri Kamedu Bhattacharjee	-do-
9.	Shrimati Basanti Sarma	-do-
<b>BIHAR</b>		
10.	Maulana Obaidullah Khan Azmi	-do-
11.	Shri Prem Chand Gupta	-do-
12.	Shri Gyan Ranjan	-do-
13.	Shri Jagdambi Mandal	-do-
14.	Shri Nagendra Nath Ojha	-do-
15.	Shri Shatrughan Prasad Sinha	-do-
16.	Shri Ranjan Prasad Yadav	-do-
<b>GUJARAT</b>		
17.	Shri Bangaru Laxman	-do-
18.	Shri Brahmakumar Bhatt	-do-
19.	Shri Anantray Devshanker Dave	-do-
20.	Shri Gopalsinh G. Solanki	-do-
<b>HARYANA</b>		
21.	Shri Banarsi Das Gupta	-do-
22.	Shri Lachhman Singh	-do-
<b>HIMACHAL PRADESH</b>		
23.	Shrimati Chandresh Kumari	-do-

**KARNATAKA**

- |     |                        |         |
|-----|------------------------|---------|
| 24. | Shri Ramakrishna Hedge | 24.5.96 |
| 25. | Shri C.M. Ibrahim      | -do-    |
| 26. | Shri S.M. Krishna      | -do-    |

**MADHYA PRADESH**

- |     |                           |      |
|-----|---------------------------|------|
| 27. | Shri Lakkhiram Agarwal    | -do- |
| 28. | Shri Suresh Pachouri      | -do- |
| 29. | Shri Abdul Gaiyur Qureshi | -do- |
| 30. | Shri Surendra Kumar Singh | -do- |

**MAHARASHTRA**

- |     |                               |      |
|-----|-------------------------------|------|
| 31. | Shri Vedprakash P. Goyal      | -do- |
| 32. | Shri Suresh A. Keswani        | -do- |
| 33. | Shri Mukesh R. Patel          | -do- |
| 34. | Shri N.K.P. Salve             | -do- |
| 35. | Shri Adhik Shirodkar          | -do- |
| 36. | Shri Suryabhan Patil Vahadane | -do- |

**MANIPUR**

- |     |                     |      |
|-----|---------------------|------|
| 37. | Shri W. Angou Singh | -do- |
|-----|---------------------|------|

**ORISSA**

- |     |                          |      |
|-----|--------------------------|------|
| 38. | Shri Maurice Kujur       | -do- |
| 39. | Shrimati Jayanti Patnaik | -do- |
| 40. | Shri Dilip Ray           | -do- |
| 41. | Shri Ananta Sethi        | -do- |

**RAJASTHAN**

- |     |                           |      |
|-----|---------------------------|------|
| 42. | Shri Ramdas Agarwal       | -do- |
| 43. | Dr. Mahesh Chandra Sharma | -do- |

**TAMIL NADU**

- |     |                           |      |
|-----|---------------------------|------|
| 44. | Shri S. Peter Alphonse    | -do- |
| 45. | Shri R.K. Kumar           | -do- |
| 46. | Shri S. Niraikulathan     | -do- |
| 47. | Shri P. Soundararajan     | -do- |
| 48. | Shri N. Thalavai Sundaram | -do- |
| 49. | Shri T.M. Venkatachalam   | -do- |

**WEST BENGAL**

- |     |                       |      |
|-----|-----------------------|------|
| 50. | Shri Debabrata Biswas | -do- |
| 51. | Shri Dawa Lama        | -do- |

52. Shri Md. Salim -do-  
 53. Dr. (Smt.) Bharati Ray -do-  
 54. Shri Bratin Sengupta -do-

**ANDHRA PRADESH**

55. Smt. Jayaprada Nahata 30.5.96

**ARUNACHAL PRADESH**

56. Shri Nabam Rebia -do-

**ASSAM**

57. Shri Prakanta Warisa -do-

**MEGHALAYA**

58. Shri Onward L. Nongdu -do-

**RAJASTHAN**

59. Shri Krishna Kumar Birla -do-

**27. OBITUARY REFERENCES**

Sl. No.	Name of Members	Sitting member/ Ex-member/dignitary
1	2	3
1.	Dr. Govind Das Richharia	Ex-member
2.	Shri Dev Datt Puri	Ex-member
3.	Prof. Rasheeduddin Khan	Ex-member

APPENDIX II

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD  
1 APRIL TO 30 JUNE 1998

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
<b>STATES</b>							
Andhra Pradesh L.A.*	—	—	—	—	—	—	—
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—
Assam L.A.	24.6.96 to 26.6.96	24	—	—	3378(2814)	(390)	763(85)
Bihar L.A.**	—	—	—	—	—	—	—
Bihar L.C.*	—	—	—	—	—	—	—
Delhi L.A.**	—	—	—	—	—	—	—
Goa L.A.**	—	—	—	—	—	—	—
Gujarat L.A.	—	—	—	—	—	244(99)	—
Haryana L.A.	22.5.96 24.5.96	3	—	—	—	—	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.A.⊙	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—
Karnataka L.A.*	—	—	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—
Kerala L.A.	29.5.96 to 29.7.96	14	2(1)	—	579(467)	5343(5232)	6(1)
Madhya Pradesh L.A.**	—	—	—	—	—	—	—

1	2	3	4	5	6	7	8
Maharashtra L.A.**	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—
Manipur L.A.*	—	—	—	—	—	—	—
Meghalaya L.A.**	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—
Nagaland L.A.**	—	—	—	—	—	—	—
Orissa L.A.	26.6.96 to 01.8.96	3	1(1)	—	354(90)	311(454)	—
Punjab L.A.	—	—	—	—	6(6)	30(22)	—
Rajasthan L.A.	27.6.96 to 24.7.96	19	4(5)	—	2060(1916)	1438(1311)	20(16)a
Sikkim L.A.**	—	—	—	—	—	—	—
Tamil Nadu L.A.*	14.2.96 to 01.3.96	11	10(10)	—	13(b)	(57)	1(1)
Tripura L.A.*	—	—	—	—	—	—	—
Uttar Pradesh L.A.*	—	—	—	—	—	—	—
Uttar Pradesh L.C.*	—	—	—	—	—	—	—
West Bengal L.A.	10.6.96 to 24.7.96	33	17(16)	—	1446(874)	711(552)	4(6)
<b>UNION TERRITORIES</b>							
Pondicherry L.A.*	—	—	—	—	—	—	—

\*Information not received from the State/Union territory Legislatures

\*\*Information received from the State Legislatures contained Nil Report

⊙ Dissolved since 19.2.90

Notes : (a) Non-Session Period : Notices received : 27; Notices admitted : 24

(b) Questions : Notices received : 165





	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Uttar Pradesh L.C.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.	11(11)	—	1	—	—	—	—	—	—	—	—	—	—	—	1	1 <sup>00</sup>
UNION TERRITORIES																
Pondicherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

\*Information not received from State/Union territory Legislatures

\*\*Information received from State/Union territory Legislatures contained NIL Report

0 Dissolved since 19.2.90

Notes :

- (a) Women & Child Development Committee-3 sittings; Zila Panishad and Zila Panchayati Raj Committee-41 sittings; Question and Calling Attention Committee-11 sittings and 8 reports; Internal Resources and Central Assistance Committee-23 sittings; Nivedan Committee-4 sittings
- (b) Committee on Unauthorised Construction-3 sittings
- (c) Committee on Panchayati Raj-2 sittings; Committee on Welfare of Scheduled Tribes-1 sitting; Committee on Welfare of Socially and Economically Backward Classes, Nomadic Tribes and Denotified Tribes-2 sittings; Committee on Papers Laid on the Table of the House-1 sitting; Committee on Absence of Members-1 sitting; Members' Allowances Rules Committee-1 sitting
- (d) Press Gallery Committee-1 sitting
- (e) Agriculture and Horticulture Committee-4 sittings; General Administration Committee-4 sittings; Health and Family Welfare Committee-7 sittings; Tourism Committee-7 sittings; Committee on Forest-4 sittings
- (f) Committee on the Welfare of Backward Class Communities-No sitting and 1 report
- (g) Question and References Committee-3 sittings; Women and Children Welfare Committee-4 sittings; Committee Examining the Papers Laid on the Table-3 sittings
- (h) Committee of V.J.N.T.-4 sittings; Panchayati Raj Committee-9 sittings; Employment Guarantee Scheme Committee-4 sittings; Catering Committee-1 sitting
- (i) Committee of V.J.N.T.-4 sittings; Panchayati Raj Committee-9 sittings; Employment Guarantee Scheme Committee-4 sittings; Catering Committee-1 sitting
- (j) Committee on Papers laid on the Table-6 sittings; Speaker Advisory Committee-1 sitting; House Committee on Environment-1 sitting; House Committee on Women's Welfare-3 sittings; House Committee on Linguistic Minorities-2 sittings; House Committee on Prawn Culture-2 sittings; Subject Committee on Panchayati Raj-1 sitting



- (k) Committee on Papers laid/to be laid on the Table-1 sitting
- (l) Women and Child Welfare Committee-19 sittings; Question and Reference Committee-17 sittings and 1 report
- (m) Committee on Papers Laid on the Table of the House-2 sittings and 6 reports
- (n) Subject Committee on Environment-1 sitting

## APPENDIX III

**LIST OF BILLS PASSED BY THE LEGISLATURES OF THE STATES AND THE UNION TERRITORIES DURING THE PERIOD 1 APRIL TO 30 JUNE 1996**

**KERALA LEGISLATIVE ASSEMBLY**

1. The Kerala Appropriation (Vote on Account No. 2) Bill, 1996

**ORISSA LEGISLATIVE ASSEMBLY**

1. The Orissa Labour Welfare Fund Bill, 1996

**RAJASTHAN LEGISLATIVE ASSEMBLY**

1. The Rajasthan Industrial Area Development Authority Bill, 1996
2. The Motor Vehicles (Rajasthan Amendment) Bill, 1996
3. The Rajasthan Preventive Detention (Repealing) Bill, 1996
4. The Rajasthan Appropriation (No. 3) Bill, 1996
5. The Rajasthan Municipalities (Amendment and Validation) Bill, 1996

**TAMIL NADU LEGISLATIVE ASSEMBLY**

- \*1. The Code of Criminal Procedure (Tamil Nadu Amendment) Bill, 1996
- \*2. The Tamil Nadu Agricultural Income Tax (Amendment) Bill, 1996
- \*3. The Tamil Nadu Agricultural Income Tax (Second Amendment) Bill, 1996
- \*4. The Tamil Nadu Agricultural Income Tax (Third Amendment) Bill, 1996
- \*5. The Land Acquisition (Tamil Nadu Amendment) Bill, 1996
- \*6. The Tamil Nadu Specified Commodities Markets (Regulation of Location) Bill, 1996
- \*7. The Tamil Nadu Agricultural University (Amendment) Bill, 1996
8. The Tamil Nadu Appropriation (Vote on Account) Bill, 1996
9. The Tamil Nadu General Sales Tax (Amendment) Bill, 1996
10. The Tamil Nadu Appropriation Bill, 1996

**WEST BENGAL LEGISLATIVE ASSEMBLY**

- 1 The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Service and Posts) (Amendment) Bill, 1996
- 2 The Appollo Zipper Company (Private) Limited (Acquisition and Transfer of Undertakings) Bill, 1996
- 3 The Lily Biscuit Company (Private) Limited (Acquisition and Transfer of Undertakings) Bill, 1996

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\* Awaiting assent

4. The Lily Barley Mills (Private) Limited (Acquisition and Transfer of Undertakings) Bill, 1996
5. The West Bengal Revenue Intelligence (Collection and Monitoring of Information) Bill, 1996
- \*6. The Bengal Agra and Assam Civil Courts (West Bengal Amendment) Bill, 1996
- \*7. The Registration (West Bengal Amendment) Bill, 1996
- \*8. The West Bengal Land Reforms (Amendment) Bill, 1996
9. The West Bengal Finance Bill, 1996
10. The West Bengal Minorities Commission Bill, 1996
11. The West Bengal Minorities Development and Finance Corporation (Amendment) Bill, 1996
12. The Darjeeling Gorkha Hill Council (Amendment) Bill, 1996
13. The West Bengal Industrial Infrastructure Development Corporation (Amendment) Bill, 1996
14. The Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Bill, 1996
15. The West Bengal Building Tax Bill, 1996
16. The West Bengal Appropriation (No. 2) Bill, 1996

**APPENDIX IV**  
**ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD**  
**1 APRIL TO 30 JUNE 1996**

Sl. No.	Title of Ordinance	Date of promulgation	Date(s) on which laid before the House	Date of Cessation	Remarks
<b>UNION GOVERNMENT</b>					
1.	The Representation of the People (Amendment) Ordinance, 1996	25.4.96	24.5.96	3.7.96	—
2.	The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ordinance, 1996	20.6.96	10.7.96	21.8.96	—
3.	The Industrial Disputes (Amendment) Third Ordinance, 1996	20.6.96	-do-	-do-	—
4.	The Employees' Provident Fund and Miscellaneous Provisions (Amendment) Third Ordinance, 1996	-do-	-do-	-do-	—
5.	The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996	-do-	-do-	-do-	—
6.	The Building and other Construction Workers Welfare Cess Third Ordinance, 1996	21.6.96	-do-	-do-	—
7.	The Arbitration and Conciliation Third Ordinance, 1996	-do-	-do-	-do-	—
8.	The Depositories Ordinance, 1996	-do-	-do-	-do-	—
9.	The Supreme Court and High Court Judges (Conditions of Service) Amendment Third Ordinance, 1996	-do-	-do-	-do-	Replaced by legislation

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
10.	The Constitution (Scheduled Tribes) Order (Amendment) Third Ordinance, 1996	-do-	-do-	-do-	-
<b>STATE GOVERNMENTS</b>					
<b>BIHAR</b>					
1.	Bihar College Service Commission (Amendment) Second Ordinance, 1996	26.4.96	-	-	-
2.	Jharkhand Area Autonomous Council (Amendment) Second Ordinance, 1996	7.5.96	-	-	-
3.	Bihar Taxation Law (Amendment and Validation) Ordinance, 1996	14.6.96	-	-	-
<b>GUJARAT</b>					
1.	The Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Ordinance, 1996	18.6.96	-	-	-
2.	Bombay Land Revenue Code (Gujarat Amendment) Ordinance, 1996	26.6.96	-	-	-
3.	The Gujarat Tenancy and Agricultural Lands Laws (Amendment) Ordinance, 1996	26.6.96	-	-	-
<b>KERALA</b>					
1.	The Malabar University Ordinance, 1996	26.3.96	16.7.96	10.7.96	Lapsed
<b>MADHYA PRADESH</b>					
1.	The Madhya Pradesh Sitram Kalyan Nidhi (Sanshodhan) Adhyadesh, 1996	7.8.96	-	-	-

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
<b>MAHARASHTRA</b>					
1.	The Bombay Rents, Hotel and Lodging House Rates Control (Extension of Duration) Ordinance, 1996	29.3.96	9.7.96	18.8.96	Replaced by legislation
2.	The Maharashtra Municipal Council, Nagar Panchayats and Industrial Townships (Amendment) Ordinance, 1996	16.5.96	-do-	-do-	—
3.	The Bombay Motor Vehicles Tax (Amendment) Ordinance, 1996	1.6.96	-do-	-do-	—
4.	The Maharashtra Water Supply and Sewerage Board (Amendment) Ordinance, 1996	28.6.96	-do-	-do-	—
5.	The Maharashtra Tax Laws (Levy, Amendment and Validation) Ordinance, 1996	29.6.96	-do-	-do-	—
<b>WEST BENGAL</b>					
1.	The Appolo Zipper Company (Private) Limited (Acquisition & Transfer of Undertakings) Ordinance, 1996	17.6.96	17.7.96	—	Replaced by legislation
2.	The Lily Biscuit Company (Private) Limited (Acquisition & Transfer of Undertakings) Ordinance, 1996	-do-	-do-	-do-	—
3.	The Lily Barley Mills (Private) Limited (Acquisition & Transfer of Undertakings) Ordinance, 1996	-do-	-do-	-do-	—
4.	The West Bengal Minorities Commission Ordinance, 1996	18.3.96	18.6.96	18.7.96	—

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

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

20. Rajasthan	25	12	12	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1 (U)	—	25	
21. Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1 (U)	—	1	
22. Tamil Nadu	39	—	—	—	20	17	—	—	—	—	—	—	—	—	—	—	—	—	—	—	39	
23. Tripura	2	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	
24. Uttar Pradesh	85	52	5	2	—	—	16	—	—	6	—	—	—	—	—	—	—	—	1 2 (K)	1	85	
25. West Bengal	42	—	9	—	23	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7 (U)	—	42
UNION TERRITORIES																						
26. Andaman and Nicobar Islands	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
27. Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
28. Dadra and Nagar Haveli	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
29. Daman and Diu	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
30. Delhi	7	5	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
31. Lakshadweep	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
32. Pondichery	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
<b>TOTAL</b>	<b>543</b>	<b>160</b>	<b>136</b>	<b>43</b>	<b>32</b>	<b>20</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>15</b>	<b>11</b>	<b>11</b>	<b>8</b>	<b>8</b>	<b>31</b>	<b>9</b>	<b>534</b>	<b>3</b>				

a) All India Majlis-e-Itehadul Muslimeen-1

b) Autonomous State Demand Committee-1; Asom Gana Parishad-5

c) Jharkhand Mukti Morcha-1

d) UGPT (Goa)-1, Maharashtrawadi Gomantak Party-1

e) Haryana Vikas Party-3

f) Karnataka Congress Party-1

g) Muslim League-2, Revolutionary Socialist Party-1; and Kerala Congress (M)-1

h) Madhya Pradesh Vikas Congress-1; and All India Congress (T)-1



- i) All India Congress (T)-1
- j) Sikkim Democratic Front-1
- k) All India Congress (T)-2
- l) All India Forward Bloc-3; and Revolutionary Socialist Party-4

**B. PARTY POSITION IN RAJYA SABHA  
AS ON 1 AUGUST 1996**

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

	1	2	3	4	5	6	7	8	9	10	11
20.	Rajasthan	10	3	—	—	—	6	—	1	10	—
21.	Sikkim	1	—	—	—	—	—	1 (g)	—	1	—
22.	Tamil Nadu	18	3	—	—	—	—	15 (h)	—	18	—
23.	Tripura	1	1	—	—	—	—	—	—	1	—
24.	Uttar Pradesh	34	2	2	—	—	10	6 (i)	2	22	12
25.	West Bengal	16	1	—	—	11	—	4 (j)	—	16	—
<b>UNION TERRITORIES</b>											
	Delhi	3	—	—	—	—	3	—	—	3	—
	Pondicherry	1	1	—	—	—	—	—	—	1	—
	Nominated	12	4	—	—	—	—	—	3	7	5
	<b>TOTAL</b>	<b>245</b>	<b>85</b>	<b>23</b>	<b>15</b>	<b>40</b>	<b>48</b>	<b>10</b>	<b>221</b>	<b>24</b>	<b>24</b>

- (a) T.D. (Naidu Group)-8; T.D.-1; C.P.I.-1  
 (b) Asom Gana Parishad - 1; Autonomous State Demand Committee-1  
 (c) C.P.I. - 3  
 (d) M.L. - 2; Kerala Congress (M)-1  
 (e) Shiv Sena - 3  
 (f) Nagaland People's Council - 1  
 (g) Sikkim Sangram Parishad - 1  
 (h) AIADMK - 15  
 (i) Samajwadi Party - 5; Bahujan Samaj Party - 1  
 (l) R.S.P. - 1; C.P.I. - 1; F.B. - 2

**C. PARTY POSITION IN STATE LEGISLATURES  
AS ON 1 JULY 1996**

State/Union territory	Seats	Cong. (I)	Janata Dal	Lok Dal	BJP	CPI (M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.**	—	—	—	—	—	—	—	—	—	—	—
Bihar L.A.	325	29	159	—	42	6	26	38*	13	313*	11
Bihar L.C.**	—	—	—	—	—	—	—	—	—	—	—
Delhi L.A.	70	16	1	—	49	—	—	1*	3	70	—
Goa L.A.**	—	—	—	—	—	—	—	—	—	—	—
Gujarat L.A.	182	44	—	—	120	—	—	—	16	180	2
Haryana L.A.	90	9	—	—	11	—	—	58*	10	88*	1
Himachal Pradesh L.A.	68	52	—	—	7	—	—	—	7	66	2
Jammu & Kashmir L.A.*	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.**	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.C.**	—	—	—	—	—	—	—	—	—	—	—
Kerala L.A.	141	37	4	—	—	38	17	36*	5	137*	3
Madhya Pradesh L.A.	321	171	4	—	110	1	2	14*	8	310*	10
Maharashtra L.A.	289	80	11	—	63	3	—	82*	43	282	7
Maharashtra L.C.	78	35	1	—	13	—	—	15*	12	76	2
Manipur L.A.**	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	60	—	—	—	—	—	—	56*	3	59*	—

	1	2	3	4	5	6	7	8	9	10	11	12
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	60	43	—	—	—	—	—	—	10 <sup>a</sup>	7	60	—
Orissa L.A.	147	77	46	—	—	9	—	1	5 <sup>b</sup>	7	145	2
Punjab L.A.	117	85	1	—	—	4	1	4	13 <sup>a</sup>	5	113	4
Rajasthan L.A.	200	73	3	—	—	99	1	—	—	21	197	3
Sikkim L.A.	32	3	—	—	—	—	—	—	29 <sup>a</sup>	—	32	—
Tamil Nadu L.A.	235	59	—	—	—	—	1	1	168 <sup>m</sup>	1	230	5
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.	295	82	—	—	—	—	150	6	54 <sup>n</sup>	3	295	—
<b>UNION TERRITORIES</b>												
Pondichery L.A.**	—	—	—	—	—	—	—	—	—	—	—	—

<sup>a</sup> Excluding Speaker

<sup>m</sup> Information not received from State Legislature

<sup>n</sup> Disolved since 19.2.90

- (a) Communist Party of India (Maoist)-6; Jharkhand Mukti Morcha (Soren)-16; Jharkhand Mukti Morcha (Maoist)-2; Samata Party-4; Bahujan Samaj Party-2; Marxist Coordination Party-2; Jharkhand Peoples Party-2; Jharkhand Party-1; Champaran Vikas Party-1; Nomintated-1
- (b) Unattached-1
- (c) Haryana Vikas Party-31; Samata Party-24; A.I.C. (T) Party-3
- (d) Muslim League-13; Kerala Congress-6; Revolutionary Socialist Party-5; Kerala Congress (M)-5; Indian Congress (Socialist)-3; Kerala Congress (Jacob)-2; Kerala Congress (B)-1; Janadhipathya Samrakshana Samithy-1
- (e) Bahujan Samaj Party (BSP)-10; Krantikari Samajvadi Manch-1; Chattisgarh Mukti Morcha-1; Bharatiya Republican Party-1; Nominated-1
- (f) Shiv Sena-71; Peasants and Workers Party-6; Samajvadi Party-3; Maharashtra Vikas Party-1; Nagvidarbha Andolan Samiti-1
- (g) Peasants and Workers Party-1; Shiv Sena-12; Republican Party of India-1; Akhil Bharatiya Maratha Mahasangh-1

- (h) UMPF-41; HPU-10; HSPDP-4; PDIC-1  
 Nagaland Peoples Council-10
- (i) J.M.M.-4; J.P.P.-1
- (k) Bahujan Samej Party-9; Shiromani Akali Dal-4  
 Sikkim Democratic Front-19; Unattached-6; Sikkim Sangram Parishad-4
- (m) AIADMK-160; DMK-1; MGR Anna DMK-1; Unattached-4; Nominated-1  
 All India Forward Bloc-21; Revolutionary Socialist Party-18; Democratic Socialist Party-2; Marxist Forward Bloc-2; Socialist Party-3;  
 Socialist Unity Centre of India-2; Gorkha National Liberation Front-3; Forward Bloc (S)-1; Jharkhand Party-1; Nominated-1