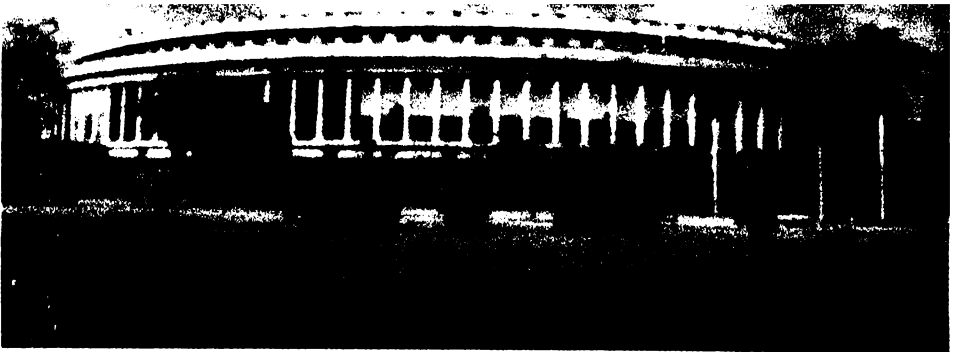


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MARCH 2005

The Journal of Parliamentary Information



LOK SABHA SECRETARIAT, NEW DELHI

THE JOURNAL OF PARLIAMENTARY INFORMATION

EDITOR: P.D.T. Achary

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

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

The latest books on parliamentary and constitutional subjects are reviewed in the *Journal* by members of Parliament and scholars. Books intended for review should be sent to the Editor.

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THE JOURNAL OF PARLIAMENTARY INFORMATION

VOLUME LI**NO. 1****MARCH 2005**

CONTENTS

	PAGE
EDITORIAL NOTE	1
SHORT NOTES	
Unveiling of the Portraits of Subramania Bharathi, Sarat Chandra Bose, Tridib Kumar Chaudhuri and Vasudev Balwant Phadke in Parliament House Complex	3
Unveiling of the Statues of Comrade S.A. Dange, Acharya Narendra Deva and Comrade A.K. Gopalan in Parliament House Complex	5
Unveiling of the Statue of Shaheed Durga Malla in Parliament House Complex	7
PARLIAMENTARY EVENTS AND ACTIVITIES	
Conferences and Symposia	8
Birth Anniversaries of National Leaders	12
Exchange of Parliamentary Delegations	15
Bureau of Parliamentary Studies and Training	16
PROCEDURAL MATTERS	18
PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS	22
DOCUMENTS OF CONSTITUTIONAL AND PARLIAMANTARY INTEREST	34
SESSIONAL REVIEW	
Lok Sabha	56
Rajya Sabha	68
State Legislatures	95
RECENT LITERATURE OF PARLIAMENTARY INTEREST	99

APPENDICES

I. Statement showing the work transacted during the Third Session of the Fourteenth Lok Sabha	106
II. Statement showing the work transacted during the Two Hundredth and Third Session of the Rajya Sabha	110
III. Statement showing the activities of the Legislatures of the States and Union territories during the period 1 October to 31 December 2004	115
IV. List of Bills passed by the Houses of Parliament and assented to by the President during the period 1 October to 31 December 2004	120
V. List of Bills passed by the Legislatures of the States and the Union territories during the period 1 October to 31 December 2004	121
VI. Ordinances promulgated by the Union and State Governments during the period 1 October to 31 December 2004	124
VII. Party Position in the Lok Sabha, the Rajya Sabha and the Legislatures of the States and the Union territories	128

EDITORIAL NOTE

The history of Indian parliamentary democracy, in a way, has been inextricably linked with the Parliament House and its historic Central Hall. The precincts of Parliament House have statues and busts of stalwarts from our history and contemporary era. The Central Hall of Parliament House is adorned with the portraits of several leaders who have contributed immensely to the national cause. A grateful nation draws inspiration from their contributions. As a mark of respect to them, the statues and portraits of illustrious personalities have been installed from time to time in the Parliament House Complex.

On 3 December 2004, the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat unveiled the Portraits of Subramania Bharathi, Sarat Chandra Bose, Tridib Kumar Chaudhuri and Vasudev Balwant Phadke in the historic Central Hall of the Parliament House. The function was attended, among others, by the Prime Minister of India, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; Former Prime Minister, Shri Atal Bihari Vajpayee; Chairperson of the United Progressive Alliance (UPA), Smt. Sonia Gandhi; Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; Union Ministers; members of Parliament and other distinguished guests. The Prime Minister of India, Dr. Manmohan Singh released the booklets, containing the profiles of the four luminaries, brought out by the Research and Information Division of the Lok Sabha Secretariat.

On 10 December 2004, the Prime Minister of India, Dr. Manmohan Singh unveiled in the Parliament House, the statues of Comrade S.A. Dange, Acharya Narendra Deva and Comrade A.K. Gopalan, whose names had become synonymous with the aspirations of the working class and the underprivileged. The function was attended, among others, by Shri Bhairon Singh Shekhawat, the Vice-President of India and Chairman, Rajya Sabha; Shri Somnath Chatterjee, Speaker, Lok Sabha; Shri Atal Bihari Vajpayee, former Prime Minister; Smt. Sonia Gandhi, Chairperson of the United Progressive Alliance; Shri K. Rehman Khan, Deputy Chairman, Rajya Sabha; Union Ministers; members of Parliament and other distinguished guests.

Earlier, the Vice-President, Shri Bhairon Singh Shekhawat inaugurated an Exhibition set up, on the occasion, by the Parliamentary Museum and Archives (PMA) of the Lok Sabha Secretariat on the "Life and Times" of the three luminaries. The Vice-President also released booklets

containing the profiles of the three leaders brought out by the Research and Information Division of the Lok Sabha Secretariat.

On 17 December 2004, the Prime Minister of India, Dr. Manmohan Singh also unveiled the Statue of Shaheed Durga Malla in the Parliament House Complex. Shaheed Durga Malla occupies a unique position among the great martyrs who dared and defied the British authorities.

The function was attended, among others by Shri Bhairon Singh Shekhawat, the Vice-President of India and Chairman, Rajya Sabha; Shri Somnath Chatterjee, Speaker, Lok Sabha; Smt. Sonia Gandhi, Chairperson, United Progressive Alliance; Shri Pranab Mukherjee, Defence Minister and Leader of the House in the Lok Sabha, Shri L.K. Advani, Leader of the Opposition in the Lok Sabha, Shri Jaswant Singh, Leader of the Opposition in the Rajya Sabha, Shri K. Rehman Khan, Deputy Chairman, Rajya Sabha, Sardar Charnjit Singh Atwal, Deputy Speaker, Lok Sabha, Union Ministers, members of Parliament and other distinguished guests.

At the function, a booklet containing the profile of Shaheed Durga Malla, brought out by the Research and Information Division of the Lok Sabha Secretariat was released by Shri Bhairon Singh Shekhawat, the Vice-President of India and Chairman, Rajya Sabha.

On all the above-mentioned occasions, the Speaker, Lok Sabha, Shri Somnath Chatterjee felicitated the painters and the sculptors. We include in this issue of the *Journal* three Short Notes on 'Unveiling of the Portraits of Subramania Bharathi, Sarat Chandra Bose, Tridib Kumar Chaudhuri and Vasudev Balwant Phadke', 'Unveiling of the Statues of Comrade S.A. Dange, Acharya Narendra Deva and Comrade A.K. Gopalan', and 'Unveiling of the Statue of Shaheed Durga Malla', in Parliament House Complex.

We also carry, in this issue, the other regular features, viz. Parliamentary Events and Activities, Procedural Matters, Documents of Constitutional and Parliamentary Interest, Parliamentary and Constitutional Developments, Sessional Review, Recent Literature of Parliamentary Interest and Appendices.

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

—P.D.T. Acharya
Editor

UNVEILING OF THE PORTRAITS IN PARLIAMENT HOUSE

On 3 December 2004, the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat unveiled the portraits of Subramania Bharathi, Sarat Chandra Bose, Tridib Kumar Chaudhuri and Vasudev Balwant Phadke in the historic Central Hall of the Parliament House.

Subramania Bharathi was a versatile personality. He was a fearless freedom fighter, a staunch nationalist, a man of fortitude, a great social reformer as well as a poet *par excellence*. The creativity, spirit, zeal and awakening in his poems are a great source of inspiration for the people. His life was a crusade against social bondages, against the foreign invaders and all evils. The Portrait of Subramania Bharathi, painted by Shri K.K. Shreedhara, was donated by the Delhi Sourashtra Association.

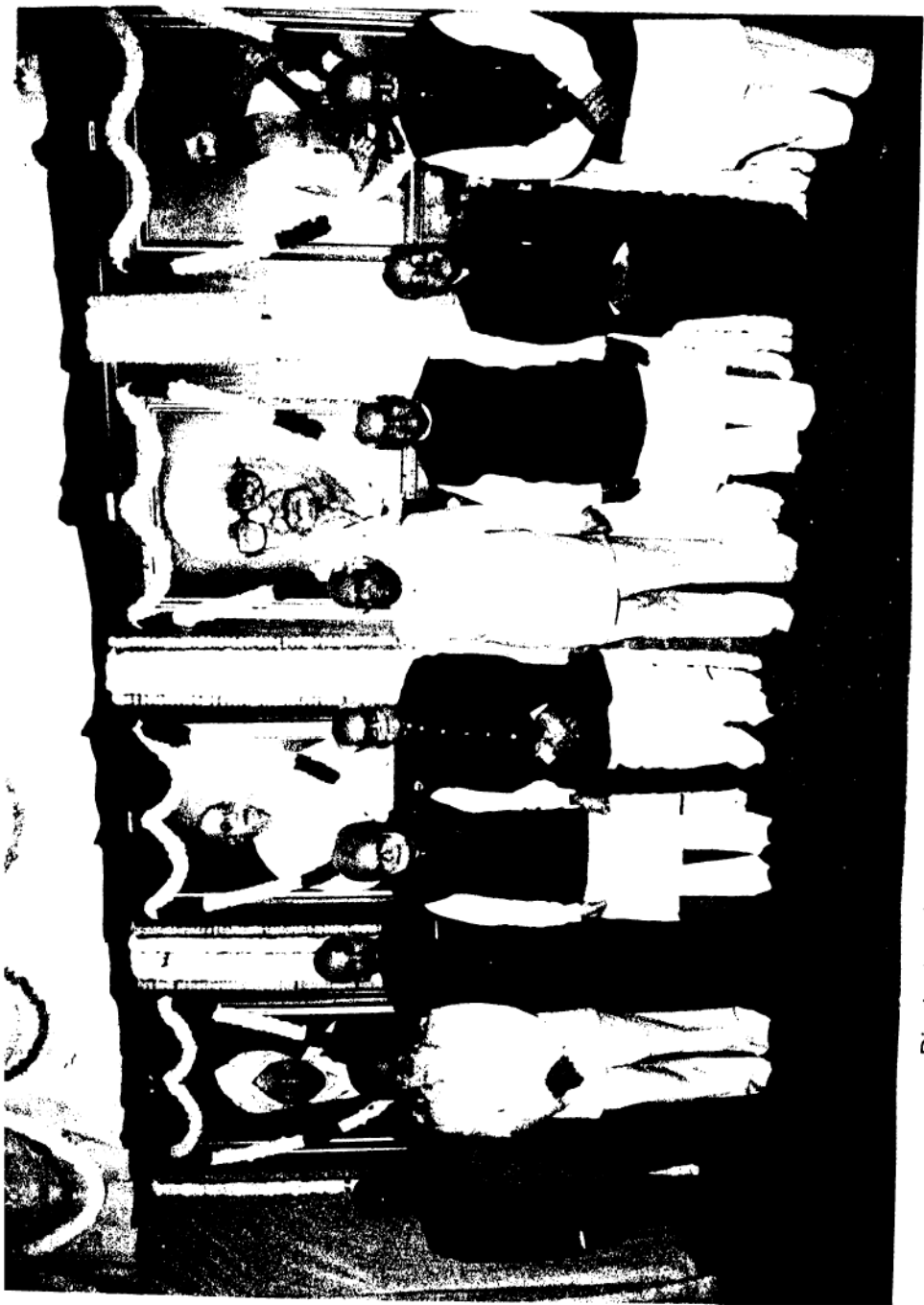
Shri Sarat Chandra Bose was a lawyer of eminence, prolific writer, brilliant orator, an outstanding journalist and a thorough gentleman. A firm believer in the principles of egalitarianism and secularism, he was fully dedicated to the cause of common man. An ardent freedom fighter, he fought hard to attain the goal of India's independence. Sarat Chandra Bose also played an important role in shaping and influencing his younger brother Netaji Subhas Chandra Bose's ideas and ideals. An illustrious son of India, Sarat Chandra Bose was also a member of the Constituent Assembly. The Portrait of Sarat Chandra Bose, painted by Shri Subha Prasanna was donated by the Government of West Bengal.

Tridib Kumar Chaudhuri was a renowned freedom fighter, a fearless political activist, a committed revolutionary and a champion of the down-trodden, besides being a prolific writer. He was an outstanding leader of modern India who relentlessly worked for the cause of the workers, farmers and weaker sections of the society. Tridib Kumar Chaudhuri's analytical power, thorough grasp of subjects, deep understanding and exceptionally high oratorical skills and straight forwardness made him an outstanding parliamentarian. He was held in high esteem by his political friends and opponents alike. The Portrait of Tridib Kumar Chaudhuri, painted by Shri Ajoy Saha, was donated by Shri Amalender Lal Roy, Minister of Irrigation, Government of West Bengal.

Vasudev Balwant Phadke was one of the revolutionaries in early modern India who took to arms to drive out the British. His dauntless courage, lofty idealism and self sacrifice earned him a well deserved place in the esteem of the people. As long as the words Indian nationalism and national gratitude for the martyrs of the land last, the name of Vasudev Balwant Phadke would shine forth with unique splendour in the history of the Indian struggle for freedom. The Portrait of Vasudev Balwant Phadke, painted by Shri Suhas Bahulkar was donated by Sarvashri Shriram Dandekar and Jairaj Salgaonkar.

The function was attended, among others, by the Prime Minister of India, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; Former Prime Minister, Shri Atal Bihari Vajpayee; Chairperson of the United Progressive Alliance (UPA), Smt. Sonia Gandhi; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Deputy Chairman, Rajya Sabha, Shri K. Rehman Khan; the Deputy Speaker, Lok Sabha, Shri Charnjit Singh Atwal; Union Ministers; members of Parliament and other distinguished guests.

At the function, the Prime Minister, Dr. Manmohan Singh released the booklets containing the profiles of the four renowned personalities, brought out by the Research and Information Division of the Lok Sabha Secretariat and the Speaker, Lok Sabha, Shri Somnath Chatterjee felicitated the painters who painted the portraits.



Dignitaries after the unveiling of the portraits of Subramania Bharathi,
Sarat Chandra Bose, Tridib Kumar Chaudhuri and Vasudev Balasubrahmanyam

UNVEILING OF STATUES IN PARLIAMENT HOUSE

On 10 December 2004, the Prime Minister of India, Dr. Manmohan Singh unveiled the Statues of Comrade S.A. Dange, Acharya Narendra Deva and Comrade A.K. Gopalan in the Parliament House Complex.

Comrade Shripad Amrit Dange was a committed revolutionary, an intrepid nationalist and freedom fighter, a brilliant orator and intellectual giant, a visionary, a great parliamentarian and reputed scholar. A dedicated and renowned labour leader, Shripad Dange's name became synonymous with the aspirations of the working class and the underprivileged. A legend in his own lifetime, Shripad Amrit Dange played a major role in shaping and moulding the country's trade union movement. The nine feet high bronze statue of Comrade A.K. Dange, sculpted by Shri Vithoba Panchal was donated by the Shramik Pratishthan, Mumbai.

Acharya Narendra Deva, a man of rare distinction, an ardent socialist and a veteran freedom fighter, occupies a prominent place among the great men of India. Popularly known as the Father of Indian Socialism, Acharya Narendra Deva devoted his entire life to the growth, development and propagation of the ideals of democratic socialism. His foremost passion was the service of the country and the upliftment of the deprived and the downtrodden. His vast learning, utmost simplicity and transparent sincerity earned him respect, love and affection from all sections of the society. His services to the cause of education will also be remembered for long. The nine-feet high bronze statue of Acharya Narendra Deva, sculpted by Shri Avtar Singh Pawar, was donated by the Government of Uttar Pradesh.

Comrade A.K. Gopalan, popularly known as "A.K.G." was a distinguished freedom fighter, a staunch nationalist, a great social reformer, and a crusader for the cause of the workers and the downtrodden. He was a great visionary, a forceful orator, prolific writer and an eminent and seasoned parliamentarian. Blessed with great human virtues, A.K.G. was a man of the masses and was one of the founders of the Communist Movement in the country. The nine feet high bronze statue of Comrade A.K. Gopalan, sculpted by Shri Kunhimangalam Narayanan was donated by the Communist Party of India (Marxist).

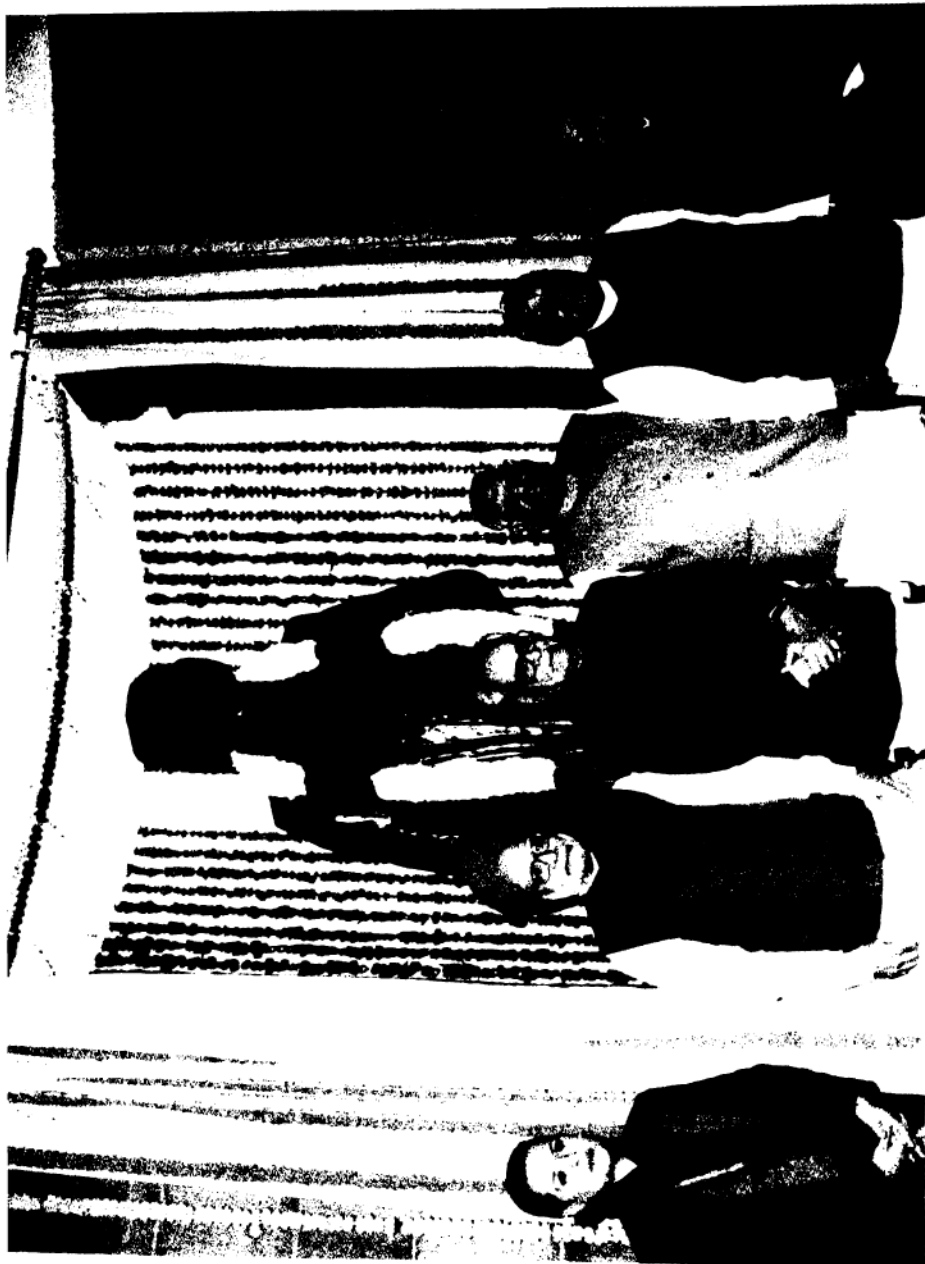
The function, unveiling of the statues was attended, among others

by Shri Bhairon Singh Shekhawat, the Vice President and Chairman, Rajya Sabha; Shri Somnath Chatterjee, Speaker, Lok Sabha; Shri Atal Bihari Vajpayee, former Prime Minister; Smt. Sonia Gandhi, Chairperson of the United Progressive Alliance; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; Shri K. Rehman Khan, Deputy Chairman, Rajya Sabha; Union Ministers; members of Parliament and other distinguished guests.

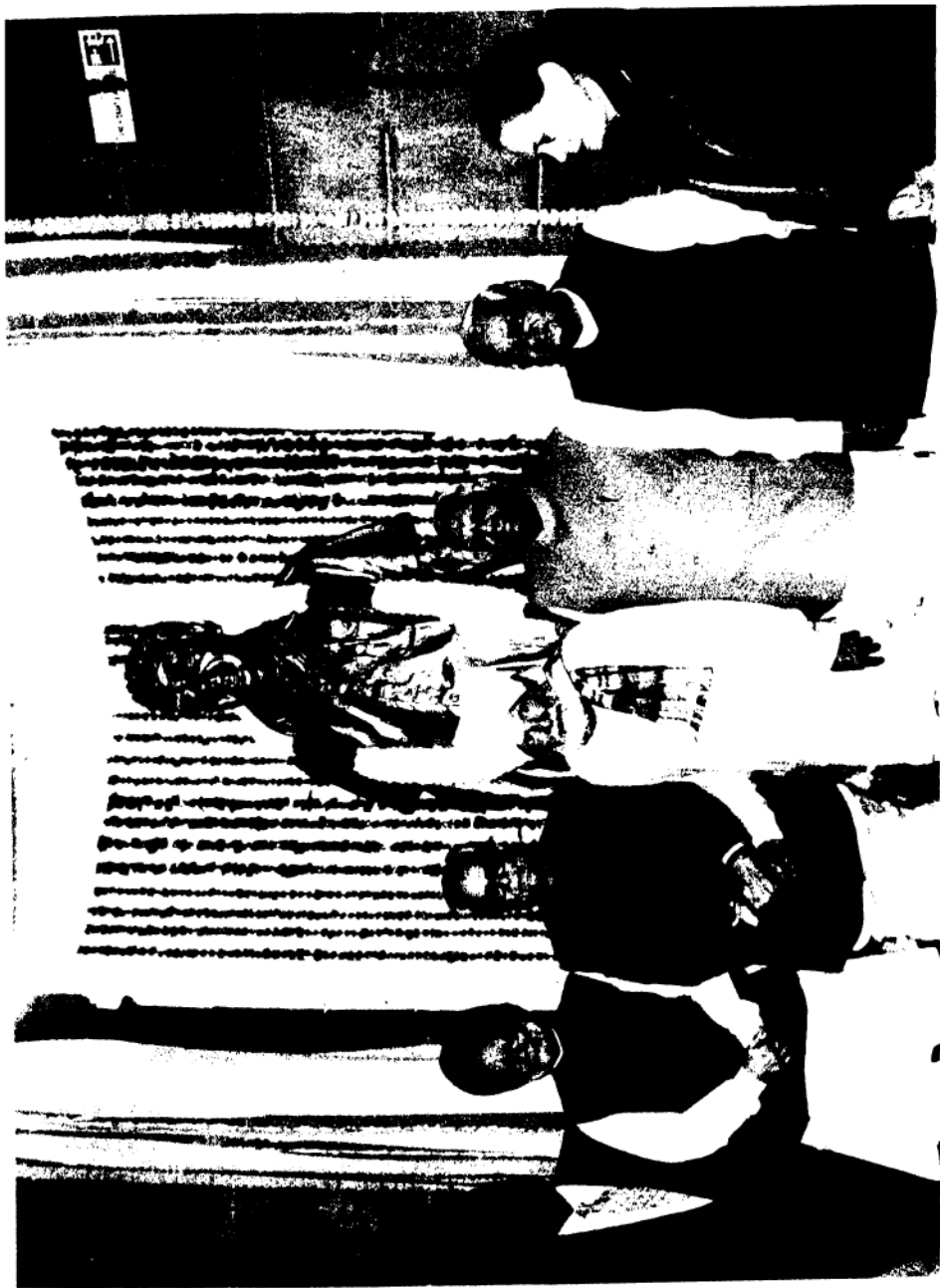
Earlier, the Vice-President, Shri Bhairon Singh Shekhawat inaugurated an Exhibition on the "Life and Times" of the three eminent personalities, set up on the occasion by the Parliamentary Museum and Archives (PMA) of the Lok Sabha Secretariat. The Vice-President also released booklets containing the profiles of the three leaders brought out by the Research and Information Division of the Lok Sabha Secretariat. The Speaker, Lok Sabha, Shri Somnath Chatterjee felicitated the three sculptors on the occasion.



Dignitaries after the unveiling of the Statue of Comrade S.A. Dange



Dignitaries after the unveiling of the Statue of Acharya Narendra Deva



Dignitaries after the unveiling of the Statue of Comrade A.K. Gopalan

UNVEILING OF STATUE OF SHAHEED DURGA MALLA IN PARLIAMENT HOUSE COMPLEX

On 17 December 2004, the Prime Minister of India, Dr. Manmohan Singh unveiled the Statue of Shaheed Durga Malla in the Parliament House Complex.

Shaheed Durga Malla occupies a unique position among the great martyrs who dared and defied the British authorities. He was an extremely dedicated, courageous, self-respecting and honest person. He stirred a revolutionary fervour in the hearts of young men and women across the length and breadth of the country to dedicate their lives for the liberation of the Motherland from foreign rule. He also played an important role in the formation of the Indian National Army in 1942. Veer Durga Malla was captured by the soldiers of enemy side while on a mission to collect information of the enemy camps. He was coaxed by the British authorities into confessing the wrong and promised grant of remission if he could do so. But it was not acceptable to Durga Malla whose ultimate objective was to get the country free. He preferred to embrace the gallows rather than accepting the proposal of the British rulers. On 25 August 1944, he laid down his precious life at the altar of freedom. The Statue of Shaheed Durga Malla, sculpted by Shri Gautam Pal was donated by Smt. Dilkumari Bhandari, the President of the Bharatiya Gorkha Parisangha, Darjeeling, West Bengal.

The function was attended, among others by Shri Bhairon Singh Shekhawat, Vice-President and Chairman, Rajya Sabha; Shri Somnath Chatterjee, Speaker, Lok Sabha; Smt. Sonia Gandhi, Chairperson, United Progressive Alliance; Shri Pranab Mukherjee, Leader of the House in the Lok Sabha; Shri L.K. Advani, Leader of the Opposition in the Lok Sabha; Shri Jaswant Singh, Leader of the Opposition in the Rajya Sabha; Shri K. Rehman Khan, Deputy Chairman, Rajya Sabha; Sardar Charnjit Singh Atwal, Deputy Speaker, Lok Sabha; Union Ministers; members of Parliament and other distinguished guests.

At the function, a booklet containing the profile of Shaheed Durga Malla, brought out by the Research and Information Division of the Lok Sabha Secretariat was released. The Speaker, Lok Sabha, Shri Somnath Chatterjee also felicitated the sculptor on the occasion.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

The Brussels Session of the Parliamentary Conference on WTO at Brussels: The Brussels Session of the Parliamentary Conference on the WTO was held in Brussels, Belgium from 24 to 26 November 2004.

The Indian Parliamentary Delegation to the Session was led by Shri Rupchand Pal, MP. The other members of the Delegation were: Sarvashri Dinesh Trivedi, Dharmendra Pradhan and Bharatsinh Madhavsingh Solanki, all members of Parliament.

The Session mainly deliberated on two substantive themes viz. (i) Agriculture and (ii) Trade in services from a development perspective. Besides, the Session also held an interactive panel discussion on "The Significance of the WTO General Council Decision of 1 August 2004 for the Future of the Doha Round". The Session culminated with a Declaration adopted by consensus.

The Fifth General Assembly of the Association of the Asian Parliaments for Peace (AAPP) in Islamabad: The Fifth General Assembly of the Association of the Asian Parliaments for Peace (AAPP) was held in Islamabad, Pakistan from 30 November to 3 December 2004.

The Indian Parliamentary Delegation to the Assembly was led by Shri Bhupinder Singh Hooda*, MP. Shri Shahid Siddiqui, MP was the other member of the Delegation. Shri Ashok Sareen, Director, Lok Sabha Secretariat, was the Secretary to the Delegation.

The main theme of the General Assembly was "Vision for Asia: Peace and Development through Inter-Parliamentary Dialogue and Co-operation". Based on the main theme, workshops were held on the following four topics: viz. Political, Socio-economic, Peace and Security and Women and Youth. The delegates participated and presented country papers in these workshops.

* Presently Chief Minister of Haryana

CPA Study Group on “The Role of Parliaments in Conflict-affected Countries” in Colombo: The Commonwealth Parliamentary Association, in partnership with the World Bank Institute, organized a Study Group to examine “The Role of Parliaments in Conflict-affected Countries” from 25 to 29 October 2004. Smt. Tejaswini Seeramesh, MP (Lok Sabha), attended the Study Group from the India Union Branch of the CPA.

The following topics were discussed in the Study Group:

- Parliaments and Conflict: An Overview
- Participation, Representation and Reconciliation
- Legislation and Oversight
- Dialoguing with Civil Society and a Free Media
- Demobilisation, Disarmament and Civilian Oversight of the Security Sector
- Promoting Socio-Economic Equality
- Rule of Law and Decentralization
- Regional Parliamentary Peace-Building

CPA/WTO Workshop on “The WTO, Doha Development Agenda and the Role of Parliamentarians” in Singapore: The Parliament of Singapore, in coordination with the CPA and the WTO, organized a Workshop on “The WTO, Doha Development Agenda and the Role of Parliamentarians” from 7 to 11 November 2004.

Sarvashri Rupchand Pal, MP (Lok Sabha); Suresh Prabhu, MP (Lok Sabha); Pawan Kumar Bansal, MP (Lok Sabha) and Santosh Bagrodia, MP (Rajya Sabha) attended the Workshop from the India Union Branch of the CPA.

The following topics were discussed in the Workshop:

- Overview of the Multilateral Trading System and Introduction to the Basic Principles of the World Trade Organization (WTO)
- Doha Development Agenda: Current Status of the Negotiations
- The Commonwealth and Trade
- Doha Development Agenda: Opportunities and Challenges for the Asia Region
- Agreement on Agriculture
- General Agreement on Trade in Services

- Development Issues
- Parliamentary Dimension of Trade and WTO and
- Market Access for Non-agricultural Products

Shri Rupchand Pal, MP, chaired the Workshop on the topic "General Agreement on Trade in Services". Shri Pawan Kumar Bansal, MP, was a Resource Person on the subject "Development Issues".

The First India and Asia Regions Commonwealth Parliamentary Association Conference in Hyderabad: The First India and Asia Regions Commonwealth Parliamentary Association Conference, hosted by the Andhra Pradesh Branch of the CPA, was held in Hyderabad from 17 to 22 November 2004. Besides the India Union Branch, all the State CPA Branches of the India Region and all the Branches of Asia Region were invited to attend the Conference.

The Conference was inaugurated by the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal delivered the Valedictory Address. Sarvashri Prasanna Acharya, MP (Lok Sabha) and K. Rama Mohan Rao, MP (Rajya Sabha) were the delegates from the India Union Branch of the CPA.

The Conference was attended by as many as 45 delegates—34 from 23 State CPA Branches of the India Region and 11 from 6 CPA Branches of Pakistan and Bangladesh of the Asia Region. The Secretary-General, Lok Sabha and Secretary, India Region of the CPA, Shri G.C. Malhotra; 21 Secretaries and 7 Observers from various Branches also attended the Conference.

The topic for the plenary Session was "Strengthening Democracy and Securing Development". The following subjects were discussed in four Panel Sessions:

- Eradicating Hunger and Poverty—Role of Parliamentarians
- Corruption—A Threat to Democracy
- The Role of Parliaments and Parliamentarians in Enhancing Good Governance and
- Towards Sustainable Development in the Asia Region

The 67th Conference of Presiding Officers of Legislative Bodies in India: The 67th Conference of Presiding Officers of Legislative Bodies in India was held at Kolkata from 8 to 12 October 2004. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee

presided over the Conference. The Speaker, West Bengal Legislative Assembly, Shri Hashim Abdul Halim was elected Co-Chairman of the Conference. The Conference, hosted by the West Bengal Legislative Assembly, was attended by almost all Presiding Officers of the Legislative Bodies in India.

The Conference discussed/considered the following items on the Agenda:

- Legislative Privileges and Freedom of Press
- Consideration and Adoption of the Report of the Committee of Presiding Officers on "Regulation of Zero Hour"
- Consideration of suggestions received on the Report of the Committee of Presiding Officers to review the Anti-Defection Law
- Consideration and Adoption of the Report of the Committee of Presiding Officers on "Telecasting of Proceedings of the Legislatures"

The Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan and the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal also attended the Conference and participated in the discussions.

During the Conference, the Reports of the Committees of Presiding Officers on "Regulation of Zero Hour" and "Telecasting of Proceedings of Legislatures" were also presented by the respective Chairmen of the Committees viz. the Speaker, West Bengal Legislative Assembly, Shri Hashim Abdul Halim and the Speaker, Assam Legislative Assembly, Shri Prithibi Majhi. The Reports were considered and adopted at the Conference.

A new website viz. www.legislativebodiesinindia.nic.in was also inaugurated on the occasion by the Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee. Besides photographs of the buildings housing the two chambers of our Parliament and State Legislatures alongwith those of the President of India and Governors of the States, the site contains information on evolution, role and functions of the Legislative bodies and brief profiles of the presiding officers.

Symposium on "The Relationship between the Legislature and the Judiciary": The Conference of Presiding Officers was followed by a Symposium on "The Relationship between the Legislature and the Judiciary" on 11 October 2004. The Symposium was inaugurated by the Chief Minister of West Bengal, Shri Buddhadeb Bhattacharjee. The

Speaker, Lok Sabha, Shri Somnath Chatterjee, presided over the Symposium and delivered the Inaugural Address. The Speaker, West Bengal Legislative Assembly, Shri Hashim Abdul Halim delivered the Welcome Address. The Presiding Officers of Legislative Bodies in India, members of Parliament from West Bengal and members of West Bengal Legislative Assembly participated in the Symposium.

The Forty-seventh Conference of the Secretaries of Legislative Bodies in India: The Conference of Presiding Officers was preceded by the Forty-seventh Conference of the Secretaries of Legislative Bodies in India on 8 October 2004. The Secretary-General, Lok Sabha and Chairman of the Conference, Shri G.C. Malhotra delivered the Inaugural Address. The Principal Secretary, West Bengal Legislative Assembly, Shri Monoranjan Sarker delivered the Welcome Address. The Secretary-General, Rajya Sabha, Dr. Yogendra Narain also addressed the Conference. The Secretaries of almost all the State/Union territory Legislatures attended the Conference.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

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

The birth anniversaries of the following leaders were celebrated during the period 1 October to 31 December 2004.

Mahatma Gandhi and Shri Lal Bahadur Shastri: On the occasion of the birth anniversaries of Mahatma Gandhi and Shri Lal Bahadur Shastri, a function was held on 2 October 2004. The Prime Minister, Dr. Manmohan Singh; the Chairperson of the United Progressive Alliance (UPA), Smt. Sonia Gandhi; the Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Urban Development, Shri Ghulam Nabi Azad; the Minister of State (Independent Charge) of the Ministry of Statistics & Programme Implementation, Shri Oscar Fernandes; the Minister of State (Independent Charge) of the Ministry of Company Affairs, Shri Prem Chand Gupta; the Minister of State in the Ministry of Defence and Minister of State in the Ministry of

Parliamentary Affairs, Shri B.K. Handique; members of Parliament and former members of Parliament and others paid floral tributes.

Sardar Vallabhbhai Patel: On the occasion of the birth anniversary of Sardar Vallabhbhai Patel, a function was held on 31 October 2004. The Prime Minister, Dr. Manmohan Singh; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of State in the Ministry of Defence and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; the Minister of State in the Ministry of Water Resources, Shri Jay Prakash Narayan Yadav; members of Parliament and former member of Parliament and others paid floral tributes.

Deshbandhu Chittaranjan Das: On the occasion of the birth anniversary of Deshbandhu Chittaranjan Das, a function was held on 5 November 2004. The Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of State in the Ministry of Defence and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; members of Parliament and former members of Parliament and others paid floral tributes.

Maulana Abul Kalam Azad: On the occasion of the birth anniversary of Maulana Abul Kalam Azad, a function was held on 11 November 2004. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of External Affairs, Shri K. Natwar Singh; the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal; the Minister of State in the Prime Minister's Office, Shri Prithviraj Chavan; members of Parliament and former members of Parliament and others paid floral tributes.

Pandit Jawaharlal Nehru: On the occasion of the birth anniversary of Pandit Jawaharlal Nehru, a function was held on 14 November 2004. The Prime Minister, Dr. Manmohan Singh; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of Law and Justice, Shri H.R. Bhardwaj; the Minister of Power, Shri P.M. Sayeed; the Minister of Social Justice and Empowerment, Smt. Meira Kumar; the Minister of State in the Ministry of Human Resource

Development, Smt. Kanti Singh; members of Parliament and former members of Parliament and others paid floral tributes.

Smt. Indira Gandhi: On the occasion of the birth anniversary of Smt. Indira Gandhi, a function was held on 19 November 2004. The Prime Minister, Dr. Manmohan Singh; the Chairperson of the UPA, Smt. Sonia Gandhi; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of Power, Shri P.M. Sayeed; the Minister of Law and Justice, Shri H.R. Bhardwaj; the Minister of Youth Affairs and Sports, Shri Sunil Dutt; the Minister of Social Justice and Empowerment, Smt. Meira Kumar; the Minister of State (Independent Charge) of the Ministry of Statistics & Programme Implementation, Shri Oscar Fernandes; the Minister of State (Independent Charge) of the Ministry of Urban Employment and Poverty Alleviation, Kumari Selja; the Minister of State in the Ministry of Shipping, Road Transport and Highways, Shri K.H. Muniyappa; the Minister of State in the Prime Minister's Office, Shri Prithviraj Chavan; the Minister of State in the Ministry of Social Justice and Empowerment, Smt. Subbulakshmi Jagadeesan; members of Parliament and former members of Parliament and others paid floral tributes.

Dr. Rajendra Prasad: On the occasion of the birth anniversary of Dr. Rajendra Prasad, a function was held on 3 December 2004. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development; Shri Ghulam Nabi Azad; the Minister of Power, Shri P.M. Sayeed; the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachouri; members of Parliament and former members of Parliament and others paid floral tributes.

Shri C. Rajagopalachari : On the occasion of the birth anniversary of Shri C. Rajagopalachari, a function was held on 10 December 2004. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the UPA, Smt. Sonia Gandhi; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Parliamentary Affairs and Minister of Urban

Development; Shri Ghulam Nabi Azad; the Minister of Power, Shri P.M. Sayeed; the Minister of Shipping, Road Transport and Highways, Shri T.R. Baalu; the Minister of State in the Ministry of Home Affairs, Shri Manikrao H. Gavit; the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal; the Minister of State in the Ministry of Human Resource Development, Shri Md. Ali Ashraf Fatmi; the Minister of State in the Ministry of Human Resource Development, Smt. Kanti Singh; members of Parliament and former members of Parliament and others paid floral tributes.

Chaudhary Charan Singh: On the occasion of the birth anniversary of Chaudhary Charan Singh, a function was held on 23 December 2004. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of State in the Ministry of Defence and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; members of Parliament and former members of Parliament and others paid floral tributes.

Pandit Madan Mohan Malaviya: On the occasion of the birth anniversary of Pandit Madan Mohan Malaviya, a function was held on 25 December 2004. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Minister of Home Affairs, Shri Shivraj V. Patil; members of Parliament and former members of Parliament and others paid floral tributes.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

INDIAN PARLIAMENTARY DELEGATION GOING ABROAD

Japan: A 14-member Indian Parliamentary Delegation led by the Speaker, Lok Sabha, Shri Somnath Chatterjee visited Japan from 31 October to 6 November 2004. The other members of the Delegation were: Sarvashri Lalitbhai Mehta, Jaswant Singh Bishnoi, Ashwani Kumar, Subrata Bose, Alok Kumar Mehta, Sudhangshu Kumar Seal, Bharatsinh Madhavsingh Solanki, all members of Parliament and the Secretary-General, Lok Sabha, Shri G.C. Malhotra. Shri Brahm Dutt, Director, Lok Sabha Secretariat was the Secretary to the Delegation.

FOREIGN PARLIAMENTARY DELEGATIONS VISITING INDIA

Poland: An 11-member Parliamentary Delegation from Poland led by the Marshal of the Sejm (Speaker of Lower House of Polish Parliament), Mr. Josef Oleksy, visited India from 9 to 12 December 2004.

On 9 December 2004, the Delegation called on the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Speaker hosted a dinner in honour of the visiting Delegation the same evening.

On 10 December 2004, the Delegation called on the President of India, Dr. A.P.J. Abdul Kalam and the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat. The Delegation also had a meeting with the Minister of External Affairs, Shri K. Natwar Singh.

Besides Delhi, the Delegation visited Jaipur.

Pakistan: A 12-member Parliamentary Delegation from Pakistan led by the Speaker of the National Assembly of Pakistan, Ch. Amir Hussain, visited India from 18 to 23 December 2004.

On 20 December 2004, the Delegation called on the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Speaker hosted a dinner in honour of the visiting Delegation the same evening.

On 21 December 2004, the Delegation called on the President of India, Dr. A.P.J. Abdul Kalam and the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat.

On 23 December 2004, the Delegation called on the Prime Minister, Dr. Manmohan Singh.

Besides Delhi, the Delegation visited Agra and Ajmer.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 October to 31 December 2004, the Bureau of Parliamentary Studies and Training (BPST) organised the following courses/programmes:

Appreciation Courses: Two Appreciation Courses were organised for: (i) Probationers of Indian Foreign Service, attended by 8 participants (from 29 November to 3 December 2004); and (ii) Senior Audit Accounts Officers from the Office of C&AG of India, attended by 43 participants (from 6 to 10 December 2004).

Computer Training Programmes: A Computer Training Programme for officers of the Question Branch was organised from 18 to 20 October 2004. It was attended by 40 participants. A Basic Computer Training Programme for officers of the Lok Sabha Secretariat was organised from 1 to 5 November 2004 which was attended by 21 participants. A Computer Training Programme on the specialised software module

developed by NIC was organised for the staff of Table Office, Lok Sabha from 8 to 19 October 2004 and was attended by 9 participants.

Training Programmes: Three Training Programmes were held during the period: (i) A Training Course for Librarians/Deputy Librarians of State Legislature Secretariats and JLAS/SLAs of the Parliament was organised from 4 to 8 October 2004. The programme was attended by 15 participants, 9 from State Legislature Secretariats and 6 from the Lok Sabha Secretariat.

(ii) Shorthand dictation classes for staff members appearing in the Departmental Examination for appointment to the grade of Personal Assistants were organised from 11 to 29 October 2004. The programme was attended by 20 participants.

(iii) A Training Course for Hindi Editors/Assistant Editors/Translators/Hindi Assistants of Parliament and State Legislature Secretariats was organised from 25 to 29 October 2004. The Course was attended by 38 participants, 10 from the Rajya Sabha Secretariat, 20 from the Lok Sabha Secretariat and 11 from the State Legislature Secretariats.

Attachment Programmes: Attachment Programmes were organised for: (i) The visit of a 10-member Malaysian Delegation led by Datuk Lin Si Cheng, Deputy Speaker of Dewan Rakyat (House of Commons) from 4 to 5 November 2004; (ii) Study Visit by Bhutanese Delegation comprising 5 members led by Dusho Ugen Dorje, Speaker of National Assembly of Bhutan from 5 to 7 December 2005; and (iii) Visit of a 10-member Sri Lankan Delegation comprising 6 Ministers and 4 members of Parliament on 21 December 2004.

International Programmes: The 20th Parliamentary Internship Programme for foreign parliamentary officials was conducted by the Bureau from 6 October to 25 November 2004. A total of 34 participants from 20 countries attended the programme.

The 20th International Training Programme in Legislative Drafting was conducted by the Bureau from 13 December 2004 to 11 February 2005 which was attended by 23 participants from 12 countries.

Study Visits: Nine Study visits were organised during the period for students/trainees from various organisations/institutes. A total of 449 participants attended these visits.

PROCEDURAL MATTERS

Instances when the Chair allowed members whose names were not in the List of Business to ask clarificatory questions on Calling Attention: On 1 December 2004, the Deputy Speaker allowed one member, Maj. Gen. (Retd.) B.C. Khanduri whose name was not in the List of Business, to ask a clarificatory question on a Calling Attention regarding the collapse of Global Trust Bank.

On 2 December 2004, the Speaker allowed five members, Sarvashri C.K. Chandrappan, M.P. Veerendra Kumar, P. Karunakaran, P.K. Vasudevan Nair and P. Rajendran whose names were not in the List of Business, to ask clarificatory questions on Calling Attention regarding the creation of a separate and exclusive railway zone in Kerala.

On 10 December 2004, the Chair allowed six members, Sarvashri P.K. Vasudevan Nair, Ratilal Kalidas Verma, Mohan Singh, Harisingh Nasaru Rathod, Annasaheb M.K. Patil and Pushpdan Shambhudan Gadhavi whose names were not in the List of Business, to ask clarificatory questions on Calling Attention regarding service conditions and interests of the Development Officers and Field Staff of the LIC and the GIC.

On 10 December 2004, the Chair allowed two members, Sarvashri Srichand Kripalani and Shailendra Kumar whose names were not in the List of Business, to ask clarificatory questions on Calling Attention regarding the hardships faced by the opium cultivators.

On 13 December 2004, the Speaker allowed one member, Shri Gurudas Dasgupta whose name was not in the List of Business, to ask clarificatory questions on a Calling Attention regarding subsidence at sanctoria village and other parts of coal bearing areas of Eastern Coalfields Limited.

On 14 December 2004, the Speaker allowed three members, Shri Varkala Radhakrishnan, Shri K. Francis George and Smt. Tejaswini Seeramesh whose names were not in the List of Business, to ask clarificatory questions on a Calling Attention regarding the steep fall in prices of coffee, tea, pepper, vanilla, cardamom and arecanut.

On 21 December 2004, the Chair allowed five members, Sarvashri Raghunath Jha, Ch. Lal Singh, Jaswant Singh Bishnoi, Dr. Prasanna Kumar Patasani and Sansuma Khunggur Bwiswmuthiary whose names were not in the List of Business, to ask clarificatory questions on a Calling Attention regarding the implementation of the decision taken to set up medical institutes on the lines of AIIMS, Delhi, in six other States.

On 21 December 2004, the Chair allowed six members, Sarvashri Ramjilal Suman, Varkala Radhakrishnan, Anant Gangaram Geete, Vijayendra Pal Singh, Suresh Prabhakar Prabhu and Smt. Duggubati Purandeswari whose names were not in the List of Business, to ask clarificatory questions on a Calling Attention regarding the withdrawal of mandatory order regarding mixing of 5 per cent of ethanol in petrol.

On 21 December 2004, the Chair allowed five members, Sarvashri Atal Bihari Vajpayee, Shailendra Kumar, Gurudas Dasgupta, Dr. Karan Singh Yadav and Smt. Maneka Gandhi whose name were not in the List of Business, to ask clarificatory questions on a Calling Attention regarding fast deteriorating health care services in AIIMS.

Instance when Ordinance replacing Bills were not referred to the Standing Committee: On 6 December 2004, during discussion on the Prevention of Terrorism (Repeal) Bill and Unlawful Activities (Prevention) Amendment Bill a demand was made to refer the Bills to the concerned Committee. The Speaker observed:

"Honourable Members, although we feel that ordinarily, especially when the House has been called, no law should be passed by way of an Ordinance—that is what we follow usually—but making law by means of an Ordinance is provided by the Constitution itself. Therefore, making an Ordinance is not unlawful per se. The question is whether this Bill should be sent to the Standing Committee. I am of the opinion that ordinarily a Bill should go to the Standing Committee, but here, there is a compulsion because it is a short Session. These important Ordinances will lapse on the 12th of January 2005. Therefore, I feel that it is my duty to see that these Bills replacing Ordinances are passed on the basis of the decision of the members of the House".

Observation from the Chair regarding Restriction on raising of Matters of urgent public importance after the 'Question Hour': On 8 December 2004, after the Question Hour, the Speaker observed—

"Honourable members, there has been a considerable increase in the number of notices for raising matters during the so-called 'Zero Hour'. For instance, 75 notices have been received today. It becomes practically impossible for the Chair to accommodate all the members for raising the matters.

This matter was discussed during the meeting of the Business Advisory Committee held yesterday, the 7th December 2004. It was observed that many notices received from the Honourable members seek to raise matters relating to their constituencies and do not involve matters of recent occurrence or of national or international importance.

The members of the Business Advisory Committee were of the view that the number of so-called 'Zero Hour' matters may be restricted to about 15 per day and unless matters of emergent national or international importance are involved, each member may be allowed to raise not more than one matter per week.

I seek the kind cooperation of all the honourable members in this matter so that we can have very useful utilisation of this Hour".

Instance when members were allowed to lay their written speeches on the Table of the House: On 8 December 2004, during discussion on the Demand for Supplementary Grants (Railways) 2004-2005, the Speaker allowed twenty six members to lay their written speech on the Table of the House. Out of these one member laid some portion of his written speech.

Instance when a new member took oath and participated in the proceedings of the House: On 16 October 2004, Shri Rajesh Ranjan alias Pappu Yadav was elected to the 14th Lok Sabha from the Madhepura Parliamentary Constituency in the bye-election held in Bihar. As he was under judicial custody in Beur Jail, Patna, in connection with certain criminal case pending against him, he could not make/subscribe oath/affirmation in the 3rd Session (Winter Session *i.e.* 1 to 23 December 2004) of the 14th Lok Sabha. Later, he was shifted to Tihar Jail, New Delhi. A letter was sent to Shri Rajesh Ranjan (through Jail Superintendent, Tihar) intimating him about the commencement of the Budget Session from 25 February 2005 and requesting him to intimate when he proposed to take oath/affirmation under article 99 of the Constitution. The member, thereafter, moved the matter in the Supreme Court. The Supreme Court vide its order dated 17 March 2005,

directed the Tihar Jail authorities to make arrangements to take the member to the Parliament House on 21 March 2005 for taking oath. The Court further directed that after the proceedings of the Parliament that day, he be brought back to Tihar Jail. During the 4th Session of 14th Lok Sabha, on 21 March 2005 at 10.40 AM, Shri Rajesh Ranjan alias Pappu Yadav was brought to the Parliament House under police escort to enable him to take oath as per orders of the Supreme Court of India.

Accordingly, on 21 March 2005 at 12.01 hrs, after the Question Hour, Shri Rajesh Ranjan alias Pappu Yadav took oath in Hindi, signed the Roll of Members, and took his seat in the House. He also took part in the proceedings of the House and remained in Parliament House till the House adjourned for the day.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 OCTOBER TO 31 DECEMBER 2004)

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

—Editor

INDIA DEVELOPMENTS AT THE UNION

Winter Session of Parliament: The Third Session of the Fourteenth Lok Sabha and the Two Hundred Third Session of the Rajya Sabha commenced on 1 December 2004. Both the Houses of Parliament were adjourned *sine die* on 23 December 2004. The President, Dr. A.P.J. Abdul Kalam prorogued the two Houses on 24 December 2004.

Lok Sabha By-Election Results: Sarvashri Rajesh Ranjan alias Pappu Yadav of the Rashtriya Janata Dal (RJD) and Narsing Hulla Suryawanshi of the Indian National Congress (INC) were declared elected to the Lok Sabha from Madhepura (Bihar) and Bidar (Karnataka) Lok Sabha constituencies, respectively, by-elections for which were held on 16 October 2004.

Sarvashri Shankhlal Majhi and Dharmendra Yadav (both of the Samajwadi Party) were declared elected to the Lok Sabha from Akbarpur and Mainpuri (Uttar Pradesh) Lok Sabha constituencies, respectively, in the by-elections held on 23 December 2004.

Nominated members to the Lok Sabha: On 20 October 2004, the President, Dr. A.P.J. Abdul Kalam nominated Ms. Ingrid Mcleod and Shri Francis Fanthome to the Lok Sabha from the Anglo-Indian community. The two nominated members joined the Indian National Congress on 8 and 9 December 2004, respectively.

Death of Rajya Sabha member: On 27 October 2004, Shri V.V.Raghavan of the Communist Party of India (CPI), a sitting member of the Rajya Sabha from Kerala, passed away.

Death of former Prime Minister: On 23 December 2004, the former Prime Minister, Shri P.V. Narasimha Rao passed away in New Delhi. He was 83.

AROUND THE STATES

ANDHRA PRADESH

By-Election Results: Sarvashri Mohd. Moazam Khan of the All India Majlis-e-Ittehadul-Muslimeen (AIMIM) and T. Harish Rao of the Telangana Rashtra Samiti (TRS) were declared elected to the State Legislative Assembly from the Asafnagar and Siddipet Assembly constituencies respectively, by-elections for which were held on 13 October 2004.

New Governor: On 4 November 2004, Shri Sushil Kumar Shinde was sworn in as the Governor of Andhra Pradesh .

ARUNACHAL PRADESH

Assembly Election Results: Elections to the State Legislative Assembly of Arunachal Pradesh were held on 7 October 2004. The following is the party position: Total seats: 60; INC: 34; BJP: 09; Nationalist Congress Party (NCP): 02; Arunachal Congress: 2; and Independents: 13.

On 13 October 2004, Shri Gegong Apang was elected as the Leader of the Congress Legislature Party. He was sworn in as the Chief Minister on 16 October 2004.

On 22 October 2004, Shri Gegong Apang expanded the Council of Ministers by inducting nine Ministers. The names of the members of the Council of Ministers with their portfolios is as follows: Sarvashri Gegong Apang, *Chief Minister*; Jarbom Gamlin, *Home, Law, Legislative, Justice & Parliamentary Affairs, Panchayati Raj and Election*; Nabam Tuki, *PWD and Urban Development*; Chowna Mein, *Education, Cooperative, Fisheries, Research and Gazetteers*; Newlai Tingkhatra, *Environment and Forests, Mines and Minerals*; C C Singpho, *Civil Supplies, Civil Aviation, Health & Family Welfare*; Tatar Kipa, *Public Health Engineering and Labour & Employment*; Tanga Byaling, *Rural Development and Rural Works Department*; Dorjee Khandu, *Power (Civil and Electrical), N.C.E.R. and Relief & Rehabilitation and Settlement*; and Tesring Gyurme, *Agriculture, Horticulture, Animal Husbandry and Dairy Development*.

ASSAM

By-Election Results: Shri Jibantara Ghatowar of the Indian National

Congress (INC) was declared elected from Moran Assembly constituency, by-elections for which was held on 13 October 2004.

BIHAR

Resignation of Governor: On 30 October 2004, the Governor, Shri M. Rama Jois submitted his resignation to the President. On 1 November 2004 the Governor of Jharkhand, Shri Ved Prakash Marwah was sworn in as the Acting Governor.

New Governor: On 2 November 2004, Shri Buta Singh was appointed as the Governor of Bihar.

DELHI

Assembly By-Election Results: The Indian National Congress retained both the Rajouri Garden and Baljeet Nagar Assembly seats, by-elections for which were held on 13 October 2004. The newly elected members are: Sarvashri Ramesh Lamba (Rajouri Garden) and Rajesh Liloithia (Baljeet Nagar).

GOA

By-Election Result: Shri Isidore D Fernandes of the Bharatiya Janata Party (BJP) was declared elected from Poinguinim Assembly Constituency, by-elections for which was held on 13 October 2004.

GUJARAT

By-Election Results: The Indian National Congress won three seats while the BJP secured two, by-elections for which were held on 13 October 2004. Those elected are: Sarvashri Chhanabhai Kolubhai (Dharampur); Amit Chavda (Borsad) and Gamit Dhedabhai (Vyara) (all from Congress); Bara Ramilaben Bahecharbhai (Khedbrahma) and Ayar Bera Mulubhai Hardasbhai (Bhanvad) (both from BJP).

HIMACHAL PRADESH

By-Election Result: Shri Harbans Singh Rana of the Bharatiya Janata Party (BJP) was declared elected from Guler Assembly Constituency, by-elections for which was held on 13 October 2004.

JAMMU AND KASHMIR

Assembly By-Election Results: The Chief Minister and the Jammu and Kashmir Peoples' Democratic Party (J&KPDP) candidate, Shri Mufti Mohammad Sayeed was declared elected from the Pahalgam Assembly

seat, by elections for which was held on 13 October 2004. The others who got elected are: Sarvashri Tariq Ahmed Kara (Batmaloo) (from J&KPDP); Sham Lal Sharma (Akhnoor) and Kanta Andotra (Basolhi) (both Congress nominees).

JHARKHAND

New Governor: On 2 December 2004, Shri Syed Sibtey Razi was appointed as the Governor of Jharkhand, replacing Shri Veð Prakash Marwah whose term of office had expired.

MADHYA PRADESH

By-Election Results: Shri Dashrath Singh Lodhi of the Bharatiya Janata Party (BJP) was declared elected from Nohata Assembly Constituency, while Shri Ashok Singh Sarashwar (INC) won the Balaghat seat, by-elections for which were held on 13 October 2004.

MAHARASHTRA

Assembly Election Results: The INC-NCP Alliance secured 141 seats in the elections to the 288-seat Maharashtra Legislative Assembly which were held on 13 October 2004. The party position is as follows: INC-NCP Alliance: 141; NCP: 71, INC: 69, and Republican Party of India (Athawale) RPI (A): 1, BJP-Shiv Sena Alliance: 117; Shiv Sena: 62, BJP: 54, and Swatantra Bharat Paksha (STBP): 1 and Others: 30 (Independents: 19, Jan Surajya Shakti (JSS): 4, CPI(M): 3, Peasants and Workers Party of India (PWPI): 2, Bharipa Bahujan Mahasangha (BBM): 1, and Akhil Bharatiya Sena (ABHS): 1).

New Chief Minister: On 1 November 2004, Shri Vilasrao Deshmukh (INC) was sworn in as the Chief Minister of Maharashtra. Shri R.R. Patil of the NCP took oath of office as the Deputy Chief Minister.

New Speaker: On 6 November 2004, Shri Krishnarao Rakhamaji Desai, popularly known as Shri Babasaheb Kupekar, of the NCP was elected as the Speaker of the State Legislative Assembly.

Expansion of Cabinet: On 9 November 2004, the Chief Minister, Shri Vilasrao Deshmukh expanded his Council of Ministers by inducting 25 Cabinet Ministers and 13 Ministers of State.

The names of the members of the Council of Ministers with their portfolios is as follows: Sarvashri Vilasrao Deshmukh, *Chief Minister, Earthquake Rehabilitation, General Administration, House Repairs and Reconstruction, Housing, Information and Publicity, Law and Judiciary, Revenue, Slum Improvement, Urban Development, Urban Land Ceilings;*

Parts of Departments or Subjects not specifically allotted to any Minister; R.R. Patil, Deputy Chief Minister, Home; Chhagan Bhujbal, Public Works (Excluding Public Undertakings); Vijaysinh Mohite-Patil, Rural Development and Tourism; Surupsingh Hirya Naik, Ports, Transport, Welfare of Nomadic, De-notified Tribes and Other Backward Classes; Ajit Anantrao Pawar, Command Area Development, Water Resources (Excluding Krishna Valley Irrigation Corporation), Water Supply and Sanitation; Satish Chaturvedi, Employment and Self Employment, Ex-servicemen's Welfare, Textiles; Jayant Patil, Finance and Planning; Ashok Shankarrao Chavan, Cultural Affairs, Industries, Mines, Protocol; Sureshdada Jain, Higher and Technical Education; Harshavardhan Shahajirao Patil, Employment Guarantee Scheme, Marketing, Parliamentary Affairs, Women & Child Development; Ganesh Naik, Environment, State Excise; Vasant Chindhuji Purake, School Education, Sports, Youth Affairs; Dilip Walse Patil, Energy (Excluding non-conventional energy), Medical Education; Haji Anees Majeed Ahmed, Animal Husbandry, Aukaf, Dairy Development, Fisheries; Anil Vasantrao Deshmukh, Public Works (Public Undertakings); Balasaheb Thorat, Agriculture, Khar Lands, Water Conservation; Chandrakant Handore, De-Addiction Activities, Social Justice; Nawab Malik, Labour, Manohar Rajusingh Naik, Food & Drugs Administration, Special Assistance; Dr. Vijaykumar Gavit, Tribal Development; Sunil Tatkare, Food and Civil Supplies and Consumer Protection; Ramraje Naik Nimbalkar, Water Resources (Krishna Valley Irrigation Corporation); Babanrao Pachpute, Forests; Vinay Vilasrao Kore, Horticulture, Non-conventional Energy; Dr. Patangrao Shripatrao Kadam, Co-operation, Rehabilitation, Relief Works; and Dr. (Smt.) Vimaltai Mundada, Family Welfare, Public Health.

The new Ministers of State are: Sarvashri Suresh Shetty, *Higher and Technical Education, Medical Education, Special Assistance, Tourism; Dharmaraobaba Atram, Mines, Social Justice, Transport, Welfare of Nomadic, De-notified Tribes and Other Backward Classes, Women & Child Development; Dr. Sunil Punjabrao Deshmukh, Command Area Development, Finance, Parliamentary Affairs, Planning, Water Resources; Dr. Rajendra Shingne, Earthquake Rehabilitation, Information & Publicity, Rehabilitation, Relief Works, Revenue, Sports, Youth Welfare, Ex-Servicemen's Welfare; Siddharam Satlingappa Mhetre, Home, Horticulture, Jails; Hassan Mushrif, Animal Husbandry, Aukaf, Dairy Development, Fisheries, Law and Judiciary, School Education; Ravisheth Patil, Environment, Forests, Public Works, Tribal Development; Rajesh Tope, General Administration, Parliamentary Affairs, Urban Development, Urban Land Ceilings, Water Conservation; Baba Jiyauddin Siddiki, Food & Drugs Administration, Food and Civil Supplies and Consumer Protection, Labour; Dayanand J Maske, Housing, Khar Lands, Ports, Repairs and*

Reconstruction, Slum Improvement; Ranjit Prataprao Kamble, Family Welfare, Public Health, Rural Development, Water Supply and Sanitation; Jayprakash Dandegaonkar, Co-operation, De-Addiction Activities, Marketing, Textiles; and Rana Jagjitsinh Padmasinh Patil, Agriculture, Cultural Affairs, Employment and Self Employment, Employment Guarantee Scheme, Industries, Protocol.

New Governor: On 5 December 2004, Shri S.M. Krishna was sworn in as the Governor of Maharashtra.

MANIPUR

By-Election Result: Dr. Sapam Budhichandra Singh of the Indian National Congress (INC) was declared elected from Konthoujam Assembly Constituency, by-elections for which was held on 13 October 2004.

NAGALAND

By-Election Results: The Congress won Aonglenden and Tehok Assembly seats while the Nagaland People's Front (NPF) won the Tenning Assembly seat, by-elections for which were held on 13 October 2004. The newly elected members are: Sarvashri C. Apok Jamir (Aonglenden); S. Shaboh Konyak (Tehok); and Tarie (Tenning).

ORISSA

Death of former Chief Minister: On 4 October 2004, the former Chief Minister, Shri Nilamani Routray passed away in Kolkata. He was 84.

PUNJAB

By-Election Results: The Congress won both the Kapurthala and Garhshankar Assembly seats, by-elections for which were held on 13 October 2004. The newly elected members are: Shri Lov Kumar Goldi (Garhshankar) and Smt. Sukhjinder Kaur (Kapurthala).

Resignation of Governor: On 30 October 2004, the Governor, Shri Om Prakash Verma submitted his resignation to the President. The Governor of Haryana, Shri A.R. Kidwai was given additional charge as the Governor of Punjab.

New Governor: On 8 November 2004, Gen. (retd.) S.F. Rodrigues was appointed as the Governor of Punjab.

RAJASTHAN

By-Election Results: The BJP won Behror Assembly seat while the

Congress won Merta Assembly seat, by-elections for which were held on 13 October 2004. The newly elected members are: Sarvashri Chandnath (Behror) and Ramchandra (Merta).

Resignation by Governor: On 25 October 2004, the Governor, Shri Madan Lal Khurana submitted his resignation to the President. On 28 October 2004, Shri Khurana's resignation was accepted. On 1 November 2004, the Governor of Uttar Pradesh, Shri T.V. Rajeshwar was sworn in as the Acting Governor of Rajasthan.

New Governor: On 8 November 2004, Smt. Pratibha Devisingh Patil was sworn in as the Governor of Rajasthan.

Death of former Chief Minister: On 23 December 2004, the former Chief Minister of Rajasthan, Shri Heeralal Devpura passed away in Jaipur. He was 79.

TAMIL NADU

Resignation by Governor: On 30 October 2004, the Governor, Shri P.S. Ramamohan Rao resigned from his post. Shri Surjit Singh Barnala, the Governor of Andhra Pradesh, was transferred and appointed as the Governor of Tamil Nadu by the President.

Shri Barnala was sworn in as the Governor on 3 November 2004.

TRIPURA

Death of Former Chief Minister: On 25 December 2004, the former Chief Minister of Tripura, Shri Nripen Chakraborty passed away.

UTTARANCHAL

Assembly By-Election Results: Shri Pushpesh Tripathi of the Uttaranchal Kranti Dal was declared elected from Dwarahat Assembly Constituency, by-elections for which were held on 13 October 2004.

UTTAR PRADESH

Assembly By-Election Results: The Samajwadi Party (SP) won eight seats, the Bahujan Samaj Party (BSP)-two, while the Bharatiya Janata Party (BJP) and the Rashtriya Lok Dal (RLD) secured one seat each, in the by-election for 12 Assembly seats which were held on 13 October 2004. The winners are: Sarvarshri Surendra Kumar Munni (Ghaziabad); Ujjawal Singh (Karchana); Rajnath Yadav (Saidpur); Ram Magan (Siddhaur); Ram Chandra Yadav (Milkipur); Shyam Prakash (Ahrirori); Smt. Nandita Shukla (Mujehna); and Smt. Shraddha Yadav

(Mariahu) (all from SP); Sarvashri Mukul Upadhyay (Iglas) and Raju Pal (Allahabad West) (both from BSP); Shri Paramjeet (Baghra) (RLD); and Smt. Prem Lata Katiyar (Atrauli) (BJP).

WEST BENGAL

Assembly By-Election Results: The Left Front won all the three Assembly seats, by-elections for which were held on 13 October 2004. The winners are: Sarvashri Parimal Biswas (Jorabagan); Jiban Prakash Saha (Shyampukur); and Md. Abu Sufyan (Entally).

New Governor: On 3 December 2004, Shri Gopal Krishna Gandhi was appointed as the Governor of West Bengal, replacing Shri Viren J. Shah whose term of office expired. On 14 December 2004, Shri Gopal Krishna Gandhi was sworn in as the Governor.

EVENTS ABROAD

AFGHANISTAN

President elected: The Interim President, Mr. Hamid Karzai was declared elected as the President of Afghanistan, elections for which was held on 9 October 2004 and was sworn in on 7 December 2004.

AUSTRALIA

Legislative Elections: The elections for the 150-seat House of Representatives was held on 9 October 2004. The Liberal Party secured 74 seats. The position in respect of other parties is as follows: National Party: 12; Australian Labour Party: 60; Country Liberal Party—The Territory Party (CLP): 1 and Independents: 3.

BELARUS

New Speaker: On 16 November 2004, Mr. Uladzimir Kanaplyow was declared elected as the Speaker of the National Assembly's House of the Representatives (the Lower Chamber of the Bicameral Legislature).

BOTSWANA

General Elections: In the elections held on 30 October 2004, to the 57-seat National Assembly (the Lower Chamber of the Bicameral Legislature), the ruling Botswana Democratic Party (BDP) won 44 seats. The Botswana National Front (BNF) secured 12 seats while the Botswana Congress Party (BCP) won only one seat.

New President: On 1 November 2004, the President Mr. Festus Mogae was sworn in for a second five-year term in office.

CAMEROON

President Re-elected: On 11 October 2004, Mr. Paul Biya was re-elected as the President for a third seven-year term.

CZECH REPUBLIC

New Speaker of Senate: On 15 December 2004, Mr. Premysl Sobotka was elected as the new Speaker of the Senate (the Upper House of the Bicameral Legislature).

GHANA

President Re-elected: Mr. John Kufuor of the ruling New Patriotic Party (NPP), was re-elected for a second four-year term as the President of Ghana, election for which was held on 7 December 2004.

Legislative Elections: The ruling New Patriotic Party secured 128 seats in the elections held on 7 December 2004 to the 230-seat National Assembly (the Unicameral Legislature). The position in respect of other parties is as follows: National Democratic Congress (NDC): 94; People's National Congress (PNC): 4; Convention People's Party (CPP): 3; and Independent: 1.

INDONESIA

New Speaker: On 2 October 2004, Mr. Agung Laksono of the Golkar Party was elected as the new Speaker of the DPR.

New President: On 4 October 2004, Gen. (retd.) Susilo Bambang Yudhoyono was declared elected as the President of Indonesia.

KAZAKHSTAN

Legislative Elections: In the elections held to the 77-seat Majlis (the Lower House of the Bicameral Legislature) which were held in two phases- 19 September and 3 October 2004, the Otan (Fatherland) Party secured 42 seats. The position in respect of other parties is as follows: Civic and Agrarian Parties (AIST): 11; Asar (All Together): 4; Ak Zhol: 1; Democratic Party of Kazakhstan: 1 and Independents: 18.

LEBANON

New Prime Minister: On 20 October 2004, the Prime Minister Mr. Rafik al-Hariri resigned from his post. On 21 October 2004, the President Mr. Emile Lahout appointed Mr. Umar Karami as the new Prime Minister.

LITHUANIA

Legislative Elections: The elections for the 141-seat Seimas (the Unicameral Legislature) was held on 10 and 24 October 2004. The party position following the elections is as follows: Labour Party (DP): 39; Homeland Unions (TS): 25; Lithuanian Social Democratic Party (LSDP): 20; New Union-Social Liberals (NS-SL): 11; Liberal and Centre Union (LCS): 18; Liberal Democratic Party (LDP): 10; Farmers and New Democracy Union (VNDPS): 10; Lithuanian Poles' Electoral Action (LLRA): 2 and Independents: 6.

MACEDONIA

Resignation of Prime Minister: On 15 November 2004, Mr. Hari Kostov resigned from his post

MOZAMBIQUE

New President: Mr. Armando Emilio Guebuza was declared elected as the new President, elections for which was held on 1-2 December 2004.

MYANMAR

New Prime Minister: On 19 October 2004, the Prime Minister Gen. Khin Nyunt resigned from his post citing health reasons. Lt-Gen. Soe Win was appointed as the new Prime Minister.

NAMIBIA

New President: Mr. Hifikepunye Pohamba was declared elected as the President of Namibia, election for which was held on 15-16 November 2004.

Legislative Elections: The ruling South West African People's Organisation (SWAPO) secured 55 seats in the elections held on 15-16 November 2004 to the 72-seat National Assembly (the Lower Chamber of the Bicameral Legislature). The position in respect of other parties is as follows: Congress of Democrats (CD): 5; Democratic Turnhalle Alliance (DTA): 4; National Unity Democratic Organisation (NUDO): 3; United Democratic Front (UDF): 3; Republican Party (RP): 1 and Monitor Action Group (MAG): 1.

NAURU

President Re-elected: Mr. Ludwig Scotty was re-elected as the President of Nauru, elections for which was held on 23 October 2004.

SLOVENIA

Legislative Elections: The Slovenian Democratic Party (SDS) secured 29 seats in the elections held on 3 October 2004, to the 90-seat State Chamber (The Lower House of the Bicameral Legislature). The position in respect of other parties is as follows: Liberal Democracy of Slovenia (LDS): 23; United List of Social Democrats (ZLSD): 10; New Slovenia (Nsi): 9; Slovene People's Party (SLS+SKD): 7; Slovene National Party (SNS): 6; Democratic Party of Pensioners of Slovenia (DeSUS): 4 and Others (including Hungarian and Italian ethnic minorities): 2.

SOMALIA

New President: On 10 October 2004, Col. Ahmed Abdullahi Yusuf, was declared elected as the President of Somalia.

New Prime Minister: On 3 November 2004, the President, Col. Ahmed Abdullahi Yusuf appointed Mr. Ali Muhammad Gedi as the new Prime Minister.

SWITZERLAND

New President: On 8 December 2004, in a Joint Session, the Federal Assembly (the Bicameral Legislature, comprising the Nationalrat and the Ständerat) elected Mr. Samuel Schmid as the new President of Switzerland.

TUNISIA

New President: Mr. Zine al-Abidine Ben Ali was elected as the President of Tunisia, elections for which was held on 24 October 2004.

Legislative Elections: In the elections to the 189-seat Chamber of Deputies (the Unicameral Legislature) which was held on 24 October 2004, the Constitutional Democratic Rally (RCD) secured 152 seats. The position in respect of other parties is as follows: Movement of Social Democrats (MSD): 14; Popular Unity Party (PUP): 11; Unionist Democratic Union (UDU): 7; Ettajdid Movement: 3 and Social Liberal Party: 2

UNITED STATES OF AMERICA

President Re-elected: The incumbent President Mr. George W. Bush was declared elected as the President at the election held on 2 November 2004. Mr. Bush would formally be sworn in and commence his second term on 20 January 2005.

URUGUAY

New President: Mr. Tabare Vazquez was declared elected as the President of Uruguay, elections for which was held on 31 October 2004.

Elections to House of Representatives and Senate: The elections for the 99-seat House of Representatives and the 30-seat Senate were held on 31 October 2004. In the elections to the House of Representatives, the Progressive Encounter-Broad Front (EP-FA) secured 53 seats. The position in respect of other parties is as follows: National (Blanco) Party (PN): 34; Colorado Party: 10 and Others: 2.

In the elections to the Senate, the Progressive Encounter-Broad Front (EP-FA) secured 17 seats. The National (Blanco) Party (PN) and the Colorado Party won 10 and 3 seats, respectively.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Prevention of Terrorism Act, 2002 was enacted as a special law to deal with terrorist acts. There had been allegations of gross misuse of the provisions of the Act by some State Governments. Views had been expressed that the provisions of the Act were misused in cases where they should not have been invoked. It had also been observed in various quarters that the Act had failed to serve its intended purpose and as a result, there had been persistent demands to repeal the Act. The Government had also been concerned with the manner in which provisions of the Act were grossly misused in the past two years. It was, therefore, felt necessary to repeal the Act. As the Parliament was not in Session, the Prevention of Terrorism (Repeal) Ordinance, 2004 was promulgated on 21 September 2004. The Ordinance empowered the Central Review Committee to review all cases pending in the courts or at various stages of investigation and complete the review within the period of one year from the date of repeal of the Act and to give its directions. Whenever, in the opinion of the Central Review Committee no *prima facie* case was made out either in respect of cases pending in the courts, or under investigation, such cases should be deemed to have been withdrawn and investigation closed, as the case might be.

The Prevention of Terrorism (Repeal) Bill, 2004 which sought to replace the Prevention of Terrorism (Repeal) Ordinance, 2004 and achieve the above objects was passed by the Lok Sabha and Rajya Sabha on 6 and 9 December 2004, respectively. It was assented to by the President on 21 December, 2004.

The Commission on Review of Administrative Laws constituted by the Central Government in May, 1998 had, *inter alia*, recommended repeal of the Special Tribunals (Supplementary Provisions) Act, 1946. The Special Tribunals (Supplementary Provisions) Act, 1946 was enacted to make certain provisions in relation to sentences and orders passed by the Special Tribunals constituted under the Criminal Law Amendment Ordinance, 1943 on such Tribunals ceasing to function. These Special Tribunals were constituted to provide for more speedy trial and more effective punishment of certain offences punishable under the Indian Penal Code involving certain public servants specified in the Schedule to the aforesaid Ordinance.

No Special Tribunal constituted under the Criminal Law Amendment Ordinance, 1943 is in existence now. Under section 3 of the Prevention of Corruption Act, 1988, the Central and State Governments were now empowered to appoint as many Special Judges as necessary to try any offence punishable under the Prevention of Corruption Act, 1988. The offences involving public servants referred to in the Schedule to the Criminal Law Amendment Ordinance, 1943 had been incorporated in the Prevention of Corruption Act, 1988. The

enabling Criminal Law Amendment Ordinance, 1943 had also been repealed by the Repealing and Amending Act, 1957. The Special Tribunals (Supplementary Provisions) Act, 1946 had outlived its utility, and was no longer required to be retained in the statute book. It was, therefore, proposed to repeal the Special Tribunals (Supplementary Provisions), Act 1946.

The Special Tribunals (Supplementary Provisions) Repeal Bill, 2004, which sought to achieve the above mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 13 and 15 December 2004, respectively. It was assented to by the President on 24 December 2004.

The Central Government had been concerned with the manner in which provisions of the Prevention of Terrorism Act, 2002 were being grossly misused in the past two years. Accordingly, it was felt necessary to repeal the Act. Since the Parliament was not in Session, the Prevention of Terrorism (Repeal) Ordinance, 2004 was promulgated. At the same time, the Government was also firm in its resolve not to compromise in the fight against terrorism which poses a serious threat to our national security and also at the global level. India has also been on the forefront of the global fight against terrorism and had given certain commitments in this regard, particularly in pursuance of the United Nations Security Council Resolution, 1373 of 28 September 2001. For this reason, such legal provisions, as were considered necessary to deal with various facets of terrorism, were proposed to be incorporated in the Unlawful Activities (Prevention) Act, 1967. To give effect to the above objective, the Unlawful Activities (Prevention) Amendment Ordinance, 2004 was promulgated on 21 September 2004.

The Unlawful Activities (Prevention) Amendment Bill, 2004 which sought to replace the Unlawful Activities (Prevention) Amendment Ordinance, 2004 was passed by the Lok Sabha and the Rajya Sabha on 6 and 9 December 2004, respectively. It was assented to by the President on 29 December 2004.

We reproduce here the texts of the above Acts.

—Editor

THE PREVENTION OF TERRORISM (REPEAL) ACT, 2004

An Act to repeal the Prevention of Terrorism Act, 2002

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

1. *Short title and commencement* (1) This Act may be called the Prevention of Terrorism (Repeal) Act, 2004.

(2) It shall be deemed to have come into force on the 21st day of September, 2004.

2. *Repeal of Act 15 of 2002 and saving.* (1) The Prevention of Terrorism Act, 2002 (hereinafter referred to as the principal Act) is hereby repealed.

(2) The repeal of the principal Act shall not affect—

- (a) the previous operation of, or anything duly done or suffered under the principal Act, or
- (b) any right, privilege or obligation or liability acquired, accrued or incurred under the principal Act, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence under the principal Act, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and, any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the principal Act had not been repealed:

Provided that notwithstanding anything contained in this sub-section or in any other law for the time being in force, no court shall take cognizance of an offence under the principal Act after the expiry of the period of one year from the commencement of this Act.

(3) Notwithstanding the repeal of section 60 of the principal Act, the Review Committee constituted by the Central Government under sub-section (1) of that section, whether or not an application under sub-section (4) of that section has been made, shall review all cases registered under the principal Act as to whether there is a *prima facie* case for proceeding against the accused thereunder and such review shall be completed within a period of one year from the commencement of this Act and where the Review Committee is of the opinion that there is no *prima facie* case for proceeding against the accused, then,—

- (a) in cases in which cognizance has been taken by the Court, the cases shall be deemed to have been withdrawn; and
- (b) in cases in which investigations are pending, the investigations shall be closed forthwith,

with effect from the date of issuance of the direction by such Review Committee in this regard.

(4) The Review Committee constituted by the Central Government under sub-section (1) of section 60 of the principal Act shall, while reviewing cases, have powers of a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) discovery and production of any document;

(b) requisitioning any public record or copy thereof from any court or office.

(5) The Central Government may constitute more Review Committees, as it may consider necessary, for completing the review within the period specified in sub-section (3).

3. Repeal and saving (1) The Prevention of Terrorism (Repeal) Ordinance, 2004 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SPECIAL TRIBUNALS (SUPPLEMENTARY PROVISIONS) REPEAL ACT, 2004

An Act to repeal the Special Tribunals (Supplementary Provisions) Act, 1946.

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

1. Short title. This Act may be called the Special Tribunals (Supplementary Provisions) Repeal Act, 2004.

2. Repeal of Act 26 of 1946. The Special Tribunals (Supplementary Provisions) Act, 1946 is hereby repealed.

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2004

An Act further to amend the Unlawful Activities (Prevention) Act, 1967.

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

1. Short title and commencement. (1) This Act may be called the Unlawful Activities (Prevention) Amendment Act, 2004.

(2) It shall be deemed to have come into force on the 21st day of September, 2004.

2. Amendment of long title. In the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the principal Act), in the long title, after the word “associations”, the words, “and for dealing with terrorist activities,” shall be inserted.

3. Substitution of word “Code” for “Code of Criminal Procedure,

1898". In the principal Act, for the words and figures "Code of Criminal Procedure, 1898", wherever they occur, the word "Code" shall be substituted.

4. Amendment of Chapter 1. In Chapter I of the principal Act, for sections 1, 2 and 2A, the following sections shall be substituted, namely:—

- '1. *Short title, extent and application.* (1) This Act may be called the Unlawful Activities (Prevention) Act, 1967.
 - (2) It extends to the whole of India.
 - (3) Every person shall be liable to punishment under this Act for every act or omission contrary to the provisions thereof, of which he is held guilty in India.
 - (4) Any person, who commits an offence beyond India, which is punishable under this Act, shall be dealt with according to the provisions of this Act in the same manner as if such act had been committed in India.
 - (5) The provisions of this Act apply also to—
 - (a) citizens of India outside India;
 - (b) persons in the service of the Government, wherever they may be; and
 - (c) persons on ships and aircrafts, registered in India, wherever they may be.
2. *Definitions.* (1) In this Act, unless the context otherwise requires,—
 - (a) "association" means any combination or body of individuals;
 - (b) "cession of a part of the territory of India" includes admission of the claim of any foreign country to any such part;
 - (c) "Code" means the Code of Criminal Procedure, 1973;
 - (d) "court" means a criminal court having jurisdiction, under the Code, to try offences under this Act;
 - (e) "Designated Authority" means such officer of the Central Government not below the rank of Joint Secretary to that Government, or such officer of the State Government not below the rank of Secretary to that Government, as the case may be, as may be specified by the Central Government or the State Government, by notification published in the Official Gazette;
 - (f) "prescribed" means prescribed by rules made under this Act;

- (g) "proceeds of terrorism" means all kinds of properties which have been derived or obtained from commission of any terrorist act or have been acquired through funds traceable to a terrorist act, irrespective of person in whose name such proceeds are standing or in whose possession they are found, and includes any property which is being used, or is intended to be used, for the purpose of a terrorist organisation;
- (h) "property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, and includes cash and bank account;
- (i) "secession of a part of the territory of India from the Union" includes the assertion of any claim to determine whether such part will remain a part of the territory of India;
- (j) "State Government", in relation to a Union territory, means the Administrator thereof;
- (k) "terrorist act" has the meaning assigned to it in section 15, and the expressions "terrorism" and "terrorist" shall be construed accordingly;
- (l) "terrorist gang" means any association, other than terrorist organisation, whether systematic or otherwise, which is concerned with, or involved in, terrorist act;
- (m) "terrorist organisation" means an organisation listed in the Schedule or an organisation operating under the same name as an organisation so listed;
- (n) "Tribunal" means the Tribunal constituted under section 5;
- (o) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—
 - (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or
 - (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or

(iii) which causes or is intended to cause disaffection against India;

(p) "unlawful association" means any association,—

(i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or

(ii) which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity:

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir;

(q) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

5. Amendment of section 5. In section 5 of the principal Act, in sub-section (7), for the word and figures "Chapter XXXV", the word and figures "Chapter XXVI" shall be substituted.

6. Substitution of new section for section 10. For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. Penalty for being member of an unlawful association, etc.

Where an association is declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section,—

(a) a person, who—

(i) is and continues to be a member of such association; or

(ii) takes part in meetings of such association; or

(iii) contributes to, or receives or solicits any contribution for the purpose of, such association; or

(iv) in any way assists the operations of such association, shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine; and

- (b) a person, who is or continues to be a member of such association, or voluntarily does an act aiding or promoting in any manner the objects of such association and in either case is in possession of any unlicensed firearms, ammunition, explosive or other instrument or substance capable of causing mass destruction and commits any act resulting in loss of human life or grievous injury to any person or causes significant damage to any property,—
- (i) and if such act has resulted in the death of any person, shall be punishable with death or imprisonment for life, and shall also be liable to fine;
- (ii) in any other case, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”.

7. *Substitution of new Chapters and Schedule for Chapter IV.* For Chapter IV of the principal Act, the following Chapters and the Schedule shall be substituted, namely:—

‘CHAPTER IV

PUNISHMENT FOR TERRORIST ACTIVITIES

15. *Terrorist act.* Whoever, with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people in India or in any foreign country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community in India or in any foreign country or causes damage or destruction of any property or equipment used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any person and threatens to kill or injure such person in order to compel the Government in India or the Government of a foreign country or any other person to do or abstains from doing any act, commits a terrorist act.
16. *Punishment for terrorist act.* (1) Whoever commits a terrorist act shall,—

- (a) if such act has resulted in the death of any person, be punishable with death or imprisonment for life, and shall also be liable to fine;
 - (b) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
17. *Punishment for raising fund for terrorist act.* Whoever raises fund for the purpose of committing a terrorist act shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
18. *Punishment for conspiracy, etc.* Whoever conspires or attempts to commit, or advocates, abets, advises or incites or knowingly facilitates the commission of, a terrorist act or any act preparatory to the commission of a terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
19. *Punishment for harbouring, etc.* Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person is a terrorist shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine:
- Provided that this section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.
20. *Punishment for being member of terrorist gang or organisation.* Any person who is a member of a terrorist gang or a terrorist organisation, which is involved in terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.
21. *Punishment for holding proceeds of terrorism.* Whoever knowingly holds any property derived or obtained from commission of any terrorist act or acquired through the terrorist fund shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.
22. *Punishment for threatening witness.* Whoever threatens any person who is a witness or any other person in whom such witness may be interested, with violence, or wrongfully restrains or confines the witness, or any other person in

whom the witness may be interested, or does any other unlawful act with intent to cause any of the said acts, shall be punishable with imprisonment which may extend to three years, and shall also be liable to fine.

23. *Enhanced penalties.* (1) If any person with intent to aid any terrorist contravenes any provision of, or any rule made under the Explosives Act, 1884 or the Explosive Substances Act, 1908 or the Inflammable Substances Act, 1952 or the Arms Act, 1959, or is in unauthorised possession of any bomb, dynamite or hazardous explosive substance or other lethal weapon or substance capable of mass destruction or biological or chemical substance of warfare, he shall, notwithstanding anything contained in any of the aforesaid Acts or the rules made thereunder, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Any person who, with intent to aid any terrorist, attempts to contravene or abets, or does any act preparatory to contravention of any provision of any law or rule specified in sub-section (1), shall be deemed to have contravened that provision under sub-section (1) and the provisions of that sub-section in relation to such person, have effect subject to the modification that the reference to "imprisonment for life" therein shall be construed as a reference to "imprisonment for ten years".

CHAPTER V

FORFEITURE OF PROCEEDS OF TERRORISM

24. *Forfeiture of proceeds of terrorism.* (1) No person shall hold or be in possession of any proceeds of terrorism.
- (2) Proceeds of terrorism, whether held by a terrorist or by any other person and whether or not such terrorist or other person is prosecuted or convicted for any offence under Chapter IV or Chapter VI, shall be liable to be forfeited to the Central Government or the State Government, as the case may be, in the manner provided under this Chapter.
25. *Powers of investigating officer and Designated Authority and appeal against order of Designated Authority.* (1) If an officer investigating an offence committed under Chapter IV or Chapter VI, has reason to believe that any property in relation to which an investigation is being conducted, represents proceeds of terrorism, he shall, with the prior approval in writing of the Director General of Police of State in which

such property is situated, make an order seizing such property and where it is not practicable to seize such property, make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order, or of the Designated Authority before whom the property seized or attached is produced and a copy of such order shall be served on the person concerned.

- (2) The investigating officer shall duly inform the Designated Authority within forty-eight hours of the seizure or attachment of such property.
- (3) The Designated Authority before whom the seized or attached property is produced shall either confirm or revoke the order of seizure or attachment so issued within a period of sixty days from the date of such production:
Provided that an opportunity of making a representation by the person whose property is being seized or attached shall be given.
- (4) In the case of immovable property attached by the investigating officer, it shall be deemed to have been produced before the Designated Authority, when the investigating officer notifies his report and places it at the disposal of the Designated Authority.
- (5) The investigating officer may seize and detain any cash to which this Chapter applies if he has reasonable grounds for suspecting that—

(a) it is intended to be used for the purposes of terrorism;
or

(b) it forms the whole or part of the resources of a terrorist organisation:

Provided that the cash seized under this sub-section by the investigating officer shall be released within a period of forty-eight hours beginning with the time when it is seized unless the matter involving the cash is before the Designated Authority and such Authority passes an order allowing its retention beyond forty-eight hours.

Explanation.—For the purposes of this sub-section, “cash” means—

- (a) coins or notes in any currency;
- (b) postal orders;
- (c) traveller’s cheques;
- (d) banker’s drafts; and

- (e) such other monetary instruments as the Central Government or, as the case may be, the State Government may specify by an order made in writing.
 - (6) Any person aggrieved by an order made by the Designated Authority may prefer an appeal to the court within a period of thirty days from the date of receipt of the order, and the court may either confirm the order of attachment of property or seizure so made or revoke such order and release the property.
26. *Court to order forfeiture of proceeds of terrorism.* Where any property is seized or attached on the ground that it constitutes proceeds of terrorism and the court confirms the order in this regard under sub-section (6) of section 25, it may order forfeiture of such property, whether or not the person from whose possession it is seized or attached, is prosecuted in a court for an offence under Chapter IV or Chapter VI.
27. *Issue of show cause notice before forfeiture of proceeds of terrorism.* (1) No order forfeiting any proceeds of terrorism shall be made under section 26 unless the person holding or in possession of such proceeds is given a notice in writing informing him of the grounds on which it is proposed to forfeit the proceeds of terrorism and such person is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of forfeiture and is also given a reasonable opportunity of being heard in the matter.
- (2) No order of forfeiture shall be made under sub-section (1), if such person establishes that he is a *bona fide* transferee of such proceeds for value without knowing that they represent proceeds of terrorism.
 - (3) It shall be competent for the court to make an order in respect of property seized or attached,—
 - (a) directing it to be sold if it is a perishable property and the provisions of section 459 of the Code shall, as nearly as may be practicable, apply to the net proceeds of such sale;
 - (b) nominating any officer of the Central Government or the State Government, in the case of any other property, to perform the function of the Administrator of such property subject to such conditions as may be specified by the court.
28. *Appeal.* (1) Any person aggrieved by an order of forfeiture

under section 26 may, within one month from the date of the receipt of such order, appeal to the High Court within whose jurisdiction, the court, which passed the order appealed against, is situated.

- (2) Where an order under section 26 is modified or annulled by the High Court or where in a prosecution instituted for any offence under Chapter IV or Chapter VI, the person against whom an order of forfeiture has been made under section 26 is acquitted, such property shall be returned to him and in either case if it is not possible for any reason to return the forfeited property, such person shall be paid the price therefore as if the property had been sold to the Central Government with reasonable interest calculated from the day of seizure of the property and such price shall be determined in the manner prescribed.

29. *Order of forfeiture not to interfere with other punishments.*

The order of forfeiture made under this Chapter by the court, shall not prevent the infliction of any other punishment to which the person affected thereby is liable under Chapter IV or Chapter VI.

30. *Claims by third party.* (1) Where any claim is preferred or any objection is made to the seizure or attachment of any property under section 25 on the ground that such property is not liable to seizure or attachment, the Designated Authority before whom such property is produced, shall proceed to investigate the claim or objection:

Provided that no such investigation shall be made where the Designated Authority considers that the claim or objection is designed to cause unnecessary delay.

- (2) Where an appeal has been preferred under sub-section (6) of section 25 and any claimant or objector establishes that the property specified in the notice issued under section 27 is not liable to be forfeited under this Chapter, the said notice shall be withdrawn or modified accordingly.

31. *Powers of Designated Authority.* The Designated Authority acting under the provisions of this Chapter, shall have all the powers of a civil court required for making a full and fair inquiry into the matter before it.

32. *Certain transfers to be null and void.* Where, after the issue of an order under section 25 or issue of a notice under section 27, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall for the purpose of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited, the

transfer of such property shall be deemed to be null and void.

33. *Forfeiture of property of certain persons.* (1) Where any person is accused of an offence under Chapter IV or Chapter VI, it shall be open to the court to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, if not already attached under this Chapter.

(2) Where a person has been convicted of any offence punishable under Chapter IV or Chapter VI, the court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the accused and specified in the order, shall stand forfeited to the Central Government or the State Government, as the case may be, free from all encumbrances.

34. *Company to transfer shares to Government.* Where any share in a company stand forfeited to the Central Government or the State Government, as the case may be, under this Chapter, then, the company shall, on receipt of the order of the court, notwithstanding anything contained in the Companies Act, 1956, or the articles of association of the company, forthwith register the Central Government or the State Government, as the case may be, as the transferee of such share.

CHAPTER VI

TERRORIST ORGANISATIONS

35. *Amendment of Schedule, etc.* (1) The Central Government may, by order, in the Official Gazette,—

(a) add an organisation to the Schedule;

(b) add also an organisation to the Schedule, which is identified as a terrorist organisation in a resolution adopted by the Security Council under Chapter VII of the Charter of the United Nations, to combat international terrorism;

(c) remove an organisation from the Schedule;

(d) amend the Schedule in some other way.

- (2) The Central Government shall exercise its power under clause (a) of sub-section (1) in respect of an organisation only if it believes that it is involved in terrorism.

- (3) For the purposes of sub-section (2), an organisation shall be deemed to be involved in terrorism if it—

(a) commits or participates in acts of terrorism, or

(b) prepares for terrorism, or

- (c) promotes or encourages terrorism, or
 - (d) is otherwise involved in terrorism.
36. *Denotification of a terrorist organisation.* (1) An application may be made to the Central Government for the exercise of its power under clause (c) of sub-section (1) of section 35 to remove an organisation from the Schedule.
- (2) An application under sub-section (1) may be made by—
 - (a) the organisation, or
 - (b) any person affected by inclusion of the organisation in the Schedule as a terrorist organisation.
 - (3) The Central Government may prescribe the procedure for admission and disposal of an application made under this section.
 - (4) Where an application under sub-section (1) has been rejected the applicant may apply for a review to the Review Committee constituted by the Central Government under sub-section (1) of section 37 within one month from the date of receipt of the order of such refusal by the applicant.
 - (5) The Review Committee may allow an application for review against rejection to remove an organisation from the Schedule, if it considers that the decision to reject was flawed when considered in the light of the principles applicable on an application for judicial review.
 - (6) Where the Review Committee allows review under sub-section (5) by or in respect of an organisation, it may make an order to such effect.
 - (7) Where an order is made under sub-section (6), the Central Government shall, as soon as the certified copy of the order is received by it, make an order removing the organisation from the Schedule.
37. *Review Committees.* (1) The Central Government shall constitute one or more Review Committees for the purposes of section 36.
- (2) Every such Committee shall consist of a Chairperson and such other members not exceeding three and possessing such qualifications as may be prescribed.
 - (3) A Chairperson of the Committee shall be a person who is, or has been, a Judge of a High Court, who shall be appointed by the Central Government and in the case of appointment of a sitting Judge, the concurrence of the Chief Justice of the concerned High Court shall be obtained.

38. Offence relating to membership of a terrorist organisation.

(1) A person, who associates himself, or professes to be associated, with a terrorist organisation with intention to further its activities, commits an offence relating to membership of a terrorist organisation:

Provided that this sub-section shall not apply where the person charged is able to prove—

(a) that the organisation was not declared as a terrorist organisation at the time when he became a member or began to profess to be a member; and

(b) that he has not taken part in the activities of the organisation at any time during its inclusion in the Schedule as a terrorist organisation.

(2) A person, who commits the offence relating to membership of a terrorist organisation under sub-section (1), shall be punishable with imprisonment for a term not exceeding ten years, or with fine, or with both.

39. Offence relating to support given to a terrorist organisation.

(1) A person commits the offence relating to support given to a terrorist organisation,—

(a) who, with intention to further the activity of a terrorist organisation,—

(i) invites support for the terrorist organisation, and

(ii) the support is not or is not restricted to provide money or other property within the meaning of section 40; or

(b) who, with intention to further the activity of a terrorist organisation, arranges, manages or assists in arranging or managing a meeting which he knows is—

(i) to support the terrorist organisation, or

(ii) to further the activity of the terrorist organisation, or

(iii) to be addressed by a person who associates or professes to be associated with the terrorist organisation; or

(c) who, with intention to further the activity of a terrorist organisation, addresses a meeting for the purpose of encouraging support for the terrorist organisation or to further its activity.

(2) A person, who commits the offence relating to support given to a terrorist organisation under sub-section (1), shall be punishable with imprisonment for a term not exceeding ten years, or with fine, or with both.

40. Offence of raising fund for a terrorist organisation. (1) A

person commits the offence of raising fund for a terrorist organisation, who, with intention to further the activity of a terrorist organisation,—

- (a) invites another person to provide money or other property, and intends that it should be used, or has reasonable cause to suspect that it might be used, for the purposes of terrorism; or
- (b) receives money or other property, and intends that it should be used, or has reasonable cause to suspect that it might be used, for the purposes of terrorism; or
- (c) provides money or other property, and knows, or has reasonable cause to suspect, that it would or might be used for the purposes of terrorism.

Explanation.—For the purposes of this sub-section, a reference to provide money or other property includes of its being given, lent or otherwise made available, whether or not for consideration.

(2) A person, who commits the offence of raising fund for a terrorist organisation under sub-section (1), shall be punishable with imprisonment for a term not exceeding fourteen years, or with fine, or with both.

CHAPTER VII

MISCELLANEOUS

- 41. *Continuance of association.* An association shall not be deemed to have ceased to exist by reason only of any formal act of its dissolution or change of name but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.
- 42. *Power to delegate.* The Central Government may, by notification in the Official Gazette, direct that all or any of the powers which may be exercised by it under section 7, or section 8, or both, shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised also by any State Government and the State Government may, with the previous approval of the Central Government, by order in writing, direct that any power which has been directed to be exercised by it shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by any person subordinate to the State Government as may be specified therein.
- 43. *Officers competent to investigate offences under Chapter IV*

and VI. Notwithstanding anything contained in the Code, no police officer,—

- (a) in the case of the Delhi Special Police Establishment, constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946, below the rank of a Deputy Superintendent of Police or a police officer of equivalent rank;
- (b) in the metropolitan areas of Mumbai, Kolkata, Chennai and Ahmedabad and any other metropolitan area notified as such under sub-section (1) of section 8 of the Code, below the rank of an Assistant Commissioner of Police;
- (c) in any case not relatable to clause (a) or clause (b), below the rank of a Deputy Superintendent of Police or a police officer of an equivalent rank,

shall investigate any offence punishable under Chapter IV or VI.

44. *Protection of witnesses.* (1) Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held *in camera* if the court so desires.

- (2) A court, if on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret.
- (3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a court may take under that sub-section may include—
 - (a) the holding of the proceedings at a place to be decided by the court;
 - (b) the avoiding of the mention of the name and address of the witness in its orders or judgments or in any records of the case accessible to public;
 - (c) the issuing of any directions for securing that the identity and address of the witness are not disclosed;
 - (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a court shall not be published in any manner.
- (4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with

imprisonment for a term which may extend to three years, and shall also be liable to fine.

45. *Cognizance of offences.* No court shall take cognizance of any offence—

- (i) under Chapter III without the previous sanction of the Central Government or any officer authorised by the Central Government in this behalf;
- (ii) under Chapters IV and VI without the previous sanction of the Central Government or, as the case may be, the State Government, and where such offence is committed against the Government of a foreign country without the previous sanction of the Central Government.

46. *Admissibility of evidence collected through the interception of communications.* Notwithstanding anything contained in the Indian Evidence Act, 1872 or any other law for the time being in force, the evidence collected through the interception of wire, electronic or oral communication under the provisions of the Indian Telegraph Act, 1885 or the Information Technology Act, 2000 or any other law for the time being in force, shall be admissible as evidence against the accused in the court during the trial of a case:

Provided that the contents of any wire, electronic or oral communication intercepted or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court unless each accused has been furnished with a copy of the order of the competent authority under the aforesaid law, under which the interception was directed, not less than ten days before trial, hearing or proceeding:

Provided further that the period of ten days may be waived by the judge trying the matter, if he comes to the conclusion that it was not possible to furnish the accused with such order ten days before the trial, hearing or proceeding and that the accused shall not be prejudiced by the delay in receiving such order.

47. *Bar of jurisdiction.* (1) Save as otherwise expressly provided in this Act, no proceeding taken under this Act by the Central Government or the District Magistrate or any officer authorised in this behalf by the Central Government or the District Magistrate, shall be called in question in any civil court in any suit or application or by way of appeal or revision, and no injunction shall be granted by any civil court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

(2) Notwithstanding anything contained in sub-section (1), no civil court or other authority shall have, or be entitled to exercise, any jurisdiction, powers or authority in relation to the matters referred to in section 36.

48. *Effect of Act and rules, etc. inconsistent with other enactments.* The provisions of this Act or any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.
49. *Protection of action taken in good faith.* No suit, prosecution or other legal proceeding shall lie against—
- (a) the Central Government or a State Government or any officer or authority of the Central Government or State Government or District Magistrate or any officer authorised in this behalf by the Government or the District Magistrate or any other authority on whom powers have been conferred under this Act, for anything which is in good faith done or purported to be done in pursuance of this Act or any rule or order made thereunder; and
 - (b) any serving or retired member of the armed forces or paramilitary forces in respect of any action taken or purported to be taken by him in good faith, in the course of any operation directed towards combating terrorism.
50. *Saving.* Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any law relating to the navy, army or air force or other armed forces of the Union.
51. *Impounding of passport and arms licence of person charge-sheeted under the Act.* Notwithstanding anything contained in any other law for the time being in force, the passport and the arms licence of a person, who is charge-sheeted for having committed any offence under this Act, shall be deemed to have been impounded for such period as the court may deem fit.
52. *Power to make rules.* (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—
- (a) the service of notices or orders issued or made under this Act and the manner in which such notices or orders

may be served, where the person to be served is a corporation, company, bank or other association;

- (b) the procedure to be followed by the Tribunal or a District Judge in holding any inquiry or disposing of any application under this Act;
 - (c) determination of the price of the forfeited property under sub-section (2) of section 28;
 - (d) the procedure for admission and disposal of an application under sub-section (3) of section 36;
 - (e) the qualifications of the members of the Review Committee under sub-section (2) of section 37; and
 - (f) any other matter which is required to be, or may be, prescribed.
53. *Orders and rules to be laid before both Houses of Parliament.* Every order and every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or rule or both Houses agree that the order or rule should not be made, the order or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order or rule.

THE SCHEDULE

[See sections 2(1)(m) and 35]

TERRORIST ORGANISATIONS

1. BABBAR KHALSA INTERNATIONAL.
2. KHALISTAN COMMANDO FORCE.
3. KHALISTAN ZINDABAD FORCE.
4. INTERNATIONAL SIKH YOUTH FEDERATION.
5. LASHKAR-E-TAIBA/PASBAN-E-AHLE HADIS.
6. JAISH-E-MOHAMMED/TAHRIK-E-FURQAN.
7. HARKAT-UL-MUJAHIDEEN/HARKAT-UL-ANSAR/HARKAT-UL-JEHAD-E-ISLAMI.

8. HIZB-UL-MUJAHIDEEN/HIZB-UL-MUJAHIDEEN PIR PANJAL REGIMENT.
9. AL-UMAR-MUJAHIDEEN.
10. JAMMU AND KASHMIR ISLAMIC FRONT.
11. UNITED LIBERATION FRONT OF ASSAM (ULFA).
12. NATIONAL DEMOCRATIC FRONT OF BODOLAND (NDFB).
13. PEOPLE'S LIBERATION ARMY (PLA).
14. UNITED NATIONAL LIBERATION FRONT (UNLF).
15. PEOPLE'S REVOLUTIONARY PARTY OF KANGLEIPAK (PREPAK).
16. KANGLEIPAK COMMUNIST PARTY (KCP).
17. KANGLEI YAOL KANBA LUP (KYKL).
18. MANIPUR PEOPLE'S LIBERATION FRONT (MPLF).
19. ALL TRIPURA TIGER FORCE.
20. NATIONAL LIBERATION FRONT OF TRIPURA
21. LIBERATION TIGERS OF TAMIL EELAM (LTTE).
22. STUDENTS ISLAMIC MOVEMENT OF INDIA.
23. DEENDAR ANJUMAN.
24. COMMUNIST PARTY OF INDIA (MARXIST-LENINIST)—PEOPLE'S WAR, ALL ITS FORMATIONS AND FRONT ORGANISATIONS.
25. MAOIST COMMUNIST CENTRE (MCC), ALL ITS FORMATIONS AND FRONT ORGANISATIONS.
26. AL BADR.
27. JAMIAT-UL-MUJAHIDDEN.
28. AL-QAIDA.
29. DUKHTARAN-E-MILLAT (DEM).
30. TAMIL NADU LIBERATION ARMY (TNLA).
31. TAMIL NATIONAL RETRIEVAL TROOPS (TNRT)
32. AKHIL BHARAT NEPALI EKTA SAMAJ (ABNES).'
8. *Repeal and saving.* (1) The Unlawful Activities (Prevention) Amendment Ordinance, 2004 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

SESSIONAL REVIEW

FOURTEENTH LOK SABHA

THIRD SESSION

The Third Session of the Fourteenth Lok Sabha, which commenced on 1 December 2004 was adjourned *sine die* on 23 December 2004. The House was prorogued on 24 December 2004. In all, the House sat for 17 days. A resume of some of the important discussions held and other business transacted during the period from 1 December to 23 December 2004 is given below:

A. DISCUSSIONS/STATEMENTS

Discussion under Rule 193 on Foreign Policy of the Government: Initiating the discussion on 7 December, 2004 on foreign policy of the Government, Shri Suravaram Sudhakar Reddy of the Communist Party of India said that NDA Government had diluted considerably the Non-aligned Foreign Policy which India was following since Independence. He also criticized NDA Government's Policy towards US aggression on Afghanistan and Iraq. He congratulated the Prime Minister, Dr. Manmohan Singh and the Minister of External Affairs, Shri K. Natwar Singh for the initiative taken by them to break the ice in Indo-Pak relations. He further stated that principles of Panchsheel are still relevant and requested the Minister of External Affairs to keep up courageously the Foreign Policy initiatives.

Participating in the discussion*, Shri Asaduddin Owaisi of All India Majlis-E-Itehadul Muslimeen opposed any kind of participation by the Indian peace-keeping troops in Iraq and urged that the troops must be sent under the aegis of the United Nations and sanctioned by the Security Council. He stated that the policies of Panchsheel had been followed in the past and the same should be continued. He cautioned

* Others who took part in the discussion were: Sarvashri K.S. Rao, Rupchand Pal, Mohan Singh, Suresh Prabhakar Prabhu, Vijayendra Pal Singh, Tathagata Satpathy, C.K. Chandrapan, M.P. Veerendra Kumar, Bikram Keshari Deo, Dr. Laxminarayan Pandey and Dr. (Smt.) Tejaswini Seeramesh.

the Government over its decision to send the election observers to Iraq and requested it to reconsider the decision. He also requested the Government to strengthen the bonds of friendship with the Arab World.

Replying to the discussion on 8 December 2004, the Minister of External Affairs, Shri K. Natwar Singh stated that there had been a broad national consensus on India's foreign policy and the foreign policy took account of the changing world scenario. He said that the UPA Government had refocused India's foreign policy giving high priority to relations with her neighbours. India's security related issues *vis-à-vis* her neighbours were very much on the Government's agenda and were appropriately being taken up at the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). Regarding Indo-Pak relations, he stated that there was a need to deal with this matter with great restraint, with great wisdom and patience. He further stated that India's relations with China had been intensified further and relations with USA had been expanded across the board. With Russia, India had a strategic and time-tested relationship which had stood the challenge of changing global and regional environment. He added that India was grateful that President Putin had promised Russian Federation's support for India's candidature to the membership of United Nations Security Council with Veto power. Regarding ASEAN countries he stated that India was looking at its partnership with ASEAN countries as it was integrally linked to India's economic and security interests. Finally, he added that the UPA Government was committed to a foreign policy which advanced the interests of India, took care of the vital national interest and stretched its arms of friendship to all those countries with whom it had relations.

Discussion under Rule 193 regarding internal security in the country: Initiating the discussion on 13 December 2004, Shri Ramji Lal Suman of Samajwadi Party (SP) stated that Pakistan-sponsored terrorism, activities done by the terrorist organizations in the North-East and spurt in naxalism were the three security problems the country was faced with. Although discussion on Kashmir had taken place in the House innumerable times, infiltration was still going on in the country on a large scale. Government had failed to make an effective psychological pressure on the infiltrators. He also stated that Manipur was one of the North-Eastern States where situation had worsened in the recent past. There was frequent complaint from the people of the State that the Government hardly implemented the packages and schemes that were announced during the Budget. He emphasized that there was an urgent need to redress the problems faced by the North-Eastern people. He

further stated that the problem of naxalism had posed a serious problem before the country. It had taken a toll of 64,000 lives during the last two decades. The naxal-affected districts have increased to 154-156 in 2004 from 55 in October, 2003. He requested the Government to think seriously on these issues and pay adequate attention for all round development of the neglected areas.

Participating in the discussion*, Shri Braja Kishore Tripathy of Biju Janata Dal (BJD) stated that in a democracy, Government should take the Opposition into confidence before dealing with the country's internal problems. The situation had gone from bad to worse during the past seven months. While referring to the casualty figures available with him up to September 2004, he revealed that 350 civilians had been killed in the North-East alone and 860 incidents of violence had taken place. He stated that during the Prime Minister's visit to Kashmir there was an explosion just behind the venue of the gathering. Regarding Government's stand on Nagaland and Manipur, he stated that there was no coordination between the Ministry of Home Affairs, Ministry of Defence and the Prime Minister's Office with regard to the withdrawal of the Armed Forces (Special Powers) Act. He further stated that arms and drug smuggling were being carried out through the camps in Bangladesh and Myanmar. Money from drug trafficking was being invested into insurgency activities. He asked the Government what steps were being taken to check that trend. He suggested that the Government should have talks with the naxal affected State Governments to curb the problem.

Shri M. Ramadass of Pattali Makkal Katchi (PMK) stated that the security situation in India was not as alarming as it had been made out by the honourable members. He stated that he had statistics to prove that the number of atrocities and killings had been lesser during the last six months. To tackle the security problem, he suggested that the Government should adopt unconventional methods or a new approach like policy of neutrality to solve them. He also suggested that the Government should start the process of de-politicisation of appointments at the senior level in Armed Forces and Central Police Organisation and appoint competent persons in the security forces.

* Others who took part in the discussion were: Sarvashri Nikhil Kumar, Raghunath Jha, Anantrao Gudhe, Tapir Gao, Pawan Kumar Bansal, Mohan Singh, Ajay Chakraborty, Dharmendra Pradhan, Kirip Chaliha, Baju Ban Riyan, Prabhunath Singh, Thawar Chand Gehlot, Chaudhary Lal Singh, Adhir Ranjan Choudhary, Suravaram Sudhakar Reddy, Mani Charenamei, Babu Rao Medyam, Shailendra Kumar, Asaduddin Owaisi, Ramdas Athawale, Dr. Thokchom Melnya, Dr. H.T. Sangliana, Md. Salim, Prof. Vijay Kumar Malhotra and Dr. (Smt.) Tejaswini Seeramesh

Shri K. Yerrannaidu of Telugu Desam Party (TDP), stated that the internal security of the country had deteriorated and the terrorists, including the Maoist Group of Naxalites, were posing threats to the internal security. He suggested that the Government should take a comprehensive view on combating naxalism and give special packages to those areas which had threat from the terrorist outfits.

Replying to the discussion on 14 December 2004, the Minister of Home Affairs, Shri Shivraj V. Patil stated that there were some States where the position of internal security had improved and there were some where it had worsened. He said that the situation in Jammu and Kashmir and North-East had improved. He admitted that Naxalite activities were on the rise in Andhra Pradesh, Maharashtra, Orissa, Chhattisgarh, Jharkhand, Bihar and Uttar Pradesh. He, however, stated that if, four naxalite infected States of Chhattisgarh, Jharkhand, Bihar and Maharashtra were excluded then as per the available statistics, number of deaths in other States showed a decline. The Minister accepted the fact that large-scale unemployment was one of the reasons for the youth to become terrorists. He assured that funds would be provided to each terrorist infected district for the development of infrastructure. He stated that a committee was to be constituted to look into the recommendations on police reforms made by various Commissioners and Committees, which have not been implemented so far. In reply to the argument that the repeal of POTA had sent a wrong signal to the international arena, he said that the Government had passed the Unlawful Activities (Prevention) Act which *inter alia* contains a provision that the organizations which were declared as terrorist organizations by the UN Security Council would also be considered as terrorist organization by India and appropriate action would be taken against those organizations. He also praised the King of Bhutan for rendering help in countering terrorism.

Statement by the Prime Minister regarding his visits abroad and on important foreign dignitaries received by him since the last Session of Parliament: Making a statement in the House on 21 December 2004, regarding his foreign visits and on important foreign dignitaries received by him, the Prime Minister, Dr. Manmohan Singh stated that he had the opportunity to interact with a number of world leaders during his visit to London, New York, The Hague and Vientiane. He stated that in London, he along with the Prime Minister of Britain, Tony Blair, adopted a Joint Declaration on "India-UK: Towards a new and dynamic partnership", which outlined the areas of future cooperation in their strategic relations. The Declaration reinforced their partnership in foreign and defence

matters and areas like combating terrorism, expansion of economic ties and cooperation in the areas of science and technology, education and culture. He added that the Prime Minister Blair supported India's claim for the permanent membership in the UN Security Council.

The Prime Minister also stated that he addressed the UN General Assembly on 23 September, 2004. In the context of India's claim for the permanent membership, a summit of the leaders of 'Group of Four aspirants'— Brazil, Germany, India and Japan was held on 21 September, 2004. While in New York, he had the opportunity of bilateral meetings with the President of USA, South Africa, Afghanistan and Pakistan. The Prime Minister said that his meeting with the US President George Bush was very positive in setting the direction for further development of Indo-US strategic partnership. Both he and President Bush agreed on the need for expanded economic and defence cooperation. During his meeting with President Musharraf he had conveyed his sincere desire to pursue the dialogue systematically and on a sustained basis. They had agreed that the confidence-building measures of all categories between the two Governments should be implemented. They also discussed bilateral issues, including Jammu and Kashmir. The possibility of a gas pipeline via Pakistan to India was also part of the discussion. He attended the Fifth India-EU Summit at The Hague on 8 November, 2004. It was a landmark Summit since it launched the India-EU Strategic Partnership. This Partnership was a recognition to India's growing stature as a major regional and global player. The Prime Minister had visited Vientiane, Lao PDR to participate in the Third India-ASEAN Summit which was held on 30 November, 2004. At the Summit he signed the documents titled "India-ASEAN Partnership for Peace, Progress and shared prosperity. This Partnership Document laid out a short to medium term road map of India-ASEAN cooperation in various sectors. During the Summit he met the leaders of Japan, People's Republic of China, Singapore, Lao PDR, Vietnam, Australia and Indonesia and exchanged views on issues of mutual interest.

The Prime Minister informed the House about several important leaders that he received in New Delhi. He stated that, Russian President Vladimir Putin's visit on December 3-4, 2004 was of great significance. Cooperation in the field of energy was a particular focus and agreements in the field of space were signed. India agreed to support Russia's entry into the WTO and there was purposeful discussion on the supply of defence equipment and spares.

The Prime Minister informed the House that the King of Bhutan agreed to be the Chief Guest at India's Republic Day celebrations on

2005. The Prime Minister also had meetings with the Sri Lankan President, Mrs. Chandrika Bandaranaike Kumaratunga who visited India from 3-7 November, 2004. During the meeting, discussions were held on various bilateral and international issues of mutual interest. The President of Sri Lanka briefed the Prime Minister on recent developments that took place in Sri Lanka, including the state of the peace process. During his meeting with the Nepalese Prime Minister, Mr. Sher Bahadur Deuba who visited India from 8 to 12 September, Prime Minister, Dr. Manmohan Singh held discussions on the current situation in Nepal as well as India's assistance to Nepal on various developmental projects. During his meeting with the Chairman of the State Peace and Development Council of Myanmar, Senior General Than Shwe who paid a state visit to India from 24 to 29 October, a Memorandum of Understanding (MoU) on cooperation in the field of Non-Traditional Security issues was signed. The Prime Minister also informed the House that he had fruitful meetings with several other important leaders, including the Chancellor of the Federal Republic of Germany Mr. Gerhard Schroeder; the President of the Republic of Korea, Mr. Roh Moo-Hyun; the Prime Minister of New Zealand, Rt. Hon. Helen Clark; the Prime Minister of Morocco, Mr. Driss Jettou; and the President of Slovak Republic. He also informed the House about the Malaysian Prime Minister's State visit to India.

B. LEGISLATIVE BUSINESS

*Statutory Resolution Regarding Disapproval of Prevention of Terrorism (Repeal) Ordinance, 2004 and The Prevention of Terrorism (Repeal) Bill 2004** and *Statutory Resolution Regarding Disapproval of Unlawful Activities (Prevention) Amendment Ordinance, 2004 and The Unlawful Activities (Prevention) Amendment Bill, 2004***: On 3 December 2004, Shri Ramji Lal Suman moved the Statutory Resolution stating that the House disapproved of the Prevention of Terrorism (Repeal) Ordinance, 2004. On the same day, another Statutory Resolution stating that the House disapproved of the Unlawful Activities (Prevention) Amendment Ordinance, 2004 was moved by Shri Rajiv Ranjan Singh 'Lalan'. Later, the Minister of Home Affairs, Shri Shivraj V. Patil moved the following two motions: (i) for consideration of the Bill to repeal the Prevention of Terrorism Act, 2002 and (ii) for consideration of the Bill to amend the Unlawful Activities (Prevention) Act, 1967. A combined discussion on these items took place on 3 and 6 December 2004.

* The Bill was introduced on 2 December 2004

** The Bill was introduced on 2 December 2004

Participating in the discussion* Shri Anant Gangaram Geete of Shiv Sena observed that almost all the Governments had failed to contain terrorist activities in the country. He stated that the entire country was in the grip of terrorism and nobody had the guarantee of his life and property. In such a situation, he stated, the very fear of POTA in the minds of the terrorists had also been eroded by the Government of the day, who had compromised with the country's safety and security for the sake of their political interest. He urged the Government to withdraw this Repeal Bill in the interest of the country.

Shri P.K. Vasudevan Nair of the Communist Party of India (CPI) stated that by implementing the existing laws more strictly, the menace of terrorism could be met. He described the current period very extraordinary when the violence is on the rise and terrorism had spread not only in India but also all over the world. He praised the UPA Government for taking some steps to mitigate the problems of the people of Kashmir and North East who were frustrated for various reasons. He urged that the main objective of the Government should be to win over the hearts of the people and find out a lasting solution to their problems. He proposed that a Review Committee might be formed to listen to the complaints of the excesses committed by the Armed Forces and if the Review Committee was convinced of the excesses then the affected party could be allowed to approach a judicial body. He said that POTA had been misused and the Government should agree that there was enough scope for misuse of certain provisions of the Bill. As such, an extra care on the part of the Government was necessary so that the law was implemented with as little misuse as possible.

Shri M.P. Veerendra Kumar of Janata Dal (Secular) (JD-S) supported the Government's decision to repeal POTA and urged it to introduce another amending bill. He stated that whenever a law was made, it was misused. He expressed his grief that under POTA, children were arrested and thousands of people were languishing in jails. He supported withdrawal of POTA but said that the amending Bill be referred to the Standing Committee.

Shri L. Ganeshan of Marumalarchi Dravida Munnetra Kazhagam (MDMK) while supporting the Government's move to introduce the POTA

* Others who took part in the discussion were: Sarvashri Rajiv Ranjan Singh, Madhusudan Mistry, Md. Salim, Mohan Singh, Ilyas Azmi, Sushil Kumar Modi, A.Krishnaswamy, Raghunath Jha, B. Mahtab, Pawan Kumar Bansal, Prabhunath Singh, Nikhilananda Sar, Manvendra Singh, A. Asaduddin Owaisi and Ms. Mehbooba Mufti

(Repeal) Bill stated that the UPA Government had promised in their Common Minimum Programme that POTA would be done away with. He expressed his happiness over the withdrawal of POTA.

Shri M. Ramadass of Pattali Makkal Katchi (PMK) while opposing the POTA stated that the intention of POTA could have been achieved with the existing laws and regulations contained in the Indian Constitution itself. While supporting the POTA (Repeal) Bill he stated that POTA had been misused by the previous Government and it had been duly punished for doing so. Therefore, repealing the POTA Act was the only way to stop the misuse. He stated that the Unlawful Activities (Prevention) Amendment Bill contained a number of provisions, which would help the Government to avoid its misuse. Hereafter, the agencies would not be able to detain a person on mere suspicion. There was also the provision of bail. The provision of special courts had also been dispensed with. Still, some more precautions had to be taken to ensure that the amendment was not used for political vendetta in future. He also suggested that the Review Committee be given more power, and that a modern police system should be evolved to curb terrorism and tackle the problem more effectively.

Shri K. Yerrannaidu of Telugu Desam Party (TDP) opposed the Bill. He suggested that, the provisions that had been misused should only be taken care of and complete repealing of POTA was incorrect.

The Leader of the Opposition, Shri L.K. Advani of Bharatiya Janata Party (BJP) stated that it was universally acknowledged today that terrorism was the gravest threat to civilized society and particularly to the democracies. The ordinary laws that exist in most democracies were inadequate to meet the threat. There had been instances when POTA had served as a deterrent to some extent and it had also served to punish those who had indulged in terrorism. He submitted that, the POTA (Repeal) Bill, Unlawful Activities (Prevention) Amendment Bill and some other Bills be referred to the Standing Committee.

The Minister of Home Affairs, Shri Shivraj V. Patil, while replying to the discussion on both the Bills thanked all the members for participating in the debate. He stated that POTA came into existence through the route of Ordinance and when that Ordinance was tried to be replaced by a Bill, it was then not referred to the Standing Committee. He, therefore stated, now when the Bill was being repealed, it was not the occasion to refer the Bill to the Standing Committee. He stated that when the Common Minimum Programme (CMP) of UPA was made, it was specifically mentioned that POTA would be repealed and with the

increasing incidents of terrorism it was felt that necessary steps had to be taken in that direction.

He further stated that all obnoxious provisions in POTA had been done away with. The provisions introduced in the new law would enable the police to take action against the terrorists. He also stated that the intention of the Government was to see that serious offences would be tried in the court and all other cases would come to an end within a year's time. He informed that in order to take decisions expeditiously, the Government had created three Committees at the national level. He added that the Government was trying to solve the problem of terrorism through dialogue, economic development, social justice and good laws while developing the prowess and strength of the police and the armed forces. At the conclusion, by way of reply to his Statutory Resolution, Shri Ramji Lal Suman said, so far as POTA was concerned, it was not an issue related to a particular party but it was related to the entire country and all were unanimous on this issue. He, therefore, withdrew the Resolution.

On the question whether the Bill should be sent to the Select Committee, the Honourable Speaker made an observation saying that although ordinarily a Bill should go to the Select Committee, this being a short duration Session, the important Ordinances would lapse on 12 January, 2005. Therefore, it was his duty to see that the Bills replacing the Ordinances were passed on the basis of the decision of the members of the House.

At the end of the debate, the Statutory Resolution stating disapproval of the Prevention of Terrorism (Repeal) Ordinance, 2004 was withdrawn. The Statutory Resolution stating disapproval of the Unlawful Activities (Prevention) Amendment Ordinance, 2004 was negatived. The Prevention of Terrorism (Repeal) Bill 2004 and The Unlawful Activities (Prevention) Amendment Bill, 2004 were passed by voice vote.

*Statutory Resolution regarding Disapproval of the National Commission for Minorities Educational Institutions Ordinance, 2004 and The National Commission for Minority Educational Institutions Bill, 2004**: On 14 December 2004, while Shri Bachi Singh Rawat of Bharatiya Janata Party moved the Statutory Resolution seeking disapproval of the National Commission for Minorities Educational Institutions Ordinance, 2004 promulgated by the President on 11 November 2004, the Minister

* The Bill was introduced in the Lok Sabha on 14 December 2004

of Human Resource Development, Shri Arjun Singh moved the motion for consideration of the National Commission for Minority Educational Institutions Bill, 2004. There was a combined discussion on the Disapproval of the National Commission for Minorities Educational Institutions Ordinance, 2004 and the National Commission for Minority Educational Institutions Bill, 2004.

Initiating the debate, Shri Bachi Singh Rawat not only opposed the Bill but condemned it by saying that the way the Bill had been introduced was even more despicable. He stated that his party supported the provisions that were made in the Constitution with regard to the educational guarantee meant for the minorities. However, if any legislation or provision made in the Constitution was creating any sort of impediments then the Supreme Court should be approached to get it declared null and void. He, therefore, sought that the Bill be circulated to elicit public opinion within a limited time frame. He also sought that the opinion of the States be taken on the Bill.

Participating in the discussion*, Shri P.K. Vasudevan Nair of the Communist Party of India (CPI), while welcoming the Bill, stated that the issue relating to the minority institutions could not be tackled by the Central Government alone by appointing a Commission but it should be a common effort of the Union as well as the States together. He urged that the definition of a minority institution had to be looked into carefully so that the provision regarding minority educational institutions would not be misused.

Prof. M. Ramdass of Pattali Makkal Katchi (PMK) stated that the said Bill aimed at ensuring economic prosperity and was an exercise towards social justice. Unless these institutions were recognized and affiliated, the students who were coming out of the portals of these institutions would not be recognized for any job purpose. He stated that by bringing this Bill, the UPA Government had fulfilled one of its commitments and this Bill would provide an opportunity to the backward people of India to get education.

* Others who participated in the discussion were: Sarvashri Yogi Aditya Nath, K.S. Rao, B. Mahtab, Dharmendra Pradhan, Iqbal Ahmed Saradgi, A.V. Bellarmin, Harisingh Nasaru Rathod, Churchill Braz Alemiao, Alok Kumar Mehta, Shailendra Kumar, Samik Lahiri, Asaduddin Owaisi, Madan Lal Sharma, K. Francis George, Varkala Radhakrishnan, Francis Fanthome, J.M. Aaron Rashid, Sansuma Khunggur Bwiswmuthiary, Ramdas Athawale, Dr. Shafiqur Rahman Barq, Smt. Paramjit Kaur Gulshan and Ms. Mehbooba Mufti

Shri Bir Singh Mahato of All India Forward Bloc (AIFB) stated that the Bill would pave the way for recognition of the Professional Minority Educational Institutions by the Central Universities.

Shri M.P. Veerendra Kumar of Janata Dal (Secular) (JD-S) stated that the purpose of the Bill was to give some respect and also opportunity to the members of the minority community who were being neglected. He also added that the Bill should not be exploited by the missionaries or those people who wanted to use it for commercial purpose. He urged that the term minority should be defined properly. He also cautioned that it would be dangerous if the Bill gave final authority to the Government for resolving the disputes. He also enquired if there would be any condition to ensure merit-based appointments, common entrance tests and faculty appointments in these institutions.

On 16 December 2004, while replying to the discussion, the Minister of Human Resource Development, Shri Arjun Singh stated that some of the honourable members had said that the Supreme Court would invalidate the legislation. He said that the Apex Court was free to do so and the Government would always abide by its decision.

He also urged the members not to make it a Centre-State issue. He stated that although the subject was included in the concurrent list, the Government wanted to work in unison. He added that there would be a central legislation, on the basis of a consolidated approach of all concerned Ministers, to curb blatant commercialization of education.

Replying to the debate on his Statutory Resolution, Shri Bachi Singh Rawat stated that before bringing the Bill, the State Governments should have been consulted and the opinion of the educationists should have been sought. He opposed the Bill strongly and said that the Bill was not going to provide any immediate benefit to a particular community. He requested the Honorable Minister to reconsider the Bill.

The Statutory Resolution was negatived and the Bill, as amended, was passed by voice vote.

The Delegated Legislation Provisions (Amendment) Bill, 2004: Moving the motion for consideration of the Bill on 23 December 2004, the Minister of Law and Justice, Shri H.R. Bhardwaj stated that the Bill was required because certain standards had to be adopted in respect of laying provisions in the Act. The Committee on Subordinate Legislation had been emphasising upon the concerned administrative Ministries for incorporating standard laying provisions in the Acts

that did not contain them. The Bill in question contained about 45 enactments that provided for laying the rules according to the recommendations of the Committee on Subordinate Legislation.

The Minister commended that the Bill may be passed without any discussion in the House and the Bill was passed.

C. QUESTION HOUR

During the Session, 17679 Notices of Questions (13,586 Starred, 4067 Unstarred and 26 Short Notice Questions) were received. Out of these, 340 notices were admitted as Starred, 3883 as Unstarred and two questions were admitted as Short Notice Questions.

Daily average of Questions orally answered: The average number of Starred Questions answered orally in the House during the Session was 3.70. The maximum number of Starred Questions answered orally was 5 on 10 and 22 December, 2004.

The average number of questions appeared in the Unstarred List came to 228.41 per day against the prescribed limit of 230, the minimum being 204 questions on 10 December, 2004.

Half-an-Hour Discussion: In all, 24 Notices of Half-an-Hour Discussion were received during the Session. Out of these, 8 Notices were admitted and only 3 Notices were discussed on the floor of the House.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of former Prime Minister Shri P.V. Narasimha Rao and Sarvashri N. Venkata Ratnam, Meetha Lal Meena, Krishnanand Rai, Subodh Chandra Hansda, B.P. Maurya, Kishen Pattnayak, Nilamani Routray, Shyamanandan Mishra and V.V. Raghavan, all former members. Members stood in silence as a mark of respect to the deceased.

Also, references were made on the passing away of Sheikh Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates and Mr. Yasser Arafat, President of the Palestinian National Authority and Chairman, Palestine Liberation Organisation.

RAJYA SABHA**TWO HUNDRED AND THIRD SESSION**

The Rajya Sabha, which met for its Two Hundred and Third Session on 1 December 2004, was adjourned *sine die* on 23 December 2004. The House was then prorogued by the President on 24 December 2004. A resume of some of the important discussions held and other business transacted during the Session is given below:

A. STATEMENTS / DISCUSSIONS

Statement Regarding Recent Overseas Visits By The Prime Minister: Making a Statement in the House, in this regard, on 21 December 2004, the Prime Minister Dr. Manmohan Singh said that since the 202nd Session he had the opportunity to visit various places such as London, New York, The Hague and Vientiane and interact with a number of world leaders.

He visited London at the invitation of Prime Minister Mr. Tony Blair on 19-20 September 2004 *en route* to New York for the UN General Assembly Session. A Joint Declaration on "India-UK: Towards a new and dynamic partnership" was adopted following the talks held between both the leaders. The Declaration outlined areas of future cooperation in strategic relations between both the nations that included partnership in foreign and defence policy, combating terrorism in all its forms and manifestations, expansion of economic ties and intensifying cooperation in the areas of science and technology, education and culture. The British Prime Minister reiterated UK's support for permanent membership of India in the UN Security Council. Relations of India with UK would also receive special focus in 2005 when UK would hold the Chairmanship of G-8 and Presidency of the European Union and India would be hosting the 6th India-European Union Summit in New Delhi in the second half of 2005.

The Prime Minister addressed the UN General Assembly in New York on 23 September 2004 and informed the House that the broad theme of his address were the global and transnational character of the challenges confronting the world, the need for a global response based on consensus and the need to impart substance and credibility to the global war against terrorism. He emphasised India's commitment to multilateralism, the imperative of reforms to enable the UN to suit the changing times and also outlined reasons to justify India's claim to a permanent seat in the UN Security Council. In this context, he

mentioned that a summit of the leaders of Brazil, Germany, India and Japan, known as G-4 (Group of four aspirants) was also held on 21 September 2004 in New York, which was a significant step in the direction of UN reform process.

The Prime Minister stated that he also held bilateral talks with the Presidents of the USA, South Africa, Afghanistan and Pakistan. The meeting with the US President George Bush was stated to be very positive in setting the direction for further development of Indo-US Strategic Partnership and both the leaders welcomed the recent implementation of Phase I of the Next Steps in Strategic Partnership. Both agreed on the need for expanded cooperation in economic and defence spheres and recognised the importance of working closely in the war against terrorism and proliferation of weapons of mass destruction.

At the meeting with Pakistan President General Musharraf, Dr. Manmohan Singh expressed his sincere desire to continue the dialogue with Pakistan on a sustained basis. He stressed on the fulfilment of President Musharraf's reassurance of 6 January 2004 that any territory under Pakistan control would not be used to support terrorism in any manner. Both agreed that all the Confidence Building Measures (CBMs) under discussion between the two countries should be implemented. They also discussed bilateral issues, including the Jammu and Kashmir and a gas pipeline via Pakistan to India. However, he clarified that India was opposed to the redrawing of boundaries. He stated that technical level meetings on various subjects were underway.

He informed the House that the 5th India-EU Summit held at The Hague on 8 November 2004 launched the India-EU Strategic Partnership which is a recognition of India's growing stature as a major regional and global player. Both India and the EU agreed to intensify consultations on a range of issues including UN reforms, multilateral conferences on disarmament, non-proliferation, etc. and to strengthen their cooperation in fighting terrorism.

The Prime Minister stated that on 30 November 2004 he had visited Vientiane, Lao People's Democratic Republic, to participate in the 36th India-ASEAN Summit. He signed a document with the ASEAN leaders titled 'India-ASEAN Partnership for Peace, Progress and Shared Prosperity' at the Summit which laid a road map of India-ASEAN cooperation in various sectors.

Both sides took stock of the progress made in India-ASEAN relations over the last two years and considered new initiatives and measures to further strengthen the cooperation in various sectors. A

review was also made of the progress in the negotiations of the India-ASEAN Free Trade Agreement in goods.

During this Summit the Prime Minister also met leaders of Japan, People's Republic of China, Singapore, Lao People's Democratic Republic, Vietnam, Australia and Indonesia and discussed issues of mutual interest. In the discussions held with the Chinese Premier, a review was made about the two rounds of talks between the Special Representatives on the Boundary question and it was agreed that the talks would continue with a focus on substantive issues.

He also informed the members about the visits of several important leaders to New Delhi during this period and the discussions held with them.

The visit of the Russian President, Vladimir Putin on 3-4 December, 2004, was of great significance. During the visit, five MOUs on cooperation in the petroleum sector and two agreements relating to the cooperation in the field of space, including the Russian Satellite Navigation System (GLONASS) were signed. Meaningful discussions on the supply of defence equipment and spares were held. India was assured categorically that recurrent issues regarding supply of the spares would be dealt with. India, in turn agreed to support Russia's accession to the WTO and to treat Russia as a market economy for purpose of anti dumping investigations.

The Prime Minister held extensive discussions covering various aspects of close and mutually beneficial cooperation during his meeting with the King of Bhutan.

During the visit of the President of Sri Lanka, Mrs. Chandrika Bandaranaike Kumaratunga from 3 to 7 November 2004, discussions were held on various bilateral and international issues of mutual interest, including expansion of economic ties through early conclusion of a Comprehensive Economic Partnership Agreement, utilization of credit and cooperation in areas such as power and transportation.

The Prime Minister of Nepal, Mr. Sher Bahadur Deuba visited India from 8 to 12 September 2004, providing an opportunity to share the perceptions regarding current developments within Nepal as well as India's assistance to various developmental projects in that country. The Prime Minister, Dr. Manmohan Singh reiterated India's traditional policy of support for Nepal's multi party democracy and constitutional monarchy as the twin pillars of Nepalese Constitution. The Prime Minister stated that Government was in continuous touch with Nepal with regard to the security situation there.

The Chairman of the State Peace and Development Council of Myanmar, General Than Shwe paid a state visit to India from 24 to 29 October 2004 which was the first Head of the State level visit from Myanmar in 24 years. An MOU on cooperation in the field of non-traditional Security Issues was signed during the visit and expansion of bilateral cooperation in industry, energy, rural transportation, communication and science and technology were discussed. It was conveyed that while India would not wish to interfere in the internal affairs of Myanmar it would welcome early realization of the goal of multi-party democracy.

Other important visitors during the period included those of the Chancellor of the Federal Republic of Germany, Mr. Gerhard Schroeder, the President of the Republic of Korea, Mr. Roh Moo-Hyun, the Prime Minister of New Zealand, Rt. Hon. Helen Clark, the Prime Minister of Morocco, Mr. Driss Jattou, the President of the Slovak Republic and the Prime Minister of Malaysia.

The Prime Minister stated that the Government's objective was to focus on the centrality of national interests in the conduct of foreign policy and in the pursuit of our economic interests. He said that important initiatives have been taken while keeping in mind the imperative of retaining our freedom of options and that the efforts have contributed to making the international environment for India's development more secure.

Replying to the points raised by the members, Dr. Manmohan Singh clarified that the Indian stand was that there should not be any distinction between the permanent members having the veto power and those who do not have the veto power. He further clarified that there was no ambiguity regarding India's nuclear weapon state status and reiterated India's commitment to complete non-discriminatory nuclear disarmament. Regarding the status of nuclear fuel from Russia, he said that Russia had assured that it would honour all its contractual obligations. He stated that while he did not discuss the issue of US sale of arms to Pakistan during his meeting with President George Bush, the matter was however, taken up with the US Secretary of Defence when he visited India. He refuted the allegation that he diluted the Pakistani commitment in the Statement that was issued after his meeting with General Musharraf and said that there should be no doubt, whatsoever, that the Government is committed to what was agreed to between President Musharraf and the ex-Prime Minister, Shri Vajpayee. He stated that the gas pipeline issue was being discussed with both Iran and Pakistan. Lastly, he stated that positive assurances had been

received from General Than Shwe of Myanmar on the issue of different insurgent groups operating in the North-East from Myanmar.

Statement by Railway Minister regarding train accident on 14 December 2004 at Jalandhar-Pathankot Section: On 16 December, the Railway Minister, Shri Lalu Prasad made a statement in the House regarding the train accident that took place at the Jalandhar-Pathankot Section. In his statement, the Minister said that around 1200 hrs. on 14 December 2004, there was a collision between one JMP DMU (Diesel Multiple Unit) Passenger Train going from Jalandhar to Pathankot with Jammu Tawi-Ahmedabad Express. Two coaches of Jalandhar-Pathankot Passenger capsized and two coaches of Jammu Tawi Express derailed. Accident occurred between Bhangala and Mirthal Stations, which are on Jalandhar-Pathankot Section of Ferozpur Division of Northern Railway. On receipt of the information about the train accident, Accident Relief Medical Vans were immediately rushed from Pathankot and Ludhiana.

The Railway Minister stated that after making a statement in the Lok Sabha on 14 December 2004, he along with the Minister of State for Railways, the Chairman, Railway Board and other Senior Officers had also rushed to the accident site for inspection and visited the hospitals where injured had been admitted.

The Minister said that *prima-facie* the cause of the accident appeared to be human failure. The instruments of both the concerned stations, namely Bhangala and Mirthal had been out of order from the previous day. Railway Board Member (Electrical) was directed to find out the reasons for the block failure and fix responsibility on the Staff and officers so that necessary action could be taken against them. There are rules laid down for the Station Masters and as per that the Station Master of the station from where the train is to be dispatched seeks line clear from the Station Master of the other station by exchanging private number between them. Apparently, these rules were not followed properly by both the Station Masters and the trains from both the sides were allowed to proceed in the block section which resulted in collision. He stated that a statutory inquiry was being conducted by the Commissioner of Railway Safety (Northern Circle) to examine in detail the reasons for this accident and recommend necessary measures to avoid such accidents in future. Regarding casualties, he informed that there were around thirty-eight deaths and fifty-two persons were injured. An *ex-gratia* payment of Rs.1,00,000, Rs.15,000 and Rs.5,000 was announced for death case, grievous injuries and for simple injuries, respectively. In addition, a compensation of Rs.4 lakh

to the kith and kin of the deceased and the stipulated amount also to the injured would be paid as per the decision of Railway Claims Tribunal. The Railway Minister has instructed that employment may be provided to the dependents of those killed and disabled due to this accident. He further stated that the Chief Minister of Punjab has also declared to pay Rs.1 lakh each to the dependents of the persons killed. The Railway Minister declared that the injured would be given free treatment by the Railways and after the treatment they would be sent to their relatives and the cost for the same would be borne by the Railways.

As a follow up action, the Minister informed that both the Station Masters of the Bhangala and Mirthal Railway Stations were suspended and FIR had been lodged against them. The concerned Section Engineer (Construction) and Section Engineer (Telecom) were also placed under suspension. The line was restored at 2.30 hours on 15 December 2004 and thereafter the first Train passed at 4.10 hours on that day, the Minister informed.

Replying to the points raised by members, the Minister appreciated the relief work undertaken by the Air Force Personnel at Pathankot and the people of Chakkala village where the accident took place. As a token of gratitude, a sum of Rs. 10 lakh was given by the Railways for the development of Chakkala village.

The Minister said that the Jalandhar-Pathankot, Jammu Tawi Project was sanctioned in 1997-98 and the CCA gave its clearance in 2002. Its total cost was Rs.408 crore. Upto 1 April 2004, Rs. 95 crore was spent. Budget allocation for 2004-05 was Rs.34 crore. 57 km line would be doubled up to June 2005, which included Mukeria, Bhagala, and Mirthal section. Keeping in view its importance, he assured that its doubling work would be completed within two years. He further said that Rs.1,320 crore would be spent for track renewal in 2004-05 for preventing accidents. Stating the measures being taken to prevent collision of trains, he said that sophisticated and automatic technique was being used at stations and in the engines to prevent collision of trains due to human error. The Indian Rail Safety cover – A.C.D. was being arranged. He assured that any person accused in the report of the Khanna Commission would not go scot-free.

The Minister further stated that in the efforts of the safety lines and in order to prevent any damage to trains, explosives such as gas, etc., would not be allowed to be carried on trains. Measures were being taken to install fireproof instruments in new coaches. He also assured that enquiry would be conducted to find out whether there was any involvement of those two Station Masters with anti-social elements or not.

He traced the biggest reason behind train accidents in Indian Railways to omissions by the Railway Employees. He stated that almost 55 per cent train accidents occur on account of this factor. In the year 2003-04, out of the 325 train accidents, 181 occurred due to railway employees' mistakes. In order to check such errors, he said that introduction of anti-collision equipment in NF Railway has been started and by the next five years that would be made functional in the whole country on priority basis.

Clarifying the reasons for the stampede at the Delhi station, he said that three festivals, i.e., *Chhath*, *Dipawali* and *Id* occurred at the same time this year. For this the Railway Ministry started 150 special trains. This, he said, was done because most of the labourers from Bihar, Muslims and Hindus who stay in the nearby area leave for their respective homes on these occasions. This was the reason for the stampede. He admitted that it was a fault on the part of the railway authorities to have started all the special trains from the Delhi station alone. He assured, that in future in case of such a situation the trains would be operated from the Nizamuddin Terminal also.

Statement by the Minister of Tribal Affairs and Minister of Development of North Eastern Region, regarding revitalization of North Eastern Council: On 7 December 2004, the Minister of Tribal Affairs and Minister of Development of the North Eastern Region, Shri P.R. Kyndiah made a statement in the House on the revitalisation of the North Eastern Council. He stated that the North Eastern Council (NEC) was established in 1972, through an Act of Parliament titled, *The North Eastern Council Act, 1971*, for securing the balanced development of the North Eastern Region, inter-state coordination and for reviewing the measures taken by the North Eastern States for the maintenance of security and public order in the Region. The NEC Act amended in 2002, provided that the NEC would function as the Regional Planning Body for the North East and would formulate specific projects and schemes, which would benefit two or more States of that region. It further provided that NEC would review the implementation of projects and schemes and recommend measures for effecting coordination in the matter of implementation of projects and schemes. It further provided that the Committee held extensive consultations and submitted its report to the Government on 30 July 2004. The Ministry of Development of North Eastern Region, examined the Report of the Committee. Among other things the Government accepted the recommendations relating to the nomination of the Minister of Development of North Eastern Region, as the Chairman, NEC. It had also been decided to

nominate Member (north east), the Planning Commission as one of the Members of the NEC. The Minister informed that the nomination of two Members in NEC would be based on their experience of the North Eastern Region and expertise in social economic planning and that the nominated Members would be given the same status, terms and emoluments as are being enjoyed by the Members of the Planning Commission.

The Minister said that these decisions taken by the Government would go a long way in restructuring and strengthening the NEC to enable it to play its role more effectively as a catalyst in the process of sustained economic growth and development of the North Eastern Region.

Calling Attention regarding exorbitant rise in the prices of Petroleum Products: On 8 December 2004, Shri Dipankar Mukherjee of the Communist Party of India (Marxist) called the attention of the Minister of Petroleum and Natural Gas in this regard. Replying to the Calling Attention, the Minister of Petroleum and Natural Gas, Shri Mani Shankar Aiyar said that given India's oil import dependence which was around 71 per cent, volatility in international oil prices inevitably impacted on domestic consumer prices of petroleum products. He stated that there had been a sharp rise in the prices of crude oil, kerosene, LPG, petrol and diesel in the international market. However, Government had effected a moderate increase in the price of petroleum products from March 2004 for the domestic market. He also stated that though there had been a marginal increase in PDS kerosene and domestic LPG prices in order to maintain import parity, in reality much higher increase in the price was required. In such circumstances, he said, that the Government should be appreciated for protecting the consumers from the steep rise in the prices of these products.

Replying to the points raised by the members, the Minister said that it was a matter of pride that nowhere in the world consumers have been spared the consequences of the international prices to the extent to which the domestic consumers in India have been. Explaining the rationale of oil policy he stated that the oil policy was essentially inherited from the past but was tuned to the contemporary situation by switching over from the Administered Pricing Mechanism to import parity system. He further stated that the international price of crude oil was very high in comparison to the low prices prevailing in our country. Regarding the actions of the Government at the global level he said that eight principal West-Asian and South-East Asian Oil exporting countries were invited to New Delhi to meet the four principal Asian buyers of oil.

He added that the share price and market cap of the IOC and the ONGC reflected an increasing trend and that the Government was doing well on that front.

He further added that the Government intended to add to the existing refinery capacities and every effort would be taken to ensure that the capacity and profitability of the public sector went up considerably. He said that the Government was for economic reforms with a human face and a strong and efficient public sector, competitive in both domestic and international environment was to be created in the country. He further stated that the massive social obligations of the oil sector PSUs through sound and substantial commercial return should be met and efforts are made to make available subsidised petroleum products to the target beneficiaries through Panchayati Raj system and finally to take action on energy security.

Calling Attention on the urgent need for the Central Government to intervene for improving the civic infrastructure in Mumbai city: On 17 December 2004, Shri Sanjay Nirupam of the Shiv Sena called the attention of the Minister of Parliamentary Affairs and Minister of Urban Development in this regard. Replying to the Calling Attention, the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad said that the Common Minimum Programme of the United Progressive Alliance (UPA) Government laid emphasis on development and expansion of infrastructure, particularly in the areas of roads, highways, ports, power, railways, water supply, sewage treatment and sanitation. The Government was also committed to the comprehensive programme of urban renewal. He further stated that the Government appraised and recommended urban infrastructure development projects received from the State Governments and urban local bodies for seeking external aid.

Stressing on the commitment of the UPA Government for the development of urban infrastructure, Shri Azad said that the Centrally Sponsored Scheme for Infrastructure Development in the mega cities applicable to Mumbai, Bangalore, Kolkata, Chennai and Hyderabad was being implemented. The scheme was funded in the ratio of 25:25 by the Centre and the State Government and the remaining 50 per cent was mobilised through the institutional finance. Privatisation of infrastructure projects was decided by the State-level Sanctioning Committee. He further stated that for the development of Mumbai, a total of forty-eight Projects with the cost of Rs. 1015.07 crore covering water supply, sanitation, traffic and transportation, slum and environmental improvement were taken up since the inception of the Scheme in 1993-94. Central

assistance to the extent of Rs. 255.99 crore and State share of Rs. 235.83 crore were released and a sum of Rs. 252.83 crore had also been mobilised through institutional finance. Regarding the issue of conducting studies on traffic and transportation, he said that a sum of Rs. 0.57 crore was released to the Government of Maharashtra against the total cost of Rs. 6.71 crore for preparation of Mumbai Metro Master Plan and Detailed Project Reports of some corridors. He further stated that he attended a detailed presentation made by the Government of Maharashtra on 2 December, 2004, at New Delhi, which focused on the Mass Rapid Transit System, improvement and expansion of existing railway network, development of freeways like Eastern and Western Freeway, Mumbai Trans-Harbour Link, Housing and other infrastructure problems like upgradation of the King Edward Memorial Hospital and construction of a second International Airport at Navi-Mumbai. The Minister further added that a concerted effort would be required on the part of various Ministries, like Urban Employment and Poverty Alleviation, Railways, Civil Aviation, Finance, and the Planning Commission to explore the possibilities of extending assistance to the Government of Maharashtra.

Replying to the points raised by the Honourable members, Shri Azad stated that for the development of mega schemes for important cities like Kolkata, Mumbai, Hyderabad, Bangalore and Chennai, the Ministry had very little fund at its disposal and only Rs. 200 crore had been sanctioned for the said purpose. There were also a number of Centrally Sponsored Schemes which needed to take care of almost 6000 big and small cities. Shri Azad further stated that he had been persuading the Planning Commission and the Ministry of Finance for adequate funds to address the problems of these cities/towns.

Reiterating the UPA Government's commitment on urban infrastructure development, Shri Azad stated that improvement of civil infrastructure in Mumbai city was one of the uppermost priorities of the Government. He also stated that a coordinated effort of the Maharashtra and several Ministries such as the Ministries of Urban Development, Railways, Environment and Forest, Civil Aviation, Urban Employment and Poverty Alleviation and the involvement of the community as a whole would be required to achieve the goal.

Mentioning about the Coastal Regulation Zone (CRZ), he stated that CRZ was notified by the Ministry of Environment and Forests on 19 February 1991 with a view to protecting the coastal resources, rights and livelihood of the coastal community and fishermen, keeping the beaches free from artificial development and maintaining their functional

integrity. He stated that the Government is of the view that it should be implemented in letter and spirit.

Mentioning about the laid down procedure for obtaining clearance of projects falling within the areas under CRZ notification, he stated that all the applications are routed through the State Environment Department alongwith the recommendations/No Objections Certificate (NOC) from the State Coastal Zone Management Authority and Pollution Control Board following which, it was appraised through a multi disciplinary expert Committee. He stated that a time-limit of 120 days has been prescribed for an appraisal of the project after complete information is received. He clarified that fifteen projects were being processed out of which two were of 2001, three of 2003 and 10 of 2004 which implies that the full information had been received. And once the full information is received, from the date of the receipt, it should not exceed more than 120 days. Regarding 2177 hectares of land in Mumbai which was currently under lease to salt manufactures upto 2016, he stated that it could be transferred to the Ministry of Urban Development after the expiry of the tenure. The land could be shared between the Government of India and the Government of Maharashtra.

Mentioning about the complex problem of slums in urban areas he stated that the Ministry of Urban Development and Poverty Alleviation was in the process of finalising a scheme of integrated development for the slum Dharvi, one of the largest slum inhabitations in the world, in Mumbai city.

Giving clarification about two infrastructure development plans, he stated that the Phase I of the Mumbai Urban Transport Project was already under implementation for improvement of the Suburban Rail and Road Transport. Regarding Mumbai Urban Infrastructure Project (MUIP), he added that since this project consisted of road network improvement, construction of flyovers, road overbridges, pedestrian grade separators, etc. it would be considered for implementation only after a detailed and proper examination.

He also mentioned that other projects involving water supply, sewerage, drainage and sanitation, traffic and transportation were also progressing well. Expressing concern over the problem of solid waste, he said, that a meeting of the technical experts and organisations was underway to suggest suitable measures to address the problem. He also assured the House that the UPA Government would extend all possible help in improving the civil infrastructure in Mumbai

Short Duration Discussion on the Internal Security situation in the

country: A Short Duration Discussion on the Internal Security situation in the country was held on 7 and 16 December 2004. Initiating the Discussion, Shri Arun Shourie of the BJP said that the suggestions mooted by the Task Force on Internal Security needed to be implemented urgently as the situation had deteriorated to an alarming extent since the suggestions were made. He pointed out that in the last 20 years, 64,000 people had been killed in terrorist related violence. Those responsible for such activities were extremely well networked. He further stated that the relationship of the Narcotics smuggling with arms smuggling, terrorist training camps, left extremist violence, Hawala transactions, foreign aids to Madrasas on India's borders and infiltration of the Pakistanis and disappearing after obtaining valid visas were all known to the Government. Stressing on the problems of the Left wing extremism and Islamic fundamentalism, he added that forty per cent of the geographical area of the country was in the grip of insurgencies. The terrorist groups were acting as the Governments over vast stretches of the country and had dictated terms according to their will. Drawing attention to the working conditions of the State Police forces, he stated that non-availability of official accommodation, mobility deficiency, outdated and inadequate weapons and lack of proper training, needed to be taken care of for effective functioning of the police forces.

Mentioning about the Task Forces' concern about the link of criminal and terrorist elements with the entire system of investigation, he sought an explanation from the Home Minister with regard to steps taken by the Government to contain such elements. He also pointed out the rapid spread of madrasas and mosques in border areas which were used for anti India activities. He also cautioned about the fake Indian currency being smuggled into India to destabilise the country's economy. He urged the Home Minister to establish a Central Investigating Agency as envisaged by the Task force to deal with the inter-linking of terrorist elements. He also stressed on the need for fencing of the Bangladesh border and expressed concern over the increasing activities of smuggling in Lakshadweep and necessity of adequate security force to check such activities.

Participating in the discussion,* Shri Anand Sharma of the Indian

* Others who participated in the discussion were Sarvashri Abu Asim Azmi, S.S. Ahluwalia, Ashwani Kumar, Shankar Roy Chowdhury, Rajeev Shukla, Mukhtar Abbas Naqvi, Sanjay Nirupam, Vayalar Ravi, R.S. Gavai, Abdussamad Samadani, Nabam Rebia, Bashistha Narain Singh, R. Shunmugasundaram, Dr. K.Malaisamy, Dr. P.C. Alexander, Dr. Gyan Prakash Pilania, Prof. Ram Deo Bhandari, Prof. Saif-ud-Din-Soz and Shrimati N.P. Durga

National Congress agreed that the issue of threat to the internal security was not a partisan issue. He however denied the allegation that in six months time there was deterioration in the internal security situation. He alleged that the recommendations of the Subramaniam Committee Report on Kargil were not considered or implemented by the NDA. Clarifying the stand of the Government, he said, that the Government would take a tough stand to deal with the menace of terrorists, narco terrorism, militancy and armed groups. He suggested that the Government (and the administration) should not only identify the terrorist groups and the areas of their operation but what was also required was intelligence gathering and prompt action by the Security forces. He suggested that one of the solutions was that all those who had taken recourse to arms are prevailed upon and brought back to the mainstream. In this regard, he said that the Prime Minister had made it clear that the talks would be held with the Naxalities in Andhra Pradesh if they give up the path of violence. Similarly, the ULFA and the Naga Leaders and the Youth in Manipur have to be lured back into the mainstream. He expressed disappointment over the criticism about the Hurriyat Conference's visit to Delhi. He said that during NDA regime, Hurriyat leadership was not only allowed to go abroad but was also permitted to have talks with the Pakistan President Pervez Musharraf during his visit to India and also repeatedly meet the Pakistan High Commissioner. He sought clarifications from the Government about the steps being taken to counter infiltration and influx of weapons. He agreed that the judicial process should be made more expeditious and effective and those involved with terrorist activities should be severely punished.

He refuted the allegations against the UPA Government about loss of direction. He urged all the members to support the Government's endeavour to hold dialogue with those who have taken recourse to arms and bring them back to the mainstream.

Shri A. Vijayaraghavan of the Communist Party of India (Marxist) traced the reasons for terrorism in Jammu and Kashmir to the poverty and scarce employment opportunities available to the youth there, due to which they were exploited by the extremists. He appreciated the positive response given by the people of the State during the Prime Minister's visit. He urged the Government to implement the assurances given to the Kashmiri people. In this regard, he said, some of the armed forces were withdrawn and also some peace zones within the State were identified and demilitarised. He added that political parties taking initiative for peace in Jammu and Kashmir should be supported by the Government. Moreover, youths should be provided opportunities and aid for employment.

However, he said, that the security situation in the northeast had deteriorated. In a period of six weeks from 15 August to 2 October 2004, 80 innocent people died in terrorist attacks. He urged the Government to take necessary steps to check such incidents and expressed his strong objection to the US Ambassador's offer of Federal Bureau of Investigation's (FBI) services in locating the terrorist activities and their perpetrators in Assam. He sought to know the Government's stand in this connection. He alleged that the US was trying to intervene in the internal security of the country.

He urged the Government to implement the assurances given by the Prime Minister during his visit to Manipur with regard to packages for the North East. He said that more paramilitary forces should be provided by the Government to tackle the problem of cross border terrorism in the region. He further added that hawala racket should be busted as this illegal money was used for anti national activities.

Though he welcomed the Government's initiative of holding talks with the Naxalites, he objected to their demand of retaining weapons with them. He asked the Government to make explicit its reaction to such demands and the measures to be taken to tackle this problem.

He stated that religious sentiments should not be used as a shield to escape from criminal allegations. He further added that problems of unemployment, suicide by farmers, religious fanaticism needed to be tackled by the Government in order to safeguard the internal security and sovereignty of this country.

Replying to the points raised by the members, the Minister of Home Affairs, Shri Shivraj V. Patil said that after the Kargil War, the Subramaniam Committee was appointed which subsequently gave its report. Since the report was a bulky one, the then Government of India appointed a Group of Ministers who further appointed task forces to go into the intricacies of the Subramaniam Committee Report. The report given by the task forces was confidential but the Group of Ministers' decision on their report was circulated to the Ministries for action. He appreciated the Leader of Opposition for clarifying in the House that 95 per cent of the recommendations of the Group of Ministers had already been implemented. He assured the House that the remaining 5 per cent recommendations would also be implemented soon.

Elaborating the security scenario in the country, he said that there was improvement in the situation in Jammu and Kashmir and in the North-Eastern States. Justifying it, he said that there was a decline in infiltration in Jammu and Kashmir by sixty per cent. He expressed

displeasure over the way the Defence Minister's Statement was distorted and warned that circulation of wrong information could create terror amongst the masses. The number of incidents in Jammu and Kashmir had come down by 24 per cent, killings had come down by 12 per cent and the number of people visiting Jammu and Kashmir went up by two-three times. The number of pilgrims going to the Amar Nath and the Vaishno Devi temple also went up to four lakhs from nearly one lakh in the previous years. However, he said, that the situation had not totally improved in Jammu and Kashmir. The terrorists changed their *modus operandi* and were increasingly using grenades, mines and improvised explosive devices. They were attacking politicians and the policemen.

Regarding the North Eastern situation, he stated that the number of incidents, the killings of the security forces and the killings of the civilians came down by 22 per cent, 7 per cent and 26 per cent respectively. The situation in Mizoram, Meghalaya and Arunachal Pradesh had become normal while in Manipur it wasn't very disturbing. Though some incidents took place in Assam and Tripura, the situation in Mizoram was normalised through talks.

Refuting the claim made by Shri Arun Shourie that the number of districts affected by naxalite problem rose to 157 in six months, he said that number went up from 131 in 2001 to 157 in 2004 *i.e.* it has gone up in three years' time. He said that the States that were affected by this problem included Andhra Pradesh, Orissa, Chhattisgarh, Jharkhand, Bihar and some districts of Maharashtra adjoining Andhra Pradesh and some districts of U.P. and now the problem was spreading to Karnataka and Kerala also. He added that since the talks began with the Naxalites in Andhra Pradesh, the number of killings have declined substantially. In Orissa too, he said, the number of killings and incidents had come down. The situation was well within the control of the Government in U.P. and Uttaranchal, whereas in Chhattisgarh, Jharkhand and Bihar and some parts of Maharashtra it was difficult to tackle the problem. He urged the State Governments to consult each other and evolve a coordinated approach to tackle the problem. On the efficacy of having talks with the naxal groups, he said that the force would be used wherever possibility of peace dialogue did not exist. He further stated that the Government had been successful in solving the problems of many States by resorting to talks. He also informed that institutional arrangements such as, the Special Security Secretary in the Home Ministry to tackle the Naxalite problems of the affected States, holding talks with the DIGs of those States and the Home Secretary holding talks with the Chief Secretaries and the DIGs of Jammu and Kashmir

and the North Eastern States had been quite positive. Moreover, Chief Minister's meeting with the Prime Minister and the Home Secretary had resulted in fruitful co-ordination among Centre and the States, the Minister stated.

Short Duration Discussion regarding the situation arising out of the price rise in the country: Initiating the Discussion in the House on 14 December 2004, Dr. Murli Manohar Joshi of the BJP said that the price rise in the country was a worse situation. Due to financial mismanagement, the prices continued to rise. Most importantly, the prices of items used by the common man were on the rise. Accusing the Government of resorting to the activities that resulted in the price rise, Dr. Joshi stated that the Government should not support such activities/policies that hurt the common man. He accused the Government of mismanaging the energy resources and cautioned that if necessary action is not taken immediately the energy security will be threatened which would have a cascading effect on defence, economy and food security of the country. The monetary management system needed to be toned up to meet the changing situation so as to combat the ever-rising inflation.

Participating in the discussion* Dr. T. Subbarami Reddy of the Indian National Congress traced the causes of rising inflation rates to the erratic monsoon, drought and rising oil prices. He stated that the common man was more concerned about the price of day-to-day utility items such as fruits, vegetables, oils, rice, wheat, electrical goods, etc. and expressed pleasure that the price of none of these items had gone up. In fact, there had been a decline in the prices of many food products and vegetables and there were few items which showed the marginal increase in the price. He admitted that the inflation needed to be controlled. He further stated that though internationally the oil prices had gone up to 56 dollars per barrel, the Government made utmost efforts not to further increase the burden of the common man. In this regard, the Government made it available to the people at 40 dollars per barrel and the actual burden was borne by the oil companies and the Government. He described the growth in various sectors during the present regime and said that foreign investors encouraged by the same, invested billions into the Indian stock market. He said that in order to

* Others who participated in the discussion were Sarvashri Abu Asim Azmi, Sharad Anantrao Joshi, N.R. Govindraj, Jairam Ramesh, C. Ramachandraiah, M.P. Abdussamad Samadani, Ashwani Kumar, N.K. Premachandran, Rajeev Shukla, R. Shunmugasundaram, Sanjay Raut, Bashistha Narain Singh, Tariq Anwar, Dr. Kum Kum Rai, Shrimati Maya Singh and Shrimati Prema Cariappa.

control the high rate of inflation the Government reduced import duty on various products. In August 2004, the Government reduced the customs duty on non-alloy steel from 15 per cent to 10 per cent. The metal scrap of iron steel was also fully exempted from the customs duty. He also stated that the Government was doing its best to control the rate of inflation. However, he admitted that there was need for maximum exploration of resources in the country through targeted plans and co-ordination between the Ministries of Finance and Petroleum to control the financial situation of the country.

Shri Prasanta Chatterjee of the Communist Party of India (Marxist) expressed concern over the price rise in the country due to which the real wage of the common man was declining and both the Below Poverty Line (BPL) and Above Poverty Line (APL) category were hard hit by the price rise. He said that it was wrong to blame the erratic monsoons as even in the days of poor rainfall there were food stocks piled up in the country's godowns. He said that all the essential commodities should be supplied to the poor at a cheaper price and the Public Distribution System (PDS) needed to be strengthened. He also emphasised on the need for land reforms and on unearthing of black money.

Replying to the discussion raised by the members, the Minister of Finance, Shri P. Chidambaram conceded that the inflation was one of the weak areas of the current economic situation. Focusing on the economic situation, Shri Chidambaram said that in six core industries, the growth during April-October 2004 (was 5.9 per cent) which was higher in comparison to the corresponding period of the previous year which was 5.4 per cent. Total foreign exchange reserve stood at 130 billion dollars and the Foreign Institutional investment crossed 8.2 billion dollars in the calendar year 2004.

Reflecting on the problem of inflation, he said that this inflation was due to the unprecedented rise in crude oil prices, deficient South-West monsoon and liquidity management.

He stated that the NDA Government had injected huge liquidity into the economy as a result of which the UPA Government took over Rs. 80,000 crore liquidity overhang. To tackle this problem, he said that the Government initiated a market stabilisation scheme and increasing cash reserve ratio sucked in approximately Rs 59,000 crore of this liquidity overhang. He also assured that the Government would take steps in consultation with the Ministry of Agriculture and the Ministry of Food to see that the prices of tea, jowar, groundnut, oil, sugar, cooking

coal, gur and potatoes are kept moderate so that interest of the producers and agriculturists is not harmed.

Short Duration Discussion on the foreign policy of the country: A short duration discussion on the foreign policy of the country took place on 20 and 22 December 2004. Initiating the discussion on 20 December 2004, Shri Janeshwar Mishra of the Samajwadi Party (SP) said that the conflict between India and Pakistan was like a quarrel between two brothers. Criticising the veto power system of the United Nations, he said that it enables only a few nations to determine the destiny of the rest of the countries. He appealed to the Government to issue a White Paper on India's foreign policy in the light of the changing international scenario.

Participating* in the discussion, Shri Yashwant Sinha of the BJP sought explanation from the Government regarding the official policy of India with regard to permanent membership of the United Nations Security Council. Shri Sinha also sought clarification on the Government's reaction to Russian President Mr. Vladimir Putin's Statement to the media that India should take the membership of the Security Council without the veto. Expressing concern over newspaper reports on a Statement issued by the Director of the Russian Federal Atomic Energy Agency that they would not supply fuel to the Tarapur Plant nor would they supply two additional reactors to Koodankulam, he also sought an explanation from the Government about the Indo-Russian Relationship. Referring to Indo-US strategic partnership, Shri Sinha said that the Government should also make a clarification on the issue of the 'End-Use Verification' with respect to supplies which India receives from the US and other countries. He also sought a clarification from the Government regarding the US arms supply including the F16s to Pakistan.

Accusing the Government of not being alert enough in India-Pakistan issues, he said that the Government policy on Hurriyat's talk with Pakistani authorities and the issue of gas pipeline from Iran via Pakistan to India were not clear. Expressing serious concern over the presence of insurgent groups in the neighbouring countries of India, he also sought a clarification from the Government as to what initiatives were being taken in this regard. He also stated that there was no

* Others who participated in the discussion were: Sarvashri S.S. Chandran, Ravi Shankar Prasad, Shankar Roy Chowdhury, Anand Sharma, Bashistha Narain Singh, Ekanath K. Thakur, R.S. Gavai, M.P.Abdussamad Samadani, Abu Asim Azmi, Ashwani Kumar, Dr. Alladi P. Rajkumar, Dr. P.C. Alexander, Dr. Farooq Abdullah, Dr.Chandan Mitra, Prof. Saif-ud-Din-Soz and Smt. Ambika Soni

coordination between different Ministries and the Government should clarify such confusion.

Dr. Karan Singh of the Indian National Congress said that the basis of India's foreign policy was based on national consensus from its inception. He stated that India was emerging as a power to be reckoned with. At the same time new dimensions of challenges had emerged and that India would meet such challenges boldly and bravely. He emphasised that the issue of Jammu and Kashmir needed to be addressed and India should have a dialogue with Pakistan in that regard. He further stated that the relationship between India and Pakistan needed improvement so that it will augur well for the regional cooperation including SAARC. He also stressed on the need for cautious dealing with Nepal as it had both internal security and foreign policy implications for India. On ASEAN, he added that with the changing times ASEAN has been tremendously important for India. Indian cultural influence in ASEAN was great. On Sino-Indian relations, he stated that India should clinch the border issue with China as soon as possible. He also referred to the importance of building up a positive relationship with China and Russia and the possibility of having India-China-Russia axis. Mentioning about the European Union, he emphasised on the need for developing strategic partnership with the European Union, Central Asia and the Arab World. In this direction, he said that India's cultural relations with other countries needed to be further strengthened. He also stated that the ICCR needed to play a greater role in promoting Indian culture abroad.

On the issue of India's membership in the UN Security Council with the veto power, Shri Nilotpal Basu of the Communist Party of India (Marxist) stated that any decision on such an important issue needed national consensus. Reflecting on India's claim for a seat in the Security Council, he said that India's quest for such a claim was based on the fact that India is representative of the concerns of the developing countries. Touching upon the Indian initiative for a multipolar world he stated that the efforts to redefine the need for changing the direction of the anti-terrorism struggle globally had to be more sharp and consistent with our idea of independent policy making.

As regards relations with Israel, he stated that India's ties with Israel could negatively affect India's traditional ties with Palestine and other West Asian countries. Highlighting the trade in defence equipment, he stated that Indo-Israel trade in defence equipment had grown to one and half to two billion dollars in 2004 and was projected to grow upto 4 billion dollars by the next year. He observed that Israel had suddenly

stopped defence supplies to China in the past even after having a deal with China. Expressing concern over such acts of Israel, he stated that it was not proper to depend heavily on Israel defence procurements.

He said that India should have a foreign policy that was promotive of multilateralism and added that SAARC, BIMSTEC and ASEAN have started the process and it was in fact a welcome development.

Replying to the discussion, the Minister of External Affairs Shri Natwar Singh assured the House that national consensus had been maintained on foreign policy issues since Independence and the Government would continue to maintain the legacy of national consensus. He stated that the Government attached highest priority to India's relations with its neighbours. In this regard efforts were being made to safeguard the security of the country along the Indo-Bangladesh border. India had urged Bangladesh not to allow its territories to be used by the insurgent groups for violent activities in India's North-East and India had offered Economic and Trade links with Bangladesh. India had good relations with Maldives and there was no drift in the policies regarding Pakistan. The first round of composite dialogue was over and the second round was in progress. The Minister added that India had presented seventy-two items of Confidence Building Measures (CBMs) in every area of bilateral relations with Pakistan.

On the India-Pakistan talks, the Minister assured the House that there was no third party presence in the talk nor was there any likelihood of this in future. Regarding the gas pipeline from Iran via Pakistan to India, he stated that the House would be taken into consideration once the talks were held.

On India's relations with other countries, he said that there had been marked improvement in the Sino-Indian relationship. The Indo-US relationship had been further strengthened and the two sides pursued closer cooperation in several areas. The Government's reservation and concern over supply of sophisticated armaments to Pakistan by the US had strongly been conveyed to the US administration.

As regards the Indo-Russian relationship, the Minister stated that the signing of four agreements and six MOUs during the visit of President Putin to India was indicative of strong and vibrant relation between the two countries. He also stated that Russia would honour her obligation in setting up of two reactors at Koodankulam. He added that India and the European Union were having good relations.

On Indo-ASEAN relations, the Minister stated that the Government

had given a new dimension to ASEAN. India's relation with West Asia had intensified and India's friendly relation with Israel continued to grow, he added. On India's response to Iraq situation he stated that the policy of not sending troops to Iraq remained the guiding principle. He further stated that India had provided monetary assistance to support reconstruction of Iraq. India's relation with Africa and Central Asia were also set to be intensified through high level visits and economic and commercial interactions. Clarifying the doubts of some Honourable members regarding India's candidature for a permanent seat in the Security Council, he reiterated that there should not be any discrimination in the Security Council between the Permanent Members with or without veto power. On this issue, he said that President Putin remarks were misinterpreted.

Concluding the discussion, he stated that the Government had reoriented and readjusted India's foreign policy to confront the emerging challenges. He observed, that India at present stood as a unique nation in the comity of nations and its foreign policy aimed at making the world peaceful, tranquil, harmonious and friendly.

B. LEGISLATIVE BUSINESS

*The Banking Regulation (Amendment) and Miscellaneous Provisions Bill, 2004**: Moving the motion for consideration of the Bill on 6 December 2004, the Finance Minister Shri P. Chidambaram said that as per the judgment of the Supreme Court a State did not have the power to notify an apex bank as a cooperative society and therefore, the Reserve Bank of India did not have the authority to grant such a license to an apex bank. There were thirty-four such Multi-State Co-operative Societies (MSCSs), which had been granted license under the provisions of Banking Regulation Act, 1949. In view of the judgment in the above case, doubts had been expressed about the legality of the licenses issued to the other MSCSs.

In order to remove the doubts about the legality of the licenses issued to other MSCSs and to resolve any difficulties which might arise in future, it had become necessary to urgently carry out necessary amendments in the Banking Regulation Act, 1949 and the Deposit

* The Bill, as passed by the Lok Sabha, was laid on the Table on 3 December 2004

Insurance and Credit Guarantee Corporation Act, 1961 (DICGC Act) to make specific legal provision with retrospective effect, for the validity of the licenses issued to other MSCSs by the RBI and also to enable the RBI to issue in future the licenses to the Multi-State Co-operative Societies to carry on banking business and make the Multi-State Co-operative Banks eligible for insurance of their deposits under the Deposit Insurance and Credit Guarantee Corporation Act, 1961. That would protect the interests of small depositors.

Since Parliament was not in Session and it had become necessary to take immediate action to provide for the above matters, the Banking Regulation (Amendment) and the Miscellaneous Provisions Ordinance, 2004 was promulgated by the President on 24 September, 2004. The present Bill sought to replace this Ordinance.

Replying to the debate* on the Bill, the Finance Minister said that there were dual control in case of multi-state cooperative societies and single state cooperative societies which was not a happy situation. To settle the issue, the Minister said that a comprehensive amendment bill would be brought forward in the Budget Session. Praising the role of the RBI as a banking regulator, he said that the RBI had served the country very well.

As regards the cooperative banks, regional rural banks and scheduled banks, the Minister stated that only the Public Sector banks had become stronger over the years. Mentioning about the appalling state of affairs of the cooperative banks, he urged for serious attention towards the extremely poor state of cooperative banking. Regarding achieving the target of credit, he said that it would not only be achieved but even exceed the targets. The Government, he said, was trying to get over the technical grounds by empowering the RBI to grant licenses to Multi-State Cooperative Societies.

The motion for consideration of the Bill and clauses, etc. were adopted and the Bill was passed.

Statutory Resolution Disapproving Prevention of Terrorism (Repeal) Ordinance, 2004 and Prevention of Terrorism (Repeal) Bill,

* Those who took part in the discussion were: Sarvashri Jairam Ramesh, Lalitbhai Mehta, Matilal Sarkar, C. Perumal, C. Ramachandraiah, Santosh Bagrodia, Bimal Jalan, R. Shunmugasundaram, Sharad Anantrao Joshi and Fali. S. Nariman.

2004 and Statutory Resolution Disapproving Unlawful Activities (Prevention) Amendment Ordinance 2004 and Unlawful Activities (Prevention) Amendment Bill, 2004**: Moving the resolutions on 9 December 2004, Dr. Murli Manohar Joshi said that it was a matter of grave concern that the Government was moving a Bill to withdraw the POTA when terrorist activities were on the rise in the country. Expressing concern over the terrorist activities, Dr. Joshi said that a number of army men and army officers lost their lives in the recent terrorist attacks.

Referring to the North-Eastern areas of the country, he said that terrorist activities there also had increased. Intelligence sources had sufficient evidence to prove that the ISI was trying to attack vital installations in the North-East, he added. Quoting sources, Dr. Joshi stated that the Tripura based ATTF and NLFT have number of camps and shelter points in Bangladesh. To fight terrorism he said that there is need to empower those who are responsible for our security with more power and authority. Citing these reasons, Dr. Joshi submitted that the ordinance to revoke the POTA be stopped.

Regarding the *Prevention of Terrorism (Repeal) Bill, 2004*, it was stated that the Prevention of Terrorism Act, 2002 was enacted as a special law to deal with the terrorist acts. However, there had been allegations of gross misuse of the provisions of the Act by some State Governments. Views had been expressed that provisions of the Act were misused in cases where they should not have been invoked. It had also been observed in various quarters that the Act had failed to serve its intended purpose and as a result, there were persistent demands that this Act should be repealed. Accordingly, necessity to repeal the Act was felt. Since the Parliament was not in Session, the Prevention of Terrorism (Repeal) Ordinance, 2004 was promulgated. The Prevention of Terrorism (Repeal) Bill, 2004 was separately being introduced in Parliament**.

At the same time, the Government was also firm in its resolve not to compromise in the fight against terrorism which posed a serious threat to our national security and also at the global level. India had also been a front-runner in the global fight against terrorism and had given certain commitments in this regard, particularly in terms of the United Nations Security Council Resolution, 1373, dated the

* The Bills, as passed by the Lok Sabha, were laid on the Table on 7 December 2004

** Excerpts from Statement of Objects and Reasons of the Bill

28 September 2001. For this reason such legal provisions, as were considered necessary to deal with the various facets of terrorism, were proposed to be incorporated in the Unlawful Activities (Prevention) Act, 1967.

To give effect to the above objective, the Unlawful Activities (Prevention) Amendment Ordinance, 2004 was promulgated on 21-9-2004. The Unlawful Activities (Prevention) Amendment Bill, 2004 sought to replace the said Ordinance.*

Replying to the debate** the Minister of Home Affairs Shri Shivraj V. Patil said that on the one hand the Government does not want a draconian law like POTA to be on the statute book, on the other, the Government was very clear that the terrorist activities had to be curbed, controlled and contained. He said that the innocent people should not suffer because of the draconian law. He stated that it was being said that though the POTA was being repealed the Government was introducing the POTA by the back door in the form of Unlawful Activities (Prevention) Amendment Bill. He said that one of the important things which was being tried was to retain the definition of terrorism. It was not defined earlier. The Minister said that by retaining the definition of terrorism given in the Unlawful Activities (Prevention) Amendment Bill, if any occasion arises for the police to investigate and for the judges to pronounce the judgment they would know what could be treated as terrorism and the investigation could be done. Provisions had been made in the new law to address the complex issues involving terrorist activities. He mentioned that as per information available, the situation in Jammu & Kashmir and the North-East was improving. However, he said that though statistics show Naxalite activities were increasing, the Naxalite activity in Andhra Pradesh had reduced by more than 50 per cent through dialogue and discussions. In the conclusion, he said that the objective of these two bills were to achieve development and provide security to all the people in the country.

The resolutions were negatived.

* Excerpts from Statement of Objects and Reasons of the Bill.

** Those who took part in the discussion were: Sarvashri N. Jothi, M.P. Abdussamad Samadani, Gandhi Azad, Shankar Roy Chowdhury, Raashid Alvi, Manoj Bhattacharya, Tariq Anwar, R. Shunmugasundaram, Dr. Chandan Mitra, Prof. Ram Deo Bhandary, Prof. Saif-ud-Din Soz, Shrimati N.P. Durga, Shrimati Jaya Bachchan and Kumari Nirmala Deshpande

The motions for consideration of the Bills and clauses, etc. were adopted and the Bills were passed.

*The National Commission for Minority Educational Institutions Bill, 2004**: Moving the motion for consideration of the Bill on 21 December, 2004, the Minister of Human Resource Development Shri Arjun Singh said that the question of the minorities and their right to establish their institutions was enshrined in the Constitution. The Minister further stated that in one of the Sections of the National Common Minimum Programme, there was a provision to establish a Commission for Minority Educational Institutions (hereinafter referred to as the National Commission) that would provide direct affiliation for minority professional institutions to the Central Universities. Among the various issues raised by the representatives of the minority communities was the difficulty faced by them in establishing and running their own educational institutions, despite the Constitutional guarantees accorded to them in this regard. The major problem was the issue of securing affiliation to a university of their choice. The territorial jurisdiction of the State Universities, and the concentration of minority populations in some specific areas invariably meant that the institutions could not avail the opportunity of affiliation with the universities of their choice.

Subsequently, in a meeting of the National Monitoring Committee for the Minority Education held on 27 August 2004, similar views were voiced by many experts. Participants from the various minority communities affirmed the need to provide access to such affiliation in view of the often restrictive conditions imposed by the existing statutes of the Universities, relating to the affiliation of such institutions. They felt that these conditions affected the rights granted to them on account of their minority status. The fact that there was no effective forum for appeal and quick redressal only aggravated the sense of deprivation of the minority communities.

In view of the commitment of the Government in the National Common Minimum Programme, the issue of setting up of a national commission was a matter of utmost urgency. As the Parliament was not in session and in view of the considerable preparatory work that would

*** The Bill, as passed by the Lok Sabha was laid on the Table on 17 December 2004

be involved to make the national commission's functioning effective from the next academic session, recourse was taken to create the National Commission through promulgation of the National Commission for Minority Educational Institutions Ordinance, 2004 on 11 November, 2004. The Bill sought to replace the above-mentioned Ordinance. Referring to the Karunya Institute of Technology and Science case, Shri Singh said that the institution was apparently targeted for no reason and was not accredited with the deemed university status even after the UGC had given its recommendation to the Ministry of Human Resource Development. In this regard, the Madras High Court had directed to give recognition to this institution within one month. The Government considered all these and came up with this Bill through the Ordinance route.

Replying to the points* raised by the members, the Minister of Human Resource Development, Shri Arjun Singh said that the Bill was not an encroachment on any existing institutions like UGC, AICTE, etc. The Bill after becoming a Law would help to get over some problems in the sphere of the minority education. On commercialization of education, he said that the Government would see that education should not be limited only to the rich. In this regard, he said that the Government had appealed to the Chief Ministers to arrive at a broad consensus.

The motion for consideration of the Bill and clauses, etc. were adopted and the Bill was passed.

*The Delegated Legislation Provisions (Amendment) Bill, 2004**:* Moving the motion for consideration of the Bill on 14 December 2004, the Minister of Law and Justice, Shri Hansraj Bhardwaj said that the Bill sought to amend the various Acts mentioned in the Schedule thereto, for the purpose of giving effect to the recommendations of the Committee on Subordinate Legislation regarding the publication and laying of rules and other delegated legislation. He also stated that the

* Those who took part in the discussion were: Sarvashri Balwant alias Bal Apte, Shahid Siddiqui, S.M. Laljan Basha, Maulana Obaidullah Khan Azmi, Fali S. Niriman, M.P. Abdussamad Samadani, Jesudasu Seelam, Shankar Roy Chowdhury, Suresh Bhardwaj, Sanjay Raut, Tariq Anwar, N.K. Premachandran, R.Shunmugasundram, Sharad Anantrao Joshi, Dr. K. Malaisamy, Dr. Murli Manohar Joshi, Prof. Saif-ud-Din Soz, Shrimati Sushma Swaraj and Shrimati Chandra Kala Pandey.

** The Bill was introduced in the Rajya Sabha on 7 December 2004.

Committee on Subordinate Legislation had been emphasising on the administrative Ministries for making a standard provision for laying the rules in all the Acts of Parliament. In this regard in 1983, as many as 50 laws were made and in 1985 another 91 enactments were covered. The present amendment was the third exercise which would cover 54 remaining Acts. He further hoped that the amendments would be passed without any discussion.

The motion for consideration of the Bill, clauses, etc. were adopted and the Bill was passed.

C. QUESTION HOUR

During the Session 5797 notices of Questions (5031 Starred and 766 Unstarred) were received. Out of these, 340 Questions were admitted as Starred and 2364 Questions were admitted as Unstarred. The total number of Questions received in Hindi was 1114.

Daily average of Questions: For all days, the list of Starred Questions contained 20 Questions each. On an average 6.87 Questions were orally answered per sitting. The maximum number of Questions orally answered was 10 on 9 December, 2004 and the minimum number of questions orally answered was 4 on 20 December, 2004.

The lists of Unstarred Questions contained 69, 113, 118, 132, 138, 122, 147, and 130 Questions on 1, 2, 3, 6, 7, 8, 9, and 15 December, 2004 respectively and on the rest of the days, it contained 155 questions each.

Half-an-Hour Discussion: Three notices of Half-an-Hour Discussion were received, one was admitted and was taken up for discussion.

Short Notice Question: One Short Notice Question was received but was not admitted.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Sarvashri V.V. Raghavan, sitting member and Sarvashri Buddha Priya Maurya, Nilamoni Routray, Dattopant Bapurao Thengari, Shyam Nandan Mishra, Syed Mir Qasim, Dr. Raja Ramanna, Shrimati Roda Mistry, all former members. Members stood in silence as a mark of respect to the deceased.

STATE LEGISLATURES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Fourth Arunachal Pradesh Legislative Assembly was constituted on 11 October 2004. The First Part of the First Session of the Fourth Arunachal Pradesh Legislative Assembly was held from 25 to 26 October 2004.

Election of the Speaker and Deputy Speaker: On 26 October 2004, Sarvashri Setong Sena and Takar Marde, both of the Indian National Congress (INC) were unanimously elected to the office of the Speaker and the Deputy Speaker, respectively of the State Legislative Assembly.

Address by the Governor: This being the First Session of the new Assembly, the Governor of Arunachal Pradesh addressed the House on 26 October 2004.**

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY***

The Himachal Pradesh Legislative Assembly which commenced its Sixth Session on 17 December 2004, was adjourned sine die on 23 December 2004. The House was prorogued by the Governor on 24 December 2004. There were five sittings in all.

Obituary References: During the Session, obituary references were made on the passing away of Shri P.V. Narasimha Rao, former Prime Minister of India; Major D.D. Khanooria, former member of the Lok Sabha and Shri Krishna Chander Vaid, former member of the Himachal Pradesh Legislative Assembly.

KERELA LEGISLATIVE ASSEMBLY****

The Eleventh Kerala Legislative Assembly, which commenced its Tenth Session on 1 December 2004, was adjourned *sine die* on the same day, after transacting some business.

* Material contributed by the Arunachal Pradesh Legislative Assembly Secretariat.

** The discussion on the Motion of Thanks to the Governor for his address was taken up on 3 February 2005.

*** Material contributed by the Himachal Pradesh Legislative Assembly Secretariat.

**** Material contributed by the Kerala Legislative Assembly Secretariat

MADHYA PRADESH VIDHAN SABHA*

The Twelfth Madhya Pradesh Vidhan Sabha, which commenced its Fourth Session on 29 November 2004, was adjourned *sine die* on 10 December 2004. The House was later prorogued on the 20 December 2004. There were seven sittings in all.

Legislative Business: During the Session, twelve Bills were introduced. One Bill naming 'the Madhya Pradesh Lok Seva (Anya Pichhde Vargoen Ke Liye Arakshan) Vidheyak, 2002' was returned by the President of India for reconsideration.

Financial Business: On 6 December 2004, the Finance Minister Shri Raghav Ji, presented the first Supplementary Demands for Grants for the year 2004-2005, which were granted by the House on 7 December 2004.

Obituary References: During the Session, obituary references were made on the passing away of Shri S.N. Mishra, former Union Minister; Shri B.P. Maurya and Dr. Raja Ramanna, both former Union Minister of State; Shri Amar Singh Chaudhary, former Chief Minister of Gujarat; Shri Neelmani Rautray, former Chief Minister of Orissa; Sarvashri Ganeshilal Verma, Laxman Das Ahirwar, Ram Bahadur Singh Parihar and Thakur Shashi Bhushan Singh all former members of Madhya Pradesh Legislative Assembly.

MANIPUR LEGISLATIVE ASSEMBLY**

The Eighth Manipur Legislative Assembly, which commenced its Ninth Session on 17 December 2004, was adjourned *sine die* on 23 December 2004. There were five sittings in all.

Legislative Business: During the Session, the following Bills were passed by the House: (i) The Kangla Fort Bill, 2004; (ii) The Manipur Municipality (Second Amendment) Bill, 2004; (iii) The Manipur Ceiling on Government Guarantee Bill, 2004; (iv) The Manipur Value Added Tax Bill, 2004; (v) The Manipur Appropriation (No.1A) Bill, 2004.

Financial Business: The Finance Minister presented the Supplementary Demands for Grants for the year 2004-2005. The General Discussion and the Discussion and Voting on the Demands for Grants were held on 20 December 2004.

* Material contributed by the Madhya Pradesh Vidhan Sabha Secretariat

** Material contributed by the Manipur Legislative Assembly Secretariat.

Obituary References: During the Session, obituary references were made on the passing away of Sarvashri Telem Bira Singh and T.P. Kuilengpao, both former members of the Manipur Legislative Assembly and Shri Ningombam Raghumani Singh, former Secretary of the Manipur Legislative Assembly.

NAGALAND LEGISLATIVE ASSEMBLY*

The Tenth Nagaland Legislative Assembly, which commenced its Sixth Session on 16 December 2004, was adjourned *sine die* on the same day after transaction of some business. The House was prorogued by the Governor on the same day.

Obituary Reference: During the Session obituary reference was made on the passing away of Shri Marhutho, former member of the Nagaland Legislative Assembly

ORISSA LEGISLATIVE ASSEMBLY**

The Thirteenth Orissa Legislative Assembly which commenced its Third Session on 3 December 2004, was adjourned *sine die* on 28 December 2004. There were eighteen sittings in all.

Legislative Business: During the Session, five Bills including the Orissa Appropriation (No.2) Bill, 2004 were passed by the House.

Financial Business: On 3 December 2004, the first Supplementary Statement of Expenditure for the year 2004-2005 was presented. Seven Demands for Grants were voted in full after discussion and the rest of the Demands were guillotined. On 18 December 2004, the Appropriation (No. 2) Bill 2004 was passed by the House.

Obituary References: During the Session, obituary references were made on passing away of Shri P.V. Narasimha Rao, former Prime Minister of India and Shri Ananta Charan Tripathy, former member of the Orissa Legislative Assembly. Tributes were also paid to those who were killed in Tsunami Wave and Earthquake on 26 December 2004.

WEST BENGAL LEGISLATIVE ASSEMBLY***

The Thirteenth West Bengal Legislative Assembly which commenced its Ninth Session on 16 December 2004, was adjourned *sine die* on the

* Material contributed by the Nagaland Legislative Assembly Secretariat.

** Material contributed by the Orissa Legislative Assembly Secretariat.

*** Material contributed by the West Bengal Legislative Assembly Secretariat.

28 December 2004. The House was prorogued by the Governor on 29 December 2004. There were nine sittings in all.

Legislative Business: During the Session, nine Bills were introduced, of which eight were considered and passed.

No-confidence motion: On 23 December 2004 on a No-confidence motion moved by Shri Pankaj Banarjee, the on-going debate abruptly came to a halt when the Speaker announced the passing away of Shri P.V. Narasimha Rao, the former Prime Minister of India. The House was then adjourned for the day and the motion was dropped.

Obituary References: During the Session, obituary references were made on the passing away of Sarvashri P.V. Narasimha Rao, former Prime Minister of India; Subodh Chandra Hansda, former Union Minister; Nripen Chakraborti, former Chief Minister of Tripura; Bhakti Bhusan Mondal and Rathin Talukdar, both former Ministers of the Government of West Bengal; Malin Ghosh, Surya Chakraborty, Mir Abdus Sayeed and Sanat Kumar Mukherjee, all former members of the West Bengal Legislative Assembly; and other renowned persons as well as thousands of people who lost their lives in the Tsunami tragedy in East Asia.

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APPENDIX I

**STATEMENT SHOWING THE WORK TRANSACTED
DURING THE THIRD SESSION OF THE
FOURTEENTH LOK SABHA**

1. PERIOD OF THE SESSION	1 to 23 December 2004
2. NUMBER OF SITTINGS HELD	17
3. TOTAL NUMBER OF SITTING HOURS	103 hours, 22 minutes
4. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	2
(ii) Introduced	19
(iii) Laid on the Table as passed by Rajya Sabha	2
(iv) Referred to Departmentally-related Standing Committee by Speaker/ Chairman, Rajya Sabha	4
(v) Discussed	11
(vi) Passed	11
(vii) Withdrawn	Nil
(viii) Returned by Rajya Sabha without any recommendation	4
(ix) Pending at the end of the Session	12
5. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	16
(ii) Introduced	51
(iii) Discussed	2
(iv) Passed	Nil
(v) Withdrawn	1
(vi) Part-discussed	1
(vii) Removed from the Register of pending bills	1
(viii) Pending at the end of the Session	65
6. NUMBER OF DISCUSSIONS HELD UNDER RULE 184	
(i) Notices received	122
(ii) Admitted	94
(iii) Discussed	Nil
7. NUMBER OF MATTERS RAISED UNDER RULE 377	188
8. NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	251
9. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	

(i) Notices received	233
(ii) Admitted	5
(iii) Discussions held	4
(iv) Part-discussed	1
10. NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling Attention of Matters of Urgent Public Importance)	15
11. STATEMENTS MADE BY MINISTERS UNDER RULE 372	16
12. STATUTORY RESOLUTIONS	
(i) Notices received	35
(ii) Admitted	6
(iii) Moved	6
(iv) Adopted	Nil
(v) Negatived	2
(vi) Withdrawn	4
13. GOVERNMENT RESOLUTIONS	
(i) Notices received	5
(ii) Admitted	5
(iii) Moved	Nil
(iv) Adopted	Nil
14. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	6
(ii) Admitted	6
(iii) Discussed	1
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	1
15. GOVERNMENT MOTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Discussed	Nil
16. NUMBER OF ADJOURNMENT MOTIONS	
(i) Total number of Notices received	5
(ii) Brought before the House	Nil
(iii) Consent withheld by Speaker, Lok Sabha outside the House	5
(iv) Consent given by Speaker but leave not asked for members concerned	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	12,904

18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED	1,228 on 16 December 2004
19. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	342
(ii) Unstarred	3,883
(iii) Short Notice Questions	2
(iv) Half-an-Hour discussions	3
20. PETITIONS PRESENTED	1
21. NUMBER OF NEW MEMBERS SWORN IN, WITH DATE	3 Members sworn in on 1 December 2004)
22. NUMBER OF PRIVILEGE MOTIONS	
(i) Notices received	15
(ii) Brought before the House	Nil
(iii) Consent withheld by Speaker	3
(iv) Observation made by Speaker	Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 October to 31 December 2004	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	1	3
ii)	Committee on Absence of Members from the Sittings of the House	1	—
iii)	Committee on Empowerment of women	2	1 (Action Taken)
iv)	Committee on Estimates	5	5 (Action Taken)
v)	Committee on Ethics	—	—
vi)	Committee on Government Assurances	—	—
vii)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	2	—
viii)	Committee on Papers Laid on the Table	3	2
ix)	Committee on Petitions	—	—
x)	Committee on Private Members' Bills and Resolutions	3	3
xi)	Committee of Privileges	—	—
xii)	Committee on Public Accounts	—	—
xiii)	Committee on Public Undertakings	5	1 (Original) 1 (Action Taken)
xiv)	Committee on Subordinate Legislation	3	2
xv)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	4	3
xvi)	General Purposes Committee	—	—

xvii)	House Committee	—	—
	a) Accommodation Sub-Committee	—	—
	b) Sub-Committee on Amenities	—	—
xviii)	Library Committee	—	—
xix)	Railway Convention Committee	4	1
xx)	Rules Committee	—	—

JOINT/SELECT COMMITTEES

i)	Joint Committee on Offices of Profit	1	—
ii)	Joint Committee on Salaries and Allowances of Members of Parliament	—	—

DEPARTMENTALLY-RELATED STANDING COMMITTEES

i)	Committee on Agriculture	1	—
ii)	Committee on Chemicals and Fertilizers	—	—
iii)	Committee on Coal & Steel	4	2
iv)	Committee on Defence	5	—
v)	Committee on Energy	4	—
vi)	Committee on External Affairs	4	1 (Action Taken)
vii)	Committee on Finance	5	5
viii)	Committee on Food, Consumer Affairs and Public Distribution	—	—
ix)	Committee on Information Technology	—	—
x)	Committee on Labour	2	—
xi)	Committee on Petroleum and Natural Gas	2	1
xii)	Committee on Railways	8	2 (Original) 2 (Action Taken)
xiii)	Committee on Rural Development	—	—
xiv)	Committee on Social Justice and Empowerment	3	1
xv)	Committee on Urban Development	—	—
xvi)	Committee on Water Resources	2	1 (Action Taken)

APPENDIX II

**STATEMENT SHOWING THE WORK TRANSACTED
DURING THE TWO HUNDRED AND THIRD
SESSION OF THE RAJYA SABHA**

1. PERIOD OF THE SESSION	1 to 23.12.2004
2. NUMBER OF SITTINGS HELD	17
3. TOTAL NUMBER OF SITTING HOURS	86 Hrs 12 Mts
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	30
(ii) Introduced	11
(iii) Laid on the Table as passed by Lok Sabha	11
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Referred to the Department-related Standing Committees	8
(viii) Reported by Select Committee	Nil
(ix) Reported by Joint Committee	Nil
(x) Reported by the Department-related Standing Committees	Nil
(xi) Discussed	13
(xii) Passed	13
(xiii) Withdrawn	2
(xiv) Negatived	Nil
(xv) Part-discussed	Nil
(xvi) Returned by Rajya Sabha without any recommendation	4
(xvii) Discussion postponed	Nil
(xviii) Pending at the end of the Session	37
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	98
(ii) Introduced	38
(iii) Laid on the Table as passed by Lok Sabha	Nil

(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Withdrawn	4
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	Nil
(xvi) Pending at the end of the Session	132
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)	
(i) Notices received	28
(ii) Admitted	12 (on 3 subjects)
(iii) Discussions held	12 (on 3 subjects)
8. NUMBER OF STATEMENT MADE UNDER RULE 180 (Calling Attention to Matters of Urgent Public Importance)	
(i) Statement made by Ministers	2
9. HALF-AN-HOUR DISCUSSIONS HELD	1
10. STATUTORY RESOLUTIONS	
(i) Notices received	7 (on 3 subjects)
(ii) Admitted	7
(iii) Moved	7
(iv) Adopted	-
(v) Negatived	-
(vi) Withdrawn	7
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	5
(ii) Admitted	5
(iii) Moved	Nil
(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	3
(ii) Admitted	3
(iii) Discussed	1
(iv) Withdrawn	1

(vi) Negatived	Nil
(vii) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion Postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved and discussed	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	1
(ii) Admitted	1
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
(viii) Lapsed	Nil
16. NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEE CREATED, IF ANY	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED	1344
18. TOTAL NUMBER OF VISITORS	2774
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	161 (on 21/12/2004)
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	346 (on 16/12/2004)
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	340
(ii) Unstarred	2364
(iii) Short-Notice Questions	Nil
22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES	Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of meetings held during the period 1 Oct. to 31 December 2004	No. of Reports presented
1	2	3	4
(i)	Business Advisory Committee	3	Nil
(ii)	Committee on Subordinate Legislation	3	2
(iii)	Committee on Petitions	3	Nil
(iv)	Committee of Privileges	1	Nil
(v)	Committee on Rules	Nil	Nil
(vi)	Committee on Government Assurances	3	1
(vii)	Committee on Papers Laid on the Table	3	1
(viii)	General Purposes Committee	Nil	Nil
(ix)	House Committee	1	Nil
Department-related Committees:			
(x)	Commerce	3	Nil
(xi)	Home Affairs	5	Nil
(xii)	Human Resource Development	8	1
(xiii)	Industry	15	6
(xiv)	Science and Technology, Environment and Forests	2	Nil
(xv)	Transport, Tourism and Culture	8	1
(xvi)	Health & Family Welfare	1	Nil
(xvii)	Personnel, Public Grievances, Law and Justice	5	Nil
Other Committees			
(xviii)	Committee on Ethics	2	Nil
(xix)	Committee on Provision of Computers to Members of Rajya Sabha	5	Nil
(xx)	Committee on Member of Parliament Local Area Development Scheme	2	1
(xxi)	Joint Parliamentary Committee on the Functioning of Wakf Boards	Nil	Nil
(xxii)	Committee Coordination Section	Nil	Nil
24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE		1
25.	PETITIONS PRESENTED		Nil
26.	NAME OF NEW MEMBERS SWORN IN WITH DATES		

S.No.	Name of members sworn in	Party affiliation	Date on which sworn in
1	2	3	4

No new member sworn in during the Quarter ending December 2004 in the Rajya Sabha.

27. OBITUARY REFERENCES

S.No.	Name	Sitting member/ Ex-member
<u>01-12-2004</u>		
1.	Sheikh Zayed Bin Sultan Al Nahyan	President, UAE
2.	Mr. Yasir Arafat	President, PNA & Chairman, PLO
3.	Smt. Roda Mistry	Ex- member
4.	Dr. Raja Ramanna	-do-
5.	Shri Buddha Priya Maurya	-do-
6.	Shri Nilamoni Routray	-do-
7.	Shri Dattopant Baparao Thengari	-do-
8.	Shri Shyam Nandan Mishra	-do-
9.	Shri V.V. Raghavan	-Sitting Member
<u>13-12-2004</u>		
10.	Smt. M. Subbulakshmi	Renowned Carnatic Vocalist
11.	Syed Mir Qasim	Ex- member

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2004

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.	25.10.2004 to 26.10.2004	2	—	—	—	—	—
Assam L.A.	14.12.2004 to 17.12.2004	4	16(16)	—	197(80)	55(158)*	24(24)
Bihar L.A.	3.12.2004 to 8.12.2004	4	—	—	330(244)	10(134)*	176(30)
Bihar L.C.	3.12.2004 to 8.12.2004	4	—(2)	—	465(433)	—(4)*	120(112)
Chhattisgarh L.A.	23.11.2004 to 3.12.2004	8	21(20)	—	591(342)	343(272)	1
Delhi L.A.	16.12.2004 to 22.12.2004	5	4(5)	—	—(200)	—(275)	—
Goa L.A.*	—	—	—	—	—	—	—
Gujarat L.A.	—	—	—	—	—	259(197)	—
Haryana L.A.	1.12.2004 to 2.12.2004	2	4(4)	—	37(31)	—	—
Himachal Pradesh L.A.	17.12.2004 to 23.12.2004	5	7(7)	—	276(207)	65(54)	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—
Karnataka L.A.*	—	—	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—
Kerala L.A.	1.12.2004	1	—	—	—(87)	—(348)	—

Madhya Pradesh L.A.	29.11.2004 to 10.12.2004	7	12(12)	1	867(582)	485(476)	—
Maharashtra L.A.**	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—
Manipur L.A.	17.12.2004 to 23.12.2004	5	5(4)	—	75(60)	3(3)	3(3)
Meghalaya L.A.**	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—
Nagaland L.A.	16.12.2004	1	—	—	10(10)	1(1)	—
Orissa L.A.**	—	—	—	—	—	—	—
Punjab L.A.**	—	—	—	—	—	—	—
Rajasthan L.A.*	—	—	—	—	—	—	—
Sikkim L.A.*	—	—	—	—	—	—	—
Tamil Nadu L.A.*	—	—	—	—	—	—	—
Tripura L.A.	1.10.2004 to 7.10.2004	5	2(2)	—	598(444)	664(546)	5(3)
Uttaranchal L.A.*	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—
UNION TERRITORIES							
Pondicherry L.A.	8.12.2004	—	—	—	—	—	—

* Information received from the State/Union territory Legislature contained NIL report

** Information not received from the State/Union territory Legislature

Notes : @ Starred Questions and Short Notices admitted as Unstarred

APPENDIX III (Contd.)
COMMITTEES AT WORK / NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2004

STATES	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	Business Advisory Committee	Committee on Govt. Assurances	Committee on Petitions	Committee on Private Members Bills and Resolutions	Committee of Privileges	Committee on Public Undertakings	Committee on Subordinate Legislation	Committee on the Welfare of SCs and STs	Committee on Estimates	General Purposes Committee	House/Accommodation Committee	Library Committee	Public Accounts Committee	Rules Committee	Joint/Select Committee	Other Committees		

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Assam L.A.	2(2)	—	2	—	—	2	1	3	1	—	2	—	5	—	—	1(1) ^(a)
Bihar L.A.	—	14(1)	42	—	—	11(2)	10	10	29(4)	—	9	10	33(6)	—	—	68(4) ^(a)
Bihar L.C.	2(1)	29	11	11(1)	11	—	11	11	—	10	15	11	—	1(1)	—	44(5) ^(a)
Chhattisgarh L.A.	2(2)	—	—	1(1)	1	—	—	1	—	—	—	—	5	—	—	—
Delhi L.A.	1(1)	6	2(1)	2(1)	—	2	1	1	3	1	—	—	5(1)	—	2	3 ^(a)
Goa L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat L.A.	—	5	—	—	—	9	2	9	5	—	3	—	11	—	—	12 ^(a)
Haryana L.A.	1(1)	15	—	—	13(1)	14	12	14	16(1)	—	11	16	19	12	—	—
Himachal Pradesh L.A.	—	—	—	—	6	10(8)	6	10(2)	11(5)	—	—	—	10(19)	—(1)	—	21(15) ^(a)
Jammu & Kashmir L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	—	14	12	10	10	13	13	12	12	—	—	13	12	—	—	35 ^(a)
Karnataka L.C.	—	22	11	—	11	—	—	—	—	—	3	—	—	—	—	—
Kerala L.A.	1	16	—	—	3	12	8	9	11	—	9	9	14	—	—	53 ^(a)
Madhya Pradesh L.A.	2(2)	2	5	1	4	5	—	4(2)	5	—	1	2	7(58)	2(1)	—	13(2) ^(a)
Maharashtra L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A.	1(1)	5	—	—	—	2	3	3	3	1(1)	6(1)	1	8(1)	2	—	8(2) ^(a)
Meghalaya L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	1	—	—	—	—	1	—	—	1(1)	—	—	—	1(1)	—	—	—
Orissa L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A.	—	19	19	—	14	22	21	42	46	—	20	21	21	—	—	64 ^(a)
Sikkim L.A.	—	1	—	—	—	—	—	—	1	—	—	1	5	—	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Tamil Nadu L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A.	2(2)	2	2	—	—	1	—	1	—	—	1	1	4	—	—	—
Uttaranchal L.A.	—	2	—	—	—	2	—	1	2	—	2	—	6	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY																
Pondicherry L.A.	—	—	—	—	—	—	—	—	24	—	—	—	21	—	—	—

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

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

(a) Employment Review Committee-1(1)

(b) Question and Calling Attention Committee-11(3); Internal Resources Committee-15(1); Zilla Panchayat/Zilla Parishad Committee-13; Woman and Child Welfare Committee-10; and Nivedan Committee-19

(c) Question and Calling Attention Committee-12(3); Human Rights Committee-10(2); Committee on State Language-11; and Committee on Welfare of Minorities-11

(d) Committee on Woman and Child Welfare-1; Committee on Papers Laid on the Table-1; and Committee on Environment-1

(e) Panchayati Raj Committee-8; Welfare of Socially and Educationally Backward Classes Committee-3; and Committee on Papers Laid on the Table-1

(f) Public Administration Committee-4(5); Human Development Committee-6(3); General Development Committee-5(4); and Rural Planning Committee-6(3)

(g) Committee on Welfare of Woman and Children-11; Committee on Papers Laid on the Table-14; and Committee on the Welfare of Backward Classes and Minorities-10

(h) Committee on the Welfare of Woman, Children and Physically Handicapped-17; Committee on Environment-9; Committee on the Welfare of Backward Class Communities-6; Committee on Papers Laid on the Table-8; Committee on Official Language-3; and Committee on Local Fund Accounts-10

(i) Committee on Welfare of Woman and Children-6(1); Committee on Questions and References-2; and Committee on Papers Laid on the Table-5(1)

(j) Committee on Welfare of Woman and Children-5(1); and Hill Areas Committee-3(1)

(k) Committee on the Welfare of Woman and Children-19; Question and Reference Committee-20; and Committee on Welfare of Backward Classes-25

APPENDIX IV**LIST OF BILLS PASSED BY THE HOUSES OF
PARLIAMENT AND ASSENTED TO BY THE
PRESIDENT DURING THE PERIOD****1 OCTOBER TO 31 DECEMBER 2004**

Sl. No	Title of the Bill	Date of assent by the President
1	2	3
1.	The Banking Regulation (Amendment) and Miscellaneous Provisions Bill, 2004	20.12.2004
2.	The Customs and Central Excise Law (Repeal) Bill, 2004	21.12.2004
3.	The Prevention of Terrorism (Repeal) Bill, 2004	21.12.2004
4.	The Appropriation (Railways) No. 4 Bill, 2004	21.12.2004
5.	The Special Tribunals (Supplementary Provisions) Repeal Bill, 2004	24.12.2004
6.	The Unlawful Activities (Prevention) Amendment Bill, 2004	29.12.2004
7.	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Bill, 2004	29.12.2004

APPENDIX V
LIST OF BILLS PASSED BY THE LEGISLATURES
OF THE STATES AND THE UNION TERRITORIES
DURING THE PERIOD

1 OCTOBER TO 31 DECEMBER 2004

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Appropriation (No.XI) Bill, 2004
2. The Assam Appropriation (No.XII) Bill, 2004
3. The Assam Appropriation (No.XIII) Bill, 2004
4. The Assam Appropriation (No.XIV) Bill, 2004
5. The Assam Appropriation (No.XV) Bill, 2004
6. The Bengal, Agra and Assam Court (Assam Amendment) Bill, 2004
7. The Assam Irrigation Water Uses Bill, 2004
8. The Assam Excise (Amendment) Bill, 2004
9. The Assam Tea Plantation Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme (Amendment) Bill, 2004
10. The Assam Municipal (Amendment) Bill, 2004

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Viniyog (Sankhya 5) Vidheyak, 2004
2. The Bihar Panchayat Raj (Sanshodhan) Vidheyak, 2004

CHHATTISGARH LEGISLATIVE ASSEMBLY

1. The Chhattisgarh Abkari (Sanshodhan) Vidheyak, 2004
2. The Chhattisgarh Adhivakta Kalyan Nidhi (Sanshodhan) Vidheyak, 2004
3. The Chhattisgarh Sthaniya Skhetra me Mal ke Pravesh par Kar (Sanshodhan) Vidheyak, 2004
4. The Chhattisgarh Manoranjan Shulk Evam Vigyapan Kar (Sanshodhan) Vidheyak, 2004
5. The Chhattisgarh Viniyog (Kramank 4) Vidheyak, 2004
6. The Chhattisgarh Vanijya Kar (Sanshodhan) Vidheyak, 2004
7. The Chhattisgarh Sahkari Society (Sanshodhan) Vidheyak, 2004
8. The Chhattisgarh Nagarpalika (Sanshodhan) Vidheyak, 2004
9. The Chhattisgarh Nagarpalika (Sanshodhan) Vidheyak, 2004
10. The Chhattisgarh Krishi Pashu Parirakshan Vidheyak, 2004
11. The Chhattisgarh Gauseva Ayog Vidheyak, 2004
12. The Chhattisgarh Nagar Evam Gram Nivesh (Sanshodhan) Vidheyak, 2004
13. The Chhattisgarh Odyogic Protsahan Nivesh (Sanshodhan) Vidheyak, 2004

14. The Chhattisgarh Vidhan Sabha Sadasya Vetan, Bhatta tatha Pension (Sanshodhan) Vidheyak, 2004
15. The Chhattisgarh Adhyaksh tatha Upadhyaksh, Neta Pratipaksh, Vetan tatha Bhatta (Sanshodhan) Vidheyak, 2004
16. The Chhattisgarh Mantri (Vetan tatha Bhatta) (Sanshodhan) Vidheyak, 2004
17. The Chhattisgarh Kushabhau thakre Patrakarita Evam Jansanchar Vishvavidyalaya Vidheyak, 2004
18. The Chhattisgarh Swami Vivekanand Takniki Visvavidyalaya Vidheyak, 2004
19. The Pandit Sunderlal Sharma Vidyalaya Chhattisgarh Vidheyak, 2004
20. The Chhattisgarh Upkar (Sanshodhan) Vidheyak, 2004

DELHI LEGISLATIVE ASSEMBLY

1. The Delhi Ancient and Historical Monuments and Archaeological Bill, 2004
2. The Delhi Co-operative Societies (Amendment) Bill, 2004
3. The Municipal Corporation (Third Amendment) Bill, 2004
4. The Delhi Value Added Tax Bill, 2004
5. The Delhi Plastic Bag (Manufacture, Sales and Usage) and Non-Biodegradable Garbage (Control) (Amendment) Bill, 2004

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana Municipal (Amendment) Bill, 2004
2. The Haryana Municipal Corporation (Second Amendment) Bill, 2004
3. The Haryana Panchayati Raj (Second Amendment) Bill, 2004
4. The Haryana Official Language (Amendment) Bill, 2004
- *5. The Haryana Health Care Workers Bill, 2004
6. The Haryana Appropriation (No.4) Bill, 2004
7. The Haryana Staff Selection Commission Bill, 2004

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Bill, 2004
2. The Himachal Pradesh Court Fees (Amendment) Bill, 2004
3. The Himachal Pradesh Housing and Urban Development Authority Bill, 2004
4. The Himachal Pradesh Passengers and Goods Taxation (Second Amendment) Bill, 2004
5. The Himachal Pradesh Taxation (On certain Goods carried by Road) (Amendment) Bill, 2004
6. The Himachal Pradesh Tax on Luxuries (In Hotels and Luxurious Houses) (Second Amendment) Bill, 2004
7. The Himachal Pradesh Municipal Corporation (Amendment) Bill, 2004

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. The Madhya Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Vidheyak, 2004

* Bills awaiting Assent

2. The Madhya Pradesh Nagar Palika Vidhi (Sanshodhan) Vidheyak, 2004
3. The Madhya Pradesh Viniyog (No.3) Vidheyak, 2004
4. The Barliya Stamp (Madhya Pradesh Second Sanshodhan) Vidheyak, 2004
5. The Madhya Pradesh Sthaniya Khetra Main maal ke pravesh par kar (Sanshodhan) Vidheyak, 2004
6. The Madhya Pradesh Vanijyik Kar (Sanshodhan) Vidheyak, 2004
7. The Madhya Pradesh Nagar tatha Gram Nivesh (Sanshodhan) Vidheyak, 2004
8. The Madhya Pradesh Sinchaai Prabhandhan Main Krishkon ki Bhagidari (Sanshodhan) Vidheyak, 2004
9. The Madhya Pradesh Motoryaan Karadhan (Sanshodhan) Vidheyak, 2004
10. The Madhya Pradesh Sahkari Society (Sanshodhan) Vidheyak, 2004
11. The Madhya Pradesh Jaiv Anashay Apshist (Niyantaran) Vidheyak, 2004
12. The Madhya Pradesh Panchayat Raj Evam Gram Swaraj (Sanshodhan) Vidheyak, 2004

MANIPUR LEGISLATIVE ASSEMBLY

1. The Kangla Fort Bill, 2004
2. The Manipur Ceiling on Government Guarantee Bill, 2004
3. The Manipur Value Added Tax Bill, 2004
4. The Manipur Appropriation (No.1A) Bill, 2004

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Communitisation of Public Institutions and Service (Amendment) Bill, 2004
2. The Nagaland Appropriation (No.3) Bill, 2004

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Municipal (Amendment) Bill, 2004
2. The Salaries, Allowances and other Benefits of Ministers and Members of the Legislative Assembly (Tripura) Laws (Amendment) Bill, 2004

APPENDIX VI
ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS
DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2004

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
UNION GOVERNMENT					
1.	The Securities Laws (Amendment) Ordinance, 2004	12.10.2004	1.12.2004	--	Replaced by an Act of Parliament
2.	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Ordinance, 2004	11.11.2004	1.12.2004	--	-do-
3.	The National Commission for Minorities Educational Institutions Ordinance, 2004	11.11.2004	1.12.2004	--	-do-
4.	The Patents (Amendment) Ordinance, 2004	26.12.2004	25.2.2005	--	Bill replacing the Ordinance has been passed by both the Houses. Assent awaited

5.	The Pension Fund Regulatory and Development Authority Ordinance, 2004	29.12.2004	25.2.2005	Under article 123(2)(a) of the Constitution, the Ordinance shall cease to operate at the expiration of six weeks from the re-assembly of Parliament i.e. after 8.4.2005.	Bill replacing the Ordinance introduced in Lok Sabha and referred to the Standing Committee on Finance
BIHAR					
1.	The Bihar Panchayat Raj (Sanshodhan) Adhyadesh, 2004	--	--	--	--
CHHATTISGARH					
1.	The Chhattisgarh Upkar (Sanshodhan) Adhyadesh, 2004	24.11.2004	--	--	--
2.	The Chhattisgarh Sahkari Society (Sanshodhan) Adhyadesh, 2004	24.11.2004	--	--	--
3.	The Chhattisgarh Esthaniya Chetra me Mal ke Pravesh par Kar (Sanshodhan) Adhyadesh, 2004	25.11.2004	--	--	--
4.	The Chhattisgarh Manoranjan Shulk Avam Vigyapan Kar (Sanshodhan) Adhyadesh, 2004	25.11.2004	--	--	--
5.	The Chhattisgarh Vanijiya Kar (Sanshodhan) Adhyadesh, 2004	25.11.2004	--	--	--

6.	The Chhattisgarh Odyogik Nivesh Protsahan (Sanshodhan) Adhyadesh, 2004	25.11.2004	--	--	--
GUJARAT					
1.	The Bombay Labour Welfare Fund (Gujarat Amendment) Ordinance, 2004	31.12.2004	18.2.2005	21.2.2005	Replaced by Legislation
HIMACHAL PRADESH					
1.	The Himachal Pradesh Municipal Corporation (Amendment) Ordinance, 2004	25.10.2004	17.12.2004	--	Replaced by Legislation
2.	The Himachal Pradesh Court Fees (Amendment) Ordinance, 2004	25.10.2004	17.12.2004	--	Replaced by Legislation
3.	The Himachal Pradesh Tax on Luxuries (In Hotels and Lodging Houses) (Second Amendment) Ordinance, 2004	1.11.2004	17.12.2004	--	Replaced by Legislation
4.	The Himachal Pradesh Housing and Urban Development Authority (Amendment) Ordinance, 2004	13.9.2004	17.12.2004	--	Replaced by Legislation
KARNATAKA					
1.	The Karnataka Municipal Corporation (Amendment) Ordinance, 2004	9.11.2004	--	--	--
2.	The Karnataka Municipalities (Amendment) Ordinance, 2004	9.11.2004	--	--	--

3.	The Basavakalyan Development Board (Amendment) Ordinance, 2004	12.11.2004	--	--	--
4.	The Karnataka Electricity Reform (Amendment) Ordinance, 2004	24.12.2004	--	--	--
KERALA					
1.	The Kerala Contingency Fund (Second Amendment) Ordinance, 2004	22.10.2004	1.12.2004	--	Lapsed
MADHYA PRADESH					
1.	The Bhartiya Stamp (Madhya Pradesh Sanshodhan) Adhyadesh, 2004	--	--	--	--
2.	The Madhya Pradesh Sthaniya Kshetra main meal ke Pravesh Par Kar (Sanshodhan) Adhyadesh, 2004	--	--	--	--
3.	The Madhya Pradesh Vanijyik Kar (Sanshodhan) Adhyadesh, 2004	--	--	--	--
4.	The Madhya Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Adhyadesh, 2004	--	--	--	--
5.	The Madhya Pradesh Motoryaan Karadhann (Sanshodhan) Adhyadesh, 2004	--	--	--	--

States	Seats	INC	BJP	CPI (M)	SP	RJD	BSP	DMK	SS	BJD	CPI	NCP	J.D. (U)	SAD	PMK	JMM	TRS	TDP	MD MK	LJ SP	AFB
Andhra Pradesh	42	29	—	1	—	—	—	—	—	—	1	—	—	—	—	—	5	5	—	—	—
Arunachal Pradesh	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam	14	9	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—
Bihar	40	3	5	—	—	22	—	—	—	—	—	—	6	—	—	—	—	—	—	—	—
Chhattisgarh	11	1	10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	12	14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	9	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	3	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	14	6	1	—	—	2	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—
Karnataka	28	9	16	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala	20	—	—	12	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh	29	4	25	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	13	13	—	—	—	—	12	—	—	—	9	—	—	—	—	—	—	—	—	—
Manipur	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	2	7	—	—	—	—	—	—	11	—	—	—	8	—	—	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan	25	4	21	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	10	—	2	—	—	—	16	—	—	2	—	—	—	5	—	—	—	4	—	—
Tripura	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttaranchal	5	1	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	9	10	—	36	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—
West Bengal	42	6	—	26	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	3
Nominated	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman and Diu	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
The NCT of Delhi	7	6	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pondicherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	545	148	136	43	37	24	18	16	19	11	10	9	8	8	6	5	5	5	4	4	3

Abbreviations used in respect of parties represented in the Lok Sabha:

AGP-Asom Gana Parishad; AIFB-All India Forward Bloc; AIMIM-All India Majlis-e-Ittehadul Muslimeen; AITC-All India Trinamod Congress; BJD-Biju Janata Dal; BJP-Bharatiya Janata Party; BNP-Bharatiya Navshakti Party; BSP-Bahujan Samaj Party; CPI(M)-Communist Party of India (Marxist); CPI-Communist Party of India; DMK-Dravida Munnetra Kazhagam; IFDP-Indian Federal Democratic Party; INC-Indian National Congress; IND-Independents; J&KPDP- Jammu & Kashmir Peoples Democratic Party; J&KNC-Jammu & Kashmir National Conference; JD(S)-Janata Dal (Secular); JD(U)-Janata Dal (United); JMM-Jharkhand Mukti Morcha; KC-Kerala Congress; LJSP-Lok Jan Shakti Party; MDMK-Marumalarchi Dravida Munnetra Kazhagam; MLKSC-Muslim League Kerala State Committee; MNF-Mizo National Front; NCP-Nationalist Congress Party; NLP-National Loktantrik Party; NPF-Nagaland Peoples Front; PMK-Pattali Makkal Katchi; RJD-Rashtriya Janata Dal; RLD-Rashtriya Lok Dal; RPI(A)-Republican Party of India(A); RSP-Revolutionary Socialist Party; SAD-Shiromani Akali Dal; SDF-Sikkim Democratic Front; SJP(R)-Samajwadi Janata Party (Rashtriya); SP-Samajwadi Party; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi.

B. PARTY POSITION IN RAJYA SABHA (AS ON 12 APRIL 2005)

Sl. No.	State/Union Territories	Seats	INC	BJP	CPI (M)	AIA-DMK	SP	TDP	RJD	BSP	BJD	INLD	Shiv Sena	*Others	IND	Total Vacancies	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
STATES																	
1.	Andhra Pradesh	18	8	—	1	—	—	9	—	—	—	—	—	—	—	18	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
3.	Assam	7	5	1	—	—	—	—	—	—	—	—	—	—	1	7	—
4.	Bihar	16	2	3	—	—	—	—	8	—	—	—	—	2 ^(a)	1	16	—
5.	Chhattisgarh	5	4	1	—	—	—	—	—	—	—	—	—	—	—	5	—
6.	Goa	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
7.	Gujarat	11	3	8	—	—	—	—	—	—	—	—	—	—	—	11	—
8.	Haryana	5	—	—	—	—	—	—	—	—	—	4	—	—	1	5	—
9.	Himachal Pradesh	3	1	2	—	—	—	—	—	—	—	—	—	—	—	3	—
10.	Jammu & Kashmir	4	2	—	—	—	—	—	—	—	—	—	—	2 ^(a)	—	4	—
11.	Jharkhand	6	1	4	—	—	—	—	—	—	1	—	—	—	—	5	1
12.	Karnataka	12	8	2	—	—	—	—	—	—	—	—	—	1 ^(a)	1	12	—
13.	Kerala	9	4	—	2	—	—	—	—	—	—	—	—	3 ^(a)	—	9	—
14.	Madhya Pradesh	11	5	6	—	—	—	—	—	—	—	—	—	—	—	11	—
15.	Maharashtra	19	5	3	—	—	—	—	—	—	—	—	3	5 ^(a)	2	18	1
16.	Manipur	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
17.	Meghalaya	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(a)	—	1	—
18.	Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(a)	—	1	—
19.	Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(a)	—	1	—
20.	Orissa	10	1	3	—	—	—	—	—	—	5	—	—	—	1	10	—
21.	Punjab	7	5	—	—	—	—	—	—	—	—	—	—	2 ^(a)	—	7	—
22.	Rajasthan	10	6	4	—	—	—	—	—	—	—	—	—	—	—	10	—
23.	Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	1 ^(a)	—	1	—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
24.	Tamil Nadu	18	3	—	—	12	—	—	—	—	—	—	—	3 ^(a)	—	18
25.	Tripura	1	—	—	1	—	—	—	—	—	—	—	—	—	—	1
26.	Uttaranchal	3	2	1	—	—	—	—	—	—	—	—	—	—	—	3
27.	Uttar Pradesh	31	1	8	—	—	12	—	—	6	—	—	—	1 ^(b)	3	31
28.	West Bengal	16	—	—	10	—	—	—	—	—	—	—	—	4 ^(c)	2	16
UNION TERRITORIES																
29.	The NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	—	—	—	3
30.	Pondicherry	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1
31.	Nominated	12	—	3	—	—	—	—	—	—	—	—	—	8 ^(d)	—	11
TOTAL		245	73	49	14	12	12	9	8	6	5	4	3	35	12	242

OTHERS

(Break-up of Parties/Groups)

- (a) Samata Party-1; and Janata Dal (United)-1
 (b) Jammu and Kashmir National Conference-1; and Peoples' Democratic Party-1
 (c) Janata Dal (Secular)-1
 (d) Muslim League-2; and Revolutionary Socialist Party-1
 (e) Nationalist Congress Party-3; Republican Party of India-1; and Sadbhavana Party-1
 (f) Nationalist Congress Party-1
 (g) Mizo National Front-1
 (h) Nagaland Peoples Front-1
 (i) Shiromani Akali Dal-2
 (j) Sikkim Democratic Front-1
 (k) Dravida Munnetra Kazhagam-2; and Pattali Makkal Katchi-1
 (l) Akhil Bharatiya Loktantrik Congress-1; and Biju Janata Dal-4
 (m) Revolutionary Socialist Party-2; Forward Bloc-1; and All India Trinamool Congress-1
 (n) Nominated-8

Kerala L.A. (1.3.2005)	141	61	—	—	23	7	45 ^o	3	139 ^o	1
Madhya Pradesh L.A. (1.3.2005)	231	39	—	171	1	—	17 ^o	2	230 ^o	—
Maharashtra L.A.**	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—	—	—	—
Manipur L.A. (1.3.2005)	60	33	—	4	—	5	18 ^o	—	60	—
Meghalaya L.A.**	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—
Nagaland L.A. (1.3.2005)	60	16	—	7	—	—	33 ^o	4	60	—
Orissa L.A.**	—	—	—	—	—	—	—	—	—	—
Punjab L.A.**	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A. (31.12.2004)	200	55	—	120	1	—	10 ^o	13	199	1
Sikkim L.A.*	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—
Tripura L.A. (1.3.2005)	60	13	—	—	38	1	8 ^o	—	60	—
Uttaranchal L.A. (1.3.2005)	71	37	—	19	—	—	15 ^o	—	71	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY Pondicherry L.A. (1.3.2005)	30	16	—	1	—	—	10 ^o	2	29 ^o	—

- * Information received from the State/Union territory Legislatures contained NIL report
- ** Information not received from the State/Union territory Legislatures
- Excluding Speaker/Chairman
- (a) Arunachal Congress-2; and Nationalist Congress Party-2
- (b) Asom Gana Parishad-20; Nationalist Congress Party-3; Autonomous State Demand Committee-2; Samata Party-1; Samajwadi Party-1; and All India Trinamool Congress-2
- (c) Rashtriya Janata Dal-14; Janata Dal (Secular)-5; and Samata Party-1
- (d) Bahujan Samaj Party-2; Nationalist Congress Party-1; and Nominated-1
- (e) Janata Dal (S)-1; and Nationalist Congress Party-1
- (f) United Goans Democratic Party-1; Maharashtrawadi Gomantak Party-1; and Nationalist Congress Party-1
- (g) Indian National Lok Dal-45; Nationalist Congress Party-1; and Republican Party of India-1
- (h) Lok Jan Shakti Party-1
- (i) Muslim League-16; Kerala Congress(M)-9; Jananithipathya Samrakshana Samili-4; Janata Dal (Secular)-3; Kerala Congress-2; Kerala Congress (B)-2; Kerala Congress (Jacob)-2; Revolutionary Socialist Party-2; Revolutionary Socialist Party (Bolshevik)-2; Communist Marxist Party Kerala-1; Nationalist Congress Party-1; and Congress (Secular)-1
- (j) Samajwadi Party-7; Bahujan Samaj Party-2; Gondwana Gantantra Party-3; Rashtriya Samanta Dal-2; Janata Dal (U)-1; Nationalist Congress Party-1; and Nominated-1
- (k) Federal Party of Manipur-13; Manipur People's Party-2; Manipur State Congress Party-2; and Manipur National Congress-1
- (l) Nagaland Peoples Front-31; and Janata Dal (U)-2
- (m) Janata Dal (U)-2; Indian National Lok Dal-4; Bahujan Samaj Party-2; Rajasthan Samajic Nayaya Manch-1; and Lok Jan Shakti Party-1
- (n) Revolutionary Socialist Party-2; and Indigenous Nationalist Party of Tripura-6
- (o) Bahujan Samaj Party-7; Uttarakhand Party-4; Nominated-1; and Others-3
- (p) All India Anna Dravida Munnetra Kazhagam-2; Tamil Maanila Congress-1; and Dravida Munnetra Kazhagam-7