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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.

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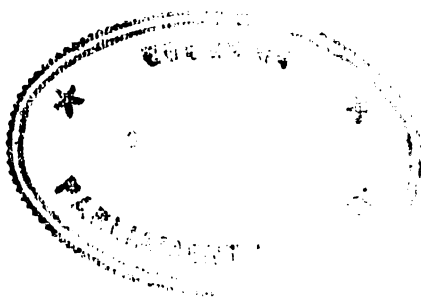
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OUR CONTRIBUTOR

**Justice Dr. M. Rama Jois,
is Member of Rajya Sabha**

THE JOURNAL OF PARLIAMENTARY INFORMATION

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EDITORIAL NOTE

The functions of the three organs of the State, viz. the Legislature, the Judiciary and the Executive have been well demarcated, even though the Constitution of India has not recognized the doctrine of separation of powers in its absolute rigidity. Each organ of the State functions independently within its permissible limits in conformity with the provisions of the Constitution. Dr. M. Rama Jois, member, Rajya Sabha in his article on *Harmonious Working of the Legislature, the Executive and the Judiciary* describes with the help of case law as to how the principle of checks and balances which constitutes the very basis of distribution of sovereign power of the State, has worked well and thereby a smooth working of the Constitution has been ensured. We include the article by Dr. Jois in this issue of the *Journal*.

The success of a democratic polity depends on an informed citizenry and transparency in the functioning of its administration. With the enactment of a landmark legislation i.e. The Right to Information Act, (RTI) 2005, a more purposeful and effective information sharing system has been brought about. In his Address on 4 November 2008 at the Valedictory Session of the Third Annual Convention of the Central Information Commission on 'RTI and its Ramifications for Good Governance', the Speaker, Lok Sabha, Shri Somnath Chatterjee pointed out that the implementation of efficacious right to information regime for *bona fide* purposes will promote a culture of public accountability, transparency and probity in the functioning of all governmental organs. We include in this issue of the *Journal*, the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Annual Convention.

It is universally recognized that democracy cannot survive and sustain itself without respect for human rights which every one is entitled to enjoy without distinction of any kind. In his Keynote Address on 10 December 2008 at the function to mark the 60th Anniversary of the Universal Declaration of Human Rights, the Speaker, Lok Sabha, Shri Somnath Chatterjee stressed that unless respect for fundamental human rights remains a bed-rock on which governance is based, no progress is possible in the real sense of the term, as development can be sustained only through due respect for human rights. We include in this issue of the *Journal* the text of the Keynote Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the function.

One of the inherent strengths of the country lies in its deep and firm commitment to parliamentary democracy. The First Round Table Discussion held on 4 September 2008 on 'Strengthening Parliamentary Democracy' well reflected that the enlightened countrymen share the concern for strengthening the roots of parliamentary democracy and its values and traditions. Therefore, another Round Table Discussion was organized on the matter on 1 November 2008, in which a panel of 10 distinguished people from various streams participated. We include in this issue of the *Journal* a Short Note on the Second Round Table Discussion.

In continuing our endeavour to honour the selfless sacrifices of the stalwarts who contributed immensely to the national cause, the statues and portraits of the illustrious sons of the soil are installed from time to time in the Parliament House Complex. On 22 December 2008, the portraits of Sri Satguru Ram Singhji, Biplabi Leela Roy, Giani Gurumukh Singh Musafir, Babu Veer Kunwar Singh, Prof. Ramdhari Singh Dinkar, Sardar Swaran Singh and Shaheed Jayee Rajguru were unveiled by the Prime Minister of India, Dr. Manmohan Singh in the Central Hall of the Parliament House. Profiles of these illustrious personalities were brought out by the Research and Information Division of the Lok Sabha Secretariat on this occasion. We include in this issue of the *Journal*, a Short Note on Unveiling of Portraits in Parliament House.

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

In our constant pursuit of making the *Journal* more enriching and useful, we always look forward to 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 all others interested in the field of parliamentary democratic system.

—P.D.T. Achary
Editor

HARMONIOUS WORKING OF THE LEGISLATURE, THE EXECUTIVE AND THE JUDICIARY

Justice Dr. M. Rama Jois, M.P.

Under most of the modern democratic Constitutions, the sovereign power of the State is distributed among the three organs of the State, namely, the Legislature, the Judiciary and the Executive. This is on the principle that there should be no concentration of sovereign power in the hands of one individual or a group of individuals resulting in uncontrolled exercise of power and, therefore, there should be checks and balances so that each of the organs of the State function within the permissible limits under the Constitution. The Constitution of India has also adopted this doctrine of separation of powers among the three organs of the State. At the Central level, the Parliament with the President as its head is the Legislature, the Prime Minister and his Cabinet with the President as the constitutional head is the Executive. At the State level, the Legislative Assembly and/or Legislative Council with Governor as the head of the State constitutes the Legislature. The Chief Minister and his Cabinet with the Governor as the head constitute the Executive. The power of judicial review of legislative as well as executive actions is vested in the Supreme Court and the High Courts. Though there is no water tight compartmentalization or demarcation of powers, by and large, the ambit of power of these three organs are well demarcated and limited.

The salient aspects of the demarcation of the power are:

(1) THE LEGISLATIVE POWER

- (a) The Parliament is given the power of making laws for the whole or part of the territory of India and the Legislature of a State is given the power to make laws for whole or part of the State concerned. This power is "Subject to the Provisions of the Constitution", as provided for in article 245. In view of the federal system adopted, subject matter on which legislation could be made are divided into three lists, called the Union List, State List and the Concurrent List.

- (b) The Union has exclusive jurisdiction to legislate on all items included in the Union List and each of the States has exclusive jurisdiction to legislate on all items included in the State List, both Parliament and the State Legislatures have jurisdiction to legislate on all items in the Concurrent List, subject to the conditions and limitations incorporated in article 254. Article 13 is an injunction to both the Parliament and the State Legislatures not to make any law which takes away or abridges the fundamental rights incorporated in Part-III of the Constitution. The power of the Legislature is to legislate. It cannot adjudicate [*Ameerunnisa Begum Vs. Mahaboob Begum* (AIR 1953 SC 92), and *Indira Nehru Gandhi Vs. Raj Narain* (AIR 1975 SC 2299)]
- (c) The Legislature has also the power to override the decision of the Court to solve the problems arising out of Court decision / by retrospectively changing the law, but without violating the fundamental rights or changing the basic structure of the Constitution (*Indira Nehru Gandhi Case, op. cit.*).

(2) THE EXECUTIVE POWER

The executive power of the Union is *co-extensive* with the power of the Parliament (*vide* article 73) and the executive power of the State is co-extensive with the power of the State Legislature (*vide* article 162)—***But this again is subject to the provisions of the Constitution***, in that:

- (a) Executive has to act in conformity with the laws enacted by the Legislature, if any; and the provisions of the Constitution.
- (b) If the field is unoccupied by any legislation then the Executive is empowered to take suitable executive action, without violating any of the provisions of the Constitution [*Ram Jawaya Vs. State of Punjab* (AIR 1955 SC 549), and *B.N. Nagarajan Vs. State of Mysore* (AIR 1966 SC 1942)].
- (c) The Executive is also bound to carry out the writs issued or orders made by the Courts.

(3) POWER OF JUDICIARY

- (a) Article 32 read with articles 132, 133, 134 and 136 of the Constitution confers power of Judicial Review of legislative or executive actions or judicial actions of the subordinate Judiciary and to annul it if it is found to be violative of any of the provisions of the Constitution and/or any law as the case may be, on the Supreme Court of India. [*L. Chandra Kumar Vs. Union of India* [1997 (3) SCC 261].
- (b) Article 226 confers similar power on the High Courts, subject,

however, to an appeal to the Supreme Court under articles 132, 133, 134 and 136 of the Constitution.

- (c) The power of Judicial Review conferred on the Supreme Court is to interpret the provisions of the Constitution and the laws and to strike down any law if it is found to be violative of the Constitution. Even an amendment to the Constitution is liable to be struck down if it is violative of any of the basic structures of the Constitution. [*Keshavananda Bharati Vs. Union of India* (AIR 1973 SC 1461), *Indira Nehru Gandhi Vs. Raj Narain* (AIR 1975 SC 2299) *L. Chandra Kumar Vs. Union of India* (1997 (3) SCC 261), and *I.R. Coelho Vs. State of Tamilnadu* (2007 (2) SCC1)]
- (d) However, the Courts have no power to legislate. If the Executive makes rules or the Legislature makes laws, it can be challenged before the Courts. If Judiciary legislates, there will be no forum for challenging it. Hence, it is not the function of the Judiciary to legislate.

To put it in a nutshell, the Legislature is vested with the power to legislate, the Executive is vested with the power to execute, and the Judiciary is vested with the power to adjudicate.

PRIVILEGES OF LEGISLATORS AND LEGISLATURES

A legislator as an individual and the Legislature as a body cannot function fearlessly unless they are given full protection or immunity in discharging their functions and also given power to take action against any one who commits breach of privileges of the House. Therefore, provisions have been made in the Constitution conferring certain privileges, subject to certain restrictions.

Powers, Privileges, etc., of the House of Parliament and of the members and committees thereof are given in article 105* of the

*** ARTICLE 105:**

- (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.
- (2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- (3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978.
- (4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament.

Constitution. It may be seen that subject to the provisions of the Constitution:

- (a) Clause (1) of article 105 confers freedom of speech on individual members of Parliament;
- (b) Clause (2) confers immunity against taking action for speeches made on the floor of the House and the vote given; and
- (c) Clause (3) specifies the privileges of the Parliament as a body.

Article 121* prohibits discussion in Parliament about the conduct of a Judge of the Supreme Court or High Courts, except upon a motion for impeachment. Article 122** bars the jurisdiction of the Courts to inquire into the validity of proceedings of Parliament on the ground of alleged irregularities in procedure. Jurisdiction of the Court is barred also in respect of exercise of power of any officer or member of Parliament in relation to the business of the Legislature. Similar corresponding provisions pertaining to the State Legislatures are contained in articles 194, 211, 212 (2).

Prior to the Forty-fourth amendment to the Constitution, clause (3) had incorporated by reference, the privileges of the British House of Commons as it stood prior to the commencement of the Constitution. The present clause (3) not only retained the same but also incorporated the practice and procedure adopted by the Parliament till that date.

There is no controversy that every Legislature has the plenary power to punish for contempt of itself.

Similarly the Supreme Court has the power to punish for contempt of itself *vide* article 129 and the High Courts have similar power under article 215 which is, however, subject to the appellate jurisdiction of the Supreme Court.

* **ARTICLE 121**

No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High court in the discharge of his duties except upon motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided.

** **ARTICLE 122**

- (1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.
- (2) No officer or member of Parliament in whom the powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

All these provisions are intended to ensure that each limb would be able to discharge its obligations effectively and to maintain its authority and dignity which is in public interest. However, on certain occasions questions have been raised as to who is superior.

A careful analysis of our constitutional scheme indicates that none of the limbs of the State is supreme or superior to the other. Every limb of the State has to exercise its power and perform its functions within the framework of the Constitution. Every power under the Constitution falls within the sphere of the Legislature or Judiciary or the Executive. There is '*Lakshman Rekha*' for each limb of the State. This position has been made clear by the Supreme Court in the case of *Madhava Rao Jivaji Rao Scindia Vs. Union of India*, (AIR 1971 SC 530), (1971 (1) SCC 85 page 565, Para 98):

"The functions of the State are classified as legislative, judicial and executive; the executive function is the residue which does not fall within the other two functions. Constitutional mechanism in a democratic polity does not contemplate existence of any function which may *qua* the citizens be designated as political and orders made in exercise whereof are not liable to be tested for their validity before the lawfully constituted courts. (para 98)

Dr. S. Radhakrishnan while seconding the resolution moved by Dr. Ambedkar for adopting the Constitution stated thus:—

"Dharma, righteousness is the king of kings.

'Dharmam Kshatrasya Kshatra'

It is the ruler of both the people and the rulers themselves.

It is the sovereignty of the law we have asserted"

Thus, we adopted the supreme position assigned to '*Dharma*' [not religion as is commonly understood] from times immemorial also in the Constitution. It is supremacy of '*Dharma*' or 'constitutional supremacy' we have adopted.

Dr. B.R. Ambedkar, the Chairman of the Drafting Committee and the main architect of our Constitution, explaining the significance of the restrictive clauses incorporated in the provisions of the Constitution clearly indicated that what we were giving to ourselves was the supremacy of the Constitution. He stated thus:—

"The Constitution is a fundamental document. It is a document which defines the position and powers of the three organs of the State—the Executive, the Judiciary and the Legislature. It also defines the powers of the Executive and the powers of

the Legislature against the citizens.... In fact, the purpose of a Constitution is not merely to create the organs of the State but to limit their authority, because, if no limitation was imposed upon the authority of organs, there will be complete tyranny and complete oppression”.

This position was reiterated by the Law Commission, presided over by Justice Sri Gajendragadkar, former Chief Justice of India, in its 46th Report. It stated thus:—

“The Commission believes that, in a democratic country like India which is governed by a written Constitution, supremacy can be legitimately claimed only by the Constitution. It is the Constitution which is paramount, which is the law of laws, which confers on Parliament and the State Legislatures, the Executive and the Judiciary their respective powers, assigns to them their respective functions, and prescribes limitations within which the said powers and functions can be legitimately discharged....”

Thus, the Constitution had adopted the unalterable position assigned to *Dharma* from times immemorial in *Raja Dharma*, the Constitutional Law of ancient *Bharat*. In other words, the Constitution is the ultimate authority and the three limbs of the State are authorities functioning under the ultimate authority, the Constitution of India. It is for this reason, the Constitution has prescribed that the Judges of the higher Judiciary, the members of Legislature as also the Ministers have to take oath that they shall bear true faith and allegiance to the Constitution.

Once we have accepted the supremacy of the Constitution, it goes without saying that each of the three limbs of the State have to exercise its powers within the framework of the Constitution. The power of the Executive is to execute the laws enacted by the Legislature. It has also got vast residuary powers in unoccupied fields.

Similarly, the power of the Legislature is also circumscribed by the limitations imposed by various articles of the Constitution as indicated by the words, **“Subject to the provisions of the Constitution”**.

The power of Judicial Review of executive and the legislative actions is one of the basic structures of the Constitution. Therefore, whenever Executive acts beyond its authority or the Legislature acts beyond its authority or competence or in violation of specific provisions of the Constitution, and the validity of the same is challenged before the

* B. Shiva Rao: *Framing of India's Constitution—A study*, p.832

Court by a citizen or any person, it becomes the duty of the Courts, particularly the Supreme Court and the High Courts to decide whether the action or law is constitutional.

In doing so, the Courts will be discharging the duties imposed on them by the Constitution. Any interference by the Judiciary, with legislative or executive action is not with any intention or desire to establish its supremacy over the other two wings, but to establish the supremacy of the Constitution. In this regard we should always remember the valuable words of Justice Sri Patanjali Shastri, Chief Justice, in the famous case *State of Madras Vs. V.G. Row* (AIR 1952 SC 196). Obviously, reacting to the criticism about the interference by the Judiciary in legislative actions, he stated:

“Before proceeding to consider this question, we think it right to point out, what is sometimes overlooked, that our Constitution contains express provision for judicial review of legislation as to its conformity with the Constitution, unlike in America where the Supreme Court has assumed extensive powers of reviewing legislative acts under cover of the widely interpreted “due process” clause in the Fifth and Fourteenth Amendments. If, then, the Courts in this country face up to such important and none too easy task, it is not out of any desire to tilt at legislative authority in a crusader’s spirit, but in discharge of a duty plainly laid upon them by the Constitution. This is especially true as regards the “fundamental rights”, as to which this Court has been assigned the role of a sentinel on the ‘*qui-vive*’. While the Court naturally attaches great weight to the legislative judgment, it cannot desert its own duty to determine finally the constitutionality of an impugned statute. We have ventured on these obvious remarks because it appears to have been suggested in some quarters that the Courts in the new set-up are out to seek clashes with the Legislatures in the country”.

Thus, our Constitution has given us a committed Judiciary in the sense of being **committed to the Constitution only** and to none else. The Constitution has taken care to prescribe qualification and procedure for selection and appointment of Judges of High Courts and of the Supreme Court. It has provided security of tenure in order to enable them to discharge their obligations independently and fearlessly. Further, it has also laid down under article 145(3) of the Constitution that interpretation of any of the provisions of the Constitution, has to be done by a bench of not less than five Judges of the Supreme Court. Article 141 of the Constitution provides that the law declared by the

Supreme Court shall be binding on all the Courts within the territory of India. Article 144 of the Constitution provides that all authorities, civil or judicial within the territory of India shall act in aid of the Supreme Court.

While the constitutional provisions confer power on all the three organs of the State, the founding fathers of the Constitution felt that the power to interpret the scope and ambit of constitutional provisions should be vested in an independent expert authority and, therefore, vested it in the higher judiciary, namely the High Courts and finally in the Supreme Court of India. Therefore, when the provisions of the Constitution are interpreted by the highest Court, these become binding on the Executive and the Legislature. It, however, does not mean that the Judiciary is supreme. What the Supreme Court really does is it establishes the supremacy of the Constitution.

If in a given case, the Legislature is found to have acted within the scope of its power, the Supreme Court has no jurisdiction to interfere. It is its duty to uphold the constitutional validity of such law. The Supreme Court and the High Courts said so on various occasions.

An example for this is the case of *M.S.M. Sharma Vs. Shree Krishna Sinha* (AIR 1959 SC 395), popularly known as '*Search Light*' case. When contempt action was initiated by the Bihar Legislature against M.S.M. Sharma, editor of *Search Light* (a daily newspaper), Patna for having published the proceedings of the Bihar Legislature which had been expunged by the order of the Speaker. He challenged the action of the Legislature on the ground that he had the fundamental right to speech and expression under article 19 (1) (a), which certainly included the freedom of the Press. The Supreme Court, however, rejected the said contention and held that it was within the competence of the Legislature to initiate action against the Editor, if he had violated the privileges of the Bihar Legislature. By doing so, the Supreme Court upheld the supremacy of the constitutional provision which barred the jurisdiction of the Supreme Court on matters falling within the exclusive jurisdiction of the Legislature.

At this stage, it is appropriate to state that whereas the three limbs of the State are vested with the political power (*Rajya Shakti*) of the State, the Press represents the '*Loka Shakti*' or '*Jana Shakti*'. This flows from the fundamental principle of democracy that people are *the sovereign*, according to which the citizens have the right to freedom of speech and expression guaranteed under article 19(1)(a) of the Constitution. Existence of a free, independent and fearless Press is a must for the

effective functioning of the three organs of the State. It has an important role to play:

- (a) to communicate the opinion of the people to the Executive, the Legislature and the Judiciary on any issue;
- (b) to communicate the actions or decisions or activities of the Executive and the Legislature, as also the decisions of the Judiciary to the people; and
- (c) to make fair criticism of the actions or decisions of all the three limbs of the State.

Without this, democracy would not be fully effective. It can, therefore, be said that our democratic structure stands on four pillars, viz. the Legislature, the Judiciary, the Executive and the Press. For the effective functioning of democracy every one of them has to be strong and should not be weakened. One cannot be allowed to become strong at the cost of others.

A specific provision, *i.e.*, article 361A* was, therefore, incorporated in the Constitution, particularly in relation to publication of proceedings of the Legislature.

This is a very salutary provision which enables the Press, which represents the *Loka Shakti* to make an effective contribution for the efficient functioning of democracy, which is one of the basic structures of the Constitution.

Another leading case is that of *Keshav Singh* (AIR 1965 All.349). In the said case, action was initiated against Keshav Singh by the U.P. Legislature for having committed its contempt and he was directed to be taken to custody. He was taken into custody under the orders of the Speaker. Two judges of the Allahabad High Court entertained a Writ

* **ARTICLE 361-A:**

- (1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice;
Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State.
- (2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a newspaper.
Explanation:—In this article, "Newspaper" includes a news agency report containing material for publication in a newspaper".

Petition of Keshav Singh and issued stay order. The appropriate course for the Legislature was to appear before the High Court and tell the judges that the order passed against Keshav Singh was in exercise of the plenary powers of the Legislature and therefore, the Writ Petition was not maintainable and the Court had no jurisdiction to interfere. But, unfortunately, the Legislature initiated contempt proceedings not only against Keshav Singh but also against his advocate Solomon and also against the two judges of the Allahabad High Court who issued stay orders and the judges were directed to appear before the House for answering the charges of contempt.

This was a step to take the Constitution to a breaking point. The situation was such, which forced the two judges to file a writ petition before the same High Court. It was heard by 28 other judges of the High Court and they issued an *interim order*, staying the order of the Speaker, for taking into custody of the two judges and/or their production before the House. Ultimately, the matter resulted in a reference under article 143 by the President to the Supreme Court. In the said judgment (AIR 1965 SC 745), the Hon'ble Supreme Court answered several questions which constitute guidelines for all concerned. It *inter alia* upheld the power of the Judiciary to interfere with the orders of the Legislature only if there was to be any violation of fundamental rights. At the same time the Court upheld the power of the Legislature to take action against an individual for having committed contempt of the House. The Court also held that neither Keshav Singh nor his advocate had committed contempt of Legislature by filing Writ Petition nor the two judges who entertained the writ petition had committed any contempt of Legislature.

Thereafter, in the light of the interpretation of the relevant provision of the Constitution, the Allahabad High Court dismissed the Writ Petition of Keshav Singh holding that the power of Legislature to punish for contempt of itself flows from article 194(3). It is, however, held that article 21 would be attracted, which guaranteed that life and personal liberty of an individual cannot be taken away except in accordance with the procedure established by law but held that article 21 had not been violated.

There are innumerable judgments of various High Courts both prior and subsequent to the decision of the Supreme Court holding that the Courts have no jurisdiction to interfere in the matter of procedure adopted by Legislatures*.

* M.N. Kaul & S.L. Shakdhar: *Practice and Procedure of Parliament* (4th Ed.), pp.1210-11.

The Parliament as well as the State Legislatures have the power to make rules regulating their procedure. Article 118 (1) which confers power on Parliament, reads:-

118(1) Each House of Parliament may make rules for **regulating, subject to the provisions of this Constitution**, its procedure and the conduct of its business.

The words, viz. **“subject to the provisions of the Constitution”** are significant. Article 208 confers power on the State Legislature to frame rules for regulating the conduct of its business, subject to the provisions of the Constitution. Therefore, the rules framed cannot violate the fundamental rights. This is evident from article 13(2) and 3(a)* read with article 12**.

Subject to the aforementioned condition, in view of articles 105, 121, 122, and articles 194, 211 & 212 the privileges and powers of the Legislature are plenary.

There have been controversies, which had arisen in the case of Editor of *Eenadu* (a daily newspaper), regarding the action initiated by the State Legislature of Andhra Pradesh in 1983 against him, and in 1992 in the case of the Editor of Tamil Nadu Daily *“Kovai Malai Murasu”*, who challenged the legality of proceedings taken against him by the Tamil Nadu State Assembly before the Supreme Court.

Controversies do arise as privileges have not been codified, and it is difficult and is also considered inexpedient to codify them. Whatever that may be, as the scope and ambit of the relevant articles of the Constitution have been clearly interpreted, controversies raised have to be settled in the light of such interpretation.

Another case which arose was about the power of the Court to interfere with the decision of the Speaker disqualifying a member of Legislature in view of the provisions of the Anti-Defection Law incorporated

* **ARTICLE 13(2) and 3(a)**

(2) The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

(3) In this article, unless the context otherwise requires:-

(a) “law” includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law”.

** **ARTICLE 12**

In this part, unless the context otherwise requires, “the State” includes the Government and Parliament of India and the Government and the Legislature of each of the State and all local or other authorities within the territory of India or under the control of the Government of India.

in the Schedule X to the Constitution, in the case of *Kihota Hollohan Vs. Zachillu* (1992 (Suppl.) (2) SSC 651).

The Supreme Court held that Para 7 of Schedule X barred the jurisdiction of the High Courts and of the Supreme Court in respect of an order of disqualification made by the Speaker, but as it affected the jurisdiction of the Supreme Court and the High Courts it required ratification by the Legislatures in view of article 368 (2) and in its absence it cannot come into force.

Regarding the availability of power of judicial review in the absence of para 7 of Schedule X, the Supreme Court said thus:

“The paragraph 6(1) of the Tenth Schedule, to the extent it seeks to impart finality to the decision of the Speakers/Chairmen is valid. But the concept of statutory finality embodied in paragraph 6(1), does not detract from or abrogate judicial review under articles 136, 226 and 227 of the Constitution insofar as infirmities based on violations of Constitution mandates, *mala fides*, non-compliance with Rules of Natural Justice and perversity, are concerned.

That the deeming provision in paragraph 6(2) of the Tenth Schedule attracts an immunity analogous to that in articles 122 (1) and 212 (1) of the Constitution as understood and explained in *Keshav Singh Case* to protect the validity of proceedings from mere irregularities of procedure. The deeming provision, having regard to the words ‘be deemed to be proceedings in Parliament or proceedings in the Legislature of a State’ confines the scope of the fiction accordingly.”

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“The Speakers/Chairmen while exercising powers and discharging functions under the Tenth Schedule act as Tribunal adjudicating rights and obligations under the Tenth Schedule and their decisions in that capacity are amenable to judicial review.

However, having regard to the constitutional Schedule in the Tenth Schedule, judicial review should not cover any stage prior to the making of a decision by the Speakers/Chairmen. Having regard to the constitutional intendment and the status of the repository of the adjudicatory power, no *quia timet* actions are permissible, the only exception for any interlocutory interference being cases of interlocutory disqualifications which may have grave, immediate and irreversible repercussions and consequences”,

The question whether Para 7 which bars judicial review, affected basic structure of the Constitution, was not decided.

By the aforesaid decision and earlier decisions, the scope and ambit of power of the Legislature, the Executive and the Judiciary are fairly settled.

On certain occasions, a question is raised to the effect that if a wrong interpretation of the statutory or constitutional provision by the Supreme Court interferes with the plenary powers/privileges of the Speaker or Legislature, what is the remedy?

The answer is that it is unlikely that the Judges of the apex court commit any such error for,

Firstly, owing to their erudition, juristic expertise, experience, objectivity and anxiety to ensure correct interpretation inherent in them;

secondly, in view of the able assistance they get from the Bar; and

thirdly, on account of open and elaborate public hearing.

There is less chance for such errors. No doubt, though error in interpretation is unlikely, it cannot be ruled out altogether as judges are also human beings. Therefore, in the unlikely event of any such error occurring in any given case, the appropriate course is to seek a review or reconsideration, by making an appropriate application or petition. If any patent error of law is made out, the Supreme Court would certainly correct it. The Supreme Court has done so whenever a ground for review was made out.

It is also open to discuss the matter through public debate on various platforms and the Press, as had been done after the judgment in the reference arising out of Keshav Singh episode in U.P. At the Presiding Officers Conference held on 11 and 12 January 1965, it was resolved that the Legislature should have plenary powers for punishing contempt of itself. Thereafter, the Allahabad High Court dismissed the Writ Petition. Around the same time there was an instance in Tamil Nadu in which a contempt of High Court petition was filed against a legislator before the Madras High Court and a motion for contempt of Legislature was initiated against a judge of the Madras High Court in the Legislature. The matter was resolved with the Speaker disallowing the motion and the High Court dismissing the Contempt Petition. Once again at the Presiding Officers Conference held at New Delhi in 1984, the necessity of plenary powers for Legislatures was reiterated. The

views so expressed could be placed before the Supreme Court while seeking reconsideration.

Further, it is also open to the Legislature to change the basis of the law and overcome the effect of a wrong interpretation of any statutory provision, provided that such legislation does not violate any of the constitutional provisions. It is also open for the Parliament to amend the constitutional provisions to overcome the effect of any wrong interpretation of any provision of the Constitution, without altering or amending the basic structure of the Constitution.

However, in the national interest, it is necessary to ensure that constitutional, not confrontational, methods alone are adopted by the three limbs of the State and they should work harmoniously.

In the context of discussion about the privilege guaranteed to the legislators it is also necessary to bear in mind that the privilege carries with it great responsibility also, which demands self-imposed discipline. In order to maintain dignity and decorum in the proceedings of the Legislature, boycotting of the address of the President or of the Governors to the Legislature should not be resorted to. The President and Governors as Head of the Union and of the States respectively must be held in highest esteem as they are our points of honour. Nothing should be done which is derogatory to these high offices. After all as constitutional heads, their address to Legislatures represent the policies and views of the Council of Ministers. Therefore, the solemnity of ceremonial function of the President's or Governor's address should not be disturbed by boycott. After the President or Governor leaves the House, members are entitled to criticise the speeches or to protest against any shortcomings in an appropriate manner. Similarly, any conduct or behaviour which is obstructive in nature or is inconsistent with the dignity and decorum should be eschewed. In order to maintain the dignity and decorum of the highest constitutional office, it should always be remembered that National Flag, National Anthem, President, Governors and Speakers are our points of honour and they should not be denigrated.

UNDER ANY CIRCUMSTANCES :

- (a) President or Governor's address to the Legislature should not be boycotted;
- (b) *Dharna* on the floor of the House or jumping into the well of the House should not be resorted to; and
- (c) *Bonafides* of Speaker or Chairman should not be suspected or they should not be insulted.

Therefore, all the parties and/or members should agree upon a Code of Conduct so that valuable public time and money is not wasted on account of indiscipline which lowers the dignity of the Legislature in the minds of the general public. Discipline is essential for success of democracy. Mahatma Gandhiji had said so, long ago prior to our securing independence. He had said:

"There is no human institution that has its dangers. The greater the institution, the greater the chances of abuse. Democracy is a great institution and, therefore, it is liable to be greatly abused. The remedy, therefore, is not avoidance of democracy, but reduction of possibility of abuse to a minimum".

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"A born democrat is a born disciplinarian..... I claim to be a democrat both by instinct and training. Let those who are ambitious to serve democracy qualify themselves by satisfying first this acid test of democracy. Moreover, a democrat must be utterly selfless. He must think and dream not in terms of self or party, but only of democracy".

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"In democracy, the people can make or mar the Government. They can strengthen or weaken it. Without discipline, they would be able to achieve nothing. [My Picture of Free India, pp 162-164]

As regards the ideal of the sovereign power, Kautilya who was the Prime Minister of Magadha Empire, in his *Artha Sastra* written around 300 BC in which he incorporated '*Raja Dharma*', the constitutional Law of ancient India, had put it in a nutshell thus:

*"Praja Sukhe Sukham Rajnaha Prajanancha Hite Hitam
Natmapriyam Hitam Rajnaha Prajanantu Priyam Hitam"*

"In the happiness of the people lies the happiness of the Ruler. In their welfare, his welfare. Whatever benefits him the Ruler shall not consider as good, but whatever benefits the people, the Ruler shall consider as good".

In order to achieve this idea all the three organs of the State should function harmoniously within their respective jurisdiction and powers.

There is always scope for improvement. However, what should always be uppermost in the mind of all concerned is that the Legislature, the Judiciary and the Executive are the three limbs of the same body, the STATE, which includes all the three limbs, should

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function harmoniously and should strive for achieving the noble objectives enshrined in the Preamble to the Constitution.

CHECKS AND BALANCES

The distribution of sovereign powers among the Legislature, the Executive and the Judiciary is with the objective of ensuring proper implementation of the constitutional provisions and further, whenever any one of the limbs of the sovereign power commits an error, the other limb of the Constitution has to take corrective measures. There are large number of incidents in which the principle of checks and balances has worked effectively. However, I am giving a few instances to make out the utility of the principle of checks and balances under a written Constitution which has adopted the principle of constitutional supremacy.

Reservation of posts on the basis of caste and religion

After the commencement of the Constitution, the then State of Madras provided for reservation on quota basis in favour of several castes and communities and religion in spite of the mandate of article 15, which prohibited discrimination on the grounds of race, religion, caste, sex or any one of them. The constitutional validity of these provisions were challenged which ultimately was decided by the Hon'ble Supreme Court in *State of Madras Vs. Champakam Dorai Rajan* (AIR 1951 SC 226). The Hon'ble Supreme Court held that the reservation of seats in professional colleges on the basis of caste or religion was wholly unconstitutional being in contravention of the prohibition contained in clause (1) of article 15.

After this judgment the Parliament found the absence of any provision in article 15 to make special provisions in favour of backward classes and Scheduled Castes/Scheduled Tribes and absence of a provision similar to clause (4) of article 16 was coming in the way of the policy of reservation for purpose of advancement of educationally and socially backward class of citizens and Scheduled Castes/Scheduled Tribes. In fact when the Constitution was originally framed, clause (4) was incorporated in article 16 which provided that the State could make reservation in employment under the State in favour of backward class of citizens who were not adequately represented in the services of the State, which was the special provision as against clause (2) of article 16, which provided that in the matter of employment under the State, there shall be no discrimination on the basis of caste, religion, race, sex or any one of them. But, no such provision was incorporated in article 15. Therefore, the Constituent Assembly which had become

Provisional Parliament felt that a clause similar to clause (4) of article 16 should have been added* in article 15, in order to discharge the obligation of the State to make special provisions for the weaker sections of the Society. Therefore, the Parliament proceeded to make the first amendment to the Constitution whereby clause (4) was added to article 15. It reads:

“(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes”.

In view of this enabling provision the State could provide reservation in the matter of admission to educational institutions in favour of persons who belong to socially and educationally backward class. What is of importance is that the Parliament used the words, “backward classes” and not the words, “backward castes”, drawing a clear distinction between the two, and thereby clearly indicating that the reservation should be provided only in favour of citizens of backward classes, who are socially and educationally backward and not on the basis of caste. This is how the mistake which had occurred in the Constitution which was the basis for the judgment of the Supreme Court in *Champakam Dorai Rajan’s* case was rectified by the Constitution (First Amendment) Act, enabling the State to do justice to the socially and educationally backward classes of citizens.

Unfortunately, the enabling provision which authorized the State to do justice by making special provisions for the development of socially and educationally backward classes to fit in the matter of admission to professional colleges was abused by some of the States by providing excessive reservation in favour of backward classes. In the State of Karnataka, the reservation provided for such classes was 68%. Thus, the provision which was enacted to do justice to the backward classes was utilized to do injustice to the forward classes.

This injustice made by the State was brought to the notice of the Supreme Court in the case of *M.R. Balaji Vs. State of Mysore*, (AIR 1963 SC 649). The Constitution Bench of the Supreme Court declared that any special provision like reservation must be less than 50%. As a result, the Supreme Court by its judgment rectified the mistake committed by the Executive taking undue advantage of clause (4) of

* Added by the Constitution (First Amendment) Act, 1951, S2.

article 15, and secured justice to the citizens by laying down that any provision for reservation must be less than 50% and how much less alone should be decided by the State having due regard to the facts and circumstances of the case.

This was the law for the country under article 141 of the Constitution and was continuing for nearly three decades. However, a doubt was created by some of the subsequent judgments of the Supreme Court holding that if the backward class population itself was more than 50%, why the State could not provide reservation even beyond 50%. In view of this doubt created by subsequent judgments of the Supreme Court, several States including Karnataka which was a party respondent in *Balaji's case* proceeded to provide reservation far beyond 50%. At this stage, the matter came to be referred to a larger bench of nine judges in the case of *Indira Sawhney Vs. Union of India* (AIR 1993 SC 477).

The Supreme Court on indepth consideration of the reasons for providing reservation in favour of educationally and socially backward classes as also interest of the nation in general came to the conclusion that the view taken by the Constitution Bench of the Supreme Court, as early as in 1963, was correct and the same position was reiterated to the effect that any reservation must be less than 50% as held in *M.R. Balaji's case*. Thus, the balance was restored.

Another important case has been about the seniority between SC/ST reserved candidates and general candidates when both of them have been promoted to the next higher cadre. In the nature of things, the Scheduled Caste candidates in whose favour reservation was provided in the promotional post, would get promotion earlier, over and above the general candidates and consequently the general candidates though senior in the lower cadre were becoming junior in the higher cadre as they were promoted later.

In the nature of things, a person promoted earlier gets seniority from the date of promotion. So long as the reservation is constitutionally valid, the Scheduled Caste candidates were bound to get seniority from the date of promotion. But unfortunately, the Supreme Court in *Ajit Singh's Case* (i) AIR 1996 SC 1189; (ii) 1999 (7) SCC 209, (iii) 2000 (1) SCC 430 and in *M.G. Badappanavar Vs. State of Karnataka*, (2001 (2) SCC 666) in order to do justice to the general candidates evolved a rule called "*Catchup Rule*", according to which the general candidates promoted even after several years after the promotion of SC/ST candidates would have to be given seniority over and above the Scheduled Caste/Scheduled Tribe candidates promoted earlier, though

it was contrary to the very principle of seniority. It was inevitable that so long as the reservation in favour of Scheduled Castes/Scheduled Tribes in promotion was constitutionally valid, they were bound to get seniority from the date of their promotion. But, the Supreme Court held that general candidates promoted later should get seniority over the Scheduled Caste candidates promoted earlier on account of reservation.

In this situation, the Constitution was amended *vide* the Constitution (Eighty-fifth Amendment) Act, not only providing for reservation in promotion in favour of Scheduled Castes/Scheduled Tribes, but also consequential seniority as the Parliament found that the “*catchup rule*” evolved by the Supreme Court was not reasonable and not justified and was inconsistent with the principle of reservation.

The constitutional validity of this amendment was challenged before the Supreme Court in *M. Nagaraj's case* (2006 (8) SCC 212). The Supreme Court held that even originally when the Constitution was framed, under clause (4) of article 16 there was provision for reservation in favour of Backward Classes and Schedule Castes/Schedule Tribes who were not adequately represented in the services of the State. Such special provision could cover both the direct recruitment and promotions. Therefore, the amendments made were only clarificatory in nature and the clarification became necessary because of the evolving of the *catchup rule* by the Supreme Court. Accordingly, the validity of the 85th Constitution Amendment was upheld and the problem created by the judgments of the Supreme Court was solved.

Another important case has been that by the 42nd Constitution Amendment, two new articles were added to the Constitution, namely, article 323A and 323B. According to these two articles, the Parliament and even the State Legislatures were empowered to make law constituting Administrative Tribunals for exclusively deciding the cases of service matters of government servants of State and the Union. But, the Parliament did not stop there. Sub-clause (d) was incorporated in clause (2) of article 323A which provided that the Parliament can exclude the jurisdiction of the High Court under article 226 of the Constitution in the matter of disputes and complaints in service matters. In article 323B of the Constitution it was provided that the State Legislatures or Parliament could make special laws on several subjects mentioned therein and also constitute special tribunals for deciding the cases falling under these special laws. Again the Parliament did not stop here. Sub-clause (d) of clause (3) of article 323B provided that either the State Legislatures or the Parliament could make a law excluding the jurisdiction of the High Courts under article 226 of the Constitution and conferred special

powers exclusively on the Tribunal constituted by such special law. Unfortunately, in making this enactment the Parliament exceeded its power and virtually rendered the High Courts ineffective or less effective. The constitutional validity of articles 323A and 323B came to be challenged and it was considered by a larger bench of seven judges of the Supreme Court in the case of *L. Chandra Kumar Vs. Union of India* (1997 (3) SCC 261). The Supreme Court held that the power of judicial review of executive action and legislative action, as also the decisions of the Courts and Tribunals subordinate to the High Court, vested in the High Courts under article 226 of the Constitution was an element of the basic structure of the Constitution and the Parliament had no power to take away the constitutional jurisdiction of the High Courts under article 226. Accordingly, the said provisions were declared unconstitutional.

Another important contribution of the Supreme Court relates to article 30 of the Constitution. Article 30 provided that linguistic or religious minorities have the right to establish and administer educational institutions of their choice. Unfortunately, right from the judgment of the Supreme Court in *Re: The Kerala Education Bill, 1957* (1958 SCR 995) in the year 1958, an impression had been created to the effect that only linguistic and religious minorities have the right to establish and administer educational institutions and the overwhelming majority of the citizens in the country had no such right. The situation created was such that the minority have greater right than majority which is destructive of the very principle of equality which constitutes the basic structure of the Constitution. The matter came to be considered by a larger Bench of eleven judges of the Supreme Court in the case of *TMA Pai*. After elaborate arguments in the said case, the eleven-judge Bench held that article 30 was only in the nature of protection and as far as equality is concerned, it is obligatory to both minorities and non-minorities, and therefore, there could be no law made by the Legislature or executive order which favours minority and disfavors majority or favours majority and disfavors minority. This principle clearly laid down by the Supreme Court *vide* para 138 of the judgment in *TMA Pai's case* (2002 (8) SCC 481) stated:

"As we look at it, article 30(1) is a sort of guarantee or assurance to the linguistic and religious minority institutions of their right to establish and administer educational institutions of their choice. Secularism and equality being two of the basic features of the Constitution, article 30(1) ensures protection to the linguistic and religious minorities, thereby preserving the secularism of the country. Furthermore, the principles of equality

must necessarily apply to the enjoyment of such rights. No law can be framed that will discriminate against such minorities with regard to the establishment and administration of educational institutions *vis-à-vis* other educational institutions. Any law or rule or regulation that would put the educational institutions run by minorities at a disadvantage when compared to the institution run by the others will have to be struck down. At the same time, there also cannot be any reverse discrimination. It was observed in *St. Xavier's College Case** at SCR p.192 that:

The whole object of conferring the right on minorities under article 30 is to ensure that there will be equality between the majority and the minority...

In other words, the essence of article 30(1) is to ensure equal treatment between the majority and the minority institutions. No one type or category of institution should be disfavoured or, for that matter, receive more favourable treatment than another. Laws of the land, including rules and regulations, must apply equally to the majority institutions as well as to the minority institutions... [Para 138]."

That is how when even Constitution was amended altering the basic structure and/or constitutional rights were denied by wrong interpretation of the constitutional provisions, the Supreme Court has come to the rescue of the citizens by striking down such amendments or by giving a correct interpretation. Whenever the Supreme Court committed a mistake by wrong interpretation, the Legislature has rectified the said mistake as was done by the Constitution 85th amendment.

The instances given above are only illustrative but not exhaustive and the object of this article is to show that the *principle of checks and balances* which constitutes the very basis of distribution of sovereign power to the three organs has worked well and thereby a smooth working of the Constitution has been ensured without resulting in any injustice to any section of the Society.

But, unfortunately the enabling provisions to provide reservation in favour of backward classes is being abused by the State without taking any steps to revise the list of other backward classes. As early as in 1971, in the case of *Periakaruppan Vs. State of Tamilnadu* (AIR 1971 SC 2303), the Supreme Court held that the principle that once a

* Ahmedabad St. Xavier's College Society Vs. State of Gujarat (1974) 1 SCC 717: (1975) 1 SCR

backward class is always a backward class was untenable. The Supreme Court said that no one should develop vested interest in the backward classes. Therefore, it is necessary that there should be *quinquennial* revision of backward classes and such of the sections among the backward classes who have become forward, should be deleted from the backward class category as otherwise the reservation will be appropriated by forward classes among the so-called backward classes to the detriment of real backward classes.

In the case of *Indra Sawhney* (AIR 1993 SC 477), a nine-judge bench of the Supreme Court clearly held that persons belonging to forward class among the backward classes, whom the Supreme Court described as **creamy layer** should be removed in order that the reservation is in conformity with the Constitution. Despite this nine-judge judgment in *Indra Sawhney Case*, the Parliament provided for reservation to the extent of 27% in favour of backward classes making no provision for removing the *creamy layer*. By this, a situation was created in that the persons who are no longer backward were securing the benefit of backward class to the detriment of the real backward classes.

The issue was considered by the Supreme Court in *A.K. Thakur Vs. Union of India* (2008 (8) SCC 1). The Supreme Court while upholding the validity of reservation in favour of other backward classes, clearly laid down that before implementing it the creamy layer must be identified and removed. Using ingenious method the Union is taking steps to circumvent and defeat the constitutional mandate.

However, there has been a tendency to violate the mandate of the Constitution notwithstanding the judgment of the Supreme Court on collateral/political considerations. Such an intention stands proved by the fact that it has recently raised the annual family income of Rs. 4.5 Lakhs for determining the creamy layer and thereby enable the creamy layer also to get reservation circumventing the decision of the Supreme Court. In *TMA Pai's* case the Supreme Court emphatically laid down that there should be no discrimination as between minorities and non-minorities. In the teeth of the said judgment, the Parliament made 93rd amendment to the Constitution according to which the reservation in favour of other backward classes should be provided only in non-minority private educational institutions and not in minority institution. This amendment is in plain contravention of para 138 of the eleven-judge bench judgment in *TMA Pai's* case. Further, the Parliament has enacted a separate law for minorities titled "National Commission for Minority Educational Institution Act", and in that section 10A is incorporated

providing that colleges belonging to minority in any part of India have the right to get affiliation to a Central University of their choice, whereas such benefit is not available to non-minorities. The constitutional validity of this provision may have to be examined by the Supreme Court as and when it is raised. Before enacting a law, particularly when certain matters are covered by the judgments of the Supreme Court, there should be a thorough scrutiny and if *prima facie* it is found to be unconstitutional, such law should not be enacted. Enacting such laws and throwing the burden on the citizens of challenging them and getting them struck down would be unreasonable and unjustified. The implementation of such laws, till these are struck down, is equally unjustified.

**ADDRESS BY THE SPEAKER, LOK SABHA,
SHRI SOMNATH CHATTERJEE AT THE VALEDICTORY
SESSION OF THE 3RD ANNUAL CONVENTION OF
THE CENTRAL INFORMATION COMMISSION ON 'RTI
AND ITS RAMIFICATIONS FOR GOOD GOVERNANCE',
NEW DELHI, 4 NOVEMBER, 2008**

The Speaker, Lok Sabha, Shri Somnath Chatterjee delivered an Address on 'RTI and its Ramifications for Good Governance', at the Valedictory Session of the Third Annual Convention of the Central Information Commission held at New Delhi on 4 November 2008.

We reproduce below the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee.

—Editor

Shri Wajahat Habibullah, Chief Information Commissioner; Officers and Members of the Central Information Commission and of the State Information Commissions; Distinguished Guests; and Ladies and Gentlemen:

I am happy to have this opportunity to associate myself with the Valedictory Session of the Third Convention of the Central Information Commission organized to mark three years of the implementation of the Right to Information (RTI) Act in our country.

I thank Shri Habibullah for his invitation and for selecting the important topic of 'RTI and its Ramifications for Good Governance', for discussion in this Convention, as free flow of information is the fundamental pre-condition of good governance, which ensures transparency essential for strengthening democracy. Undoubtedly, good governance and right to information are complementary to each other as they on their turn stabilize and broaden the working of the democratic system. I am sure, you have had useful discussion on the subject at this convention.

Our Constitution acknowledges the citizens' right to know about all aspects of governance, as a fundamental right, which is enforced partially and rather inadequately through the working of the parliamentary

system, and is required to be supplemented by conferring on the people the right to enforce the same. It was on a parliamentary initiative that the Freedom of Information Act was put in place in 2002, to provide to every citizen the right to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration. A more cohesive, purposeful and effective system has now been brought about with the enactment of the Right to Information Act, which is indeed a landmark legislation. The process of implementation of this path-breaking legislation has already created considerable enthusiasm among the common people and also hope that it will provide the needed transparency and openness in governance and will give a better content to the working of democracy in our country. The object of enacting a law like the Right to Information Act is that its *bonafide* use and proper enforcement will ensure widespread participation of citizens in the country's governance system, and eliminate the cobwebs of dilatoriness and corruption in what are known as the dark corners of the nation's administrative apparatus and facilitate the process of development at various levels through a transparent process. The Right to Information Act clearly states in its very *Preamble* that democracy requires an informed citizenry and transparency of information which are vital to its functioning.

It has now been widely recognised that the Right to Information not only provides the key to good governance, it also makes participatory democracy meaningful and help in cementing trust in the administration, in supporting people-centered development, in facilitating equitable socio-economic growth and in tackling the problem of corruption and maladministration. Executive accountability is one of the cardinal principles of parliamentary democracy and that accountability should be in terms of both standards of performance and service delivery of public agencies to the citizen-groups they serve. Only a well-regulated system of access to information in the public domain can ensure such accountability.

For democracy to be meaningful, it has to be participative and inclusive in every sense of the term, which can succeed only when due acknowledgment is given to the people's right to seek information effectively from public authorities.

No doubt, we have an array of mechanisms in place which enable citizens to seek information. Elected representatives, Opposition parties, the Judiciary, the Comptroller and Auditor General, the print and the electronic media all seek information available in the custody of public

bodies. But, the Right to Information Act enacted by our Parliament empowers the common man directly with the right to have access to information relating to various State activities, which makes the public authorities more accountable. It is rightly said that it is in darkness that cobwebs grow which hinder transparency and progress. Since we have the relevant law in place, we should replace the 'culture of secrecy and confidentiality' with the 'culture of openness and mutual faith', and take all necessary measures to make people adequately aware about the provisions of the law and also to remove the problems that are hindering its effectiveness.

Accountability postulates removal and absence of corruption, malpractice, mismanagement and abuse of discretion, and consequently ensures good governance in all its ramifications. Good governance is no more a segmental function; rather, it encompasses within its fold the whole of societal response. Lack of transparency in Government dealings and activities generally breeds and encourages insensitiveness and inefficiency, which are antithetical to good governance. Accessibility of information particularly relating to financial decisions of the Government and the implementation of public policies and programmes, which have a direct impact on the life of the common masses, makes all State actors accountable in discharging their mandates. This becomes quite apparent in the light of the fact that the maximum appeals that come before the Central Information Commission relate to the Ministry of Finance which has under its jurisdiction important divisions such as banking, insurance, income tax, etc. The Urban Development Ministry, which has the Public Works Department under it, comes close on the heels of the Finance Ministry which again is a pointer to public awareness of issues related to civic amenities and the considerable investments therein. An efficacious right to information regime implemented for *bonafide* purposes will no doubt, promote a culture of public accountability, transparency and probity in the functioning of all governmental organs.

It is extremely unfortunate and a matter of great concern that our country has achieved the dubious distinction of being the eighty-sixth most corrupt country amongst 180 countries, as was concluded by a survey conducted by the Transparency International, the global coalition against corruption. Even after the enactment of the Right to Information legislation, we are yet to get its full benefits. The country's sovereignty and integrity, indeed require observance of confidentiality for the sake of country's interest. *But*, it is felt that no document should remain secret for ever and they need to be de-classified after certain timeframe,

so that information can be released to the public without affecting national interest.

According to various studies, the experience of the implementation of the Right to Information Act in the last three years reveals that the implementations across the board should be streamlined, consistent with the objectives of the Act and public interest. Sometimes applications of citizens seeking information are rejected by the Public Information Officers concerned on vague and undisclosed grounds and even the Appellate Authorities keep matters pending for long, may be for diverse reasons. Even the appeals before the Information Commissions take a long time for their disposal, thereby frustrating the interest of the genuine information seekers.

It has been pointed out in some quarters that procedures vary in the manner of attending to the demands for information in different States. Efforts need to be made to streamline the procedure for sincere implementation of the RTI. It is important that authorities provide correct information in time and there should not be impediments and hindrances on the path of effective implementation of the RTI Act. Since the RTI Act is in force in all the States, a comparative study may usefully be undertaken to find out how effectively the Act is being implemented in different parts of the country. It will help in identifying and overcoming the procedural inadequacies and shortcomings which hinder effective implementation of this landmark legislation so that solutions may be found.

The Right to Information Act can help the common citizens, especially the poor and the underprivileged, to get their due only when the Governments at the Centre as well as in the States act earnestly to implement the Act which would require appropriate appointments to the Central and State Information Commissions and also strict actions against those in the Government who are found responsible for apathy, indifference, corruption and inefficiency in discharging their public duties. Those who are entrusted with this charge should be known for their probity, objectivity, judiciousness and forthrightness.

The lack of knowledge and absence of confidence to take up issues under the Act remain the usual hurdles in making the right to information a very effective tool in the hands of the people who need it the most. It is expected to become a useful tool if the rural masses are motivated to make effective use of the Act. Proper awareness programmes may be taken up in the rural and interior areas for the benefit of the citizens living there.

Ladies and Gentlemen, apart from taking measures to address the problem associated with the implementation of the Right to Information law at all levels, what is most urgently needed is to make the citizens fully aware of the nature of the law and also of the benefits that will accrue to them from its proper implementation. But, the Government, which is responsible for creating awareness about the Act under Section 25 of the Act, may have to do more in this regard. I commend the authorities of *Doordarshan* for doing a commendable job in creating awareness. I take this opportunity to call upon the print as well as electronic media to highlight the importance of the Act and also the decisions of the Information Commissions at the Centre as well as in the States, so as to encourage people to make effective use of the RTI Act to improve the governance of our country. Educational institutions, especially those imparting higher education, can also play an effective role by educating the students about all aspects of the law governing their constitutional right to obtain relevant information.

It is a matter which requires attention that the Information Commissions both at the Centre and in States are finding it difficult to dispose of the mounting number of RTI related cases coming before them for hearing. The pendency of nearly 7,000 cases with the Central Information Commission, as in June 2008, speaks not only volumes about people's desire for information but also of institutional inadequacy in dealing with them. The piling up of cases, as in the Judiciary, will defeat the very purpose of this well-meaning measure. The reasons for the delays need to be investigated and action taken before the arrears pile up further. It is also a fact that a large number of frivolous cases are filed under the RTI by vested interests or by people with no *bonafide* motive. Unless they are strictly dealt with from the beginning they will add to the backlog and there should be adequate disincentive including imposition of some punishment on frivolous proceedings.

I appreciate the role played by the Central and State Information Commissions in helping citizens to have access to information not easily available to the common people. The Central Information Commission deserves appreciation for its role in duly implementing the provisions of the Act.

In the Lok Sabha Secretariat, we have established appropriate mechanisms to make information available to the citizens required by them under the provisions of this Act. Despite the fact that the Lok Sabha has a very information-packed and comprehensive website, the number of applications received under this Act has been steadily increasing. While in the year 2005 we received only 20 applications,

the number of applications increased to 318 in 2006, to 445 in 2007 and to nearly 600 by the end of October this year. Generally, the applications received under the RTI Act relate to constitutional provisions, Bills and Acts relating to the subjects falling under the administrative jurisdictions of various Ministries and Departments of the Government of India, Members of Parliament Local Area Development Scheme, sittings of the House, time lost in the House due to interruptions and disturbances, privilege matters, petitions, parliamentary proceedings, and salaries, allowances and medical expenditure incurred on the members of Parliament, their attendance in the meetings of the House and parliamentary committees, Questions raised by them in the House, their foreign travels and related expenditure, etc. I am glad to acknowledge that the varied nature of information being sought by the people on the working of the Lok Sabha and its members itself is an evidence of the interest shown by the citizens in parliamentary activities, which is vital to keep the faith of the common man alive in the country's organic institutions and also to ensure the accountability of the elected representatives to the people in a more effective manner and how the RTI Act is being utilized in this regard.

Ladies and Gentlemen, democracy demands good governance, ensuring, *inter-alia*, transparency, accountability, probity and a corruption-free regime. To have good governance, the public authorities need to become willing partners in sharing information, as may be needed for public purpose with the people who are the real masters in a democracy.

Today, we are living in an information-driven society and witnessing a technological revolution in information management, for which the free flow of information is vital. The success of democracy lies in informed choices, meaningful empowerment of the disadvantaged sections and safeguarding the rights of the marginalized and the vulnerable. For these noble goals to be achieved, the people, their elected representatives and the administration have to work in tandem in a regime where relevant and requisite information is available to all who genuinely need it.

Friends, before I conclude, I would like to remind those who have been and are concerned with the implementation of the RTI Act that they should take care to see that the true spirit of the Act is not undermined by vested interests by design or default, by recklessly taking recourse to its provisions without well-meaning social intentions. We need to be on the guard against people who may use it as an instrument to unsettle some well-established norms of governmental functioning, to pursue private or personal agenda in the garb of public

interest, or as a short-cut to easy fame and cheap publicity, or as a means to earn their livelihood in the cover of social activism or even as a weapon to discredit people's institutions and reputation.

Well-meaning activists and public spirited citizens, who are inclined to take recourse to this modern legislation, should, however, always bear in mind that this Act was conceived primarily with an intent to serve public good by bringing in the much desired transparency and accountability in governance, a fundamental pre-requisite in a democracy. If the Act, even if by some, is resorted to recklessly, apart from adding to the current trend of arrears, the purpose of the Act will be greatly frustrated, as we find in many cases of Public Interest Litigations. It is, therefore, imperative for the activists in the field, first of all, to be transparent in their own objectives in taking recourse to this well-meaning Act and to educate the people at large to show utmost responsibility and restraint in taking the benefit of the Act. The motivating factor should always be larger social interests or for strictly personal interest on *bonafide* ground.

I compliment Shri Wajahat Habibullah and his officers in the Central Information Commission who are doing a commendable job in making the RTI initiative a success in spite of the many problems connected with it. I am sure their continued endeavours in this regard will be followed with greater success and an effective information sharing system. I wish you all the very best and thank you for providing me this opportunity to be here at your Third Annual Convention.

Thank you.

**KEYNOTE ADDRESS BY THE SPEAKER, LOK
SABHA, SHRI SOMNATH CHATTERJEE AT THE
FUNCTION TO MARK THE 60TH ANNIVERSARY OF
THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
ORGANIZED BY THE NATIONAL HUMAN RIGHTS
COMMISSION, NEW DELHI, 10 DECEMBER 2008**

The Speaker, Lok Sabha, Shri Somnath Chatterjee delivered the Keynote Address at the Function to mark the 60th Anniversary of the Universal Declaration of Human Rights, organized by the National Human Rights Commission, held at New Delhi on 10 December 2008.

We reproduce below the text of the Keynote Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee.

—Editor

Thiru A. Raja, Honourable Minister of Communications and Information Technology; Justice S. Rajendra Babu, Honourable Chairperson, National Human Rights Commission; Distinguished Guests; Ladies and Gentleman:

It is indeed a matter of honour and a privilege for me to have the opportunity to associate myself with the Human Rights Day Function, organized by the National Human Rights Commission (NHRC), specially when we are observing the completion of sixty years of the Universal Declaration of Human Rights (UDHR), a document that seeks to extend 'dignity and justice' to every citizen all over the world. This provides us all an occasion to ponder the course of action to be adopted when the right to life of millions of people is under threat because of the growing incidents of terrorism taking place in different parts of the world.

Fundamental human rights are universal and inalienable and all people in the world are entitled to enjoy them without discrimination on the ground of race, colour, sex, ethnicity, age, language, religion, national or social origin, disability, property, birth or other status. Life of inherent liberty, equality and dignity can only provide the basic foundation of freedom with justice and peace in the world. It is a matter of utmost concern that disregard and contempt of human rights are being indulged in various areas which outrage the conscience of humankind.

Realizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, the Universal Declaration of Human Rights was adopted by the United Nations General Assembly sixty years ago, at a time when the two World Wars had ravaged the world and the humanity at large was in despair. The thirty Articles enumerated in the Declaration are comprehensive in nature and lay the foundation to provide a dignified existence to all law-abiding citizens. The uniqueness of the Declaration lies in the fact that it represents a world-wide Charter of Rights which transcend national, religious, cultural and ideological factors.

The Universal Declaration of Human Rights was neither an international treaty nor an agreement and hence did not impose any legal obligations. It was only after about two decades of its adoption that the Declaration was strengthened with legal force when the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* were adopted by the UN General Assembly in 1966. Today, these two Covenants, along with the Universal Declaration, constitute the International Bill of Human Rights which, along with various other instruments relating to the rights of vulnerable groups have definitely created world-wide awareness about and concern for human rights.

It was a significant coincidence that around the time when the UN General Assembly was drafting the UDHR, the Constituent Assembly of independent India was deliberating upon the country's Draft Constitution. It was, therefore, quite natural that the ethos of our national liberation movement and the global community's concern for human rights were manifested in our Constitution. The Preamble to our Constitution encapsulates the essence of human rights in all its manifestations. Apart from the preambulatory promises for 'Justice, Liberty, Equality and Fraternity', the traditional civil and political rights were incorporated as Fundamental Rights in Part-III of our Constitution, while the social, economic and cultural rights were included in Part-IV as the Directive Principles of State Policy.

Even the human rights in the form of group rights, such as the abolition of the practice of untouchability, prohibition of employment of children in factories or mines or in any hazardous conditions, affirmative State action for the advancement of women and children and other vulnerable sections, appointment of National Commissions for the protection of the rights and interests of sections of the population who were perceived to be in need of special protection, found expression in some of our constitutional provisions.

Our official human rights institutions such as the National Human Rights Commission, the National Commission for Women, the National Commission for Minorities, the State Human Rights Commissions and the Commission for Backward Classes have been playing catalytic role not only in creating people's awareness of human rights but also in sensitizing our administrative and law-enforcement machineries to human rights. There is no denying that today the human rights movement in our country has got a fillip due to the concern and response shown by all these institutions for the protection and promotion of rights of the vulnerable sections in our society.

Though the autonomous institutions like the independent Judiciary, free Media, the civil society groups and the multi-party system have been making significant contributions towards protecting and promoting human rights in our country, the role played by our legislative institutions, particularly our Parliament in this direction is, indeed, commendable. It has been responsible for putting in place several legislations of far-reaching effect in this regard.

The most significant landmark in our efforts to protect human rights, has been the enactment of the Protection of Human Rights Act, 1993, under which the National Human Rights Commission and the State level Commissions have been established with the mandate to protect, promote, observe and study human rights as specified under the Constitution as also under the International Covenants which have been ratified by India. Vested with the power to take *suo motu* cognizance of the instances of breach of human rights and also empowered to make judicial enquiries, these Commissions have been engaged in a commendable job in ensuring human rights of the citizens.

The creation of the National Human Rights Commission marked the beginning of a new era of humane governance in India. In fact, the NHRC has received popular recognition as an indispensable institution of governance due to its proactive efforts to maintain the standard of integrity, efficiency and probity in its functioning. Consequently, it now enjoys great moral authority and the responses to its recommendations by the agencies concerned are overwhelming. One of the significant achievements of the NHRC is in spreading human rights awareness among various sections of society. It has also been playing a supportive role for the country's Apex Court which has been remitting to the NHRC certain complex issues having serious human rights implications. Being an important corrective institution of governance, the NHRC, no doubt, has set a shining example for other institutions of governance.

Human rights have no meaning if there is no sustainable human development to eliminate poverty, promote human dignity and rights, and provide equal opportunities for all through good governance. This is of particular relevance in the context of the on-going process of globalization and its potential for excluding and marginalizing the weaker sections and people with limited resources. It is essential that efforts to promote human rights must afford protection to all who face exclusion and marginalisation. Development, which encompasses within its fold the social, economic and political milieu, is only possible in the real sense of the term, if poverty is eradicated, which is the biggest threat and challenge for human rights and the single-most debilitating factor that has prevented people from realizing their full potential.

Unfortunately, the fruits of development have failed to reach all our citizens in the same proportion and, as a result, inequality is continuously growing along with the gap between the haves and the have-nots. We must ensure that the fruits of development will reach every section of the people equitably. We need to have vested interest in promoting inclusive democracy in place of diversities—be it religious, cultural or linguistic, reinforced by a commitment to protect their rights and interests against intrusions of all kinds. The rights and opportunities enjoyed by every individual make democracy distinct. But, most disconcertingly, our country now is witnessing a growing tendency to promote sectarianism and divisiveness among our people for narrow sectarian interest which undermines democracy and which will create conditions for the infringement of human rights. Thus, there is an urgent need for making human rights education an integral part of our formal education system at all levels—schools, colleges and Universities, which will help build a universal culture of human rights through imparting knowledge and skills and through moulding attitudes.

One important aspect of human rights is the right to education, which is the most potent mechanism for the advancement of human beings. The Right to Education is also recognized as a human right in the Universal Declaration of Human Rights. The realization of this human right can be achieved only through free and compulsory primary education. With the enactment of the Constitution (93rd Amendment) Act, 2002, we in India have made education for the children in the age group of 6 to 14 years a Fundamental Right in the eyes of law, but its actual operationalization is yet to be done through an enabling legislation. It is hoped that with the introduction of the Right of Children to Free and Compulsory Education Bill, 2008 in the current Session of Parliament,

a long cherished dream of right to education, particularly in the case of children from the weaker sections and disadvantaged groups who are unable to enjoy their human rights, will be fulfilled.

Even after centuries of experiments with democracy which is based on universal franchise, liberty and equality, women continue to be discriminated all over the world and are subject to many forms of human rights violations. Crimes against women which are increasing exponentially are, in fact, crimes against humanity. Our Constitution confers on men and women equal rights and opportunities in political, social and economic spheres and it is essential that all steps should be taken to facilitate women's empowerment in real terms, apart from reservation of seats in our higher representative bodies.

Another area of concern is the continued violation of the rights of children, particularly those belonging to the vulnerable sections of our society, who are often subjected to sexual abuse, torture, violence, deprivation, denial and bonded labour. Exploitation of children for extracting labour and the malnutrition experienced by sizeable sections among them are grim realities of our society, for which it is essential that extant laws should be vigorously implemented with new enactments as may be required to ensure the comprehensive protection of the rights of children against exploitation and for enjoyment of their childhood.

Friends, for quite some time we have been passing through deeply troubled times with the pervasive threat of terrorism casting its menacing shadow on our efforts to promote and protect human rights. India has been repeatedly targeted and the recent terrorist attack in Mumbai was only yet another grim reminder of the gravity of the threat we are facing. Today, the spectre of terrorism, which is a natural enemy of human rights, is haunting the people globally. Terrorism anywhere hinders development and results in a grave violation of human rights. It is not merely a heinous criminal act, it is an assault on democracy and civilized society. Needless to say, targeting innocent and defenceless people is the most reprehensible act and violation of a human being's basic right to life and security.

In a constitutional democracy such as ours, the Judiciary is an important organ of the State for the enforcement of rights and realization of relief through remedial jurisprudence. Of late, there has been a great trend of vigorous legal activism in certain areas concerning human rights. There are many instances where the Judiciary played a catalytic role in its quest for justice which resulted in a vast expansion of the frontiers of public law and formulation of multi-dimensional legal

strategies, including public interest litigations for providing access to justice.

However, one should ponder as to how many people can afford to have or have easy access to Courts. Further, delayed justice strikes at the root of human rights, specially in the case of the underprivileged and vulnerable sections of society. The Supreme Court has frequently held that fair and speedy trial is an integral part of fundamental rights of the citizens to 'equal protection of law'. Delayed justice is essentially denial of justice to the litigants. It is, therefore, essential that the Judiciary strive for expeditious delivery of justice and also make available easy and inexpensive justice to the citizens.

The human rights movement in India has come a long way and a number of human rights centered-legislations have been enacted during the last six decades, which all should be sincerely implemented. In India, the human rights challenges that need to be addressed very urgently lie in the areas of child care, child labour, child education, child abuse, bonded labour, trafficking in women, the protection of minorities and weaker sections of society and even environmental rights. Unless respect for fundamental human rights remain a bed-rock on which governance is based, no progress is possible in the real sense of the term, as development can be sustained only through due respect for human rights. The Media and the civil society organizations should play a very important role in creating human rights awareness and in bringing violation of human rights to the fore for remedial action.

The international community's quest for human development has received tremendous impetus with the Millennium Development Goals (MDGs) emanating from the historic Millennium Declaration adopted by 189 countries at the UN Millennium Summit in 2000. In fact, human rights and MDGs have much in common. They share guiding principles such as participation, empowerment and national ownership; they serve as tools for reporting processes that can hold governments responsible and accountable; and most fundamentally, they share the ultimate objective of promoting human well-being and honouring the inherent dignity of all people. All national and international efforts to achieve the Millennium Development Goals must, therefore, be made in conformity with the objective of realizing human rights without any discrimination whatsoever.

Friends, democracy, development and respect for human rights are interdependent and mutually reinforcing. Protecting democratic

values, maintaining the Rule of Law and, at the same time, promoting the human rights are the most fundamental requirements of a civilized existence, which remain the inalienable goals of any democracy. Though we have succeeded in establishing the largest democracy in the world, we have not yet been able to fully realize and protect the rights of our citizens which are essential prerequisites for our democracy to flourish. The need of the hour is to develop a culture of respect for human rights at every level of governance and civil society in the country.

It is gratifying that the National Human Rights Commission has been entrusted with an enormous responsibility in this regard and I am extremely glad to acknowledge their commendable endeavours in this direction. I am grateful to Honourable Justice Rajendra Babu for the opportunity provided to me to associate myself with this important function. My best wishes are with them for carrying on their quest to protect and ensure human rights to all our citizens.

I also wish to thank the Honourable Minister of Communications for the release of the postage stamp on this occasion, which will always remind the people of the great civilizing role played by the National Human Rights Commission.

Thank you.

SECOND ROUND TABLE DISCUSSION ON “STRENGTHENING PARLIAMENTARY DEMOCRACY” NEW DELHI, 1 NOVEMBER 2008

The Second Round Table Discussion on “*Strengthening Parliamentary Democracy*” was organized by the Bureau of Parliamentary Studies and Training in the Main Committee Room of the Parliament House Annexe on 1 November 2008. A panel of ten dignitaries who have excelled in their respective areas participated in the discussion.

The distinguished participants in the discussion were: Former Chief Justice of India, Justice A.M. Ahmadi; Dr. Shashi Tharoor, eminent author, Columnist and former UN Diplomat; Shri N.R. Narayana Murthy, M.D. and Chief Mentor, Infosys Technology, Bengaluru; Shri Vasant Sathe, Former Union Minister; Shri Shyam Benegal, Member of Parliament and one of the pioneers of new Indian Cinema; Prof. S.K. Brahmachari, Director-General, Council of Scientific and Industrial Research, New Delhi; Dr. N. Bhaskara Rao, Chairman, Centre for Media Studies, New Delhi; Smt. Ranjeet Ranjan, Member of Parliament; and Dr. J.P. Narayan and Shri Suhas Borker, social activists.

Welcoming the distinguished participants, Secretary-General, Lok Sabha observed that they are known for their intellectual eminence and system-building ability, and expressed his confidence that their participation in the discussion would enhance the purposiveness of the Second Round Table Discussion.

Initiating the discussion, the Speaker, Lok Sabha, Shri Somnath

The idea of a Round Table to discuss the need to strengthen parliamentary democracy has been hailed as a positive initiative in the right direction to strengthen the roots of parliamentary democracy and its values and traditions. The First Round Table showed that the enlightened countrymen share the concern of the Speaker, Lok Sabha. In the Second Round Table which was also organized in the Main Committee Room of the Parliament House Annexe on 1 November 2008, a panel of 10 distinguished dignitaries participated in the Discussion. We reproduce a gist of the discussion held on the occasion.

—Editor

Chatterjee observed that India is a great country of people who have made tremendous contribution in different spheres and today it is a great economic power. He noted that one of the inherent strengths of the country is its deep and firm commitment to parliamentary democracy, which has been demonstrated by the Indian people time and again, against several odds over the past six decades.

Reposing his faith in the people which the Parliament of India represents, the Speaker, Lok Sabha, stated that the democracy in the country is surviving because of their conscientiousness. The people have been participating in the election process with great interest more than what is seen even in the matured democracies. We have witnessed that how people of India change the Government when they are not satisfied with it. He also referred to the role of vibrant media which keeps the entire structure of our democracy not only in place but also functional.

Shri Chatterjee pointed out that because of the fractured polity, we have degenerated into a confrontational polity and nobody is happy with the prevailing state of affairs today. Earlier, disturbances in the House used to be something spontaneous, but now, it is a well-organised and pre-arranged affair as not to allow the House to function.

In response to the people's demand to have a functional Parliament, the Speaker advocated for some legal measure to have in place the *right of recall*, which is prevalent in the USA and some other countries also. On the question of whether Parliament as an institution is able to retain the people's confidence, he felt the necessity of taking the views of different sections of the people who, he feels, want that Parliament, as an institution, should function.

The participants in the discussion viewed the subject in its varied dimensions. It was pointed out that the diversity of the country is not reflected in its democratic institutions and thereby vitiating the concept of unity in diversity. In order to make the parliamentary democracy functional it was urged that the time devoted to the Parliament should be effectively utilized. A call was made to bring about a fundamental change in the behaviour of individual members through training courses on how to conduct themselves as parliamentarians.

During the discussion, even imitating the Westminster model for our parliamentary democracy was questioned on the ground that, in India, political parties were observed as having incoherent sets of beliefs, which are adopted, adapted and abandoned frivolously in a number of cases. An apprehension was expressed in the context of

coalition governance, where the Executive is not able to advance freely its policies and have the courage to implement them under the parliamentary system of our polity.

A suggestion was also put forth to strengthen the Committee System in Parliament and make the proceedings of parliamentary committees open to media including the electronic media so that these committees become effective forums for parliamentarians to deal with important issues and hold the Executive accountable. To have a better accountability of Parliament, the members should think of national interests irrespective of the party lines. During the discussion the question of giving incentives to the deserving politicians and disincentive for the non-performers was also raised. In one of the approaches referred to tackle the aberrations in the system, it was stated that parliamentarians should follow the rules and obey the orders of the Speaker. It was also urged that the leaders of different political parties should be persuaded to bring rules for regulating the procedure of Parliament within the framework of law under article 105(3) of the Constitution.

It transpired during the discussion that to be a successful democracy, an efficient bureaucracy is needed to implement and give shape to the ideas of our parliamentarians to infuse enthusiasm, energy and confidence in the system. A suggestion was also made that the parliamentary system should allow the election of Prime Minister by an electoral college consisting of elected members of the legislative bodies from Parliament to Panchayats. For election, the procedure of proportional representation with single transferable vote may be followed. It was also suggested that the Prime Minister so elected may not be removed by a simple majority in the House of the People. He should have liberty to include experts in his Cabinet as is done by the President in USA.

The question of state funding of elections for political parties was raised in the discussion. An apprehension about the success of public funding was also expressed where a large chunk of expenditure is made on buying votes with money and liquor. It was stated that unless the issue of exorbitant expenditure on election campaigning is addressed to more seriously, the corrective measures taken inside the House as well as outside, will not be effective. There is a need to go deeper into the issues of money and the distortions of money power in politics resulting in the uncalled for behaviour in Parliament. On the other hand, it was felt that the way the elections are being covered by the media, also needs to be given a serious thought.



**SECOND
ROUND TABLE DISCUSSION
on
STRENGTHENING
PARLIAMENTARY DEMOCRACY**

Saturday, 1 November 2008

LOK SABHA



The Speaker, Lok Sabha, Shri Somnath Chatterjee addressing the delegates at the discussion

As regards the representative character of the Legislature, it was stated that more than half of the members in the Lok Sabha and the State Assemblies are elected with the support of hardly one-fifth of the electorate. It was also mentioned that the representative character is further declining with more and more fragmentation of political parties. It was also emphasized in the discussion that unless all these aspects of our electoral system are addressed, strengthening of parliamentary democracy cannot be expected.

On the point of *right of recall*, there was diversity of views expressed during the discussion. On the one hand, the *right of recall* was considered an important right which must be vested in the sovereign, more particularly when there was no choice with the electorate in so far as the candidate was concerned. The concept of *right of recall* was also considered appropriate to discipline the members. But, on the other hand, the *right of recall* was held to be creating an enormous amount of chaos and confusion in the multi-party electoral system. In a plural society, some participants felt, the *recall* was not an elegant solution; rather it was extremely destabilizing.

The Speaker, Lok Sabha while concluding the discussion observed that this type of meetings do not bring in easy or immediate solutions. But, these do enable us to identify the imperfections in the system and the ways and means to find out the solutions. He hoped that such a discourse will continue in the right perspective with greater participation of different sections of the society.

UNVEILING OF PORTRAITS IN PARLIAMENT HOUSE

On 22 December 2008, the Prime Minister of India, Dr. Manmohan Singh unveiled the portraits of Sri Satguru Ram Singhji, Biplabi Leela Roy, Giani Gurmukh Singh Musafir, Babu Veer Kunwar Singh, Prof. Ramdhari Singh Dinkar, Sardar Swaran Singh and Shaheed Jayee Rajguru in the Central Hall of the Parliament House.

Sri Satguru Ram Singhji, was a great social reformer and devoted nationalist, who sacrificed his life to preserve the social ethos of the nation. He strongly advocated casteless society, re-marriage of widows and simple wedding ceremonies. Sri Satguru Ram Singhji mobilized the people for the freedom movement by inculcating in them the feeling of self-respect and sacrifice for the sake of the nation. He would always be remembered as a man of high ideals and a pioneer in evolving the concept of non-cooperation and the use of *Swadeshi* as a political weapon. The portrait of Satguru Ram Singhji, painted by the well-known painter, Shri Balwinder Singh was donated by the Kuka Martyrs Memorial Trust, Punjab.

Biplabi Leela Roy was a multi-splendoured personality who left an indelible mark in the socio-political scenario of the country with her innumerable contributions. An active political and social worker, Leela Roy proved her mettle in whatever areas she was associated with, including politics, education and journalism. A symbol of integrity and humility, Leela Roy will be long remembered as an outstanding leader in the history of our freedom struggle. The portrait of Biplabi Leela Roy, painted by painter, Shri Samir Das was donated by the Biplabi Leela Roy–Anil Roy Birth Centenary Celebration Committee, Kolkata.

Giani Gurmukh Singh Musafir was a great patriot, a front-rank freedom fighter and a veteran parliamentarian. He was a man of the masses who always sympathized with the have-nots, the downtrodden and the underprivileged. He marshalled his poetic gifts to the cause of the awakening of the people to a new awareness of their political destiny and arousal of social consciousness amongst them. A dedicated social worker, Giani Gurmukh Singh Musafir played a commendable role in re-settlement of displaced persons from the West Punjab, the then North-West Frontier Province (NWFP) and Sind, after partition.



The Prime Minister of India, Dr. Manmohan Singh, unrolling the portraits in the Central Hall of the Parliament House



The distinguished gathering after the unveiling of the portraits

The portrait of Giani Gurmukh Singh Musafir painted by Shri R.M. Singh, was donated by the Giani Gurmukh Singh Musafir Trust.

Babu Veer Kunwar Singh was one of the brave heroes of the First War of Independence (1857-58), waged by the people of India against the foreign rule. The chieftain in the district of Shahabad (currently a part of Bhojpur district, Bihar), Babu Veer Kunwar Singh has earned a lasting name and respect as the authentic Bhojpuri folk-hero who took on the British for freedom of the motherland. Kunwar Singh was a man of generous disposition. He gave numerous grants to individuals and for the maintenance of shrines. The portrait of Babu Veer Kunwar Singh, painted by Shri Gopal was donated by Shri Ram Vilas Paswan, Minister of Chemicals & Fertilizers and Minister of Steel, and National President, Lok Janshakti Party.

Prof. Ramdhari Singh Dinkar was an outstanding litterateur, a revered patriot, a distinguished parliamentarian, an eminent educationist, and a respected philosopher. A progressive and humanist poet, he evoked the spirit of nationalism by his inspiring and patriotic compositions during the pre-Independence days. His patriotic poetry earned him the sobriquet of *Rashtrakavi* (national poet). Prof. Dinkar was among the outstanding Hindi poets of his time that coincided with the cultural efflorescence that followed the self-conscious nationalism of the early decades of the 20th century. He left an indelible imprint on our national life with his many patriotic writings. The portrait of Ramdhari Singh Dinkar, painted by Shri Gopal, was donated by Shri Ram Vilas Paswan, Minister of Chemicals & Fertilizers and Minister of Steel, and National President, Lok Janshakti Party.

Sardar Swaran Singh was an outstanding versatile political leader and one of the longest-serving Cabinet Ministers who held several key portfolios in the Government of India. He was an eminent parliamentarian and democrat to the core and inspired by the vision of a strong, secular and socialist India. He was a name to reckon with in matters of India's foreign policy. Described as a "*roving Ambassador*", he represented India in various forums, such as, the United Nations, the NAM Summit and the Commonwealth. Sardar Swaran Singh was a man of high ideals and simple habits. He led a life of unimpeachable personal integrity and beyond personal aggrandizement. Cool and level-headed in his personal temperament and trained as a lawyer, Sardar Swaran Singh excelled as an orator and was a brilliant debater. The portrait of Sardar Swaran Singh, painted by Shri Mehar Singh was donated by Smt. Satwant Boparai, daughter of Shri Swaran Singh.

Shaheed Jayee Rajguru was an outstanding Sanskrit scholar and

intellectual of the 18th century. An ardent patriot, a valiant freedom fighter and a great national hero, the life of Shaheed Jayee Rajguru is a shining example of rare courage and steely determination. During a fight with the British forces, he was captured and awarded death sentence. Jayee Rajguru refused to appeal for mercy and preferred martyrdom, bringing to end a life ennobled by patriotism, courage, ingenuity and bravery. His heroic resistance against the foreign rule inspired several well-known tribal movements. The portrait of Shaheed Jayee Rajguru, painted by Dr. Dilip Tripathy, was donated by Shri Braja Kishore Tripathy, Member of Parliament (Lok Sabha).

The function was attended, among others, by Sarvashri Mohammad Hamid Ansari, the Vice-President and Chairman of Rajya Sabha; Somnath Chatterjee, Speaker, Lok Sabha; Charnjit Singh Atwal, the Deputy Speaker, Lok Sabha; L.K. Advani, Leader of the Opposition in the Lok Sabha; Jaswant Singh, Leader of the Opposition in the Rajya Sabha; Union Ministers; several sitting and former members of Parliament and other distinguished guests.

The profiles of the above-mentioned seven personalities brought out by the Lok Sabha Secretariat, in both English and Hindi, were distributed on the occasion.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

The 119th Assembly of the Inter-Parliamentary Union at Geneva, Switzerland: The 119th Assembly of the Inter-Parliamentary Union was held at Geneva from 13 to 15 October 2008. The Indian Parliamentary Delegation to the Assembly was led by Shri Charnjit Singh Atwal, Deputy Speaker, Lok Sabha. The other members of the Delegation were: Sarvashri Syed Shah Nawaz Hussain, C.K. Chandrappan, Abdul Rashid Shaheen, Balavant *alias* Bal Apte, Praveen Rashttrapal and Smt. Preneet Kaur, all members of Parliament. Shri P.D.T. Achary, Secretary-General, Lok Sabha attended the Conference as member of the Association of Secretaries-General of Parliament. Shri U.S. Saxena, Joint Secretary, Lok Sabha Secretariat served as the Secretary to the Delegation. Shri A. Mukhopadhyay, Joint Secretary, Lok Sabha Secretariat as in-charge of IPU India Branch and Shri Tapan Chatterjee, Joint Secretary, Rajya Sabha Secretariat also attended the Conference.

The Assembly held panel discussions on the following three subject items chosen for the debate during the 120th Assembly in Addis Ababa, Ethiopia in April 2009:

- Advancing Nuclear Non-Proliferation and Disarmament and Securing the Entry into Force of the Comprehensive Nuclear-Test-Ban-Treaty (*First Standing Committee*);
- Climate Change, Sustainable Development Models, and Renewable Energies (*Second Standing Committee*); and
- Freedom of Expression and the Right to Information (*Third Standing Committee on Peace and International Security*).

Participating in the deliberations on Advancing Nuclear Non-Proliferation and Disarmament and Securing the Entry into Force of the Comprehensive Nuclear-Test-Ban-Treaty, Shri C.K. Chandrappan, M.P., Lok Sabha, expressed concern and fear about the clandestine nuclear proliferation and chances of nuclear weapons falling into the hands of terrorists.

Shri Bal Apte, M.P., Rajya Sabha participated in the deliberations on Climate Change, Sustainable Development Models, and Renewable Energies. He highlighted India's multi-pronged approach including constitutional and legal provisions for addressing the issues relating to climate change, sustainable development models, and renewable energies.

Shri Charnjit Singh Atwal, Deputy Speaker, Lok Sabha participated in the discussion on the subject, "Freedom of Expression and Right to Information". He expressed the view that the Freedom of Expression and the Right to Information should be the basic tenets of a democratic polity and that the involvement of citizens needs to be proactive.

Shri Praveen Rashtupal, M.P., Rajya Sabha, the co-rapporteur for the subject item of Third Standing Committee on Peace and International Security informed the participants of the progress made in the preparation of the report and draft resolution.

The Assembly also chose the following Emergency item for discussion after a vote:

"The role of Parliaments in containing the global financial crisis and its impact both on developing and developed countries".

Shri Abdul Rashid Shaheen, M.P., Lok Sabha participated in the debate on the Emergency Item. Shri Bal Apte, M.P., Rajya Sabha chaired the meeting of Drafting Committee and presented the Draft Report to the Assembly.

Shri Charnjit Singh Atwal, Deputy Speaker, Lok Sabha intervened during the discussion in the General Council on the Budget 2009 of IPU. He was also appointed as one of the Auditors to IPU for 2009.

The 119th Assembly of IPU also included deliberations on the recommendations of the Advisory Group of the IPU Committee on UN Affairs and also a workshop on ensuring Transparency in Parliamentary Process. Shri Syed Shahnawaz Hussain, M.P., Lok Sabha participated in the discussion and suggested effective ways to promote transparency in parliamentary processes.

The meeting of Coordinating Committee of Women Parliamentarians was held on 12 October 2008. In her capacity as a substitute member, Smt. Preneet Kaur, M.P., Lok Sabha participated in the meeting and made a presentation on Freedom of Expression and the Right to Information from the gender perspective.

Meeting of the Association of Secretaries-General of Parliaments:

During the 119th Assembly, the meeting of the Association of Secretaries-General of Parliaments (ASGP) was also held simultaneously. The Secretary-General, Lok Sabha, Shri P.D.T. Achary participated in the deliberations of ASGP. He made a presentation on 'Laying of Currency notes on the Table of the House—the issues involved'. Shri P.D.T. Achary, was also elected unanimously as Member of the Executive Committee of ASGP. Shri Tapan Chatterjee, Joint Secretary, Rajya Sabha Secretariat also participated in ASGP meetings on behalf of the Secretary-General, Rajya Sabha.

The Third Conference for Members of Parliamentary Committees on the Status of Women and Other Committees Dealing with Gender Equality at Geneva, Switzerland: Smt. Ranjeet Ranjan, M.P., Lok Sabha attended the Third Conference for Members of Parliamentary Committee on the Status of Women and other Committees dealing with Gender Equality held in Geneva, Switzerland from 2 to 4 December 2008.

The three-day event provided an opportunity for members of Parliament to take stock of the situation, discuss the types of violence against women and debate concrete Parliamentary initiatives that can be taken to combat such violence. The Conference also stressed that special attention should be paid to legislative frameworks and effective enforcement.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

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

The birth anniversaries of the following leaders were celebrated during the period 1 October to 31 December 2008.

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 2008 in the Central Hall of Parliament House. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the

Opposition in Lok Sabha, Shri L.K. Advani; the Leader of the Opposition in Rajya Sabha, Shri Jaswant Singh; Union Ministers; members of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Sardar Vallabhbhai Patel: On the occasion of the birth anniversary of Sardar Vallabhbhai Patel, a function was held on 31 October 2008. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; Union Ministers; members of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Deshbandhu Chittaranjan Das: On the occasion of the birth anniversary of Deshbandhu Chittaranjan Das, a function was held on 5 November 2008. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of Opposition in Lok Sabha, Shri L.K. Advani; members of Parliament; former members of Parliament and other dignitaries 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 2008. The Prime Minister, Dr. Manmohan Singh; members of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Pandit Jawaharlal Nehru: On the occasion of the birth anniversary of Pandit Jawaharlal Nehru, a function was held on 14 November 2008. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; Union Ministers; members of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Smt. Indira Gandhi: On the occasion of the birth anniversary of Smt. Indira Gandhi, a function was held on 19 November 2008 in the Central Hall of Parliament. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; Union Ministers; members of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Dr. Rajendra Prasad: On the occasion of the birth anniversary of Dr. Rajendra Prasad, a function was held on 3 December 2008. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; Union Ministers; members

of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Shri C. Rajagopalachari: On the occasion of the birth anniversary of Shri C. Rajagopalachari, a function was held on 10 December 2008 in the Central Hall of Parliament. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; the Deputy Speaker Lok Sabha, Shri Charnjit Singh Atwal; Union Ministers; members of Parliament; former members of Parliament and other dignitaries paid floral tributes.

Chaudhary Charan Singh: On the occasion of the birth anniversary of Chaudhary Charan Singh, a function was held on 23 December 2008. The Prime Minister, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; the Deputy Speaker, Lok Sabha, Shri Charnjit Singh Atwal; Union Ministers; members of Parliament; former members of Parliament and other dignitaries 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 2008. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; former members of Parliament and other dignitaries paid floral tributes.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from 1 October to 31 December 2008, the Bureau of Parliamentary Studies and Training (BPST) organized the following courses/programmes:

Lecture Series for Members of Parliament: As part of the Lecture Series for members of Parliament the following Lectures were organized:

(i) Lecture on the theme, "*Leading with Courage and Compassion*", by Hon'ble Thich Nhat Hanh, Vietnamese Zen Master and Buddhist Monk, on 17 October 2008; and

(ii) Lecture on "*Terrorism: Mumbai and After*" by Dr. Shashi Tharoor, former Under Secretary-General of the United Nations, on 11 December 2008.

Second Round Table Discussion on "Strengthening Parliamentary Democracy": The Second Round Table Discussion on "Strengthening Parliamentary Democracy" was organized in the Main Committee Room

of Parliament House Annexe on 1 November 2008. The Discussion was initiated by the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Secretary-General, Lok Sabha, Shri P.D.T. Achary delivered the Welcome Address. The following dignitaries participated in the discussion: Justice A.M. Ahmadi; Dr. Shashi Tharoor; Shri N.R. Narayana Murthy; Shri Vasant Sathe; Shri Shyam Benegal; Prof. S.K. Brahmachari; Dr. N. Bhaskara Rao; Smt. Ranjeet Ranjan, M.P.; Dr. J.P. Narayan and Shri Suhas Borker.

Study Visits: During the period, the following Study Visits were organized by the Bureau: (i) Visit by the Deputy Head, Secretariat of Legal Affairs Committee of the German *Bundestag*, Dr. Stefan Sinner on 31 October 2008; (ii) Visit by five members of the Expenditure Management and Control Standing Committee of the House of People's Representatives of Ethiopia on 6 November 2008; (iii) Visit by a member of the Senate of Pakistan from 17 to 18 November 2008; (iv) Visit by a twelve-member Delegation from the National Assembly of Pakistan from 18 to 19 November 2008; and (v) Visit by five officials of the Afghan Parliament from 15 to 17 December 2008. In all, 14 Study Visits were conducted by the Bureau in which 408 persons participated.

Appreciation Courses: Four Appreciation Courses in Parliamentary Processes and Procedures were organized for (i) Probationers of the Indian Defence Estates Management (IDES) from 17 to 19 November 2008, attended by 6 participants; (ii) Probationers of Indian Police Service (2007 Batch) from 1 to 4 December 2008, attended by 88 participants; (iii) Senior Audit/Accounts Officers of the C&AG of India from 1 to 5 December 2008, attended by 46 participants; and (iv) Probationers of the Indian Railways Service of Signal Engineers (IRSSE) from 15 to 19 December 2008, attended by 18 participants.

Training Programmes/Courses: During the period, Training Programme for Hindi Assistants/Translators and Editors of Lok Sabha, Rajya Sabha and State Legislature Secretariats was organized from 10 to 14 November 2008. In all, 37 participants attended the programme.

International Training Programme: The 24th Parliamentary Internship Programme was organized from 1 to 30 November 2008. In all, 43 participants from 23 countries under the Indian Technical and Economic Cooperation (ITEC) and Special Commonwealth African Assistance Programme (SCAAP), attended the Programme.

PRIVILEGE ISSUES

LOK SABHA

During the period 1 October 2008 to 31 December 2008, the Committee of Privileges held eight sittings on 24 and 31 October, 12, 18 and 28 November and 5, 15 and 23 December 2008.

The details of the sittings held during the period are given below:

(i) **Casting of reflections on the impartiality of the Speaker, Lok Sabha by some newspapers**

On 29 September 2008, a news-item appeared in the Mumbai edition of *'The Free Press Journal'*, under the caption "*Partial Expulsions*" which *inter-alia* reported as follows:—

"It is remarkable that of all the MPs, who have been expelled from the Lok Sabha so far for defying the anti-defection law, a vast majority are those who had voted against the Government in the recent trust vote... Indeed, in the opposition circles the credibility of the Lok Sabha Speaker, Somnath Chatterjee has further suffered because of his failure to proceed equally promptly against pro-government defectors. Also, the Speaker's role in not initiating the impeachment process against the Calcutta High Court judge despite such a course being canvassed by the Chief Justice of India too has attracted adverse comment. It is pointed out that the said Calcutta High Court judge had begun his legal career as a junior in Chatterjee's chamber and had later worked with his son. Whether accidental or deliberate, the truth is that the Lok Sabha was yet to take the first step in initiating the impeachment process."

On the same day, similarly, another news-item appeared in *'The Business Standard'*, New Delhi under the caption "*Not so impartial*" which *inter alia* reported as follows:—

"Of the MPs who have been expelled from the Lok Sabha for flouting the anti-defection law, the vast majority are those who voted against the Government in the recent anti-trust vote... What is even more curious, Speaker Somnath

Chatterjee has not initiated the impeachment process against a Calcutta High Court judge despite the Chief Justice of India being in favour of this."

On 1 October 2008, the Speaker, Lok Sabha in exercise of his powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee, in their Thirteenth Report, keeping in view the well established tradition and the apologies tendered by Shri T.N. Ninan, Editor, *'The Business Standard'*, Shri Virendra Kapoor, Consultant Editor, *'The Free Press Journal'* and Shri G.L. Lakhotia, Managing Editor & Publisher, *'The Free Press Journal'*, recommended that no further action need be taken in the matter. The Report was presented to the Speaker, Lok Sabha on 16 December 2008 and laid on the Table of the House on 19 December 2008.

(ii) Casting of reflections and imputing motives to the Speaker, Lok Sabha by a journalist, viz. petition for disqualification filed by him against a member.

On 23 April 2005, Shri M.G. Dawood Miakhan, Secretary & Correspondent, the Quaide Milleth College, Chennai, Tamil Nadu, gave a petition against Shri K.M. Kader Mohideen, MP seeking his disqualification from the membership of the Dravida Munnetra Kazhagam (DMK) Party under the Tenth Schedule to the Constitution on the ground that though Shri Mohideen belonged to DMK, he had also been functioning as President of Indian Union Muslim League, Tamil Nadu. Shri Miakhan alleged that Shri K.M. Kader Mohideen, who belonged to DMK had attended the meetings of DMK and Democratic Progressive Alliance (DPA) as a representative of Indian Muslim League, Tamil Nadu. He also enclosed copies of newspapers' clippings appearing in *'Dinamani'* and *'Teekathir'*, a CPI (M) daily, in support of his contentions. On examination of the above petition and his subsequent petitions dated 25 February, 2008 and 15 July 2008, the request of Shri Miakhan seeking disqualification of Shri Mohideen was rejected by Speaker Lok Sabha as according to the provisions of Rule 6(1) & (2) of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules 1985, a petition made by a person other than a member cannot be taken cognizance of.

Thereafter, Shri Dawood Miakhan, issued a Press Statement on 13 September 2008, in which he had made derogatory reference to the Speaker, Lok Sabha which in turn imputed motives to and cast reflections on him in discharge of his duties.

On 17 September 2008, the Speaker, in exercise of his powers

under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the matter to the Committee of Privileges for examination, investigation and report.

The Committee, in their Seventeenth Report, keeping in view the well-established tradition and the apologies tendered by Shri M.G. Dawood Miakhan, Secretary & Correspondent, the Quaide Milleth College, Chennai, Tamil Nadu, held that no further action need be taken in the matter. The Committee in the light of the findings and conclusions recommended that the matter be treated as closed.

The Report was presented to the Speaker, Lok Sabha on 17 December 2008 and laid on the Table of the House on 19 December 2008.

(iii) Alleged non-fulfillment of an assurance given by the Prime Minister to the House

Sarvashri Basudeb Acharia, Rupchand Pal, Varkala Radhakrishnan, N.N. Krishnadas, P. Rajendran and K. Yerrannaidu, MPs gave notices of questions of privileges against the Prime Minister, alleging that the Prime Minister has not honoured his assurance given to the House that after International Atomic Energy Agency (IAEA) and Nuclear Suppliers Group (NSG)'s approval, the agreement would be placed before the House for expressing its views, which amounted to breach of privilege.

On 24 October 2008, the Speaker gave the following ruling:—

“I have received notices of question of privilege from Sarvashri Basudeb Acharia, Rupchand Pal, K. Yerrannaidu, Varkala Radhakrishnan, N.N. Krishnadas and P. Rajendran, MPs against the Prime Minister wherein it has been alleged that the Prime Minister in his reply to the Motion of Confidence on 22 July 2008 (which was laid on the Table of the House) *inter alia* stated as follows:

‘I say in all sincerity that this session and debate was unnecessary because I have said on several occasions that our nuclear agreement after being endorsed by the IAEA and the Nuclear Suppliers Group would be submitted to this august House for expressing its view. All I had asked our Left colleagues was, please allow us to go through the negotiating process and I will come to Parliament before operationalising the nuclear agreement.’

Members have contended that the Prime Minister, by not coming to the Parliament before operationalising the nuclear agreement, has violated the assurance made by

him to Parliament which amounts to a breach of privilege and contempt of the House.

The Prime Minister is a member of the other House. According to Kaul and Shakhder, 'Neither House of Parliament can claim or exercise any authority over a member of the other House. Consequently, neither House can take upon itself to punish any breach of privilege or contempt offered to it by a member or officer of the other House.' (*Fifth Edition, page 299*)

The procedure to be followed in such cases has been stated by Kaul and Shakhder as follows:—

'... when a question of breach of privilege or contempt of the House is raised in either House in which a member, officer or servant of the other House is involved, the procedure followed is that the Presiding Officer of the House in which the question of privilege is raised, refers the case to the Presiding Officer of the other House, only if he is satisfied on hearing the member who raises the question or on perusing any document where the complaint is based on a document that a breach of privilege has been committed'. (*Fifth Edition, page 301*)

Since the Honourable Prime Minister is a member of the other House, before referring the matter to the Honourable Presiding Officer of the other House, it is necessary, as per the established procedure, for me as the Presiding Officer of this House, where the matter is raised, to be satisfied that a breach of privilege has been committed.

I heard Shri Basudeb Acharya in the matter on 20 October 2008. As the notices of question of privilege given by other members are almost identical to that of Shri Acharya, it is not necessary for me to hear all the members. The allegation against the Prime Minister is that he has not fulfilled an assurance given by him to this House on 22 July 2008. I have also perused the contents of the extracts of the speech of the Honourable Prime Minister, as set in the notices and quoted earlier.

According to Kaul & Shakhder, it is well established that 'Non-implementation of an assurance given by a Minister on the floor of the House is neither a breach of privilege nor a contempt of the House...' (*Fifth Edition, page 293*)

In view of the above, I am not satisfied that a breach of privilege has been committed by the Prime Minister. No reference to the Presiding Officer of the other House is, therefore, required. Accordingly, I have disallowed the notices of question of privilege."

PROCEDURAL MATTERS

LOK SABHA

Observation from the Chair regarding Privilege: (i) Unconvincing evidences given before the Parliamentary Committees needs to be enquired by the investigating agencies; and (ii) Publication of factually incorrect projected report of the deliberations of a Committee or premature disclosure of contents of the draft Report of a Committee by newspapers and TV channels based on unsubstantiated and unauthorized sources brings down the dignity of the Committee as well as House and amounts to a breach of privilege and contempt of House.

Sarvashri Ashok Argal, Faggan Singh Kulaste and Mahavir Bhagora, all three Bharatiya Janata Party members of the Lok Sabha had filed a complaint in the matter relating to alleged bribe offered to them by the members of Indian National Congress (INC) and Samajwadi Party, so as to influence them for voting in favour of the Motion of Confidence in the Council of Ministers on 22 July 2008. The Speaker, Lok Sabha, thereafter constituted a Committee to enquire into their complaint. The Report of the Committee was laid on the Table of the House on 15 December 2008.

On 16 December 2008, the Speaker made the following observation on recommendations of the Committee to enquire into the above complaint:—

“Honourable members may recall that on 22 July 2008, during the debate on the Motion of Confidence in the Council of Ministers, Sarvashri Ashok Argal, Faggan Singh Kulaste and Mahavir Bhagora, members of this House, came to the well of the House with two bags, took out bundles of currency notes from the bags and started placing them on the Table of the House. Amidst pandemonium, Honourable Deputy Speaker, who was then in the Chair, adjourned the House.

In the meeting of the Leaders, which was immediately thereafter held in my Chamber, I heard the three members who *inter alia* alleged that the money had been offered to them to refrain from voting on the Motion of Confidence. I observed that it would have been proper if the bag containing the money was

brought to the Speaker's Chamber, instead of being brought to the House. While expressing my anguish over this unprecedented act which had severely impaired the dignity of the House, I directed the members to give their complaint in writing.

Thereafter, when the House met I made the following observation:—

“... Sometime back, when my distinguished colleague, honourable Deputy Speaker was presiding over the proceedings of the House, certain incidents have taken place, which according to me, are most unfortunate. It is a very sad day in the history of Parliament that such a situation has happened ...

We have heard the three honourable members of the House. They had some complaints to make. I requested them to put their complaints in writing to me. I assured them, I assured the leaders and I assure the House that all possible steps that are required in that connection will be taken by me as the custodian of this House. It is my duty to do that, and I seek the cooperation of all sections of the House.

Please allow me to apply my judgment, look into the matter, and I can assure you nobody will be spared if found guilty.”

... Sarvashri Ashok Argal, Faggan Singh Kulaste and Mahavir Bhagora, MPs, in their jointly signed statement submitted to me on 25 July 2008, *inter alia* alleged that they were “sought to be bribed by the leaders of the Congress and the Samajwadi Party to help the UPA Government by refraining from voting against the Confidence Motion.”

In view of the facts and circumstances of the case, I felt that it was necessary to ascertain the truth or otherwise of the complaint made by the said three members in their letter dated 25 July 2008, and that it would be possible to take appropriate action only upon the ascertainment of the same. I, accordingly, ... appointed a seven member Enquiry Committee on 26 July 2008, to investigate and enquire into the matter, to which no party nor any honourable member raised any objection.

The Enquiry Committee have since completed their enquiry and submitted their Report to me on 12 November 2008. The Report has been laid on the Table of the House on 15 December 2008.

The finding of the Committee is that “material on record does not conclusively prove that the money contained in the bag, which was eventually displayed in the House, was actually sent” by the persons who were alleged to have sent it “for the purpose of winning over Shri Ashok Argal, Shri Faggan Singh Kulaste and Shri Mahavir Bhagora to vote in favour of Motion of Confidence.” The Committee have, however, found the evidence given before the Committee by three persons involved in this episode as unconvincing and the Committee have suggested that their role in the matter needs to be investigated by investigating agencies.

I am, accordingly, referring the matter pertaining to the said three persons to the Honourable Minister of Home Affairs for appropriate action in the light of the recommendations of the Committee.

The currency notes, which were brought to and displayed in the House by the three members, are presently kept in the custody of the Secretary-General... As this money may be required for the purpose of investigation, if any, as suggested by the Committee, it will be retained by the Secretary-General for one month, after which if no request is received for it for the purpose of investigation, it will be deposited with the Government as unclaimed money.

Before I conclude, I would like to make a further observation. The Enquiry Committee, in their Report, have expressed their “grave concern as also their anguish” over publication of news reports in certain newspapers (named in the Report) published on 18 August 2008, 19 August 2008 and 6 October 2008, respectively as also reports carried by several TV Channels and newspapers on 7 October 2008 which *inter alia* either projected factually incorrect report of the deliberations of the Committee or amounted to premature disclosure of the evidence tendered before the Committee or were based on unsubstantiated and unauthorized sources.

The Enquiry Committee have rightly observed that “such reports, besides amounting to a breach of privilege and contempt of the House, also amount to lowering the dignity of the Enquiry Committee as well as the House and may attract penal powers of the House”.

While the House is usually reluctant to exercise its penal powers in case of such transgression, newspapers and television channels need to realize that they do not enhance their dignity by lowering the dignity of Parliamentary Committees and

the House in such a manner. Commitment to democratic traditions and sense of responsibility require that well-established parliamentary conventions—the prohibition of premature disclosure of the contents of the draft report of a Committee being one of them—are observed by one and all. It may be kept in mind that indulgence shown by the House in the event of such transgressions indicates neither its weakness nor its inability to act.”

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 OCTOBER TO 31 DECEMBER 2009)

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

Parliament Session: The Second Part of the Fourteenth Session of the Fourteenth Lok Sabha and the First Part of the Two Hundred and Fourteenth Session of the Rajya Sabha commenced on 17 October 2008. Both the Houses were adjourned on 24 October 2008. The Second Part of the Sessions of the respective Houses commenced on 10 December 2008 and the Parliament was adjourned *sine die* on 23 December 2008. The President of India, Smt. Pratibha Devisingh Patil prorogued the Lok Sabha and the Rajya Sabha on 24 and 26 December 2008, respectively.

Resignation of Union Minister: On 30 November 2008, Union Home Minister Shri Shivraj V. Patil resigned from his post. Shri P. Chidambaram was divested of the Finance portfolio and appointed as the Home Minister. The Prime Minister, Dr. Manmohan Singh took the charge of Finance Ministry.

Elections to Rajya Sabha: On 14 November 2008, Dr. Barun Mukherji of the All India Forward Bloc (AIFB) was elected to the Rajya Sabha from West Bengal. His term commenced on 18 November 2008.

On 19 November 2008, Prof. Ram Gopal Yadav and Sarvashri Amar Singh, both of Samajwadi Party (SP); Avtar Singh Karimpuri, Brijlal Khabri, Brijesh Pathak, Rajaram, Dr. Akhilesh Das Gupta and Veer Singh of Bahujan Samaj Party (BSP); Smt. Kusum Rai (BJP)

and Mohammed Adeeb (Independent) were elected to the Rajya Sabha from Uttar Pradesh. The term of all elected members commenced on 26 November 2008.

On 21 November 2008, Shri Bhagat Singh Koshiyari of the Bharatiya Janata Party (BJP) was elected to the Rajya Sabha from Uttarakhand. His term commenced on 26 November 2008.

Resignation of Lok Sabha Members: On 20 October 2008, Shri Kunnur Manjunath Channappa and Smt. Manorama Madhwaraj, both BJP members from Dharwad South and Udupi (Karnataka), respectively, resigned their membership from the House.

On 6 November 2008, Shri Chegondi Venkata Hariram Jogaiah, INC member from Narasapur (Andhra Pradesh) Lok Sabha constituency resigned.

On 11 November 2008, five members of the Janata Dal (United) from Bihar resigned from their seats. They are: Sarvashri Prabhunath Singh (Maharajganj), George Fernandes (Muzaffarpur), Kailash Baitha (Bagaha), Rajiv Ranjan (Lalan) (Begusarai), and Smt. Meena Singh (Bikramganj), respectively.

On 14 November 2008, Shri Vishvendra Singh, BJP member from Bharatpur (Rajasthan) Lok Sabha constituency resigned.

On 20 November 2008, Shri Brij Bhushan Sharan Singh, BJP member from Balrampur (Uttar Pradesh) Lok Sabha constituency resigned.

On 17 December 2008, Shri Punnulal Mohale, BJP member from Bilaspur-SC (Chhattisgarh) Lok Sabha constituency resigned.

On 18 December 2008, Prof. Vijay Kumar Malhotra and Shri Sartaj Singh Chhatwal, both BJP members from South Delhi (Delhi) and Hoshagabad (Madhya Pradesh) respectively, resigned their membership from the House.

On 19 December 2008, Dr. Ramkrishna Kusmaria, and Smt. Neeta Pateriya, both BJP members from Khajuraho (Madhya Pradesh) and Seoni (Madhya Pradesh) respectively, resigned their membership from the House.

On 22 December 2008, Shri Gauri Shankar Chaturbhuji Bisen and Smt. Kiran Maheshwari, both BJP members from Balaghat (Madhya Pradesh) and Udaipur (Rajasthan) respectively, resigned their membership from the House.

Disqualification of Lok Sabha Members: On 3 October 2008, the Speaker, Lok Sabha disqualified Sarvashri Ramswaroop Prasad, Janata Dal (United) member from Nalanda (Bihar) and H.T. Sangliana, BJP member from Bangalore North (Karnataka) under the Tenth Schedule to the Constitution.

Consequent on the adoption of a Motion by the Lok Sabha expelling Shri Babubhai K. Katara, an elected member from Dahod Parliamentary Constituency of Gujarat from the membership of the Lok Sabha, he ceased to be member of the Lok Sabha with effect from 21 October 2008.

On 5 December 2008, the Speaker, Lok Sabha, disqualified Shri Chandrabhan Bhaiya Singh, BJP member from Damoh (Madhya Pradesh), under the Tenth Schedule to the Constitution.

On 10 December 2008, the Speaker, Lok Sabha, disqualified Shri Harihar Swain, Biju Janata Dal (BJD) from Aska (Orissa) under the Tenth Schedule to the Constitution.

On 15 December 2008, the Speaker, Lok Sabha, disqualified Dr. M. Jagannath, Telugu Desam Party member from Nagarkurnool (Andhra Pradesh) under the Tenth Schedule to the Constitution.

Vacation of Seats of Lok Sabha Members: Consequent on their election to the Rajya Sabha, Shri Brajesh Pathak (BSP) and Prof. Ram Gopal Yadav (SP), members representing the Unnao and Sambhal parliamentary constituencies of Uttar Pradesh respectively, ceased to be members of Lok Sabha with effect from the 14 November 2008.

Consequent upon his election to the Chhattisgarh Legislative Assembly, Shri Ajit Jogi, INC member vacated his Mahasamund Lok Sabha seat on 26 December 2008.

Death of former Prime Minister: On 27 November 2008, the former Prime Minister, Shri Vishwanath Pratap Singh, passed away in New Delhi after a prolonged illness.

Death of Rajya Sabha Member: On 17 October 2008, Shri Laxminarayan Sharma, a Bharatiya Janata Party (BJP) member of the Rajya Sabha from Madhya Pradesh passed away.

Death of Lok Sabha Member: On 10 December 2008, Chaudhary Munawwar Hasan, a Bahujan Samaj Party (BSP) Lok Sabha Member from Muzaffarnagar (Uttar Pradesh) passed away in a road accident near Palwal in Haryana.

AROUND THE STATES

CHHATTISGARH

Assembly Election Results: Elections to the State Legislative Assembly were held on 14 and 20 November 2008. The party position following the elections is as follows: Total seats: 90; Bharatiya Janata Party (BJP): 49; Indian National Congress (INC): 39; and Bahujan Samaj Party: 2.

Chief Minister Sworn in: On 12 December 2008, Dr. Raman Singh of the BJP was sworn in as Chief Minister for a second successive term.

Expansion of Cabinet: On 22 December 2008, Chief Minister Dr. Raman Singh inducted 11 Ministers into his Council of Ministers.

The names of the Ministers with their portfolios is as follows: Dr. Raman Singh, Chief Minister, *General Administration, Public Grievances, Energy, Public Relations, Aviation, Mining, Finance, Planning & Statistics, Commercial Tax, 20-Point Implementation, Urban Development* and Departments not allocated; Sarvashri Brij Mohan Agarwal, *Revenue and Rehabilitation, Law & Legal Affairs, Culture & Tourism*; Ajay Chandrakar, *Panchayat & Rural Development, Parliamentary Affairs, Higher Education, Science & Technology, Technical Education & Manpower Planning*; Ram Vichar Netam, *Home, Jail, Co-Operative*; Nanki Ram Kanwar, *Agriculture, Animal Husbandry, Fisheries and Forest*; Ganesh Ram Bhagat, *Tribal, Backward and Minority welfare, Housing and Environment*; and Medharam Sahu, *Education, Sports & Youth Welfare*; Hem Chand Yadav, *Food, Civil Supplies & Consumer Protection Water Resource, Transport and Labour*.

Ministers of State (Independent Charge) are: Sarvashri Rajesh Munat, *Public Works Department, Commerce & Industries and Gramodyog*; Kedar Kashyap, *Public Health Engineering*; Dr. Krishna Murthy Bandhi, *Health and Medical Education*; and Smt. Lata Usendi, *Women & Child Welfare, Social Welfare*.

DELHI

Death of BJP MLA: On 16 November 2008, Shri Puran Chand Yogi, BJP MLA and the party candidate from Rajendra Nagar Assembly Constituency, allegedly 'committed suicide' in New Delhi. The Assembly election from the constituency was countermanded.

Assembly Election Results: Elections to the State Legislative Assembly were held on 29 November 2008. The party position following

the elections is as follows: Total seats: 70; Elections held: 69; INC: 42; BJP: 23; BSP: 2; and Others: 2.

Assembly Election Result: On 15 December 2008, the INC candidate Shri Ramakant Goswami was declared elected from the Rajendra Nagar Assembly Constituency, election to which were held on 13 December 2008.

New Cabinet: On 17 December 2008, Smt. Sheila Dikshit was sworn in as the Chief Minister for the third successive term. Along with her, six other Ministers also took oath of office.

The names of the Ministers with their portfolios are as follows: Smt. Sheila Dikshit, Chief Minister, *Power, Home, Services and Vigilance, General Administration, Higher Education (including Training and Technical Education), Art and Culture and Environment* besides all the other departments that have not been allocated; Sarvashri Arvinder Singh Lovely, *Education, Transport, Gurudwara Election and Gurudwara Administration*; Haroon Yusuf, *Food & Civil Supplies and Industries*; Mangat Ram Singhal, *Social Welfare, Labour, Employment, Law Justice & Legislative Affairs and Elections*; Raj Kumar Chauhan, *Development, Revenue, Irrigation & Flood Control, Public Works and SC/ST Welfare*; Dr. Ashok Kumar Walia, *Finance, Planning, Urban Development, Land and Building* and Smt. Kiran Walia, *Health & Family Welfare, Women & Child and Languages*.

New Speaker: On 19 December 2008, Shri Yoganand Shastri was elected as the Speaker of the State Legislative Assembly.

Election of Deputy Speaker: On 23 December 2008, Shri Amrith Singh Gautam of the INC was unanimously elected as the Deputy Speaker of State Legislative Assembly.

GOA

Assembly By-election Result: On 29 November 2008, Shri Pratap Gawas of the INC was declared elected from Pale Assembly Constituency, by-election to which was held on 26 November 2008.

HARYANA

Removal of Deputy Chief Minister: On 7 December 2008, Deputy Chief Minister Shri Chander Mohan, who disappeared from the public view over a month ago, was removed from the post amid reports that he had allegedly remarried after his conversion to Islam.

HIMACHAL PRADESH

Death of former Deputy Speaker: On 13 November 2008, the former Deputy Speaker of the last Himachal Pradesh Assembly (2003-07), Shri Dharam Pal Thakur, died after a massive heart attack.

JAMMU AND KASHMIR

Assembly Election Results: Elections to the State Legislative Assembly were held in seven phases on 14, 23, 30 November and 7, 13, 17, 24 December 2008. The party position following the elections is as follows: Total seats: 87; National Conference: 28; People's Democratic Party: 21; INC: 17; BJP: 11; and Others: 10.

JHARKHAND

Removal of two Ministers: On 18 December 2008, Chief Minister Shri Shibu Soren removed Rural Development Minister Shri Enos Ekka and Tourism Minister Shri Harinarayan Rai from the Council of Ministers.

KARNATAKA

Assembly By-election results: The by-elections to 8 Assembly Constituencies were held on 31 October 2008. The BJP secured five seats- Hukkeri, Arabhavi, Karwar, Devadurg and Doddaballapur, while the Janata Dal (Secular) won Madhugiri, Maddur and Turuvekere seats.

MADHYA PRADESH

Assembly Election Results: Elections to the State Legislative Assembly were held on 25 November 2008. The party position following the elections is as follows: Total seats: 230; BJP: 142; INC: 71; BSP: 7; and Others: 9.

Chief Minister Sworn in: On 12 December 2008, Shri Shivraj Singh Chouhan was sworn in as Chief Minister for a second successive term.

Expansion of Cabinet: On 20 December 2008, Chief Minister Shri Shivraj Singh Chouhan inducted 14 Cabinet Ministers and 8 Ministers of State into his Council of Ministers.

The names of the Ministers with their portfolios are as follows: Shri Shivraj Singh Chouhan, Chief Minister, *General Administration, Narmada Valley Development, Aviation* and other Departments not allocated; Sarvashri Babulal Gaur, *Urban Administration and Development, Bhopal Gas Tragedy Relief and Rehabilitation*; Raghavji, *Finance*,

Planning, Economics and Statistics, 20-Point Implementation, Commercial Taxes; Jayanta Mallya, Water Resources, Housing and Environment; Kailash Vijayvargiya, Commerce & Industries, Employment, Information Technology, Science and Technology, Public Undertakings, Horticulture & Food Processing, Rural Industries and Parliamentary Affairs; Gopal Bhargava, Panchayat and Rural Development; Anoop Mishra, Public Health and Family Welfare, Energy, Medical Education; Jagdeesh Devda, Transport, Jail and Home; Laxmikant Sharma, Culture, Public Relations, Religious Trusts and Endowments, Public Grievances; Nagendra Singh Nagaud, Public Work Department; Jagannath Singh, Tribal and Scheduled Caste Welfare; Dr. Ramkrishna Kusmariya, Farmer Welfare and Agriculture Development, Animal Husbandry and Fisheries; Gourishankar Chaturbhuj, Public Health Engineering and Cooperatives; Tukojirao Puar, Tourism, Sports and Youth Welfare; Karan Singh Verma, Labour, Revenue and Rehabilitation; Paras Chandra Jain, Food, Civil Supplies and Consumer Protection; Rajendra Shukla, Forest, Bio Diversity/Bio Technology, Mineral Resources, Law and Legislative Affairs Smt. Archana Chitnis, Technical Education & Training, Higher Education, School Education; and Smt. Ranjna Baghel, Woman and Child Development and Social Justice.

MAHARASHTRA

Resignation of Deputy Chief Minister: On 1 December 2008, Deputy Chief Minister and Home Minister, Shri R.R. Patil resigned from his post.

Resignation of Chief Minister: On 4 December 2008, Chief Minister Shri Vilasrao Deshmukh resigned from his post.

Suspension of INC MLA: On 6 December 2008, the INC suspended Shri Narayan Rane from the party with immediate effect on grounds of "gross indiscipline". He was the Revenue Minister in the Shri Vilasrao Deshmukh Government.

New Chief Minister and Deputy Chief Minister: Shri Ashok Chavan, and Shri Chhagan Bhujbal were sworn in as the new Chief Minister and Deputy Chief Minister, respectively on 8 December 2008. Along with them 37 other Ministers were also sworn in. The names of Ministers with their portfolios are as follows: Sarvashri Surupsingh Hirya Naik, *Transport, Welfare of Nomadic Denotified Tribes and Other Backward Classes; Vijaysinh Mohite-Patil, Earthquake & Rehabilitation, Rehabilitation, Relief Works, Revenue; Ajit Anantrao Pawar, Command Area Development, Water Resources (Excluding Krishna Valley Irrigation Corporation), Water Supply and Sanitation,*

Jayant Rajaram Patil, *Home*; Harshavardhan Shahajirao Patil, *Co-operation, Cultural Affairs, Employment Guarantee Scheme, Parliamentary Affairs*; Ganesh Naik, *Environment and State Excise*, Dilip Walse Patil, *Finance and Planning*; Haji Anees Majeed Ahmed, *Employment and Self Employment, Ex-serviceman Welfare, Minorities Development, Sports, Textiles, Youth Welfare*; Balasaheb Thorat, *Agriculture, Protocol and Water Conservation*; Dr. (Smt.) Vimaltai Mundada, *Public Works (Public Undertakings)*, Chandrakant Handore, *De-Addiction Activities and Social Justice*; Manohar Rajusingh Naik, *Food & Drugs Administration*; Dr. Vijaykumar Gavit, *Tribal Development*; Sunil Tatkar, *Energy (Excluding Non-conventional Energy)*; Ramraje Naik Nimbalkar, *Water Resources (Krishna Valley Irrigation Corporation)*; Babanrao Pachpute, *Forests*; Nawab Malik, *Labour*, Vinay Vilasrao Kore, *Horticulture and Non-conventional Energy*; Dr. Rajendra Bhaskarrao Shingne, *Family Welfare, Public Health*; Ravisheth Patil, *Animal Husbandry, Dairy Development, Fisheries, Khar Lands and Ports*; Rajesh Tope, *Higher and Technical Education, Medical Education*; Madan Vishwanath Patil *Marketing, Women & Child Development*; Rameshchandra Gopikishan, *Food and Civil Supplies and Consumer Protection*; Shri Suresh Shetty, *Food & Drugs Administration, Higher Education, Medical Education, Parliamentary Affairs, Special Assistance and Tourism*; Dr. Sunil Punjabrao Deshmukh, *Energy, Finance, Planning, Public Works*; Siddharam Satlingappa Mhetre, *Horticulture, Rural Development, Water Supply and Sanitation*; Hassan Mushrif, *Animal Husbandry, Dairy Development, Fisheries, Law and Judiciary, Minorities Development (including Aukaf), Urban Development and Urban Land Ceiling*; Jayprakash Dandegaonkar, *Co-operation, De-Addiction Activities, Marketing, Textiles*; Rana Jagjitsinh Padmasinh Patil, *Agriculture, Cultural Affairs, Employment and Self Employment, Employment Guarantee Scheme, Industries, Protocol*; Pritamkumar Sampatrao Shegaonkar, *Housing, Khar Lands, Ports, Repairs and Reconstruction, Slum Improvement, Social Justice*; Nitin Kashinath Raut, *Home, Jails, Labour, State Excise*; Suresh Warpudkar, *Agriculture, Cultural Affairs, Employment and Self Employment, Ex-serviceman Welfare, Protocol*; Vijay Wadettiwar, *Command Area Development, Environment, Forests, Tribal Development, Water Resources*; Dr. Satish Patil, *Earthquake & Rehabilitation, Relief Works, Sports, Transport, Water Conservation, Women & Child Development and Youth Welfare*; Nana Panchabuddhe Arjuni, *Employment Guarantee Scheme, Mines, School Education, Welfare of Nomadic Denotified Tribes and Other Backward Classes*; and Dr. Shobha Dinesh Bachhav, *Consumer Protection, Family Welfare, Food & Civil Supplies and Public Health*.

MIZORAM

Assembly Election Results: Elections to the State Legislative Assembly were held on 29 November 2008. The party position following the elections is as follows: Total seats: 40; INC: 32; Mizo National Front (MNF): 4; and United Democratic Alliance (UDA): 4.

New Chief Minister: On 11 December 2008, Shri Lalthanhawla was sworn in as the Chief Minister. Along with him, Sarvashri R. Lalzirliana and H. Liansailova were sworn in as the Cabinet Ministers.

The names of the Ministers in the Council of Ministers* with their portfolio are as follows: Sarvashri Lal Thanhawla, Chief Minister, *Finance Department, Planning & Programme Implementation, Political & Cabinet, Vigilance, General Administration, Secretariat Administration, Public Works, Power & Electricity and Excise & Narcotics*; R. Lalzirliana, *Home, Prison, District Council Affairs and Rural Development*; H. Liansailova, *Agriculture, Horticulture, Minor Irrigation, Fisheries, Soil & Water Conservation, and Personal & Administrative Reforms*; S. Hiato, *Industries, Tourism and Public Health Engineering*; and P.C. Zoramsangliana, *Transport, Art & Culture and Printing & Stationery*.

New Speaker: On 16 December 2008, Shri R. Romawia was elected as the Speaker of the State Legislative Assembly.

ORISSA

Resignation of Minister: On 10 December 2008, Revenue and Disaster Management Minister Shri Manmohan Samal resigned.

PUNJAB

Death of MLA: On 28 December 2008, a sitting MLA from the Shiromani Akali Dal, Shri Gurdeep Singh Bhullar, who represented the Nur Mahal Assembly Constituency died.

RAJASTHAN

Change of Party: On 17 November 2008, Shri Jagat Singh, BSP MLA from Laxmangarh constituency in Alwar district joined the BJP.

Assembly Election Results: Elections to the State Legislative Assembly were held on 4 December 2008. The party position following the elections is as follows: Total seats: 200; INC: 96; BJP: 78; BSP: 6; and Others: 20.

* As on 3 March 2009

Chief Minister Sworn in: On 13 December 2008, Shri Ashok Gehlot was sworn in as the Chief Minister.

Expansion of Cabinet: On 19 December 2008, Chief Minister Shri Ashok Gehlot inducted 11 Cabinet Ministers and two Ministers of State into his Council of Ministers.

The names of the Ministers with their portfolios are as follows: Shri Ashok Gehlot, Chief Minister, *Departments of Finance and Taxation, State Insurance, Planning, Planning (Man Power), Economics & Statistics, Policy Planning, Personnel, Administrative Reforms and Coordination, Parliamentary Secretariat, Energy and Non-conventional Energy Source, Information Technology and Communication, Devasthan, Rajasthan State Investigation Bureau, Election, Information & Public Relations, Civil Aviation, Science and Technology, Home, Home and Civil Defence, Jail, Food and Civil Supplies, Public Works Department, Social Justice and Empowerment, Waqf, Mines, Disaster Management and Relief, Agriculture Marketing, Estate, Motor Garage, State Excise, Forest and Environment, Youth Affairs and Sports, Urban Development and Housing, Local Bodies, Khadi and Gramodyog, Technical Education (Agriculture) and Dairy, Sarvashri Aimaduddin Ahmad 'Duru Miyan', Medical & Health, Family Welfare, Ayurveda, Medical Education; Bharat Singh, Rural Development and Panchayati Raj; Brijkishore Sharma, Transport, Sanskrit Education, Language and Linguistic Minorities; Harji Ram Burdak, Agriculture, Animal Husbandry and Fisheries; Hema Ram Chaudhary, Revenue, Colonisation and Sainik Kalyan; Mahendrajeet Singh Malviya, Tribal Area Development, Public Grievances, Technical and Engineering Education (Additional Charge); Mahipal Maderna, Water Resources, Indira Gandhi Canal Project, Public Health & Engineering, Ground Water and Command Area Development; Master Bhanwar Lal, Labour & Employment, Primary Education and Secondary Education; Parsadi Lal Meena, Cooperatives, Small Savings and State Lotteries; Shanti Dhariwal, Industries, Non-Resident Indians, Public Enterprises, Law and Justice, Parliamentary Affairs and Higher Education (Additional Charge), and Smt. Beena Kak, Tourism, Art, Culture and Archeology, Women and Child Development, Printing and Stationery.*

The State Ministers are: Shri Ramkishore Saini, *Social Justice and Empowerment*; and Smt. Golma Devi, *Khadi and Gramodyog*.

TAMIL NADU

Death of MLA: On 8 November 2008, Shri Veera Elavarasan, Marumalarchi Dravida Munnetra Kazhagam MLA representing the

Tirumangalam Constituency passed away in Madurai following multiple organ failure.

UTTAR PRADESH

Assembly By-election Result: On 18 November 2008, Shri Nitin Agarwal of the BSP was declared elected from Hardoi Assembly seat, by-election to which was held on 15 November 2008.

EVENTS ABROAD

ANGOLA

Legislative Elections: The elections to the 220-seat National Assembly (the unicameral legislature) were held on 5-6 September 2008. The party position following the elections is as follows: Popular Movement for the Liberation of Angola: 191; National Union for the Total Independence of Angola: 16; Social Renewal Party: 8; National Front for the Liberation of Angola: 3 and New Democracy: 2.

New Prime Minister: On 30 September 2008, President Mr. Jose Eduardo dos Santos swore in Col António Paulo Kassoma as the new Prime Minister, replacing Mr. Fernando Da Piedade Dias dos Santos.

AUSTRIA

Legislative Elections: The elections to the 183-seat *Nationalrat* (the lower house of the bicameral legislature) was held on 28 September 2008. The party position following the elections is as follows: Social Democratic Party: 57; People's Party: 51; Freedom Party: 34; Alliance for the Future of Austria: 21; and Greens: 20.

AZERBAIJAN

Re-election of President: Mr. Ilham Aliyev was re-elected as the President in the election held for the post on 15 October 2008.

BELARUS

Legislative Elections: The elections to the 110-seat House of Representatives (the lower house of the bicameral legislature) was held on 28 September 2008. Supporters of President Mr. Alyaksandr Lukashenka won all the seats.

CAMBODIA

Prime Minister Re-elected: On 25 September 2008, the National

Assembly (the lower house of the bicameral legislature) re-elected Prime Minister Mr. Hun Sen to a new five-year term.

CANADA

Legislative Elections: The elections to the 308-seat House of Commons (the lower house of the bicameral federal legislature) was held on 14 October 2008. The party position following the elections is as follows: Conservative Party of Canada: 143; Liberal Party: 76; Bloc Quebecois: 50; New Democratic Party: 37; and Independents: 2.

DEMOCRATIC REPUBLIC OF CONGO

Resignation of Prime Minister: On 25 September 2008, Prime Minister Mr. Antoine Gizenga resigned.

New Prime Minister: On 26 October 2008, Mr. Aldophe Muzito was appointed as the new Prime Minister.

GEORGIA

New Prime Minister: On 27 October 2008, President Mr. Mikhail Saakashvili removed Mr. Vladimir Gurgenedze as the Prime Minister and nominated Mr. Grigol Mgaloblishvili in his place.

GUINEA-BISSAU

Legislative Elections: The elections to the 100-seat National People's Assembly (the unicameral legislature) was held on 16 November 2008. The party position following the elections is as follows: African Party for the Independence of Guinea-Bissau and Cape Verde: 67; Social Renewal Party: 28; Republican Party for Independence and Development: 3; New Democracy Party: 1; and Democratic Alliance: 1.

JAPAN

Resignation of Prime Minister: On 1 September 2008, Prime Minister Mr. Yasuo Fukuda resigned.

New Prime Minister: On 24 September 2008, Mr. Taro Aso was sworn in as the new Prime Minister.

KUWAIT

Resignation of Prime Minister: On 25 November 2008, Prime Minister Mr. Shaikh Nasser al-Mohammad al-Ahmad al-Sabah resigned.

LITHUANIA

Legislative Elections: The elections to the 141-seat *Seimas* (the unicameral legislature) were held on 12 and 26 October 2008. The party position following the elections is as follows: Homeland Union–Lithuanian Christian Democrats: 45; Lithuanian Social Democratic Party: 25; National Resurrection Party: 16; Order and Justice: 15; Liberals' Movement of Republic of Lithuania: 11; Labour Party–Youth Coalition: 10; Liberal and Centre Union: 8; Lithuania Lithuanian Poles' Electoral Action: 3; Lithuanian Peasant Popular Union: 3; New Union–Social Liberals: 1; and Others: 4.

MALDIVES

New President: Mr. Mohammed Nasheed was elected as the President in the election held for the post on 28 October 2008.

MAURITIUS

President Re-elected: On 19 September 2008, the National Assembly (the unicameral legislature) unanimously re-elected Sir Anerood Jugnauth as the President. Sir Anerood had first been elected to the post in October 2003.

NEW ZEALAND

Legislative Elections: The elections to the 122-seat House of Representatives (the unicameral legislature, commonly called Parliament) was held on 8 November 2008. The party position following the elections is as follows: National Party: 58; Labour Party: 43; Green Party: 9; ACT New Zealand: 5; Maori Party: 5; Jim Anderton's Progressive Coalition Party: 1; and United Future New Zealand: 1.

PAKISTAN

New President: On 8 September 2008, Mr. Asif Ali Zardari was elected as the President of Pakistan by the Bicameral Federal Legislature and the Provincial Assemblies. He was sworn in on 9 September 2008.

ROMANIA

Legislative Elections: The elections to the bicameral legislature (comprising the Chamber of Deputies and the Senate) were held on 30 November 2008.

The party position following the elections to 334-seat Chamber

of Deputies is as follows: Democratic Liberal Party: 115; Social Democratic Party/Conservative Party: 114; National Liberal Party/Christian Democratic National Peasants' Party: 65; Hungarian Democratic Union of Romania: 22; and Others: 18.

The party position following the elections to 137-seat Senate is as follows: Democratic Liberal Party: 51; Social Democratic Party/Conservative Party: 49; National Liberal Party/Christian Democratic National Peasants: 28; and Hungarian Democratic Union of Romania: 9.

RWANDA

Legislative Elections: The elections to the 80-seat Chamber of Deputies (the lower house of the bicameral legislature) were held on 15-16 September 2008. The party position following the elections is as follows: Rwandan Patriotic Front: 42; Social Democratic Party: 7; Liberal Party: 4; Women's Representatives: 24; National Youth Council Representatives: 2 and Disabled Representative: 1.

SAN MARINO

Legislative Elections: The elections to the 60-seat Grand and General Council (the unicameral legislature) was held on 9 November 2008. The Pact for San Marino won 35 seats while the Reforms and Freedom Alliance secured 25 seats.

SLOVENIA

Legislative Elections: The elections to the 90-seat State Chamber (the lower house of the bicameral legislature) was held on 21 September 2008. The party position following the elections is as follows: Social Democrats: 29; Slovenian Democratic Party: 28; Zares-New Politics: 9; Democratic Party of Pensioners of Slovenia: 7; Slovene National Party: 5; Slovene People's Party/Youth Party of Slovenia: 5; Liberal Democracy of Slovenia: 5; and Hungarian and Italian National Communities: 2.

New Prime Minister: : On 3 November 2008, President Mr. Danilo Turk appointed Mr. Borut Pahor as the new Prime Minister.

SOUTH AFRICA

New President: On 25 September 2008, the National Assembly elected Mr. Kgalema Motlanthe as the new President, replacing Mr. Thabo Mbeki.

SWAZILAND

Legislative Elections: The elections to the 65-seat House of Assembly (the lower house of the bicameral legislature) was held on 19 September 2008. The elections were held on a non-party basis. A total of 55 members, all independents, were chosen by direct suffrage; the remainder were nominated by King Mswati III.

New Prime Minister: On 17 October 2008, King Mswati III appointed Dr. Barnabas Sibusiso Dlamini as the new Prime Minister replacing Mr. Absalom Themba Dlamini.

THAILAND

Resignation of Prime Minister: On 9 September 2008, Prime Minister Mr. Samak Sundaravej resigned.

New Prime Minister: On 17 September 2008, Mr. Somchai Wongsawat was sworn in as the new Prime Minister.

TOGO

Resignation of Prime Minister: On 5 September 2008, Mr. Komlan Mally resigned as the Prime Minister. On 7 September 2008, President Mr. Faure Gnassingbé appointed Mr. Gilbert Fossoun Hounoubo as the new Prime Minister.

UNITED STATES OF AMERICA

New President: Mr. Barack Hussein Obama was elected as the President in the election held for the post on 4 November 2008.

VANUATU

Legislative Elections: The elections to the 52-seat National Assembly (the unicameral legislature) was held on 2 September 2008. The party position following the elections is as follows: Vanua'aku Pati (VP—Party of Our Land): 11; National United Party: 8; Union of Moderate Parties: 7; Republican Party of Vanuatu: 7; People's Progressive Party: 4; Independents: 4; Green Confederation: 2; Namangi Aute: 1; Nagriamel: 1; Vanuatu Labour Party: 1; People's Action Party: 1; Vanuatu Progressive Republican Farmer Party: 1; Melanesian Progressive Party: 1; Shepherds Alliance Party: 1; Vanuatu Family First Party: 1; and Vanuatu National Party: 1.

ZAMBIA

New President: Mr. Rupiah Banda was elected to the post of President, elections to which were held on 30 October 2008.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The President's Emoluments and Pension (Amendment) Act, 2008: Section 1A of the President's Emoluments and Pension Act, 1951 provided that the President shall be paid rupees fifty thousand *per mensem* by way of emoluments. Sub-section (1), of section 2 of the said Act provided for pension of three lakh rupees per annum to the retired Presidents. In order to maintain parity in the emoluments of various constitutional functionaries, it was proposed to enhance the emoluments of the President from rupees fifty thousand *per mensem*, to rupees one lakh and fifty thousand *per mensem*. It was also proposed to entitle a retired President to a pension at the rate of fifty per cent of the emoluments of the President *per mensem*, with effect from 1 January 2006.

The former Presidents were entitled to the use of a telephone at the residence, free of charge. In the light of advancement in modern technology and modes of communication, it was proposed to provide an additional telephone facility, including broadband connectivity, and a mobile phone with national roaming facility free of charge to the former Presidents. The former Presidents were also entitled to one Private Secretary, one Personal Assistant, one Peon and rupees twelve thousand per annum as office expenses. In order to maintain parity with other constitutional dignitaries, it was proposed that the strength of the personal staff of a former President be increased by providing an Additional Private Secretary, and another Peon. Further, keeping in view the inflation over the years, the office expenses were proposed to be increased from rupees twelve thousand per annum to rupees sixty thousand per annum.

The spouse of a deceased President was entitled to a rent-free unfurnished accommodation. To sustain his/her status, it was proposed to make the spouse of a deceased President entitled to a furnished residence including its maintenance; secretarial staff consisting of one Private Secretary and one Peon with office expenses as per actuals, but not exceeding rupees twelve thousand per annum; a telephone and a car, free of charge; travel facilities anywhere in India, along with a companion or relative by the highest class by air, rail or steamer, restricted to twelve single journeys in a calendar year.

The President's Emoluments and Pension (Amendment) Bill, 2008, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 24 October and 15 December 2008, respectively. The President assented to it on 30 December 2008.

The Vice-President's Pension (Amendment) Act, 2008: Under sub-section (1) of section 2 of the Vice-President's Pension Act, 1997, each former Vice-President was entitled to a pension of rupees twenty thousand *per mensem* for remainder of his life. The salary of the Vice-President was being increased

with effect from 1 January 2006 in order to bring parity in the salaries of constitutional functionaries. Therefore, it was proposed to make a former Vice-President entitled to a pension at the rate of fifty per cent of the salary of the Vice-President *per mensem* with effect from 1 January 2006. A former Vice-President was also entitled to one Personal Assistant and one Peon and rupees twelve thousand per annum as office expenses. In order to maintain parity with other dignitaries, it was proposed that the strength of the personal staff of a former Vice-President be increased by providing a Private Secretary, an Additional Private Secretary and an extra Peon. Further, keeping in view the inflation over the years, the office expenses were proposed to be increased from rupees twelve thousand per annum to rupees sixty thousand per annum. The spouse of a deceased Vice-President was entitled to an unfurnished accommodation without maintenance. In order to maintain parity in extension of various facilities to the spouses of deceased Presidents, it was proposed to make the spouse of a deceased Vice-President also entitled to a furnished residence including its maintenance.

The Vice-President's Pension (Amendment) Bill, 2008, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 24 October and 15 December 2008, respectively. The President assented to it on 30 December 2008.

The Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008: At present, the Chairman of the Council of States is being paid a salary of Rs. 40,000/- *per mensem*. In view of the enhancement in the Salary and Allowances of members of Parliament and of officers of the Government of India based on the recommendations of the Sixth Pay Commission and also the amendments being proposed for raising the salary of the President of India and the Governors of States with effect from 1 January 2006, it was proposed that the salary of the Chairman of the Council of States be also raised to Rs. 1,25,000/- per month with effect from 1 January 2006, to ensure parity with the emoluments likely to be payable to the President of India and those likely to be payable to the Governor of a State.

The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 2008, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 24 October and 15 December 2008, respectively. The President assented to it on 30 December 2008.

We reproduce here the texts of the above Acts.

—Editor

THE PRESIDENT'S EMOLUMENTS AND PENSION (AMENDMENT) ACT, 2008

*An Act further to amend the President's Emoluments
and Pension Act, 1951.*

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

1. Short title and commencement. (1) This Act may be called the President's Emoluments and Pension (Amendment) Act, 2008.

(2) The provisions of section 2 and clause (i) of section 3 shall be deemed to have come into force on the 1st day of January, 2006 and remaining provisions of this Act shall come into force at once.

2. Amendment of section 1A. In section 1A of the President's Emoluments and Pension Act, 1951 (hereinafter referred to as the principal Act), for the words "fifty thousand rupees", the words "one lakh fifty thousand rupees" shall be substituted.

3. Amendment of section 2. In section 2 of the principal Act,—

(i) in sub-section (1), for the words "of three lakh rupees per annum", the words "at the rate of fifty per cent. of the emoluments of the President per month" shall be substituted;

(ii) in sub-section (2), for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) to the use of a furnished residence (including its maintenance), without payment of rent, two telephones (one for internet and broadband connectivity), one mobile phone with national roaming facility and a motor-car, free of charge or to such car allowance as may be specified in the rules;

(b) to secretarial staff consisting of a Private Secretary, one Additional Private Secretary, one Personal Assistant, two Peons and office expenses up to sixty thousand rupees per annum."

4. Amendment of section 3A. In section 3A of the principal Act, for clause (b), the following clause shall be substituted, namely:—

"(b) after ceasing to hold office as President, either on the expiration of his term of office or by resignation of his office, shall be entitled,—

(i) to the use of furnished residence (including its maintenance) without payment of licence fee;

(ii) to secretarial staff consisting of a Private Secretary and a Peon and office expenses as per actuals, the total expenditure on which shall not exceed twelve thousand rupees per annum;

(iii) to a telephone and a motor-car, free of charge or such car allowance for the remainder of his life, as may be specified in the rules;

(iv) to travel anywhere in India, in a calendar year to twelve

single journeys, by the highest class, by air, rail or steamer, accompanied by a companion or a relative.”.

5. *Insertion of new section 6.* After section 5 of the principal Act, the following section shall be inserted, namely:—

“6. *Power to remove difficulties.* (1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the President's Emoluments and Pension (Amendment) Act, 2008, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty.

Provided that no such order shall be made after the expiration of two years from the date on which this Act comes into force.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament”.

THE VICE-PRESIDENT'S PENSION (AMENDMENT) ACT, 2008

*An Act further to amend the Vice-President's
Pension Act, 1997.*

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

1. *Short title and commencement.* (1) This Act may be called the Vice-President's Pension (Amendment) Act, 2008.

(2) Clause (i) of section 2 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Act shall come into force at once.

2. *Amendment of section 2.* In section 2 of the Vice-President's Pension Act, 1997 (hereinafter referred to as the principal Act),—

(i) in sub-section (1), for the words “of twenty thousand rupees”, the words “at the rate of fifty per cent. of the salary of the Vice-President” shall be substituted;

(ii) in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

“(c) to secretarial staff consisting of a Private Secretary, an Additional Private Secretary, a Personal Assistant and two Peons and office expenses not exceeding sixty thousand rupees per annum.”.

3. *Amendment of section 3A.* In section 3A of the principal Act, for

the words “unfurnished residence”, the words and brackets “furnished residence (including its maintenance)” shall be substituted.

4. *Insertion of new section 6.* After section 5 of the principal Act, the following section shall be inserted, namely:—

“6. *Power to remove difficulties.* (1) If any difficulty arises in giving effect to the provisions of this Act as amended by the Vice-President’s Pension (Amendment) Act, 2008, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date on which this Act comes into force.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.”.

THE SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT (AMENDMENT) ACT, 2008

*An Act further to amend the Salaries and Allowances of
Officers of Parliament Act, 1953.*

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

1. *Short title.* This Act may be called the Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008.

2. *Amendment of section 3 of Act 20 of 1953.* In section 3 of the Salaries and Allowances of Officers of Parliament Act, 1953, in sub-section (1), for the words “*forty thousand rupees*”, the words “*one lakh twenty-five thousand rupees*” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 2006.

SESSIONAL REVIEW

FOURTEENTH LOK SABHA

FOURTEENTH SESSION (PART II)

The Second Part of the Fourteenth Session of the Fourteenth Lok Sabha which commenced on 17 October 2008 was adjourned on 24 October 2008. The Sitting of the House was resumed on 10 December 2008. The House was adjourned *sine die* on 23 December 2008. It was prorogued on 24 December 2008.

A resumé of some of the important discussions held and other business transacted during this period is given below:

A. DISCUSSIONS / STATEMENTS

India's Civil Nuclear Energy Initiative: Making a Statement in this regard in the House on 20 October 2008, the Minister of External Affairs, Shri Pranab Mukherjee stated that, in three months since the matter was last considered in Parliament, the Government had made considerable progress. He said that the India-specific Safeguards Agreement was approved unanimously by the IAEA Board of Governors on 1 August 2008. The Government would bring the agreement into force and offer facilities for safeguards in a phased manner in accordance with the provisions of the Agreement and in keeping with India's Separation Plan.

The Minister informed that on 6 September 2008, the Nuclear Suppliers Group (NSG) adopted a decision by consensus which would enable its members to engage in full civil nuclear cooperation with India. This decision opened the door for India to resume civil nuclear cooperation with the international community to meet its energy and development requirements. On 30 September 2008, the Government signed an Agreement for Cooperation in Civil Nuclear Energy with France during the Prime Minister's visit to France. On 10 October 2008, the Minister said that he signed the Agreement for Cooperation between the Government of India and the Government of the United States of America concerning Peaceful Uses of Nuclear Energy (also known as the 123 Agreement) with the US Secretary of State,

Dr. Condoleezza Rice in Washington. He expressed the hope that the Government would sign a cooperation agreement with Russia when President Medvedev visits India in December later in the year.

These agreements represented a careful balance of rights and obligations. They included fuel supply assurances which are the basis of India's civil nuclear initiative as well as the right to build its strategic fuel reserves, to ensure the uninterrupted operation of its civil nuclear reactors under IAEA safeguards. The Minister said that these agreements were fully consistent with India's national interest, with the assurances the Prime Minister had given to Parliament and the Government had made to the people of India. He said that the Government had ensured that these agreements relate only to cooperation in civilian nuclear energy and that India's strategic programme and her indigenous research are not affected. India's three-stage indigenous nuclear programme would continue as envisaged by Pt. Jawaharlal Nehru and Dr. Homi Bhabha. The bilateral cooperation agreements that India had signed with the US and France as well as the India-specific Safeguards Agreement included specific provisions which ensured that there would be no hindrance to India's strategic programme and that she retain the freedom to take action with regard to her strategic programme even as she engage in international cooperation in civil nuclear energy.

The Minister also elaborated on why the Government considered the initiative as a historic contribution to the Government's nation building effort, in respect of energy, sustainable development, technology and other aspects. He said that first, it enhanced India's development options. Today, the shortage of energy hampered efforts to rapidly develop the economy. Nuclear energy offered India an economically and environmentally viable alternative. With the opening up of international nuclear trade and commerce, India would have new opportunities to expand her nuclear power capacity. *Secondly*, the Minister said that this initiative marked the end of the technology-denial regimes which had restricted India for over three decades. These developments are the beginning of a new chapter for India—of engagement as equal partners in civil nuclear energy cooperation with other countries. *Thirdly*, it was an acknowledgement of the scientific and technological achievements of Indian scientists whose tireless efforts in the face of adverse conditions laid the basis for this initiative.

With this initiative Indian scientists would be able to engage with their counterparts in exchange of scientific ideas and technical know-how and contribute to the global effort to deal with the world-wide

challenges of energy security and climate change. And *finally*, the initiative was an acknowledgement of India's role as a responsible power in international affairs on global stage. It is for India to utilize this opportunity with confidence as she pursue her national interests.

Regarding independence of India's foreign policy, the Minister said that this initiative in no way constrained India's ability to pursue an independent foreign policy. It would not, in any way, affect India's strategic autonomy. In fact it did the opposite by increasing India's foreign policy options. The NSG's decision of opening up the possibility for India to engage in civil nuclear cooperation with other countries actually enhances India's choices to engage as an equal partner with the international community. The Minister emphatically said that this initiative created more space for India to pursue a foreign policy which served the national interest. The civil nuclear initiative was a landmark achievement which not only allowed India to meet her future energy requirements in a sustainable manner but was also one which acknowledged India's growing role in global affairs, the Minister concluded.

Economic Situation in the Country: On 20 October 2008, the Prime Minister, Dr. Manmohan Singh made a statement on the ongoing global financial crisis and its impact on India and said that the crisis had its origins in the United States and spread quickly to Europe. It began in the housing mortgage market and soon extended to the money market and the credit market. As a result, several financial institutions were pushed to the brink of insolvency. The US and some other developed countries had bailed out a number of financial institutions and banks. They had also taken a number of unconventional steps to infuse liquidity, recapitalize the banks and unfreeze the credit market. The financial storm had produced a sharp slowdown in economic activity, with the prospect of a prolonged recession in industrialized countries. Many observers had described this as the worst crisis since the Great Depression of 1930s.

The Prime Minister said that India, like other developing countries, was experiencing the ripple effects of the financial crisis. However, the Government had taken a number of steps to minimize the impact. Its first concern was to ensure the stability of the banking system. Although the banks were safe, and they were also providing credit in line with anticipated credit targets, the Prime Minister said that the global turmoil had led to a contraction in other forms of commercial credit. External commercial borrowings, which were used by the corporate sector had dried up, as had international suppliers' credits. This had led to a reduction in overall credit availability in the economy even

though credit from commercial banks had expanded satisfactorily. This contraction produced a liquidity crisis in the system.

The Government had taken a number of steps to address this problem. Between 6 July 2008 to 15 October 2008, the Reserve Bank of India cut the Cash Reserve Ratio (CRR) by a total of 250 basis points. The Statutory Liquidity Requirements were relaxed initially by 1 percentage point and subsequently an additional window of 0.5 percentage points was introduced specifically to enable banks to draw funds to provide liquidity to mutual funds. As a result of these steps, the liquidity position in the Indian financial system has improved considerably.

The Prime Minister said that the Government was conscious of the fact that it was not enough to infuse liquidity. The liquidity must translate into expanded flow of credit to industry, trade and business. Suitable advisories had been issued by the RBI and the Ministry of Finance to the banks to ensure that borrowers are provided adequate credit, including export credit and working capital. He said that both the RBI and the Government were carefully monitoring the flow of credit and would ensure that the additional liquidity infused into the system translates into actual credit. The Government would not hesitate to do more if needed. While the capital adequacy ratios of all the banks were well above the Basel norm and above the RBI stipulated norm, the Government had promised that it would help banks, which had lower ratios, to access funds to increase their Capital Risk Weighted asset Ratio to 12 per cent.

The Prime Minister said that the financial crisis and the economic slowdown in the developed countries were likely to have an indirect impact on the Indian economy. Fortunately, this effect would be on an underlying strong performance. The GDP growth in the first quarter of 2008-2009 was 7.9 per cent. During April-August 2008, exports increased in dollar terms by 35.1 per cent. Foreign Direct Investment during this period was US\$14.8 billion. Gross tax revenues were on target. Nevertheless, he said that the country must be prepared for a temporary slowdown in the economy. The precise impact was difficult to estimate at this point since the depth and duration of the global slowdown remained uncertain. Some estimates projected GDP growth to decelerate to 7.5 per cent in the current year. The most pessimistic estimates placed it at no less than 7 per cent. the Government's effort would be to minimize the negative effect of the financial crisis and, once the global situation stabilizes, to return to the growth trajectory of 9 per cent.

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In anticipation of a slowdown, the Prime Minister stated that the Government had stepped up public expenditure in the Budget presented on 29 February 2008. The expenditure on education, health, National Rural Employment Guarantee Programme (NREGP), National Rural Health Mission (NRHM), Accelerated Irrigation Benefit Programme (AIBP), Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and other programmes would stand India in good stead in these difficult times. Besides, the debt waiver and debt relief amounting to Rs.65,000 crore to 3,60,00,000 farmers would also greatly benefit the farmers and enthuse them to increase production.

The Prime Minister said that India had faced challenges in the past and had overcome them. India has the strength to overcome the current challenges too. This was the time for unity of purpose and resolute action. He sought the support of all sections of the House to the measures taken by the Government and the authorities.

Atrocities against minorities with particular reference to the incidents in Orissa and other States: Initiating the discussion in this regard in the House on 24 October 2008, Shri Basudeb Acharia of the Communist Party of India (M) said that the Christian minorities were being butchered in the State of Orissa and Karnataka and the entire nation and the entire world were debating the issue. He said that within an hour after Swami Lakshmanda Saraswati was killed by Maoists, the Bajrang Dal and Vishwa Hindu Parishad started organizing themselves with guns, lathis, arms, swords, etc. Then, they started attacking the Christian community. He said that the police and administration of the State of Orissa remained silent spectators, which reminded one of what happened in Gujarat in 2002. He said that this reflected very poorly on a secular country like India. Unless steps were taken immediately to restore normalcy, there would not only be an irreparable damage to the pluralistic society of Orissa but the door would be left open for lumpen extremist elements to occupy space that should rightly be occupied by the State and the civil society.

Participating in the discussion*, Prof. Ram Gopal Verma of the Samajwadi Party said that the Central Government had been vested

* Others who participated in the discussion were: Sarvashri M.A. Kharabela Swain, Madhusudan Mistry, S.K. Kharventhan, Devendra Prasad Yadav, Ilyas Azmi, Bhartruhari Mahtab, C.K. Chandrappan, Dharmendra Pradhan, Sugrib Singh, Brahmananda Panda, S.K. Biswamuthiary, Kiren Rijju, Francisco Sardinha, T.K. Hamza, Jai Oram, Ram Kripal Yadav, Francis Fanthome, Nikhil Kumar, Sarbananda Sonowal, Anwar Hussain, Dr. Prasanna Kumar Patasani and Dr. Vallabhbhai Kathiria

with the power of taking stringent action against the State which had not been acting as per the Constitution. Therefore, he urged the Central Government to take appropriate action against the concerned State Government for what had happened in Kandhmal.

Shri P.C. Thomas (Kerala Congress) said that more than forty thousand Christians had to flee into forests and other areas. This clearly showed neglect of the police and gross inaction of the State Government. He urged the Government of India to rise to the occasion and save the honour of the nation.

Intervening in the discussion, the Minister of Panchayati Raj and Minister of Development of North Eastern Region, Shri Mani Shankar Aiyar said that the Government of Orissa failed when it came to the litmus test on 23 August 2008 and for the better parts of two months thereafter, because it was of the confused frame of mind on the specific question at the crux of the issue which was conversions. The Constitution of India categorically permits people of any religion, including the Hindu religion, to propogate their religion. The Minister said that all need to learn the right lessons, which was a reaffirmation of the Constitutional provision that every Indian had the right to not only convert himself but to attempt to convert others.

Shri Asaduddin Owaisi (AIMIM) refused to accept the notion that harassment of Muslims or Christians would only take place where there was no secular Government. He stated that this was a well-planned programme by all those forces who were hell bent on dividing India.

Shri K. Yerrannaidu (TDP) said that the recent violence against minority institutions in various parts of the country was a national shame. If any State Government failed in its duty, he said that the Central Government should immediately intervene and help in bringing the situation under control.

Replying to the discussion, the Minister of Home Affairs, Shri Shivraj V. Patil said that it was necessary for the State Government and for all the members to see that all those who had left their homes felt confident to return. If a place of worship was damaged, it would be the responsibility of the entire society and the Government also to see that it was compensated. If a *masjid*, *mandir* or a church was attacked, it was not only the structure which was attacked, but it was the unity of the country that was attacked. If, for any reason, any State Government was not paying enough attention to this, it was the responsibility of the Government of India to see that the people

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belonging to different religions, speaking different languages, following different cultural ethos should be allowed to live as equal citizens. He assured the members that the Government was willing to make any sacrifice for the unity of the country and it would not fail in that.

Recent terrorist attack in Mumbai: Making a statement in this regard in the House on 11 December 2008, the Minister of Home Affairs, Shri P. Chidambaram said that in the terrorist attacks that took place in Mumbai between 26 and 29 November 2008, 164 persons (civilians and security personnel) lost their lives and 308 persons were injured. Among the civilians killed were 26 foreigners belonging to many nationalities. Besides, nine terrorists were killed in the operations by the security forces. One terrorist was overpowered and captured.

Paying homage to the innocent civilians who were killed, and the brave security personnel who laid down their lives, the Minister offered heartfelt condolences to the bereaved families. He said that the Government of India and the Government of Maharashtra had announced a set of measures as compensation for the terrible loss suffered by the families. While words of sympathy and money could never adequately recompense the loss, the Minister expressed sincere hope that the gesture would bring some comfort to the affected families.

As per information gathered during the course of the investigations, the Minister said it appeared that 10 Pakistani nationals belonging to the *Lashkar-e-Toiba*, a prescribed terrorist outfit, left Karachi on 23 November 2008; boarded a launch by the name of *Al Hussaini*; accosted and hijacked an Indian fishing vessel, *M.V. Kuber*, off the coast of Gujarat; killed its occupants; and a few miles short of the coast of Mumbai abandoned the fishing vessel, got into an inflatable rubber dinghy, and landed near Budhwar Park, Colaba, Mumbai between 8.00 p.m. and 8.30 p.m. on 26 November 2008. The terrorists split into four groups and the main targets of the four groups were (i) Chhatrapati Shivaji Terminus (CST); (ii) the Leopold Café and Taj Hotel; (iii) the Oberoi-Trident Hotel; and (iv) the Nariman House. These attacks involved indiscriminate firing, throwing of grenades and bomb blasts at 13 locations.

Giving an account of the response of the authorities to the terrorist attack, he said that at the CST, security personnel belonging to the Mumbai Police and the RPF confronted two heavily armed terrorists. After causing mayhem at CST, the two terrorists escaped via a lane opposite the station. Meanwhile, as soon as news of the

firing at the CST and near Cama Hospital was received, police officers rushed to the sites. There was an unexpected—and fortuitous—confrontation between the two terrorists and the police personnel in which three officers were killed. Subsequently, the two terrorists were challenged by a police party and, in an exchange of fire, one terrorist was killed and one, Mohammed Ajmal Amir, was captured alive. Interrogation and investigation had revealed that he belonged to Village Faridkot, in District Ukada, in the province of Punjab in Pakistan.

As information about the terrorist attacks poured in from the Nariman House, Taj Hotel and the Oberoi-Trident Hotel, police parties were rushed to the places. Shortly before 11.00 p.m. on 26 November 2008, information was received by the Central Government that there were incidents of firing in several places in Mumbai. Immediately, the Central Government alerted the NSG and mobilized their counter terrorist units, based at Manesar in Haryana. A group of around 200 men (which was reinforced the next day) was airlifted to Mumbai late that night. They were deployed at the various sites of the operation in the early hours of 27 November 2008.

The Minister said that the operations were conducted under very difficult circumstances: the terrorists were heavily armed, there was a hostage situation, and the terrorists had the advantage of shield and height afforded by the tall buildings that they had entered. Nevertheless, through their patience, skill and bravery, the security forces were able to neutralize the terrorists and rescued hundreds of persons who had been trapped in the buildings. The operations came to an end at about 8.20 a.m. on 29 November 2008. He said that cases had been registered and investigation had been entrusted to the Crime Branch of the Mumbai Police. The authorities of the Maharashtra Police and the Central agencies had extended their full support to the Mumbai Police in the conduct of the investigations.

The Minister said that the finger of suspicion unmistakably pointed to the territory of India's neighbour, Pakistan. The interrogation of the captured terrorist had yielded valuable material evidence. The origins of the ten terrorists who entered India had been established conclusively. There was also abundant evidence gathered from the inflatable rubber dinghy, the fishing vessel and the bodies of the terrorists that had enabled the investigators to reconstruct the sequence of events from the origin to the targets.

The Minister said that in the last ten days, even while familiarizing himself with the security situation and the working of the Ministry of Home Affairs, the intelligence agencies, the Central Paramilitary Forces

and the State Police forces, he had initiated a number of steps towards enhancing security and restoring the confidence of the people. In his assessment, he said that South Asia was in the eye of the storm of terror. Several terrorist organizations operating from territories beyond India's borders had been identified as the source of the terrorist attacks in India that had occurred over the last several years. India told the United Nations Security Council yesterday that "India will act to safeguard and protect its people from such heinous attacks; however, long and difficult that task may be. We have acted with restraint in the face of terrorist attacks. We must do our duty by our people and take all actions as we deem fit to defend and protect them". He said that this was India's policy.

The Minister informed that the Government had a number of intelligence gathering agencies. Intelligence was shared, evaluated and acted upon. However, he said that there was a tendency to treat some intelligence inputs that were not specific or precise as not actionable intelligence. Further, the responsibility for acting upon intelligence inputs was quite diffused. He informed the members that all aspects concerning intelligence were under his examination. While the basic structure seemed sound, there was a need to make intelligence gathering and intelligence sharing more effective and result oriented. Some changes had already been made and more were underway.

The Minister said that the NSG was India's best trained and best equipped force to counter a terrorist attack. They were hampered by the distance between their headquarters and the airport; the absence of a dedicated aircraft; and the poor logistics in the theatre of operations. He had initiated a number of steps to remove the logistical weaknesses in mobilizing and deploying the NSG. The Government had also reviewed the coastal security scheme and had concluded that there was a need to strengthen it and integrate it into a larger security system. A decision had been taken in principle to create a Coastal Command for overall supervision and coordination of maritime and coastal security. The mandate of the Coastal Command would be to secure India's coastline.

Mentioning a number of other decisions that had been taken in order to enhance security, the Minister said that (i) steps were being taken to fill the vacancies in the intelligence organizations expeditiously and to provide them with advanced technical equipment; (ii) India Reserve Battalions were being raised in a number of States with financial assistance from the Central Government; and (iii) it had been decided to set up 20 counter-insurgency and anti-terrorism schools in

different parts of the country for training the commando units of the State police forces.

Besides, the Minister also said that a separate exercise was underway to strengthen the laws relating to terrorist acts. The Government was in the process of consulting different political parties and hoped to introduce in the current Session. The Government would strain every nerve to carry the resolve—to take the strongest possible measures to ensure the security of the nation and the people—into determined action. In the next few weeks and months, it would be his endeavour to take certain hard decisions and prepare the country and the people to face the challenge of terrorism.

The Minister appealed to all sections of the House and to the people of India to stand united and brave in the face of the challenge of terrorism. He urged that nothing should divide the country—not religion, not language, not caste. In the fight against terror, there would be need for self-restraint, discipline and even some sacrifice. He sought the support of the members and expressed the hope that with it and the support of the people, the country shall overcome and vanquish the forces of terror.

Initiating a discussion under rule 193 in the House on the statement made by the Minister of Home Affairs on recent terrorist attack in Mumbai on 11 December 2008, the Leader of the Opposition, Shri L.K. Advani (BJP) said that the terrorist attack in Mumbai was an act of aggression against India and an attack on India's civilizational ethos and her progress. He assured the Government that his Party and the NDA would extend full cooperation and all the possible help required to take stringent measures to tackle the menace. However, he said that there was clearly a failure of the intelligence agencies. He pointed out that the Home Minister had mentioned that the Navy had been tipped off. But, the latter asserted that the particular vessel was not in the Indian territorial waters. He wondered if the Navy did not have any right to get hold of a vessel which was India's but had made its way towards neighbouring territorial waters. He mentioned that the Prime Minister, the Home Minister and the NSA all had said that the next attack would be from the sea route. Even then, nothing was done to prevent it. He also questioned as to why the NSG commandos were delayed in getting down to Mumbai. He felt that accountability should be fixed in respect of these matters and reiterated that the whole nation was united to root out the menace of terrorism.

Intervening in the discussion, the Minister of External Affairs, Shri Pranab Mukherjee said that this was the occasion for all to stand

united. Terrorism was not confined to any individual country, but had really become an international phenomenon. India should build-up international campaign against terrorism and should talk to all the countries concerned that this was not an India-Pakistan issue nor an issue related to Jammu and Kashmir but was a part of the global terrorism. Hence, he said that India had been demanding this and in almost every Annual Session of the UN General Assembly it had been tabling a Resolution that it was high time for a comprehensive convention to deal with this problem of cross-border terrorism, as the biggest menace to world peace and tranquility in post cold-war era. Unfortunately, he said that this had not come about but India was taking efforts in this regards.

Participating in the discussion*, Shri Anant Gangaram Geete (Shiv Sena) opined that India had to fight the war against terrorism on its own and show that in the matter of security of the country, no compromise would be made and all necessary steps would be taken.

Shri Braja Kishore Tripathy (BJD) suggested that India should build international pressure on Pakistan to hand-over those who masterminded the Mumbai terror attack by going to the UN Security Council under Resolution 1373 adopted in September 2001 which mandated member countries of the UN to initiate steps to curb terrorist activities.

Shri Gurudas Dasgupta (CPI) referred to lapses in intelligence agencies and said that India must build up its own domestic preparedness for preventing future assault on India. Besides, international opinion had to be created to compel Pakistan to liquidate the launching pad of terrorism on the soil of Pakistan.

Prof. M. Ramadass (PMK) said that unless incidents of terrorism were curbed in the country, planning for development would not be successful.

Km. Mamata Banerjee (AITC) suggested that an information window centre should be created so that the public could also provide information

* Others who participated in the discussion were: Sarvashri Milind Murli Deora, Ramji Lal Suman, Devendra Prasad Yadav, Mitrasen Yadav, A. Krishnaswamy, Sandeep Dikshit, Sharanjit Singh Dhillon, Harin Pathak, Rahul Gandhi, S.K. Kharventhan, Hansraj Gangaramji Ahir, S.K. Bwiswmuthiary, Mohan Rawale, N.N. Krishnadas, Rajesh Ranjan *alias* Pappu Yadav, Nikhil Kumar, Lalmani Prasad, Mohammad Salim, Dr. C. Krishnan, Prof. Vijay Kumar Malhotra, Smt. Ranjeet Ranjan and Smt. Priya Dutt

to the Government. She wanted that India should give a befitting reply to the terrorists and showed that India is united.

Shri Asaduddin Owaisi (AIMIM) stated that terror incidents had become a big challenge for the country and welcomed the announcement made by the Government for constituting a Federal Investigating Agency.

Shri M.P. Veerendra Kumar (JD-S) said that the ISI might be playing games which need not necessarily be in the knowledge of the Prime Minister or the President of Pakistan. This had to be taken into account.

Shri Subrata Bose (AIFB) said it was necessary that all those who were accused of being terrorists should be given a speedy trial and if they were found guilty deterrent action should be taken against them to show that India would not feel shy in punishing terrorists.

Dr. Arun Kumar Sarma (AGP) said that the terrorist attacks in Mumbai had exposed the loopholes in the security system. He urged the Home Ministry to take care of the deficiencies in the intelligence.

Shri Ramdas Athawale (RPI-A) stated that there was a need to deal with terrorist elements with the full might at the country's command and to strike at the root of the hubs of terrorism mushroomed in PoK and destroy them.

Shri P.C. Thomas (Kerala Congress) said that people are ready to cooperate in the fight against terrorism, but they did not know to what extent they could co-operate. Therefore, something should disseminate from the House and the Government to give more information to the people in this regard.

Replying to the discussion, the Minister of Home Affairs, Shri P. Chidambaram thanked the Leader of the Opposition and other members for assuring not only the Government but also the people to stand united and to support the efforts of the Government to rid the country of the scourge of terrorism. Stating that evidence unmistakably pointed to the territory of a neighbouring country, Pakistan, he said that the fig leaf of non-state actors could not held for very long. The Minister conceded that there had been lapses of two kinds: one was systematic mistakes and the second was because of indecision. Therefore, he said that the Government owe to the people to mend its ways of conducting its business and to see that decisions are taken promptly and courageously.

The Minister also expressed his gratitude to members who had

praised the work of the security forces. He said that policeman may occasionally falter but he is willing to lay down his life to save the lives of many other Indians. He said that it was respect for this selfless sacrifice which would lift the morale of the police forces and it was these police forces which would eventually defend the integrity, security and sovereignty of India.

The Prime Minister, Dr. Manmohan Singh, also replying to the discussion, said that he was conscious of the fact that the systems and procedures in dealing with terrorism needed a review. On behalf of the Government, he offered apology to the people that these dastardly acts could not be prevented.

The Prime Minister said each one of the members had condemned the horrible incident and also extended their deepest condolences to the bereaved families. They had all saluted the courage and patriotism of the Police and security forces. Stating that the nation was proud of them he also noted with great sorrow that a number of foreign nationals had also been the victims of the terrorist onslaught.

The Prime Minister said that the immediate priority was to restore a sense of security to the people. He believed that the nation had to work at three levels—*First*, India had to galvanize the international community into dealing sternly and effectively with the epicentre of terrorism, which was located in Pakistan. *Secondly*, India had taken up strongly with the Government of Pakistan the use of their territory for launching an attack of this kind, and the need for the strongest possible action against the perpetrators of such ghastly acts. *Thirdly*, India need to recognize as a nation that she cannot depend on either of these two approaches for obtaining the outcomes desired. He stressed on the need to equip the country more effectively to deal with this unprecedented threat and challenge to the country's integrity and unity.

The Prime Minister said that the terrorist attacks in India had tried to sow communal divide in the country. All political parties had an obligation to unite against communal hatred and disorder. India cannot fight and win the war against terrorism if it was a divided House. It was a time for national unity and he sought the cooperation of the members.

Resolution on terrorist attacks in Mumbai: Thereafter, the Prime Minister, Dr. Manmohan Singh moved the following resolution before the House:

"This House expresses its unequivocal condemnation of the

heinous terrorist attacks in Mumbai by terrorist elements from Pakistan, claiming hundreds of innocent lives and seeking to destroy the values that India stands for;

Notes that this outrage follows acts of terror committed since the beginning of this year in various places across India and on the Indian Embassy in Kabul;

Notes with deep concern the fact that Lashkar-e-Toiba, a terrorist organization that is listed in the UN Security Council Resolution 1267 and is banned in Pakistan, has continued to operate and launch terrorist attacks against India;

Notes the Government's declaration to review circumstances leading upto the attacks on Mumbai and to take further measures as may be necessary to safeguard national security;

On behalf of the people of India, firmly resolves that

- India shall not cease her efforts until the terrorists and those who have trained, funded and abetted them are exposed and brought to justice;
- India shall firmly counter all evil designs against its unity, sovereignty and territorial integrity;
- India shall remain resolute and shall be victorious in its fight against the barbaric menace of terrorism; and
- That the ideal of a secular and democratic India shall prevail."

The Resolution was adopted unanimously.

B. LEGISLATIVE BUSINESS

*The Unorganized Workers' Social Security Bill, 2008**: A discussion on the Bill took place in the House on 15, 16 and 17 December 2008. On 15 December 2008, the Minister of State of the Ministry of Labour and Employment, Shri Oscar Fernandes moved that the Bill be taken into consideration.

As per estimates, the workers in the unorganized sector constituted more than ninety-four per cent of the total employment in the country. On account of their unorganized nature, these workers do not get adequate social security. Despite some efforts, there was a huge deficit in the coverage of the unorganized sector workers in the matter

* The Bill, as passed by the Rajya Sabha, was laid on the Table on 24 October 2008

of labour protection and social security measures ensuring the welfare and well-being of workers in the unorganized sector, such as agricultural workers, construction workers, *beedi* workers, handloom workers, leather workers, etc.

The Unorganized Sector Workers' Social Security Bill, 2007, is aimed at providing social security and welfare to these workers and for matters connected therewith or incidental thereto. The Bill, *inter alia*, provides that: the Central Government shall constitute a National Social Security Advisory Board to recommend suitable welfare schemes for different sections of unorganized sector workers, and upon consideration of these recommendations, the Central Government may notify suitable welfare schemes relating to life and disability cover, health and maternity benefits, old age protection, or any other benefits; the State Government shall constitute the State Social Security Advisory Board to recommend suitable welfare schemes for different sections of unorganized workers in that State and the State Government may notify suitable schemes for one or more sections of the unorganized workers; and a worker of an unorganized sector shall be eligible for social security benefits if, he is duly registered, etc.

Participating in the discussion* on 16 December 2008, Shri M.P. Veerendra Kumar (JD-S) referred to provisions for fund and mentioned that the Standing Committee suggested that three per cent of the GDP and some other contribution for the various labourers should form the corpus of the entire fund. Unless concrete provisions were put into the Bill, various recommendations of the Standing Committee taken into account, and the Bill was amended, he felt that the Bill would just remain in the record.

Shri Ramdass Athawale (RPI-A) urged the Government to bring agriculture labourers under the purview of the Bill. He also submitted that two members from SC and ST should be inducted in the proposed Central and State Boards.

* Others who participated in the discussion were: Sarvashri Santasri Chatterjee, Madhusudan Mistry, Ramji Lal Suman, Devendra Prasad Yadav, A. Krishnaswamy, Chandrakant Bhaurao Khair, Suravaram Sudhakar Reddy, Thawar Chand Gehlot, K.S. Rao, Shailendra Kumar, Ram Kripal Yadav, S.K. Kharventhan, Sippiparai Ravichandran, Francis K. George, M. Shivanna, Suresh Prabhakar Prabhu, Bikram Keshari Deo, J.M. Aaron Rashid, A.V. Bellarmin, M.A. Kharabela Swain, Adhir Ranjan Chowdhury, Shisupal Natthu Patle, Adv. P. Satheedevi, Dr. Satyanarayan Jatiya, Dr. R. Senthil, Dr. Sebastian Paul, Dr. Sujan Chakraborty, Dr. K.S. Manoj, Prof. Rasa Singh Rawat, Smt. Archana Nayak, Smt. C.S. Sujatha and Smt. Botcha Jhansi Lakshmi

Prof. M. Ramadass (PMK) said that the unorganized workers suffered from excessive seasonality of employment, low wages, exploitations, social security etc. He welcomed the Bill but said that to make it more effective, liberal funding should be made to implement the schemes enumerated under the Bill.

Replying to the discussion on 17 December 2008, the Minister of State of the Ministry of Labour and Employment, Shri Oscar Fernandes said that the Government was extremely concerned about the problems faced by the unorganized workers. It was conscious of the need to provide social security to this section of the society. Even before the Bill is passed, the Minister said that the Government had started already implementing certain provisions of the Bill. For example, health insurance cover has been extended to the unorganized sector workers living below the poverty line. It had also extended the *Aam Aadmi Bima Yojana* and also the benefit of pension scheme for the poor in the country. The Minister said he did not deny any shortcoming in the Bill, but the Government would not be able to cover everybody in one single go.

Though the matter had been discussed for the last 60 years, the Minister said that no step had been taken. Today, the Government had not only taken the first step but this was also the biggest step the Government had taken towards eliminating the difficulties of the people in this country.

The Bill was passed.

*The National Investigation Agency Bill, 2008 and The Unlawful Activities (Prevention) Amendment Bill, 2008**: Moving the motion for consideration of the Bills on 17 December 2008, the Minister of Home Affairs, Shri P. Chidambaram said that over the past several years, India had been the victim of large scale terrorism sponsored from across the borders. There had been innumerable incidents of terrorist attacks, not only in the militancy and insurgency affected areas and areas affected by Left Wing Extremism, but also in the form of terrorist attacks, bomb blasts, etc., in various parts of the hinterland and major cities. A large number of such incidents were found to have complex inter-State and international linkages, and possible connection with other activities like the smuggling of arms

* The Bills were introduced in the Lok Sabha on 16 December 2008

and drugs, pushing in and circulation of fake Indian currency, infiltration from across the borders, etc. Keeping all these in view, it had for long been felt that there was need for setting up an Agency at the Central level for investigation of offences related to terrorism and certain other Acts, which have national ramifications. The Government has, after due consideration and examination of the issues involved, proposed to enact a legislation to make provisions for establishment of a National Investigation Agency in a concurrent jurisdiction framework, with provisions for taking up specific cases under specific Acts for investigation, provisions for setting up of Special Courts and for other related matters*.

The Minister said that the National Investigation Agency Bill, 2008 sought to set up a National Investigation Agency (NIA), which would be under the Central Government. When information is received in a police station about offences in respect of one of the eight laws mentioned in the Bill, the information would be given first to the State Government and it shall send it to the Central Government. The Central Government would, within 15 days, direct the NIA to take up the case. After investigation of the matter, if the NIA finds that the matter is not so important, it could return the case to a State Investigative Agency to be investigated by the State.

In view of the concerns and complaints expressed about the manner in which provisions of the Prevention of Terrorism Act, 2002 had been applied including instances of misuse, the Act was repealed in 2004. At the same time, keeping in view that India had been a front-runner in the global fight against terrorism, its commitments in terms of the United Nations Security Council Resolution 1373 dated 28 September 2001, and the resolve not to allow any compromise in the fight against terrorism, the Unlawful Activities (Prevention) Act, 1967 was amended to make provisions to deal with terrorism and terrorist activities. There had been significant developments, since then, at the national and the international level. Terrorist incidents and activities sponsored from across the borders, in various parts of India and elsewhere, continued to cause concern. The Government was of the view that further provisions were required to be made in the law to cover various facets of terrorism and terrorist activities, including financing of terrorism, which were not fully covered in the present law, and to make further provisions with the aim of strengthening the

* From 'Objects and Reasons' of the National Investigation Agency Bill, 2008

arrangements for speedy investigation, prosecution and trial of cases related to terrorism related offences, while at the same time ensuring against any possible misuse of such provisions*.

The Minister mentioned that the Bill sought to strike at the root of the terrorist funding. He also mentioned that, regarding bail provision, Section 167 of the criminal Procedure code provided 15 days automatic remand; 90 days in the case of punishment with greater imprisonment for life and 60 days in any other case. The Minister said the Bill sought to replace these 15, 90 and 60 days by 30, 90 and 90 days. He also said that the Bill added a provision which said that if it was not possible to complete the investigation within a period of 90 days, the Court may extend the period up to 180 days, at the end of which automatic bail would arise. He said that the executive arm would register and investigate the case and the evidence gathered in investigation must be reviewed by an independent authority.

Participating in the discussion**, the Leader of the Opposition, Shri L.K. Advani (BJP) said that, as far as terrorism was concerned, his Party and the NDA would support all steps of the Government taken in tackling terrorism. He, however, opined that it would have been better had the Government sent the Bill to the Standing Committee for deliberations. Expressing satisfaction that the Government had finally changed its stand after almost a decade, he requested the Government to incorporate such provisions in the Bill so that confession made before a certain level of police officers and intercepted information be treated as admissible evidence.

Intervening in the discussion, the Minister of Science and Technology and Minister of Earth Sciences, Shri Kapil Sibal said that laws had nothing to do with terrorism but certainly there must be laws in place to make sure that if a terrorist is caught, he must not get bail easily, and that there must be enough provisions of the law to convict him. It was this in mind that the Government had formulated the Unlawful Activities (Prevention) Amendment Bill. Regarding the National Investigation Agency Bill, the Minister said that there were certain schedule offence

* From 'Objects and Reasons' of the Unlawful Activities (Prevention) Amendment Bill, 2008

** Others who participated in the discussion were: Sarvashri Mohan Singh, Devendra Prasád Yadav, Tathagata Satpathy, A. Krishnaswamy, M.A. Kharabela Swain, Kirip Chaliha, J.M. Aaron Rashid, Prahlad Joshi, Sarbananda Sonowal, S.K. Kharventhan, Francis K. George, Francis Fanthome, Bikram Keshari Deo, Shailendra Kumar, Vijay Bahaguna, Ram Kripal Yadav, M. Shivanna, S.K. Bwiswmuthiary, Tapir Gao, Mohammad Salim, Dr. Meinya Thokchom, Dr. Vallabhbbhai Kathiria and Smt. Botcha Jhansi Lakshmi*

which would be investigated by the NIA. The State laws were not sufficient enough to deal with such offence. Under the Bill, the special judges would be appointed in the Special Court immediately within seven days of any schedule offence. Despite all sorts of laws, he said that the incidents of terrorism and the war thereon was never ending. What was needed was to try to limit and prevent it. For this, he said that the nation should be united in its fight against terrorism.

Shri Basudeb Acharia (CPI-M) said that in the fight against terrorism certain measures like strengthening of the police forces and intelligence department had to be taken alongside. Instead of bringing the Bill to the House, he felt that it should have been referred to the Standing Committee so that the Standing Committee would have scrutinized it.

Shri Anant Gangaram Geete (Shiv Sena) said that after ten years the Government had realized that there was a need of stringent law to fight against terrorism. Alongwith enacting stringent law, that law should be enforced effectively, he added.

Shri Gurudas Dasgupta (CPI) said that laws must not be draconian but must be consistent with the democratic fundamentals of the country. He felt that 180 days' detention without charge sheet was not conducive to democratic principles.

Prof. M. Ramadass (PMK) said that both the Bills were based on certain well-defined objectives. The special courts would hear the matter on a day-to-day basis and the special court would have the powers of a Session court. Also the appeal would be disposed of within a period of three months.

Shri M.P. Veerendra Kumar (JD-S) said that the best way to face terrorism was by strengthening the democratic framework and secular policy of the country. He opined that the Federal agency could intrude into the rights of the States and like the CBI, it could be used by the Central Government for some of their purposes.

Shri Asaduddin Owaisi (AIMIM) said that his party opposed the Unlawful Activities (Prevention) Amendment Bill because Section 50 of the principal Act did not define 'terror' and the whole definition of terrorist act had been taken from the National Security Guard Act, 1986. He said that the National Investigation Agency was fine but questioned as to what would be the constitution of the NIA.

Shri K. Yerrannaidu (TDP) said that the Government of India should be able to provide whatever help the States need to combat terrorism. Under the Bill, more powers were being given to the Investigation

Officers, he wanted that utmost caution should be observed in the selection of these officers.

Shri Ramdas Athawale (RPI-A) said that he fully supported the Bills on behalf of his Party. He also said that only talks would not help in checking terror but the nation should be ready to attack those who were behind the terror attack.

Replying to the discussion, the Minister of Home Affairs, Shri P. Chidambaram assured the members that if it becomes necessary to revisit any part of these Bills, the Government would always do. He said that much of the debate was about POTA and how the Bill compared with POTA. POTA was a law which the Government of the day brought on to the Statute Book because it felt that such a law was necessary. But the successor Government came to the conclusion that POTA was not necessary as it was not an appropriate law and hence repealed that law. He said that no purpose would be served on debating on the wisdom of enacting the POTA or the wisdom of repealing the same. The Minister said that except for the National Security Act and similar laws in respect to special matters like drugs and psychotropic substances, the laws being made and amended were punitive laws. These laws could be invoked only after the crime was committed or when the crime is about to be committed. But for a *jihadi* terrorist, the kind of terrorist today, this was no deterrent. So, whether it was POTA, or MOCOCA or UAPA, that is no deterrent to the *jihadi* terrorist. He said that what these laws do is (i) give a sense of confidence to the people that the criminals will be punished (ii) give a sense of confidence to the police forces that they are armed with sufficient legal powers to take legal action (iii) give confidence to the prosecution that if they are able to prove the offence armed with the powers available under this law, they can secure a conviction for the accused, and generally give a sense of confidence that members are seriously addressing the issues of security of the State. Therefore, what the Government had done was to try to balance the requirements of the law, requirements of the investigating and prosecuting agencies and the requirements of fair trial and human rights.

The Minister informed that the Prime Minister had asked him to convene a meeting of the Chief Ministers. In the meantime, he said that he had requested the Chief Ministers to take a number of steps. And, he said, he expected them to take those very important steps and come to Delhi for a Conference on 6 January where there would be a review of the steps taken by them and then deliberate on further steps to be taken. The Minister said that the nation could not afford to

lower its guard. Eternal vigilance was the price of liberty. The nation had to be vigilant and he requested the whole House to support the two Bills unanimously.

The Bills, as amended, were passed.

C. QUESTION HOUR

During the Session, in all 18,679 notices of questions (13,553 Starred; 5,123 Unstarred; and 3 Short Notice Questions) were received. Out of these, 360 notices were admitted as Starred; 3,601 as Unstarred; and none was admitted as Short Notice Question.

Due to interruptions in the House on 20, 21, 22 October and 23 December 2008, Starred Questions were not called for oral answers. Replies to Starred Questions listed for those days were treated as Unstarred and their answers, together with the answer to Unstarred Questions, were printed in official Report for those days.

On 17 October and 10 December 2008, the House adjourned for the day after obituary references and Starred Questions were not called for oral answer. Replies to both Starred and Unstarred Questions were treated as Unstarred and their answers together with the answers to Unstarred Questions were printed in the official Report for those days.

On 11 December 2008, the Question Hour was not taken up as the Minister of Home Affairs made a statement regarding the terrorist attack in Mumbai which was followed by a discussion immediately thereafter under Rule 193. Starred Questions put down in the order paper for the day were, therefore, treated as Unstarred and their answers together with the answers to Unstarred Questions were printed in the official Report for the day.

As the lists of Starred and Unstarred Questions for 27 and 29 October 2008 were printed and circulated to Members and Ministers, the replies to Questions for aforesaid lists were subsequently laid on the Table of the House at the next sitting of the House, *i.e.*, 10 December 2008. Replies to Starred Questions were also treated as Unstarred and their answers together with the answers of Unstarred Questions were printed in the official Report for 10 December 2008.

Questions Tabled for the dates subsequent to 29 October 2008 were carried forward and considered for the available dates when the House resumed its sitting on 10 December 2008.

Daily average of Questions in the List of Question: The average number of Starred Questions answered orally in each Sitting of the

House during the Session was 2.6. The maximum number of Starred Questions answered orally on a day was 7 on 15 and 22 December 2008.

The average number of Questions appearing in the Unstarred List came to 200 per day against the prescribed limit of 230, the minimum being 108 Questions on 19 December 2008.

Half-an-Hour Discussion: In all, 5 notices of Half-an-Hour Discussion were received during the Session. Out of those, one notice was admitted and discussed on the floor of the House.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Shri Vishwanath Pratap Singh, former Prime Minister; Sarvashri D.C. Srikantappa, Kishan Lal Diler, Munawar Hasan, all sitting members; Sarvashri Rajendra Agnihotri, Ram Sajivan, Tej Pratap Singh, Shiv Sampati Ram, Pratap Singh Saini, Sultan Salahuddin Owaisi, Tayyab Hussain, Ajit Kumar Panja, Jagdish Awasthi and Prof. P.R. Ramakrishna, all former members.

Besides, references were made to the spate of terrorist activities witnessed in different parts of the country particularly the serial blasts in the cities of Bangalore, Jaipur, Ahmedabad, Delhi, Malegaon and Agartala which resulted in death of innocent persons and destruction of property; to the victims of terrorism and the valiant security personnel, who made supreme sacrifice for the sake of the nation; to the stampede that took place on 3 August 2008 at Naina Devi Temple, at Bilaspur, in Himachal Pradesh which caused death of 142 people and injuries to about 85 persons and another stampede which occurred at Chamunda Devi Temple in Jodhpur, on 30 September 2008, in which 147 people had died and 55 people injured; to the unprecedented floods in Bihar, Orissa and Assam resulting in loss of lives and destruction of property which rendered a large number of persons homeless, to the loss of 89 lives and injuries to 477 persons in bomb blasts which took place in the districts of Barpeta, Bongaingaon, Kokrajhar and Guwahati of Assam on 30 October 2008, and another station in Karbi Anglong district of Assam on 2 December 2008 resulting in loss of lives of 2 persons and injuries to 30 persons; and to the terrorist attacks at several crowded places and prominent hotels in Mumbai on 26 November 2008 resulting in death of 164 persons including 26 foreign nationals, 18 personnel of Mumbai Police including the Head of Anti-Terrorist Squad and 2 Commandos of NSG besides large scale destruction of property.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

RAJYA SABHA**TWO HUNDRED AND FOURTEENTH SESSION***

The Rajya Sabha, which met for its Two Hundred and Fourteenth Session on 17 October 2008 was adjourned on 24 October 2008. The House re-convened on 10 December 2008 and was adjourned *sine die* on 23 December 2008. The Rajya Sabha was prorogued by the President on 24 December 2008.

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

A. STATEMENTS / DISCUSSIONS

Successful launch of Chandrayaan-I to the Moon: Making a Statement in this regard in the House on 22 October 2008, the Minister of State in the Prime Minister's Office and Minister of State in the Ministry of Personnel, Public Grievances and Pensions, Shri Prithviraj Chavan informed the House about the successful launch of Chandrayaan-I, India's first unmanned scientific mission to the Moon by India's Polar Satellite Launch Vehicle, PSLV-C-II, from the Satish Dhawan Space Centre, Sriharikota. He stated that the main scientific objective of Chandrayaan-I mission is to orbit around the moon and carry out high resolution remote sensing for preparing the three-dimensional atlas of the moon and carrying out chemical and mineralogical mapping to the lunar surface. The spacecraft has 11 scientific instruments from India and from the Universities and laboratories of the European Space Agency, U.S.A. and Bulgaria. The Minister also pointed out that on 22 October 2008, Chandrayaan-I spacecraft was placed into an elliptical intermediate orbit of 255/22,860 kms. around the earth. He further stated that in the coming days, the spacecraft would be manoeuvred using its own on-board propulsion system to attain an orbit around the moon, nearly 4 lakh kms. away from the earth.

Recent developments in Sri Lanka: Making a Statement in this regard on 22 October 2008, the Minister of External Affairs, Shri Pranab Mukherjee informed the House that the situation in Sri Lanka was of serious concern to the Government, in particular the deteriorating humanitarian situation in the North of Sri Lanka. He said

* Contributed by the General Research Unit, LARRDIS, Rajya Sabha Secretariat

that India had insisted upon the Sri Lankan Government to safeguard the safety and security of the civilians at all costs. The Minister reiterated the conviction that there was no military solution to the ethnic conflict. He also stated that the Government of India had taken up with the Sri Lankan Government the need to ensure the safety of Indian fishermen. The Minister pointed out that the two Governments have agreed to work towards concluding practical arrangements to prevent incidents of the Sri Lankan Navy firing on the Indian fishermen.

National Land Records Modernisation Programme (NLRMP): Making a Statement in this regard in the House on 23 October 2008, the Minister of Rural Development, Dr. Raghuvansh Prasad Singh stated that the National Common Minimum Programme of the UPA Government had envisaged that the Revenue Administration would be thoroughly modernized and clear land titles would be established. He said that the National Land Records Modernisation Programme (NLRMP) aimed at developing a modern, comprehensive and transparent land records management system with the ultimate goal of implementing the conclusive land-titling system with title guarantee. He stated that the NLRMP would be a Centrally Sponsored Scheme and appraised various components of the Scheme. He also pointed out that Monitoring and Review Mechanism proposed under the NLRMP envisaged Monitoring and Review Committees at District and State levels.

Recent terrorist attacks in Mumbai: Making a Statement in this regard in the House on 11 December 2008, the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal, informed the House that 164 persons, civilians and security personnel, had lost their lives and 308 persons were injured in the attacks. He stated that among the civilians killed were 26 foreigners who belonged to different nationalities. He further stated that 9 terrorists were killed in the operations by the security forces and one terrorist was overpowered and captured. He paid homage to the brave security personnel, who had laid down their lives and extended his condolences to the bereaved families. He also explained to the House the *modus operandi* of the terrorists at the main targets: (i) Chatrapati Shivaji Terminus (CST); (ii) the Leopold Café and Taj Hotel; (iii) the Oberoi–Trident Hotel and; (iv) the Nariman House. He further gave a brief account of the operations that the authorities made in response to the terrorist attacks. He said that cases have been registered and investigations had been entrusted to the Crime Branch of the Mumbai Police. He informed the House that the interrogation of the captured terrorist had yielded valuable evidence and the origins of the ten terrorists who entered India had

been established conclusively. He stated that a number of steps have been taken to remove the logistical weaknesses in mobilization and deployment of the National Security Guards, which included decisions to locate NSG units in a few regional hubs and to create a Coastal Command for overall supervision and coordination of maritime and coastal security. He stated that a set of Bills to strengthen the legal provisions relating to the prevention, investigation, prosecution and punishment of terrorist acts were to be introduced. He assured the House that the strongest possible measures would be taken to ensure the security of the nation and the people.

B. LEGISLATIVE BUSINESS

*The Drugs and Cosmetics (Amendment) Bill, 2005**: On 21 October 2008, the Minister of Health and Family Welfare, Dr. Anbumani Ramadoss moved the motion that the Bill to amend the Drugs and Cosmetics Act, 1940, be taken into consideration. He stated that the Bill aimed to make the penal provisions more stringent to tackle the problems of adulterated and spurious drugs based on the recommendations of Dr. Mashelkar Committee. He further stated that the Bill had been referred to the Parliamentary Standing Committee for detailed examination and its recommendations were further examined extensively by the Ministry of Health and Family Welfare in consultation with the Ministry of Law and Justice.

Replying to the debate**, the Minister of Health and Family Welfare, Dr. Anbumani Ramadoss pointed out that the Bill had made a provision for regulating the drugs under the category of cosmetics, *Ayurveda*, *Unani* and *Siddha*. He said that the Central Drug Authority in coordination with the State Governments, was streamlining the system which included filling up huge backlog of existing posts and creating new posts of Drug Inspectors. He further stated the Cabinet was of the opinion that the existing punishment of a minimum ten years and a maximum of life imprisonment with fines was stringent enough. He assured the members that he would review all the clinical trials happening in the country and would try to restructure it. He also

* The Bill was introduced in the Rajya Sabha on 10 May 2005.

** Those who took part in the discussion were Sarvashri Shantaram Laxman Naik, Rajniti Prasad, Kumar Deepak Das, Bharat Kumar Raut, Dr. C.P. Thakur and Smt. Brinda Karat

claimed that the costs of drugs in India were the lowest in the world and the Ministry was making all efforts to control prices.

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

*The Unorganised Sector Workers' Social Security Bill, 2007**: Moving the motion for consideration of the Bill in the House on 23 October 2008, the Minister of State in the Ministry of Labour and Employment, Shri Oscar Fernandes proposed an amendment to rename the Bill as *'The Unorganised Workers' Social Security Bill'* and also for the provision for incorporating a mechanism for grievances in each scheme. He also said that a National Board with the Union Minister for Labour and Employment as Chairperson and two members representing Lok Sabha and one from Rajya Sabha would be set up. He further stated that in the fast changing environment and diversity, that existed in the country, a scheme would require modification to suit the local needs or changed set of circumstances and that was the reason the details of schemes were not a part of the legislation.

Replying to the debate**, the Minister of State in the Ministry of Labour and Employment, Shri Oscar Fernandes stated that benefits of the Bill included not only health insurance but also other facilities like funding the education of children, pension, etc. He informed that six crore of workers from the Below Poverty Line (BPL) families would be covered under the Bill, in a period of five years.

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

*The Gram Nyayalayas Bill, 2008****: Moving the motion for consideration of the Bill in the House on 16 December 2008, the Minister of Law and Justice, Shri H.R. Bhardwaj proposed for the establishment of Gram Nyayalayas at the grassroots level for the purposes of providing access to justice to the citizens at their doorsteps and to ensure that opportunities for securing justice were not denied to

* The Bill introduced in the Rajya Sabha on 10 September 2007, was referred to the Departmentally Related Standing Committee on Labour which presented their Report on 3 December 2007

** Those who took part in the discussion were Sarvashri Rudra Narayan Pany, G. Sanjeeva Reddy, K. Chandran Pillai, Arjun Kumar Sengupta, Thirunavukkarasar Su., Tapan Kumar Sen, R.C. Singh, Bharat Kumar Raut, Abani Roy, Dr. K. Malaisamy and Dr. Janardhan Waghmare

*** The Bill was introduced in the Rajya Sabha on 21 October 2008

any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto. He pointed out that the House had discussed on many occasions, the issue of denial of justice to the poor citizens of this country, particularly to the under-privileged sections, women, children, minorities and others. He emphasized that this Bill was a step towards speedy, inexpensive and substantial justice to the people. He stated that the persons working in the Gram Nyayalayas would be in the strict sense 'Judicial Officers' drawing the same salary, deriving same powers as the First-Class Magistrates, working under the High Courts. He further said that the State would bear the expenditure of legal aid and added that sufficient publicity would be given by the Government to inform people about these Courts.

Replying to the debate*, the Minister of Law and Justice, Shri H.R. Bhardwaj, said that the Bill was an additional measure to the fast Track Court system. Of the 2,32,088 Gram Panchayats, he said, there were 5,067 Intermediate level Panchayats. The Centre could fund 5,000 courts—100 per cent on capital account and 50 per cent of their recurring expenditure for a certain period, according to the request of the States. He reiterated the fact that the Bill enables *Nyaya Adhikari* / Judicial Officer to be of service at the doorsteps in villages. He said that conciliation Court should be constituted in village. He further added that provisions have been made in the Bill for giving representation to SC/STs and women while appointing *Nyaya Adikari*.

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

*The National Investigation Agency Bill, 2008** and the Unlawful Activities (Prevention) Amendment Bill, 2008***: On 18 December 2008, the Minister of Home Affairs, Shri P. Chidambaram moved the motion for consideration of the two Bills as passed by the Lok Sabha. He said that the National Investigation Agency Bill, 2008 proposed to

* Those who took part in the discussion were Sarvashri S.S. Ahluwalia, Shantram Laxman Naik, Matilal Sarkar, Shivanand Tiwari, Lalit Kishore Chaturvedi, Nand Kishore Yadav, Bharat Kumar Raut, D. Raja, Rajniti Prasad, Sharad Anantrao Joshi, Mangala Kisan, Kumar Deepak Das, Prof. Ram Gopal Yadav, Dr. Janardhan Waghmare, Dr. Gyan Prakash Pilania, Dr. K. Keshava Rao and Kumari Sushila Tiriya

** The Bills, as passed by the Lok Sabha, were laid on the Table of the House on 18 December 2008

constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of States, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations. He pointed out that the first information registered in the police station, would be forwarded to the State Government, which would then forward it to the Central Government, for taking into consideration the gravity of the offence and other relevant factors and directing the case to the National Investigation Agency (NIA). He assured that even if the NIA handled the investigation, provisions were made in the Bill for the State Agencies to be associated with it, and if the NIA felt that the investigations could be returned to the State agency, it might do so. He pointed that there was a provision regarding a Special Court, whose Special Judge would be nominated by the Chief Justice to look into the cases investigated. He also remarked on the Unlawful Activities (Prevention) Amendment Bill, 2008. He stated that this Bill was an attempt to balance the two conflicting interests, of which one was the interest of the State which has to be armed with strong laws so as to make the prosecution confident, that if it marshals evidence and places it before the Court, it could secure a conviction of the accused. The other interest was that of the human rights that were fundamental and basic, he stated. He urged that no man's personal liberty could be taken away except according to the procedure established by law.

Replying to the debate*, the Minister of Home Affairs, Shri P. Chidambaram, pointed out that these two bills were punitive laws and not preventive laws. He also pointed out that the two bills served three main objectives, of speedy and efficient investigation, fair and speedy trial and deterrent punishment. He further reiterated that the provisions added to the Unlawful Activities (Prevention) Act (UAPA) were sufficiently strong and stringent, without trampling upon the fundamental human rights and violating the very fundamental principle that even the offender involved in the most heinous crime is entitled to a fair trial with substantive due processes.

* Those who participated in the discussion were Sarvashri Arun Jaitley, Sitaram Yechury, Kapil Sibal, Amar Singh, Brijesh Pathak, Ashwani Kumar, Shivanand Tiwari, Rajeev Chandrasekhar, Dr. Abhishek Manu Singhvi, Dr. V. Maitreyan and Dr. Janardhan Waghmare

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

C. QUESTION HOUR

During the session, 7,507 notices of Question (6,181 Starred and 1,326 Unstarred) were received. Out of these 320 Questions were admitted as Starred and 2,479 Questions were admitted as Unstarred. The total number of Questions received in Hindi was 1,692.

Daily average of Questions: For all days, the lists of Starred Questions contained 20 Questions. On an average, 2.5 Questions were orally answered. The maximum number of Questions orally answered was five on 22, 23 and 24 October 2008 and 17 December 2008 and the minimum number of questions orally answered was one on 17 December 2008.

The lists of Unstarred Questions contained 154 questions on 20 October 2008. On the rest of the days, it contained 155 Questions each.

Half-an-Hour Discussion: In all, five notices of Half-an-Hour Discussion were received, however none was discussed.

Short Notice Question: No notice of Short Notice Question was received.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Shri Vishwanath Pratap Singh, former Prime Minister of India and ex-member, Shri Laxminarayan Sharma, a sitting member and Sarvashri Chimanbhai Haribhai Shukla, N.R. Dasari, Thillai Villalan, J. Chitharanjan, Khan Ghufuran Zahidi, Harkishan Singh Surjeet, Krishna Kumar Birla, Munavvar Hasan, Rama Shanker Kaushik, Vedprakash P. Goyal, T.G. Deshmukh and Field Marshal S.H.F.J. Manekshaw, all former members.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Fourth Session of the Eleventh Himachal Pradesh Legislative Assembly which commenced on 11 December 2008, was adjourned *sine die* on 17 December 2008. The House was prorogued by the Governor Smt. Prabha Rau on 18 December 2008. There were five sittings in all.

Obituary References: On 11 December 2008, obituary references were made on the passing away of Shri Vishwanath Pratap Singh, former Prime Minister of India, Sarvashri Dharam Pal Thakur, Sita Ram Sharma and Devi Ram Kewla, all former members of the Himachal Pradesh Vidhan Sabha and those killed in terrorist attack in Mumbai.

KERALA LEGISLATIVE ASSEMBLY**

The Ninth Session of Twelfth Kerala Legislative Assembly, which commenced on 24 November 2008, was adjourned *sine die* on 18 December 2008. The Governor prorogued the House on the same day. There were 13 sittings in all.

Obituary references: On 28 November 2008, obituary references were made on the passing away of Shri V.P. Singh, former Prime Minister of India. On 17 December 2008, obituary references were made on the passing away of Sarvashri Syed Ummer Bafaki Thangal, C.P. Balan Vaidyar and B. Vijayakumar, all former members of the Kerala Legislative Assembly.

MANIPUR LEGISLATIVE ASSEMBLY***

The Ninth Manipur Legislative Assembly, which commenced its Fourth Session on 1 October 2008, was adjourned *sine die* on 10 October 2008. There were four sittings in all.

Legislative business: During the Session, the following four Bills were introduced and passed by the House. (i) The Manipur Compulsory Registration of Marriages Bill, 2008; (ii) The Manipur Municipality Disclosure Bill, 2008; (iii) The Manipur Panchayati Raj (Fifth Amendment)

* Material contributed by the Himachal Pradesh Legislative Assembly Secretariat

** Material contributed by the Kerala Legislative Assembly Secretariat

*** Material contributed by the Manipur Legislative Assembly Secretariat.

Bill, 2008; and (iv) The Manipur (Hill Areas) District Councils (Third Amendment) Bill, 2008.

Obituary references: On 1 October 2008, obituary references were made on the passing away of Shri Moirangthem Kumar Singh, Ex-Minister and a member of the Assembly from Sagolband constituency.

WEST BENGAL LEGISLATIVE ASSEMBLY*

The Fourteenth West Bengal Legislative Assembly, which commenced its Sixth Session on 24 November 2008, was prorogued on 6 December 2008.

Obituary references: During the Session, obituary references were made on the passing away of Shri Rathin Sarkar, a sitting member of West Bengal Legislative Assembly; Sarvashri V.P. Singh, former Prime Minister of India; Ajit Kumar Panja, former Union and State Minister; Subrata Mukherjee, former member of the Lok Sabha, K.K. Birla, former member of the Rajya Sabha, Sisir Kumar Isore and Sunirmal Paik, both former members of the West Bengal Legislative Assembly. Tributes were also paid to other renowned personalities from various walks of life.

* Material contributed by the West Bengal Legislative Assembly Secretariat.

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APPENDIX I

**STATEMENT SHOWING THE WORK
TRANSACTIONED DURING THE FIRST AND SECOND
PARTS OF THE FOURTEENTH SESSION OF THE
FOURTEENTH LOK SABHA**

1. PERIOD OF THE SESSION	21.7.2008 to 22.7.2008 17.10.2008 to 24.10.2008 and 10.12.2008 to 23.12.2008
2. NUMBER OF SITTINGS HELD	18
3. TOTAL NUMBER OF SITTING HOURS	96 hours 15 minutes
4. NUMBER OF DIVISIONS HELD	4 (Three on 17 December and One on 22 December 2008)
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	34
(ii) Introduced	22
(iii) Laid on the Table as passed by Rajya Sabha	10
(iv) Reported by Standing Committee	15
(v) Referred to Departmentally related Standing Committee by Honourable Speaker, Lok Sabha/Chairman, Rajya Sabha	15
(vi) Discussed	31
(vii) Passed	31
(viii) Withdrawn	Nil
(ix) Returned by Rajya Sabha without any recommendation	7
(x) Pending at the end of the Session	35
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	270
(ii) Introduced	13
(iii) Discussed	Nil
(iv) Part-discussed	1
(v) Removed from the Register of pending bills	9
(vi) Pending at the end of the Session	274
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 184	
(i) Notices received	525
(ii) Admitted	112
(iii) Discussed	2

8. NUMBER OF MATTERS RAISED UNDER RULE 377	129
9. NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	191
10. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	
(i) Notices received	298
(ii) Admitted	5
(iii) Discussions held	4
(iv) Part-discussed	Nil
11. STATEMENTS MADE BY MINISTERS UNDER RULE 372 & DIRECTION 73A	81
	(19 under Rule 372 and 60 under Direction 73A and 2 by HMPA)
12. STATUTORY RESOLUTIONS	
(i) Notices received	6
(ii) Admitted	3
(iii) Moved	1
(iv) Adopted	1
13. GOVERNMENT RESOLUTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2
14. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	5
(ii) Admitted	4
(iii) Discussed	2
(iv) Adopted	Nil
(v) Withdrawn	1
(vi) Part-discussed	1
15. NUMBER OF ADJOURNMENT MOTIONS	
(i) Total No. of Notices received	45
(ii) Brought before the House	Nil
(iii) Consent withheld by the Speaker, Lok Sabha outside the House	45
16. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	11,404 passes
17. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED	2,559 passes issued on 22 July 2008

18. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	360
(ii) Starred questions answered orally	47
(iii) Un-starred	3,601
(iv) Short Notice Questions	Nil
(v) Half-an-Hour discussions	1

19. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE 1

20. PETITIONS PRESENTED Nil

21. NUMBER OF NEW MEMBERS SWORN-IN WITH DATE Nil

22. NUMBER OF PRIVILEGE MOTIONS

(i) Notices received	14
(ii) Brought before the House	3
(iii) Consent withheld by Speaker	Nil
(iv) Observation made by Speaker	2

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 October to 31 December 2008	No. of Reports presented/ Laid on the Table
1	2	3	4
i)	Business Advisory Committee	—	—
ii)	Committee on Absence of Members from the Sittings of the House	—	—
iii)	Committee on Empowerment of women	—	2
iv)	Committee on Estimates	4	3
v)	Committee on Ethics	—	—
vi)	Committee on Government Assurances	—	—
vii)	Committee to Inquire into the complaint made by some members regarding alleged offer of money to them in connection with voting on the Motion of Confidence	3	—
viii)	Committee to Inquire into Misconduct of Members of Lok Sabha	3	—
ix)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	3	2
x)	Committee on Papers Laid on the Table	—	—

xi) Committee on Petitions	4	5
xii) Committee on Private Members' Bills and Resolutions	1	1
xiii) Committee of Privileges	8	—
xiv) Committee on Public Accounts	—	—
xv) Committee on Public Undertakings	4	3
xvi) Committee on Subordinate Legislation	—	—
xvii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	4	8
xviii) General Purposes Committee	—	—
xix) House Committee	1	—
(a) Accommodation Sub-Committee	—	—
(b) Sub-Committee on Amenities	—	—
xx) Library Committee	—	—
xxi) Railway Convention Committee	1	—
xxii) Rules Committee	—	—
Joint / Select Committee		
i) Joint Committee on Offices of Profit	—	—
ii) Joint Committee to Examine the Constitutional and Legal Position relating to Office of Profit	—	—
iii) Joint Committee on Salaries and Allowances of Members of Parliament	—	—
Departmentally Related Standing Committees		
i) Committee on Agriculture	—	—
ii) Committee on Chemicals and Fertilizers	1	3
iii) Committee on Coal & Steel	2	3
iv) Committee on Defence	—	—
v) Committee on Energy	1	—
vi) Committee on External Affairs	—	—
vii) Committee on Finance	—	—
viii) Committee on Food, Consumer Affairs and Public Distribution	6	3
ix) Committee on Information Technology	8	6
x) Committee on Labour	—	—
xi) Committee on Petroleum & Natural Gas	—	—
xii) Committee on Railways	5	5
xiii) Committee on Rural Development	—	—

xiv) Committee on Social Justice & Empowerment	1	6
xv) Committee on Urban Development	—	—
xvi) Committee on Water Resources	3	2

CELL ON PARLIAMENTARY FORUM

Sl. No.	Name of Forum	No. of Meetings held during the period 1 October to 31 December 2008	No. of lectures held
1.	Parliamentary Forum on Water Conservation and Management	—	—
2.	Parliamentary Forum on Youth	—	—
3.	Parliamentary Forum on Children	—	—
4.	Parliamentary Forum on Population & Public Health	—	—
5.	Parliamentary Forum on Global Warming and Climate Change	1	—

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTIONED DURING THE TWO HUNDRED AND FOURTEENTH SESSION OF THE RAJYA SABHA

1. PERIOD OF THE SESSION	17.10.2008 to 24.10.2008 and 10.12.2008 to 23.12.2008
2. NUMBER OF SITTINGS HELD	16
3. TOTAL NUMBER OF SITTING HOURS	70 Hours and 37 Minutes
4. NUMBER OF DIVISIONS HELD	2
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	38
(ii) Introduced	17
(iii) Laid on the Table as passed by Lok Sabha	18
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by the Rajya Sabha	Nil
(vi) Referred to Joint Committee by the Rajya Sabha	Nil
(vii) Referred to the Department-related Standing Committees	12
(viii) Reported by Select Committee	Nil
(ix) Reported by Joint Committee	Nil
(x) Reported by the Department-related Standing Committees	15
(xi) Discussed	28
(xii) Passed	28
(xiii) Withdrawn	6
(xiv) Negatived	Nil
(xv) Part-discussed	Nil
(xvi) Returned by the Rajya Sabha without any recommendation	7
(xvii) Discussion postponed	Nil
(xviii) Pending at the end of the Session	38
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	137
(ii) Introduced	39

(iii) Laid on the Table as passed by the Lok Sabha	Nil
(iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	Nil
(vii) Withdrawn	Nil
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	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	2
(xvi) Pending at the end of the Session	174
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)	
(i) Notices received	104
(ii) Admitted	1
(iii) Discussions held	Nil
8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling Attention to Matters of Urgent Public Importance)	
Statement made by Ministers	Nil
9. HALF-AN-HOUR DISCUSSIONS HELD	Nil
10. STATUTORY RESOLUTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2
(v) Negatived	Nil
(vi) Withdrawn	Nil
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTION	
(i) Received	5
(ii) Admitted	5

(iii) Discussed	1
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved & discussed	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	292
(ii) Admitted	342
(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	974
18. TOTAL NUMBER OF VISITORS	2,072
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	146 (on 10.12.2008)
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	249 (on 20.10.2008)

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	320
(ii) Unstarred	2,479
(iii) Short-Notice Questions	Nil

22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of Committee	No. of meetings held during the period from 1 October to 31 December 2008	No. of Reports presented
(i)	Business Advisory Committee	4	Nil
(ii)	Committee on Subordinate Legislation	2	4
(iii)	Committee on Petitions	6	2
(iv)	Committee of Privileges	1	2
(v)	Committee on Rules	1	Nil
(vi)	Committee on Government Assurances	2	1
(vii)	Committee on Papers Laid on the Table	2	5
(viii)	General Purposes Committee	1	Nil
(ix)	House Committee	1	Nil
Department-related Standing Committees:			
(x)	Commerce	2	2
(xi)	Home Affairs	3	3
(xii)	Human Resource Development	3	3
(xiii)	Industry	4	1
(xiv)	Science and Technology, Environment and Forests	6	9
(xv)	Transport, Tourism and Culture	5	8
(xvi)	Health & Family Welfare	4	4
(xvii)	Personnel, Public Grievances, Law and Justice	6	4
Other Committees			
(xviii)	Committee on Ethics	1	Nil
(xix)	Committee on Provision of Computers to Members of Rajya Sabha	1	Nil
(xx)	Committee on Member of Parliament Local Area Development Scheme	1	1
(xxi)	Joint Parliamentary Committee on Wakf Boards	2	4
24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE		7
25.	PETITIONS PRESENTED		1

26. NAME OF NEW MEMBERS SWORN-IN WITH DATES

Sl. No.	Name of Members sworn-in	Party Affiliation	Date on which sworn-in
1	2	3	4
1.	Dr. Prabhakar Kore	BJP	20.11.2008
2.	Shri Barun Mukherji	AIFB	-do-
3.	Shri Mohammed Adeeb	IND	10.12.2008
4.	Dr. Akhilesh Das Gupta	BSP	-do-
5.	Shri Avtar Singh Karimpuri	BSP	-do-
6.	Shri Brajesh Pathak	BSP	-do-
7.	Shri Veer Singh	BSP	-do-
8.	Shri Rajaram	BSP	-do-
9.	Shrimati Kusum Rai	BJP	-do-
10.	Shri Bhagat Singh Koshyari	BJP	-do-
11.	Shri Amar Singh	SP	-do-
12.	Prof. Ram Gopal Yadav	SP	-do-
13.	Shri Brijlal Khabri	BSP	11.12.2008

27. OBITUARY REFERENCES

Sl. No.	Name	Sitting Member/ Ex-Member
1.	Shri Vishwanath Pratap Singh	Former P.M. & Ex-Member
2.	Shri Laxminarayan Sharma	Sitting Member
3.	Shri Chimanbhai Haribhai Shukla	Ex-Member
4.	Shri N.R. Dasari	-do-
5.	Shri Thillai Villalan	-do-
6.	Shri K. Chitharanjan	-do-
7.	Shri Khan Gufram Zahidi	-do-
8.	Shri Harkishan Singh Surjeet	-do-
9.	Shri Krishna Kumar Birla	-do-
10.	Field Marshal S.H.F.J. Manekshaw	-do-
11.	Shri Munavvar Hassan	-do-
12.	Shri Rama Shanker Kaushik	-do-
13.	Shri Vedprakash P. Goyal	-do-
14.	Shri T.G. Deshmukh	-do-

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD FROM 1 OCTOBER TO 31 DECEMBER 2008

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.	1.12.2008 to 5.12.2008	5	3(4)	—	155(67)	—(30)	13(5)
Andhra Pradesh L.C.	1.12.2008 to 5.12.2008	5	—(4)	—	250(150)	—(7)	40(32)
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—
Assam L.A.*	—	—	—	—	—	—	—
Bihar L.A.	2.12.2008 to 8.12.2008	5	6(6)	—	350(277)	189(161)	64(21)
Bihar L.C.	2.12.2008 to 8.12.2008	5	—(6)	—	530(506)	—	146(127)
Chhattisgarh L.A.*	—	—	—	—	—	—	—
Goa L.A.*	—	—	—	—	—	—	—
Gujarat L.A.*	—	—	—	—	—	—	—
Haryana L.A.*	—	—	—	—	—	—	—
Himachal Pradesh L.A.	11.12.2008 to 17.12.2008	5	4(4)	—	303(194)	91(70)	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Jharkhand L.A.	17.12.2008 to 22.12.2008	5	1(1)	—	80(76)	—(126)*	241(110)
Karnataka L.A.*	—	—	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—
Kerala L.A.	24.11.2008 to 18.12.2008	13	17(17)	—	6,921	2,173(4,507)*	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.	1	2	—(14)	—	—	3(14)	4	—	6	—	—	1	6(10)	—	—	(1) ⁶⁰
Tripura L.A.	2(2)	—	—	—	1	—(2)	1	3	1	—	1	—	—(4)	1(1)	—	—
Uttarakhand L.A.	5(5)	5(3)	5(1)	—	—	5(1)	—	—	3	—	4	—	2(4)	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.	10	—	3	—	5	—	—	—	—	—	—	—	—	—	—	68 ⁶⁰
West Bengal L.A.	4(4)	10	10	—	6	12(3)	11	—	10	—	11	5(1)	6	—	—	239(2)(¹)
UNION TERRITORIES																
Delhi L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Puducherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

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

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

- (a) Committee on Welfare of Women & Children and Disabled-4; Committee on Welfare of Minorities-2; Committee on Wild Life & Environment Protection-2; House Committee on Neeru Meeru-1; House Committee on Sarva Siksha Abhiyan and District Primary Education Programme-2(1); House Committee to Monitor Implementation of GoMs No.610-1; House Committee to enquire into the Irregularities in Republic Forge Company-1; and House Committee on Jal Vihar and Eat Street-4
- (b) Committee on Papers Laid on the Table-2; and Committee on Ethics-2
- (c) Ethics Committee-2; Act Implementation Committee-1; and OBC & MOBC Committee-1
- (d) Tourism Development Committee-18; Internal Resources Committee-18; Members Fund Monitoring and Implementation Committee-12; Agricultural and Industries Development Committee-13; Nivedan Committee-14(2); Zero Hour Committee-11; Women and Child Development-10; Question and Calling Attention Committee-10; and Zila Panchayat / Zila Parishad Committee-21
- (e) Human Rights Committee-10; Committee on Questions and Calling Attention-9; Nivedan Committee-12; Committee on Welfare of Minorities-11; Committee on Zila Parishad and Panchayati Raj-11; Committee on Papers Laid on the Table-10; and Committee on State Language-10
- (f) Budget Committee-1; House Committee for finalization of Sites for Garbage Treatment of Plants/Land Sites-1; and House Committee on Functioning of the Goa State Pollution Control Board-3

- (g) Members' Pay and Allowance Rules Committee-2; Panchayati Raj Committee-6; Welfare of Socially and Educationally Backward Classes Committee-5; Papers Laid on the Table Committee-5; and Absence of Members Committee-1
- (h) Press Gallery Committee-1
- (i) Welfare Committee-11(3); Public Administration Committee-4(1); Human Development Committee-4(3); General Development Committee-5(1); and Rural Planning Committee-5(2)
- (j) Committee on Welfare of Women and Children-10; Committee on Papers Laid on the Table-10(1); and Committee on Backward Classes and Minorities-12(1)
- (k) Committee on Welfare of Women and Children and Physically Handicapped-9(1); Committee on Environment-7; Committee on Welfare of Backward Class Communities-9(1); Committee on Official Language-8(1); Committee on Papers Laid on the Table-10(2); Committee on Local Funds Accounts-10; and Subject Committees (I to X)-27(16)
- (l) Committee on Papers Laid on the Table-1
- (m) Hill Areas Committees-(2)
- (n) Committee on Empowerment of Women-7
- (o) Committee on Papers Laid to be Laid on the Table of the House-7; Committee on Questions and References-21; Committee on Local Bodies and Panchayati Raj Institutions-10; Committee to Examine Pollution being created by Sugar Mills and Distilleries in the State-1
- (p) Committee on Papers Laid on the Table-(1)
- (q) Committee on Reference and Question-6; Committee on Financial and Administration Delays-3; Committee on Parliamentary Study-5; Committee on Enquiry of Housing Complaints of UP Legislature-7; Parliamentary and Social Welfare Committee-5; Committee on Control of Irregularities in Development Authorities, Housing Board, Zila Panchayats and Municipal Corporation-8; Committee on Enquiry of Provincial Electricity Arrangement-14; Committee on Regulation Review-12; Committee on Rule Revision-5; and Committee on Commercialization of Education-3
- (r) Committee on Paper Laid on the Table-11(1); Committee on Affairs of Women and Children-10; and Standing Committees-218(1)

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 2008**

Sl. No.	Title of the Bill	Date of Assent
1.	The Appropriation (No.3) Bill, 2008	31.10.2008
2.	The Appropriation (Railways) No.4 Bill, 2008	31.10.2008
3.	The Indian Maritime University Bill, 2008	11.11.2008
4.	The National Waterway (Talcher-Dharama Stretch of Rivers, Geonkhali Charbatia Stretch of East Coast Canal, Charbatia Dhamra Stretch of Matai River and Mahanadi Delta Rivers) Bill, 2008	17.11.2008
5.	The National Waterway (Kakinada-Puducherry Stretch of Canals and the Kaluvelly Tank, Bhadrachalam-Rajahmundry Stretch of River Godavari and Wazirabad-Vijayawada Stretch of River Krishna) Bill, 2008	17.11.2008
6.	The Central Universities Laws (Amendment) Bill, 2008	5.12.2008
7.	The Drugs and Cosmetics (Amendment) Bill, 2008	5.12.2008
8.	The Airports Economic Regulatory Authority of India Bill, 2008	5.12.2008
9.	The President's Emoluments and Pension (Amendment) Bill, 2008	30.12.2008
10.	The Vice-President's Pension (Amendment) Bill, 2008	30.12.2008
11.	The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 2008	30.12.2008
12.	The Appropriation (No.4) Bill, 2008	30.12.2008
13.	The Appropriation (Railways) No.5 Bill, 2008	30.12.2008
14.	The Unorganised Workers' Social Security Bill, 2008	30.12.2008
15.	The National Investigation Agency Bill, 2008	31.12.2008
16.	The Unlawful Activities (Prevention) Amendment Bill, 2008	31.12.2008

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

1 OCTOBER TO 31 DECEMBER 2008

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Farmer's Management of Irrigation Systems (Amendment) Bill, 2008
2. The Andhra Pradesh Fiscal Responsibility and Budget Management Bill, 2008
3. The Andhra Pradesh Municipal Laws (Fourth Amendment) Bill, 2008
4. The Andhra Pradesh Education Amendment Bill, 2008

ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The Andhra Pradesh Fiscal Responsibility and Budget Management Bill, 2008
2. The Andhra Pradesh Farmer's Management of Irrigation Systems (Amendment) Bill, 2008
3. The Andhra Pradesh Municipal Laws (Fourth Amendment) Bill, 2008
4. The Andhra Pradesh Education Amendment Bill, 2008

BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Value Added Tax (Amendment) Bill, 2008
2. The Bihar Contingency Fund (Amendment) Bill, 2008
3. The Bihar Self Supporting Co-operative Society (Amendment) Bill, 2008
4. The Court Fee (Bihar Amendment) Bill, 2008
5. The Bihar Appropriation (No.4) Bill, 2008
6. The Bihar Government Premises (Allotment, Rent, Recovery and Eviction) (Amendment) Bill, 2008

BIHAR LEGISLATIVE COUNCIL

1. The Bihar Mulya Vardita Kaar (Sanshodhan) Vidheyak, 2008
2. The Bihar Akadmikta Nidhi (Sanshodhan) Vidheyak, 2008
3. The Bihar Swawalambi Sahkari Samiti (Sanshodhan) Vidheyak, 2008
4. The Bihar Sarkari Parisar (Avantan, Kiraya, Vasooli Evam Bedakhali) (Sanshodhan) Vidheyak, 2008
5. The Bihar Nyayalaya Fees (Bihar Sanshodhan) Vidheyak, 2008
6. The Bihar Viniyog (Sankhya-4) Vidheyak, 2008

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Courts (Amendment) Bill, 2008
2. The Himachal Pradesh Tax on Luxuries (In Hotels and Lodging Houses) Amendment Bill, 2008
3. The Chitkara University (Establishment and Regulation) Bill, 2008
4. The Eternal University (Establishment and Regulation) Bill, 2008

JHARKHAND LEGISLATIVE ASSEMBLY

1. The Jharkhand Viniyog (Sankhya-4) Vidheyak, 2008

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Farmers' Debt Relief Commission (Amendment) Bill, 2008
2. The Kerala Handloom Workers' Welfare Fund (Amendment) Bill, 2008
3. The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 2008
4. The Kerala Tailoring Workers' Welfare Fund (Amendment) Bill, 2008
5. The Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates (Amendment) Bill, 2008
6. The Kerala High Court Services (Determination of Retirement Age) Bill, 2008
7. The Kerala Appropriation (No.18) Bill, 2008
8. The Kerala Shops and Commercial Establishments Workers Welfare (Amendment) Bill, 2008
9. The Kerala Water Supply and Sewerage (Amendment) Bill, 2008
10. The Co-operative Societies (Amendment) Bill, 2008
11. The Unregistered Cashew nut Factories Prohibition (Amendment) Bill, 2008
12. The Kerala Advocates' Clerks Welfare Fund (Amendment) Bill, 2008
13. The National University of Advanced Legal Studies (Amendment) Bill, 2008
14. The Kerala Headload Workers (Amendment) Bill, 2008
15. The Kerala State Lottery Agents' and Sellers' Welfare Fund Bill, 2008
16. The Non-Resident Keralites' Welfare Bill, 2008
17. The Sree Sankaracharya University of Sanskrit (Second Amendment) Bill, 2008

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The University of Science and Technology Bill, 2008
2. The Techno Global University Bill, 2008
3. The Meghalaya Value Added Tax (Amendment) Bill, 2008
4. The Meghalaya Passengers and Goods Taxation (Amendment) Bill, 2008

ORISSA LEGISLATIVE ASSEMBLY

1. The Orissa Reservation of Posts and Services (For Socially and Educationally Backward Classes) Bill, 2008

2. The Orissa Advocates Clerks Welfare Fund Bill, 2008
3. The Orissa Municipal (Amendment) Bill, 2008
4. The Orissa Municipal Corporation (Amendment) Bill, 2008
5. The Orissa Contingency Fund (Amendment) Bill, 2008
6. The Orissa Medicare Service Persons and Medicare Service Institutions (Prevention of Violation and Damage for Property) Bill, 2008
7. The Orissa University of Technology Bill, 2008
8. The Jagannath Temple (Amendment) Bill, 2008
9. The Orissa Gram Panchayats (Amendment) Bill, 2008
10. The Orissa Appropriation (No.2) Bill, 2008

TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Chennai City Police (Extension to the Chennai City Suburban Area) Bill, 2008
2. The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 2008
3. The Tamil Nadu Municipal Corporations Laws (Amendment) Bill, 2008
4. The Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Bill, 2008
5. The Registration (Tamil Nadu Amendment) Bill, 2008
6. The Tamil Nadu Laws (Special Provisions) Bill, 2008
7. The Tamil Nadu Value Added Tax (Second Amendment) Bill, 2008
8. The Tamil Nadu Value Added Tax (Third Amendment) Bill, 2008
9. The Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and Appointments or Posts in the Services under the State) Amendment Bill, 2008
10. The Tamil Nadu Municipal Laws (Seventh Amendment) Bill, 2008
11. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 2008
12. The Tamil Nadu Panchayats (Eighth Amendment) Bill, 2008
13. The Tamil Nadu Panchayats (Ninth Amendment) Bill, 2008
14. The Tamil Nadu Sales Tax (Settlement of Arrears) Bill, 2008
15. The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Second Amendment Bill, 2008
16. The Tamil Nadu Co-operative Societies (Third Amendment) Bill, 2008
17. The Tamil Nadu Co-operative Societies (Fourth Amendment) Bill, 2008
18. The Tamil Nadu Town and Country Planning (Fourth Amendment) Bill, 2008
19. The Tamil Nadu Appropriation (No.3) Bill, 2008

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Lokayukta Bill, 2008

2. The Tripura State Minority Commission Bill, 2008
3. The Salaries Allowances, Pensions and other Benefit of the (Ministers, Speaker, Deputy Speaker, Leader of Opposition, Government Chief Whip and the Members of the Legislative Assembly) Tripura Bill, 2008

UTTARAKHAND LEGISLATIVE ASSEMBLY

1. The Uttarakhand (The Uttar Pradesh Special Area Development Authority Act, 1986) Adaptation and Modification Order, 2006 (Amendment) Bill, 2008
2. The Uttarakhand Appropriation (Supplementary 2008-09) Bill, 2008
3. The Uttarakhand Value Added Tax (Second Amendment) Bill, 2008
4. The Uttarakhand Board of Technical Education (Amendment) Bill, 2008
5. The Uttarakhand Panchayat Law (Amendment) Bill, 2008
6. The Uttarakhand (The Uttar Pradesh Water Supply and Sewerage, Act, 1975) (Amendment) Bill, 2008
7. The Uttarakhand (The Uttar Pradesh Town Planning and Development Act, 1973) Adaptation and Modification Order, 2006 (Amendment) Bill, 2008
8. The Uttarakhand Tax on Entry of Goods into Local Areas Bill, 2008

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Apartment Ownership (Amendment) Bill, 2008
2. The East Kolkata Wetlands (Conservation and Management) (Amendment) Bill, 2008
3. The West Bengal School Service Commission (Amendment) Bill, 2008
4. The West Bengal Schools (Control of Expenditure) (Amendment) Bill, 2008
5. The West Bengal Value Added Tax (Amendment) Bill, 2008*
6. The West Bengal Madrasah Service Commission (Amendment) Bill, 2008*
7. The Dhirubhai Ambani Institute of Information and Communication Technology Bill, 2008

* Bills awaiting assent

APPENDIX VI
ORDINANCES PROMULGATED BY THE UNION AND
STATE GOVERNMENTS DURING THE PERIOD

1 OCTOBER TO 31 DECEMBER 2008

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
UNION GOVERNMENT					
1.	The Agricultural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008	13.10.2008	20.10.2008	—	—
ANDHRA PRADESH					
1.	The Andhra Pradesh Education (Amendment) Ordinance, 2008	21.10.2008	2.12.2008	—	—
2.	The Andhra Pradesh Municipal Laws (Second Amendment) Ordinance, 2008	11.11.2008	2.12.2008	—	—
BIHAR					
1.	The Bihar Contingency Fund (Amendment) Ordinance, 2008	15.9.2008	2.12.2008	24.12.2008	Replaced by Legislation
2.	The Bihar Value Added Tax (Amendment) Ordinance, 2008	13.10.2008	2.12.2008	22.12.2008	Replaced by Legislation

GOA					
1.	The Goa Industrial Development (Amendment) Ordinance, 2008	1.10.2008	—	—	—
HIMACHAL PRADESH					
1.	The Chitkara University (Establishment and Regulation) Ordinance, 2008	7.11.2008	11.12.2008	—	Replaced by Legislation
2.	The Eternal University (Establishment and Regulation) Ordinance, 2008	7.11.2008	11.12.2008	—	Replaced by Legislation
KERALA					
1.	The Kerala Sports (Amendment) Ordinance, 2008	26.9.2008	24.11.2008	—	—
2.	The Kerala Agricultural Income Tax (Amendment) Ordinance, 2008	22.10.2008	24.11.2008	—	—
3.	The Kerala Value Added Tax (Amendment) Ordinance, 2008	30.10.2008	24.11.2008	—	—
4.	The Kerala Land Conservancy (Amendment) Ordinance, 2008	8.11.2008	24.11.2008	—	—
TAMIL NADU					
1.	The Tamil Nadu Sales Tax (Settlement of Arrears) Ordinance, 2008	7.10.2008	—	—	—
2.	The Tamil Nadu Co-operative Societies (Third Amendment) Ordinance, 2008	20.10.2008	—	—	—

3.	The Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the services under the State) Amendment Ordinance, 2008	21.10.2008	—	—	—
4.	The Tamil Nadu Panchayats (Eighth Amendment) Ordinance, 2008	28.10.2008	—	—	—
UTTARAKHAND					
1.	The Uttarakhand [The Uttar Pradesh State Legislature (Prevention of Disqualification) Act, 1971] (Amendment) Ordinance, 2008	15.11.2008	15.12.2008	16.12.2008	Replaced by Legislation
WEST BENGAL					
1.	The West Bengal Value Added Tax (Amendment) Ordinance, 2008	30.9.2008	26.11.2008	16.12.2008	Replaced by Legislation

APPENDIX VII
A. PARTY POSITION IN 14TH LOK SABHA (AS ON 13 JANUARY 2009)

States	No. of Seats	INC	BJP	CPI (M)	SP	RJD	BSP	DMK	SS	NCP	BUD	CPI	SAD	PMK	JMM	TDP	MD MK	LSP	JD (S)	AFB
Andhra Pradesh	42	30	—	1	—	—	—	—	—	—	—	1	—	—	—	4	—	—	—	—
Assam	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar	14	9	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhattisgarh	40	3	5	—	—	22	—	—	—	—	—	—	—	—	—	—	—	4	—	—
Goa	11	1	8	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	12	13	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	8	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	3	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	14	6	—	—	—	2	—	—	—	—	—	1	—	—	4	—	—	—	—	—
Karnataka	28	9	11	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Kerala	20	—	—	12	—	—	—	—	—	—	—	3	—	—	—	—	—	—	1	—
Madhya Pradesh	29	5	19	—	—	—	—	—	12	10	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	13	11	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—
Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	2	7	—	—	—	—	—	—	10	—	—	—	—	1	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	8	—	—	—	—	—	—	—
Rajasthan	25	4	19	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	10	—	2	—	—	—	16	—	—	—	2	—	—	—	—	4	—	—	—
Tripura	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttarakhand	5	2	2	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	9	8	—	33	—	16	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal	42	6	—	25	—	—	—	—	—	—	—	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	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Puducherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	545	150	113	42	35	24	16	16	12	11	10	10	8	6	5	4	4	4	3	3

APPENDIX VII (CONTD.)

States	RLD	RSP	TRS	AGP	KC	J&K NC	JD(U)	AIM IM	ATC	BNP	MNF	MLK SC	NFP	NLP	RPI (A)	SDF	IND	TOTAL	VACANCIES
Andhra Pradesh	—	—	3	—	—	—	—	1	—	—	—	—	—	—	—	—	—	40	2
Arunachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Assam	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Bihar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	34	6
Chhattisgarh	—	—	—	—	—	—	—	—	—	—	—	—	9	—	—	—	—	2	2
Goa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Gujarat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	1
Haryana	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9	1
Himachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—
Jammu & Kashmir	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	1	4	2
Jharkhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Karnataka	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	23	5
Kerala	—	—	—	—	2	—	—	—	—	—	—	1	—	—	—	—	1	20	—
Madhya Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	24	5
Maharashtra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	47	1
Manipur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—
Meghalaya	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Mizoram	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	1	—
Nagaland	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Orissa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	20	1
Punjab	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	—
Rajasthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	23	2
Sikkim	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—
Tamil Nadu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	39	—
Tripura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Uttarakhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5	—
Uttar Pradesh	3	—	—	—	—	—	1	—	—	—	—	—	—	1	—	—	1	72	8
West Bengal	—	3	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	41	—
Nominated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
UNION TERRITORIES																			
A & N Islands	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Chandigarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Dadra & Nagar Haveli	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—
Daman and Diu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
The NCT of Delhi	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	6	1
Lakshadweep	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
Puducherry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	3	3	3	2	2	1	1	1	1	1	1	1	1	1	1	1	6	506*	38

* Excluding Speaker, Lok Sabha

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 Trinamool 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; INC-Indian National Congress; 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; SP-Samajwadi Party; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi

B. PARTY POSITION IN RAJYA SABHA (AS ON 13 JANUARY 2009)

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

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
24.	Tamil Nadu	18	4	—	—	1	—	7	—	—	6 ^(a)	—	18	—
25.	Tripura	1	—	—	—	1	—	—	—	—	—	—	1	—
26.	Uttarakhand	3	2	1	—	—	—	—	—	—	—	—	3	—
27.	Uttar Pradesh	31	—	5	14	—	—	—	10	—	1 ^(a)	1	31	—
28.	West Bengal	16	—	—	—	9	—	—	—	—	5 ^(a)	2	16	—
UNION TERRITORIES														
29.	The NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	3	—
30.	Puducherry	1	1	—	—	—	—	—	—	—	—	—	1	—
31.	Nominated	12	—	3	—	—	—	—	—	—	9 ^(a)	—	12	—
TOTAL		245	68	52	14	15	8	7	10	6	54	7	240	5

OTHERS

(Break-up of Parties/Groups)

(a) Telugu Desam Party-3; and Communist Party of India-1

(b) Asom Gana Parishad-2; and Bodoland People's Front-1

(c) Rashtriya Janata Dal-4; and Lok Jan Shakti Party-1

(d) Indian National Lok Dal-1

(e) Janata Dal (Secular)-2

(f) Muslim League-1; and Communist Party of India-1

(g) Shiv Sena-4; and Swatantra Bharat Paksh-1

(h) Mizo National Front-1

(i) Nagaland Peoples' Front-1

(j) Biju Janata Dal-4

(k) Shiromani Akali Dal-3

(l) Sikkim Democratic Front-1

(m) Dravida Munnetra Kazhagam-4; Pattali Makkal Katchi-1; and Communist Party of India-1

(n) Rashtriya Lok Dal-1

(o) All India Trinamool Congress-2; Revolutionary Socialist Party-1; All India Forward Bloc-1; and Communist Party of India-1

(p) Nominated-9

C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

State/Union territories	Seats	INC	BJP	CPI(M)	CPI	NCP	BSP	Janata Dal (U)	Janata Dal (S)	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Andhra Pradesh L.C. (1.1.2009)	90	39	—	1	2	—	—	—	—	38 ^(a)	6	86	4
Arunachal Pradesh L.A. (1.1.2009)	60	44	—	—	—	—	—	—	—	2 ^(a)	14	60	—
Assam L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar L.A. (1.1.2009)	243	8	55	1	3	1	4	90	—	70 ^(a)	10	242	1
Bihar L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhattisgarh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa L.A. (1.1.2009)	40	18	14	—	—	3	—	—	—	3 ^(a)	2	40	—
Gujarat L.A. (1.1.2009)	182	59	117	—	—	3	—	1	—	—	2	182	—
Haryana L.A. (1.1.2009)	90	65	2	—	—	1	1	—	—	10 ^(a)	10	89 ^a	—
Himachal Pradesh L.A. (1.1.2009)	68	23	42	—	—	—	—	—	—	—	3	68	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A. (31.12.2008)	82	9	29	—	1	1	—	4	—	33 ^(m)	4	81	1
Karnataka L.A. (6.12.2008)	225	77	109	—	—	—	—	—	23	1 ^(a)	6	216 ^a	8
Karnataka L.C. (3.12.2008)	75	28	28	—	—	—	—	2	13	—	3	74 ^a	—

Kerala L.A. (1.1.2009)	140	24	—	60	17	2	—	—	5	26 ⁽ⁿ⁾	5	139 [*]	—
Madhya Pradesh L.A. (1.1.2009)	230	71	143	—	—	—	7	—	—	6 ⁿ	3	230	—
Maharashtra L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur L.A. (1.1.2009)	60	30	—	—	4	4	—	—	—	11 ⁰	10	59	1
Meghalaya L.A. (30.9.2008)	60	25	1	—	—	15	—	—	—	14 ^(e)	5	60	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa L.A.	147	38	32	1	1	—	—	—	—	67 ⁰	8	147	—
Punjab L.A. (1.1.2009)	117	43	19	—	—	—	—	—	—	48 ^(m)	5	115	2
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A. (1.1.2009)	235	35	—	9	6	—	—	—	—	182 ⁽ⁿ⁾	1	233 [*]	1
Tripura L.A. (31.12.2008)	60	10	—	46	1	—	—	—	—	3 ^(e)	—	60	—
Uttarakhand L.A. (1.10.2008)	71	20	35	—	—	—	8	—	—	7 ^(e)	—	70	1
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C. (1.1.2009)	100	4	23	—	—	—	13	—	—	52 ^(e)	5	97	3
West Bengal L.A. (1.1.2009)	295	20	—	174	7	—	—	—	—	88 ⁽ⁿ⁾	2	291	4
UNION TERRITORY Delhi L.A.	70	43	23	—	—	—	2	—	—	1 ^(e)	1	70	—

- * Information received from the State/Union territory Legislatures contained NIL report
- ** Information not received from the State/Union territory Legislatures
- Excluding Speaker/Chairman
- a) •Telugu Desam Party-13; Telangana Rashtra Samiti-1; All India Majlis Ittehad-ul-Muslimeen-1; Progressive Democratic Front-7; Democratic Peoples Front-4; and Nominated-12
- b) Arunachal Congress-2
- c) Rashtriya Janata Dal-54; Lok Jan Shakti Party-10; Communist Party of India (Marxist-Leninist) (Liberation)-5; and Akhil Jan Vikas Dal-1
- d) United Goans Democratic Party-1; and Maharashtrawadi Gomantak Party-2
- e) Indian National Lok Dal-9; and Haryana Janhit Congress Party (BL)-1
- f) Jharkhand Mukti Morcha-17; Rashtriya Janata Dal-7; All Jharkhand Students Union-2; United Goans Democratic Party-2; All India Forward Bloc-2; Communist Party of India (Marxist-Leninist)-1; Jharkhand Party-1; and Nominated-1
- g) Nominated-1
- h) Muslim League-7; Kerala Congress (M)-7; Kerala Congress-4; Revolutionary Socialist Party-3; Congress (Secular)-1; Kerala Congress (Secular)-1; Kerala Congress (B)-1; Janathipathya Samrakshana Samithi-1; Indian National League-1; and Nominated-1
- i) Bharatiya Jan Shakti-5; and Samajawadi Party-1
- j) Manipur Peoples' Party-5; Rashtriya Janata Dal-3; and National Peoples' Party-3
- k) United Democratic Party-11; Hill State Peoples Democratic Party-2; and Khun Hynniewtrep National Awakening Movement-1
- l) Biju Janata Dal-61; and Jharkhand Mukti Morcha-4; and Orissa Gana Parishad-2
- m) Shiromani Akali Dal-48
- n) Dravida Munnetra Kazhagam-95; All India Anna Dravida Munnetra Kazhagam-60; Pattali Makkal Katchi-18; Marumalarchi Dravida Munnetra Kazhagam-5; Viduthala Chiruthaigal Katchi-2; Desia Murpokku Dravida Kazhagam-1; and Nominated-1
- o) Revolutionary Socialist Party-2; and Indigenous Nationalist Party of Twipra-1
- p) Uttarakhnad Party-3; Nominated-1; and Others-3
- q) Samajwadi Party-36; Rashtriya Lok Dal-6; Samajwadi Janata Dal (Rashtriya)-1; and Sikchhak Dal (Non-Political)-9
- r) All India Forward Bloc-23; Revolutionary Socialist Party-20; West Bengal Socialist Party-4; Marxist Forward Bloc-2; Democratic Socialist Party-1; Rashtriya Janata Dal-1; All India Trinamool Congress-30; Gorkha National Liberation Front-3; Socialist Unity Centre of India-2; Jharkhand Party (Naren)-1; and Nominated-1
- s) Lok Jan Shakti Party-1

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