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LOK SABHA SECRETARIAT  
NEW DELHI

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

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## EDITORIAL NOTE

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In a parliamentary system of democracy, it is the people who have the ultimate supremacy in the governance of the country and this supremacy is established by the institution of Parliament. In her Address at the Orientation Programme for newly elected members of the Fifteenth Lok Sabha, on 6 July 2009 in New Delhi, the Speaker, Lok Sabha, Smt. Meira Kumar urged that as peoples' representatives, the members of Parliament should be cautious and judicious enough to ensure that our parliamentary system constantly remains responsive to the urges and aspirations of the people. In fact, as members of Parliament they are to connect the people with the Legislature on the one hand and with the Executive, on the other. They are in a privileged position to bring the people's problems directly before the country's policy planners and decision-makers. We include in this issue the text of the Address delivered by the Speaker, Lok Sabha, Smt. Meira Kumar at the Programme.

Article 105 of the Constitution of India provides for the powers, privileges and immunities of Parliament and its members. It expressly states that 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. The nature and scope of the immunity available to the members of Parliament in respect of their speeches and voting in Parliament guaranteed under article 105, has been analytically examined by Dr. M. Rama Jois, member, Rajya Sabha in his article on *Immunity to Members of Parliament against Corruption and Power of Parliament to expel its Members* by taking into consideration the pronouncements made by the Supreme Court concerning this important issue on different occasions. We include in this issue of the *Journal*, the above article authored by Dr. Rama M. Jois.

We also carry in this issue the other regular features, viz. Parliamentary Events and Activities, 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*

**ADDRESS BY THE SPEAKER, LOK SABHA,  
SMT. MEIRA KUMAR AT THE ORIENTATION  
PROGRAMME FOR NEWLY ELECTED MEMBERS  
OF THE FIFTEENTH LOK SABHA, NEW DELHI,  
6 JULY 2009**

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An Orientation Programme for the newly elected members of the Fifteenth Lok Sabha was held at New Delhi from 6 July to 11 July 2009. The Speaker, Lok Sabha, Smt. Meira Kumar addressed the newly elected members at the Inaugural Session of the Orientation Programme on 6 July 2009.

We reproduce below the text of the Inaugural Address delivered by the Speaker, Lok Sabha, Smt. Meira Kumar.

—Editor

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*Honourable Deputy Speaker, Lok Sabha, Shri Karia Munda ji; Hony. Advisor, BPST, Smt. Margaret Alva ji; Honourable Members of Parliament; Secretary-General, Lok Sabha, Shri P.D.T. Achary; and Ladies and Gentlemen:*

It is a matter of great pleasure for me to be with you all today at the inauguration of the Orientation Programme organised by the Bureau of Parliamentary Studies and Training for the benefit of the newly elected members of the Fifteenth Lok Sabha and I am very happy that we have the members of Parliament attending this inaugural session in such a larger number. It is very encouraging and it shows the immense interest that you have taken.

At the outset, let me heartily congratulate each one of you on getting the people's mandate to represent them in the country's apex representative institution. I especially felicitate those Honourable members who have made their maiden entry into the portals of our Parliament. [I want to thank all of you]\*

Honourable members, the composition of the Fifteenth Lok Sabha is reflective of that fact that we have in the House a fine blend of youth and experience and also that the people have reposed faith in a large number of first-timers. I am told that the number is somewhere near 290 or more than 290, which is a very good number. In fact,

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\* Translated from Hindi

more than half of the present Lok Sabha is composed of first-timers. Yet another remarkable feature of the composition of this Lok Sabha is that the voters have returned the highest number of women members to the House since the promulgation of the Constitution. That is also a very encouraging sign. I heartily welcome them all and hope that they will surely make a difference by bringing the women's perspective to the working of Parliament and the Government.

With a large number of Honourable members being quite young, I am looking forward to a freshness of approach, new ideas, vibrance, zeal and above all, a passion for changing things for the better which are the hallmarks of the youth.

Having crossed six successful decades since Independence, democracy in India can be said to have finally come of age. Its maturity comes in full display every time the General Elections to the Lok Sabha and various State Assemblies are held. The fact that the results of the current elections have proved all psephologists wrong goes to show that our electorate is now much wiser and politically more aware and mature than perceived. Rather than following any trend, the people have now begun to make conscious decisions about the representatives they elect to represent them in the highest legislative body of the country and this act of theirs vindicates the faith the Founding Fathers of our Constitution had in them.

Through the country's Fifteenth General Elections, which has been the largest democratic event anywhere in the world, our people have reposed their faith in you and now it is your turn to validate the maturity of their decision by striving to become effective parliamentarians.

It hardly needs to be mentioned that as members of Parliament, you all must set new targets for yourself in the service of the people whom you are representing and also in the service of the country as a whole. I am sure, the foremost thought in the mind of each one of you is to prove yourself as an effective parliamentarian and come up fully to the expectation of your constituents. To help realise your ambition, the Bureau of Parliamentary Studies and Training of the Lok Sabha Secretariat has organised this Orientation Programme so that you get an opportunity to have an insight into the functioning of our Parliament and equip yourself with a better understanding and knowledge of the legislative practices and procedures. Let me make a mention here that the Bureau has organised, from time to time, similar Orientation Programmes for the elected members of the earlier Lok Sabhas as well as for the members of various State Legislatures. These Programmes have been greatly appreciated by the participants for their utility in helping them deepen their grasp of the working of parliamentary institutions, thereby enabling them to discharge their duties and responsibilities more efficiently and effectively.

For this Orientation Programme, we have invited some of our eminent parliamentarians who will be providing you with valuable insights into and perspectives on our parliamentary dynamics and also on different facets of the parliamentary practices and procedures. I am confident that the Programme will definitely prove to be very useful and beneficial to the Honourable members, particularly those who are first-timers.

Honourable members, in parliamentary democracy, it is the people who have the ultimate supremacy in the governance of the country and this supremacy has been well established by the institution of Parliament. As the activities of this supreme representative body reflect the concept of general interest and common good of the people of the country, all of you being members of the Parliament of the country, have huge responsibilities on your shoulders.

It goes without saying that as a member of Parliament, you have multifarious roles to play. You are always expected to voice the grievances of the people of your constituency. As members of different political parties, you have to function within the framework of certain political ideologies. Some of you would have opportunity to be part of the Government and some others of the Opposition Benches. All of you would be elected or nominated to serve as members of Parliamentary Committees. In the midst of all these, you must realize that your primary duty is towards your constituency, towards the people who have chosen you to be their voice. You have, therefore, to be sensitive and responsive to the problems and concerns of your constituents who expect that their hardships and grievances would be given due attention by the Government when these are raised by their chosen representatives on the floor of the Legislature. In fact, as members of Parliament you are here to connect the people with the Legislature, on the one hand, and with the Executive, on the other. Your privileged position in the State apparatus gives you a unique opportunity to bring the people's problems directly before the country's policy planners and decision-makers.

Honourable members, you all will agree with me that though our people have gained a better understanding of the polity, there is still a room for further improvement insofar as the level of awareness is concerned. I feel that the elected representatives, who have constant interactions with the people in their constituencies, have a lot of potential to educate the masses about the importance of democracy and also about their own role in its advancement for their socio-economic transformation.

As members of Parliament, you all have to be cautious and judicious enough to ensure that our parliamentary system constantly remains responsive to the urges and aspirations of the people.



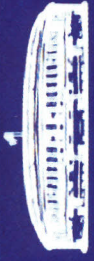
Honourable members, the present day parliamentary business has become multi-dimensional. A modern Parliament, such as ours, has to perform varied roles. Apart from legislation, overseeing the functioning of administration, discussing and passing the Budgets, ventilating people's grievances and debating on various public policies and subjects of national and international importance are the other important challenging tasks before the present-day Parliament. In order to actively participate in the proceedings of the House, all of you would need to know about the various procedural devices that would be available to you for raising matters on the floor of the House.

Honourable members, from the parliamentary literature made available to you at the time of your first reporting in Parliament House soon after the elections and also today by the BPST, you all might have come to know that we have several procedural devices in our Parliament such as Questions, several kinds of Motions, Discussions, Calling Attentions, Resolutions, etc., to raise matters of public importance on the floor of the House.

Needless to say, for effective discharge of your parliamentary duties you all must have adequate knowledge of these procedural devices because these devices constitute a sound mechanism of parliamentary control over the Government and as such help in achieving the objectives of good governance. The importance of parliamentary practices, procedures and conventions in facilitating orderly and expeditious transaction of parliamentary business can hardly be over-emphasised. I am confident that this Orientation Programme will help you acquaint yourself with relevant information and enable you to make valuable contributions to the proceedings of the House.

Honourable members, you can very well understand that the parliamentary proceedings are all about debates and discussions on people-centric subjects of varied dimensions. I just want to elaborate people-centric subjects. We have in our society the last man—*aakhri aadmi*. We have to make that *aakhri aadmi*, *pehla aadmi*. All this debate and discussion, the various parliamentary procedures will equip you to do that. That is the aim how to give the last man in our society a place of respect under the Sun. So, all the debates and discussions are people-centric subjects of varied dimensions. That being so, the content and quality of the debates in Parliament must be of a high order befitting the status of your representation. That is another thing that I want to emphasize. We must always be very conscious of standard of our debate because we are in the apex body and we not only have to maintain a certain standard but it is also our responsibility to ensure that every day we are raising the bar and we are raising the standard of our debate. That should be our commitment.

This being an era of knowledge, each one of you must strive to



पंद्रहवीं लोक सभा के नवनिर्वाचित सदस्यों  
के लिए प्रबोधन कार्यक्रम

6-11 जुलाई 2009 बई दिल्ली

संसदीय अध्ययन तथा प्रशिक्षण ब्यूरो  
लोक सभा सचिवालय

ORIENTATION PROGRAMME FOR  
NEWLY ELECTED MEMBERS OF THE 15<sup>th</sup> LOK SABHA

6 - 11 July 2009 New Delhi

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING  
LOK SABHA SECRETARIAT



Smt. Meira Kumar, Speaker, Lok Sabha delivering the Inaugural Address at the Orientation Programme for the newly-elected Members of the 15<sup>th</sup> Lok Sabha. Also present on the dais are Shri Karia Munda, Deputy Speaker, Lok Sabha; Smt. Margaret Alva, Honorary Advisor, BPST; and Shri P.D.T. Achary, Secretary-General, Lok Sabha

keep yourself undated and informed about the public issues of varied nature. Apart from that, you are also expected to maintain discipline and decorum inside the Chamber of the House. Observance of the rules of the House and parliamentary conventions and etiquette is vital for effective transaction of parliamentary business.

I have been in public life for nearly two and a half decades, and I have been a member of Parliament for fourteen years. With my own experience, I can say that in the past, there have been several instances of unruly behaviour on the part of some members—a very few—in the House with scant regard for the dignity of the highest parliamentary institution of the country. As the proceedings of the Houses of Parliament are now telecast live, the image of these highest law-making institutions take a severe beating in the eyes of the people and create a wrong impression, particularly on the younger generation. I would request you all to ensure that undignified behaviour inside the Chamber is avoided at all costs so that people's faith in the working of our political institutions can be restored and parliamentary business transacted with utmost efficiency.

Honourable members, I am sure you would agree with me that the democratic system assumes recognition of and respect for different opinions and voices. In other words, dissent is accepted as a norm but expression of dissent needs to be made within the contours and parameters of parliamentary devices. Even in our disagreements, we need to respect and give due regard to the opinion of others. There is no doubt that it is only through such democratic confrontation of ideas that we can arrive at a consensus and a proper perspective. In this context, I urge you all that while discharging your parliamentary duties inside and outside the House, each one of you must keep an open mind looking at the issues from a wider perspective of the development of the country and general well-being of the people.

As you all are fully aware, the Presiding Officer is the custodian of the rights and privileges of the members. The Chair endeavours to transact the business of the House in accordance with the rules of procedure, established conventions, traditions, etc. The Chair represents the dignity of the House and as such, it is imperative that members show the utmost respect to the Presiding Officer. Thus, for smooth transaction of the business of the House, the Chair requires unconditional cooperation from all sections of the House, and I am looking forward to manage the House with full cooperation from each one of you.

Honourable members, there are a number of Parliamentary Committees where you will be getting ample opportunity to participate in the deliberations on issues of public importance. These Committees which are generally referred to as mini-Parliaments, play a vital role in keeping the Government machinery on its toes. In the days to come,

you will realize that Committee work offers enough opportunity to an industrious member for making positive and meaningful contribution to parliamentary business. I hope, you all will take active interest in the working of the Parliamentary Committees which, I am certain, will enable you to gain valuable insight into various facets of our parliamentary system and to contribute significantly in keeping a watchful eye on the Executive.

Honourable members, as Parliamentarians, your common democratic goal is to preserve the dignity of the House and promote democratic values. You must remember that you all are the trustees of the sovereign will of the people. The people have reposed their trust in you and have high expectations from you. I am confident that you will prove worthy of the people's trust and your commitment and devotion would go a long way in taking the country forward. I extend my best wishes to you all in your endeavours to fulfil the promises you have made before being elected to the supreme legislative institution of the country.

I am sure, this Orientation Programme, which has been especially designed to provide you with necessary insight into the functional dynamics of our parliamentary institutions, will certainly prove to be of immense value in equipping you with first-hand knowledge and understanding of the ways the Houses of our Parliament work.

I compliment the Hony. Advisor, BPST, Shrimati Margaret Alva ji, the Secretary-General, Lok Sabha, Shri P.D.T. Achary ji and officers of the BPST for facilitating this Orientation Programme for the newly elected members of the Fifteenth Lok Sabha.

Before I came to this hall, I had a good fortune to see a very beautiful exhibition which you also saw and I compliment the officers of the Parliament Museum and Archives for putting up that exhibition. It is a very glorious chapter of our history right from the day democracy began in our country till the modern time. They have beautifully depicted it through photographs and through recorded audios. So, I am really very appreciative of them.

I once again want to congratulate all of you for winning the elections. I just want to say one thing about the elections. Election apart from being a very massive exercise—the biggest in the world—is also a great leveler. You know a person who would probably live in a little hut and cannot afford two meals has one vote to cast and a person who is very wealthy and has a huge bank account has also just one vote to cast. So, it is a leveler. It is through this very beautiful system of *samta* that we all come here. So, we have to ensure that all kinds of disparities and discriminations which exist in our society should be done away with. I thank you all so much.

With these words, I have great pleasure in inaugurating this Orientation Programme.

## IMMUNITY TO MEMBERS OF PARLIAMENT AGAINST CORRUPTION AND POWER OF PARLIAMENT TO EXPEL ITS MEMBERS

JUSTICE DR. M. RAMA JOIS, M.P.

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An important question whether the immunity available to the members of Parliament in respect of their speeches and voting in the Parliament guaranteed under article 105, covers either taking bribe for making speeches and voting in a particular manner, came up for consideration before the Supreme Court in the case of *P.V. Narasimha Rao Vs. State (CBI/SPE)*(1998 (4) SCC 626). The facts of the case which gave rise to such a question are set out at para 2 of the judgment at page 643 which reads:-

[2]. In the General Election for the Tenth Lok Sabha held in 1991 the Congress (I) party emerged as the single largest party and it formed the Government with P.V. Narasimha Rao (hereinafter referred to as "A-1") as the Prime Minister. In the Monsoon Session of the Lok Sabha in July 1993 a "No-confidence motion" was moved against the Government by Shri Ajay Mukhopadhyaya, a CPI(M) MP. At that time the effective strength of the House (Lok Sabha) was 528 and Congress (I) party had 251 members. It was short by 14 members for simple majority. The motion of No-confidence was taken up for discussion in the Lok Sabha on 26-7-1993 and the debate continued till 28-7-1993. The motion was thereafter put to vote. The motion was defeated with 251 members voting in favour of the motion, while 265 voting against it. On 28-2-1996, one Shri Ravindra Kumar of Rashtriya Mukti Morcha filed a complaint dated 1-2-1996 with the Central Bureau of Investigation (for short "CBI") wherein it was alleged that in July 1993 a criminal conspiracy was hatched by A-1, Satish Sharma (hereinafter referred to as "A-2"), Ajit Singh (hereinafter referred to as "A-13"), Bhajan Lal (hereinafter referred to as "A-14"), V.C. Shukla, R.K. Dhawan and Lalit Suri to prove a majority of the Government on the floor of the House on 28-7-1993 by bribing Members of Parliament of different political parties, individuals and groups with an amount of over Rs. 3

crores and that in furtherance of the said criminal conspiracy a sum of Rs 1.10 crores was handed over by the aforementioned persons, except A-15, to Suraj Mandal (hereinafter referred to as "A-3"). On the basis of the said complaint the CBI registered four cases under Section 13(2) read with Section 13(1)(d)(iii) of the 1988 Act against A-3, Shibu Soren (hereinafter referred to as "A-4"), Simon Marandi (hereinafter referred to as "A-5") and Shailendra Mahto (hereinafter referred to as "A-6"), Members of Parliament belonging to the Jharkhand Mukti Morcha party (for short "JMM"). Subsequently in pursuance of the order dated 24-5-1996 passed by the Delhi High Court in Civil Writ Petition No. 23 of 1996 another case was registered on 11-6-1996 against A-1, A-2, A-3, A-4, A-5, A-6, A-14, A-15, V.C. Shukla, R.K. Dhawan, Lalit Suri and others under Section 120-B IPC and Sections 7, 12, 13(2) read with Section 13(1)(d)(iii) of the 1988 Act. After completing the investigation, the CBI submitted three charge-sheets dated 30-10-1996, 9-12-1996 and 22-1-1997 in the Court of Special Judge, New Delhi. In the first charge-sheet dated 30-10-1996 it was stated that investigation had revealed that A-1, A-2, A-3, A-4, A-5, A-6, Buta Singh (hereinafter referred to as "A-7"), and other unknown persons entered into a criminal conspiracy to defeat the "No-confidence motion" by resorting to giving and accepting of gratification as a motive or reward and in pursuance thereof four Members of Parliament belonging to JMM (A-3, A-4, A-5 and A-6) accepted illegal gratification to vote against the motion and because of their votes and some other votes the Government led by A-1 survived. It was also stated in the charge-sheet that investigation has also revealed that the four Members of Parliament belonging to JMM had been bribed in crores of rupees for voting against the "No-confidence motion". The said charge-sheet was filed against A-1, A-2, A-3, A-4, A-5, A-6 and A-7 and other unknown persons in respect of offences under Section 120-B IPC and Sections 7, 12, 13(2) read with Section 13(1)(d)(iii) of the 1988 Act and substantive offences thereunder. The second charge-sheet dated 9-12-1996 was in the nature of a supplementary charge-sheet wherein it was stated that investigation has further revealed that V. Rajeshwara Rao (hereinafter referred to as "A-8"), N.M. Revanna (hereinafter referred to as "A-9"), Ramalinga Reddy (hereinafter referred to as "A-10"), M. Veerappa Moily (hereinafter referred to as "A-11"), D.K. Adikeslavulu (hereinafter referred to as "A-12") and M. Thimmegowda (hereinafter referred to as "A-13") were also parties to the criminal conspiracy which is the subject-matter of the first charge-sheet filed on 30-10-1996 and in pursuance of the said criminal conspiracy they had arranged funds and bribed the four JMM MPs as the

motive or award to secure their support to defeat the "No-confidence motion" and thereby committed the offences punishable under Section 120-B IPC and Sections 7, 12, 13(2) read with Section 13(1)(d)(iii) of the 1988 Act and substantive offences thereunder along with the original seven accused. In the third charge-sheet dated 22-1-1997, which was described as "Supplementary Charge-Sheet No. 2", it was stated that further investigation has been carried on under Section 173(8) of CrPC and as a result identity of the remaining accused persons has been established and that they are A-14, A-15, Ram Lakhan Singh Yadav (hereinafter referred to as "A-16"), Ram Sharan Yadav (hereinafter referred to as "A-17"), Roshan Lal (hereinafter referred to as "A-18"), Abhay Pratap Singh (hereinafter referred to as "A-19"), Anadicharan Das (hereinafter referred to as "A-20"), Haji Gulam Mohd. Khan (hereinafter referred to as "A-21") and late G.C. Munda (hereinafter referred to as "A-22"). It was stated that even after securing the support of four JMM MPs in the manner stated in the first charge-sheet dated 30-10-1996 and second charge-sheet dated 9-12-1996 the Congress (I) Government still required the support of some more MPs and that with this objective the Congress (I) led by A-1 was making efforts to win the support of some other MPs including MPs belonging to Janta Dal (Ajit Group) [for short "JD (A)"]. In the charge-sheet it was also stated that A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21 and A-22 were parties to the criminal conspiracy along with A-1 to A-13 already named in the earlier two charge-sheets and in pursuance of the said criminal conspiracy A-14 had arranged funds and had paid bribes to A-15 and the seven MPs of the breakaway JD (A) as a motive or award to secure their support to defeat the "No-confidence motion" and thereby committed the offences punishable under Section 120B IPC and Sections 7, 12, 13(2) read with Section 13(1)(d)(iii) of the 1988 Act and substantive offences thereunder.

In this situation, an application was filed by one of the accused Sri. S. Mahto under section 306 of the Criminal Procedure Code for granting pardon by treating him as an approver. The said application was allowed with the condition that he will make full and true disclosure of all facts relating to the taking of bribe by all other persons concerned who were accused of taking bribe in the said case. After hearing the arguments of parties, the Special Judge passed an order on 6 May 1997 wherein he held that there was sufficient materials on record to frame charges against all other accused against whom the charge was\* that they had taken bribe for voting against the no

confidence resolution against Sri. P.V. Narasimha Rao, the then Prime Minister.

The Special Judge also held that there was sufficient evidence to justify framing of a charge of conspiracy under section 120-B of the Indian Penal Code read with sections 7, 12, 13(2) and section 13(1)(d) of the Prevention of Corruption Act. An objection before the Special Judge was raised on behalf of the accused to the effect that the Court had no jurisdiction to try the case on the ground that it was barred by article 105(2)\* of the Constitution because the matter related to privileges and immunity available to the members of Parliament.

The validity of the said contention was considered by the Hon'ble Supreme Court in the case of *P.V. Narasimha Rao*. There was a difference of opinion among the five judges who constituted the bench hearing that case. Hon'ble Justice Bharucha and Hon'ble Justice Rajendra Babu took the view that even on the basis that the members of Parliament had taken bribe assuring to speak in a particular manner and vote in a particular manner, their conduct on the floor of the Parliament was fully protected by provisions of article 105 of the Constitution and therefore prosecution on such a charge was barred by article 105(2) of the Constitution. The relevant portion of the judgment reads:-

[133] Broadly interpreted, as we think it should be, Article 105(2) protects a Member of Parliament against proceedings in court that relate to, or concern, or have a connection or nexus with anything said, or a vote given, by him in Parliament.

[134] The charge against the alleged bribe-takers is that they "were party to a criminal conspiracy and agreed to or entered into an agreement with" the alleged bribe-givers "to defeat the No-confidence motion ... by illegal means, viz., to obtain or agree to obtain gratification other than legal remunerations" from the alleged bribe-givers "as a motive or reward for defeating the No-confidence motion and in pursuance thereof" the alleged bribe-givers "passed on several lakhs of rupees" to the alleged bribe-takers, "which amounts were accepted" by them. The stated object of the alleged conspiracy and agreement is to

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\* Article 105(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.



defeat the No-confidence motion and the alleged bribe-takers are said to have received monies “as a motive or reward for defeating” it. The nexus between the alleged conspiracy and bribe and the No-confidence motion is explicit. The charge is that the alleged bribe-takers received the bribes to secure the defeat of the No-confidence motion.

[135] While it is true that the charge against them does not refer to the votes that the alleged bribe-takers, Ajit Singh excluded, actually cast against the No-confidence motion and that it may be established de hors those votes, as the Attorney General argued, we do not think that we can ignore the fact that the votes were cast and, if the facts alleged against the bribe-takers are true, that they were cast pursuant to the alleged conspiracy and agreement. It must then follow, given that the expression “in respect of” must receive a broad meaning, that the alleged conspiracy and agreement had a nexus to and were in respect of those votes and that the proposed inquiry in the criminal proceedings is in regard to the motivation thereof.

[136] It is difficult to agree with the learned Attorney General that though the words “in respect of” must receive a broad meaning, the protection under article 105(2) is limited to court proceedings that impugn the speech that is given or the vote that is cast or arises thereout or that the object of the protection would be fully satisfied thereby. The object of the protection is to enable Members to speak their mind in Parliament and vote in the same way, free of the fear of being made answerable on that account in a court of law. It is not enough that Members should be protected against civil action and criminal proceedings, the cause of action of which is their speech or their vote. To enable Members to participate fearlessly in parliamentary debates, Members need the wider protection of immunity against all civil and criminal proceedings that bear a nexus to their speech or vote. It is for that reason that a Member is not “liable to any proceedings in any court in respect of anything said or any vote given by him”. Article 105(2) does not say, which it would have if the learned Attorney General were right, that a Member is not liable for what he has said or how he has voted. While imputing no such motive to the present prosecution, it is not difficult to envisage a Member who has made a speech or cast a vote that is not to the liking of the powers that be being troubled by a prosecution alleging that he had been party to an agreement and conspiracy to achieve a certain result in Parliament and had been paid a bribe.

Hon'ble Justice G.N. Ray by his separate judgment agreed with the judgment of Hon'ble Justice Bharucha and Hon'ble Justice Rajendra Babu. However, the other two judges namely Hon'ble Justice S.C. Aggarwal who wrote a dissenting judgment for himself and Hon'ble Justice Anand on the question as to whether by virtue of article 105 of the Constitution, the members of the Parliament can claim immunity on the charge of bribe in a criminal court? He disagreed with the view of the majority. The relevant portion of the judgment of Hon'ble Justice S.C. Aggarwal is at para 47 of the judgment. It reads:-

47. As mentioned earlier, the object of the immunity conferred under Article 105(2) is to ensure the independence of the individual legislators. Such independence is necessary for healthy functioning of the system of parliamentary democracy adopted in the Constitution. Parliamentary democracy is a part of the basic structure of the Constitution. An interpretation of the provisions of Article 105(2) which would enable a Member of Parliament to claim immunity from prosecution in a criminal court for an offence of bribery in connection with anything said by him or a vote given by him in Parliament or any committee thereof and thereby place such Members above the law would not only be repugnant to healthy functioning of parliamentary democracy but would also be subversive of the rule of law which is also an essential part of the basic structure of the Constitution. It is settled law that in interpreting the constitutional provisions the court should adopt a construction which strengthens the foundational features and the basic structure of the Constitution. (See: *Sub-Committee on Judicial Accountability v. Union of India* SCC at p. 719.) The expression "in respect of" precedes the words "anything said or any vote given" in article 105(2). The words "anything said or any vote given" can only mean speech that has already been made or a vote that has already been given. The immunity from liability, therefore, comes into play only if a speech has been made or vote has been given. The immunity would not be available in a case where a speech has not been made or a vote has not been given. When there is a prior agreement whereunder a Member of Parliament has received an illegal consideration in order to exercise his right to speak or to give his vote in a particular manner on a matter coming up for consideration before the House, there can be two possible situations. There may be an agreement whereunder a Member accepts illegal gratification and agrees not to speak in Parliament or not to give his vote in Parliament. The immunity granted under article 105(2) would not be available to such a Member and he would be liable to be prosecuted on the charge of bribery in a criminal court.

What would be the position if the agreement is that in lieu of the illegal gratification paid or promised the Member would speak or give his vote in Parliament in a particular manner and he speaks and gives his vote in that manner? As per the wide meaning suggested by Shri Rao for the expression "in respect of", the immunity from prosecution would be available to the Member who has received illegal gratification under such an agreement for speaking or giving his vote and who has spoken or given his vote in Parliament as per the said agreement because such acceptance of illegal gratification has a nexus or connection with such speaking or giving of vote by that Member. If the construction placed by Shri Rao on the expression "in respect of" is adopted, a Member would be liable to be prosecuted on a charge of bribery if he accepts bribe for not speaking or for not giving his vote on a matter under consideration before the House but he would enjoy immunity from prosecution for such a charge if he accepts bribe for speaking or giving his vote in Parliament in a particular manner and he speaks or gives his vote in Parliament in that manner. It is difficult to conceive that the framers of the Constitution intended to make such a distinction in the matter of grant of immunity between a Member of Parliament who receives bribe for speaking or giving his vote in Parliament in a particular manner and speaks or gives his vote in that manner and a Member of Parliament who receives bribe for not speaking or not giving his vote on a particular matter coming up before the House and does not speak or give his vote as per the agreement so as to confer an immunity from prosecution on charge of bribery on the former but denying such immunity to the latter. Such an anomalous situation would be avoided if the words "in respect of" in Article 105(2) are construed to mean "arising out of". If the expression "in respect of" is thus construed, the immunity conferred under Article 105(2) would be confined to liability that arises out of or is attributable to something that has been said or to a vote that has been given by a Member in Parliament or any committee thereof. The immunity would be available only if the speech that has been made or the vote that has been given is an essential and integral part of the cause of action for the proceedings giving rise to the liability. The immunity would not be available to give protection against liability for an act that precedes the making of the speech or giving of vote by a Member in Parliament even though it may have a connection with the speech made or the vote given by the Member if such an act gives rise to a liability which arises independently

and does not depend on the making of the speech or the giving of vote in Parliament by the Member. Such an independent liability cannot be regarded as liability in respect of anything said or vote given by the Member in Parliament. The liability for which immunity can be claimed under Article 105(2) is the liability that has arisen as a consequence of the speech that has been made or the vote that has been given in Parliament.

Thus, he held that there was no immunity available for members of Parliament against charges of corruption in which he had accepted bribe for the purpose of speaking and voting in a particular manner.

The resultant position as on today is that the judgment of the Hon'ble Supreme Court in P.V. Narasimha Rao's case holding that the privileges and immunity conferred on the members of the Parliament and article 105 of the Constitution was complete and covered even the cases of taking bribe by a member of Parliament though the person who gives the bribe not being a member of the Parliament, was liable to be prosecuted. The curious position that has arisen on account of the majority judgment is — a person who gives bribe to a member of Parliament is liable to be prosecuted for offences under Prevention of Corruption Act *vide* section 39(d), whereas the member of Parliament who was inseparable party of the same offence, namely, is not liable for prosecution. The question which is lingering in the minds of general public is how can it happen that when two persons are necessary for committing an offence of paying and accepting bribe, only one of them may be prosecuted and punished and the other cannot be prosecuted because he enjoys immunity under article 105 of the Constitution? The question is of great public and constitutional importance.

The correctness of the view of the majority in P.V. Narasimha Rao's case has been examined by the "National Commission to Review the Working of the Constitution" headed by former Chief Justice of India M.N. Venkatachalaiah. The relevant portion of the recommendations are contained in para 5.15(2) to 5(15)(6), which reads as under:

5.15.2 The basic law is that all citizens including members of Parliament are equal before the *law*. The members of Parliament have the same rights and privileges as ordinary citizens except when they perform their duties in Parliament. The privileges do not exempt the members from their normal obligations to society.

5.15.3 The founding fathers envisaged codification of parliamentary

privileges by Parliament by law. But so far no law has been made and these privileges remain undefined. It is a somewhat curious situation that even after more than 50 years after the commencement of the Constitution we are unable to lay down precisely by law when a member of Parliament is not subject to the same legal obligations as any ordinary citizen. The only idea behind parliamentary privileges is that members who represent the people are not in any way obstructed in the discharge of their parliamentary duties and are able to express their view freely and fearlessly inside the House and Committees of Parliament without incurring any legal action on that account. Privileges of Members are intended to facilitate them in doing their work to advance the interests of the people. They are not meant to be privileges against the people or against the freedom of the press. The Commission recommends that now time has come to define and delimit privileges deemed to be necessary for the free and independent functioning of Parliament. It should not be necessary to run to the 1950 position in the House of Commons every time a question arises as to what kind of legal protection or immunity a Member has in relation to his or her work in the House.

5.15.4 The law of immunity of members under the parliamentary privilege law was tested in *PV Narsimha Rao Vs. State (CBI, SPE)*, (AIR 1998 SC 2120). The substance of the charge was that certain members of Parliament had conspired to bribe certain other members to vote against a no-confidence motion in Parliament. By a majority decision the Court arrived at the conclusion that while bribe-givers, who were members of Parliament, could not claim immunity *under* article 105, the bribe-takers, also members of Parliament, could claim such *immunity* if they *had* actually spoken or voted in the House in the manner indicated by the bribe-givers. It is obvious that this interpretation of the immunity of members of Parliament runs counter to all notions of justice, fair play and good conduct expected from members of Parliament. Freedom of speech inside the House cannot be used by them to solicit or to accept bribe, which is an offence under the criminal law of the country. The decision of the court in the aforesaid case makes it necessary to clarify the true intent of the Constitution. To maintain the dignity, honour and respect of Parliament and its members, it is essential to put it beyond doubt that the protection against legal action under article 105 does not extend to corrupt acts.

5.15.5 A second issue that was raised in this case concerned the authority competent to sanction prosecution against a

member in respect of an offence involving acceptance of a consideration for speaking or voting in a particular manner or for not voting in either House of Parliament. A member of Parliament is not appointed by any authority. He is elected by his or her constituency or by the State Assembly and takes his or her seat on taking the oath prescribed by the Constitution. While functioning as a Member he or she is subject to the disciplinary control of the presiding officer in respect of functions within the Parliament or in its Committees. It would, therefore, stand to reason that sanction for prosecution should be given by the Speaker or the Chairman, as the case may be.

5.15.6 The Commission recommends that article 105(2) may be amended to clarify that the immunity enjoyed by members of Parliament under parliamentary privileges does not cover corrupt acts committed by them in connection with their duties in the House or otherwise. Corrupt acts would include accepting money or any other valuable consideration to speak and/or vote in a particular manner. For such acts they would be liable for action under the ordinary law of the land. It may be further provided that no court will take cognisance of any offence arising out of a Member's action in the House without prior sanction of the Speaker or the Chairman, as the case may be. Article 194(2) may also be similarly amended in relation to the members of State Legislatures.

The Commission has expressed its grave concern about the view taken in P.V. Narasimha Rao's case and therefore the Commission has suggested that article 105(2) should be amended clarifying that the immunity granted to the members of Parliament to the effect that it does not cover corrupt acts committed by them in connection with the discharging their duties in the House. The view expressed by the Commission is sound and it has given weighty reasons in support of the view.

It is the basic principle of constitutional law and rule of law that every power conferred on public authorities is on the basis that the power shall be used only *bona fide*. It is a settled principle that any thing done on collateral considerations or *mala fide* cannot at all be regarded as done in the exercise of the power conferred under the Constitution or the laws. The moment it is proved that the action or decision of the person holding public office was *mala fide*, it stands violated. These principles have been laid down by the Supreme Court as early as in 1964 in the case of *S. Pratap Singh Vs. State of Punjab* (1964 (4) SCC 733). The relevant portion of the judgment reads:-

"....Sometimes Courts are confronted with cases where the purposes sought to be achieved are mixed, – some relevant and some alien to the purpose. The courts have, on occasions, resolved the difficulty by finding out the dominant purpose which impelled the action, and where the power itself is conditioned by a purpose, have proceeded to invalidate the exercise of the power when any irrelevant purpose is proved to have entered the mind of the authority (See *Sadler v. Sheffield Corporation*, 1924 1 Ch. 483 as also Lord Denning's observation in *Fitzwilliam's (Earl) Wentworth Estate co. v. Minister of Town & Country Planning*, 1951 2 KB. 284, at p.307. This is on the principle that if in such a situation the dominant purpose is unlawful then the act itself is unlawful and it is not cured by saying that they had another purpose which was lawful". [page-740]

".... Taking the present case of the power vested in Government to pass the impugned orders, it could not be doubted that it is vested in Government for accomplishing a defined public purpose viz., to ensure probity and purity in the public services by enabling disciplinary penal action against the members of the service suspected to be guilty of misconduct. The nature of the power thus discloses its purpose. In that context the use of that power for achieving an alien purpose – wrecking the Minister's vengeance on the officer would be *mala fide* and a colourable exercise of that power, and would therefore be struck down by the Courts. In this connection we might cite a dictum of Lord Lindley in *General Assembly of Free Church of Scotland v. Overtoun*, (1904 A.C. 515) when the learned Lord said at p. 695:

"I take it to be clear that there is a condition implied in this as well as in other instruments which create powers, namely, that the power shall be used *bona fide* for the purposes for which they are conferred". [page-741]

In view of the above well accepted principle, it is difficult, nay impossible, to hold that the members of Parliament instead of acting in a *bona fide* manner were to take bribe for speaking in a particular manner, and voting in a particular manner as desired by the bribe giver. On the floor of the house such practice stands protected by article 105 of the Constitution. The majority judges in the Supreme Court gave importance to the immunity essential to legislators, without which they cannot function without fear or favour. Undoubtedly, such immunity to legislators is of utmost importance in public interest. But when it is proved beyond shadow of doubt that immunity is abused to

take bribe, extending the scope of immunity even to such blatant crime is sure to totally destroy the purity and probity required in the discharge of their duties. It would tantamount to holding that Indian Penal Code and the Prevention of Corruption Act which are in force throughout the territory of India, are not in force on the floor of the Parliament and the Legislatures. Therefore, fully appreciating the weighty reasons given by majority of Judges and with utmost respect to them, there is weightier reasons to say that extending the scope of immunity to even taking bribes, to say that bribe giver is liable to be prosecuted and punished if the charge is proved to be true and taker is not liable to be prosecuted and punished just because he is a legislator falls within the mischief of the age old Sanskrit maxim '*Ardham pakaya, ardhm prasvaya*', to wit, ***cutting a hen into two, reserving one half to prepare soup and another half for laying eggs***", which is impossible. Therefore, with utmost respect to the majority of the judges in P.V. Narasimha Rao's case it should be stated that the opinion in the dissenting judgment is correct. However, utmost safeguards against prosecution of legislators for his speaking or voting should be given by prescribing the sanction of the Privileges Committee and of the Speaker as a condition precedent for both investigation and prosecution.

Undoubtedly, the recommendations of the National Commission to Review the working of the Constitution is worthy of acceptance by the Parliament and it should proceed to amend article 105 as also article 194 relating to State Legislatures and their members. At the same time, it is submitted with greatest respect to the Supreme Court that it is a fit case in which the Hon'ble Supreme Court should review its judgment in *P.V. Narasimha Rao's case* and by accepting the view of the minority. It stands to reason to hold that nothing would have further in the minds of founding father of the Constitution than providing immunity against corruption.

To conclude, it is necessary to point out that either the Constitution should be amended or the judgment of the Hon'ble Supreme Court in the *case of P.V. Narasimha Rao* should be reviewed at the earliest to uphold purity in the proceedings of the Legislature.

### **POWER OF EXPULSION**

Nearly six decades after the commencement of the Constitution and the establishment of the Parliament, the whole nation received a rude shock for the second time on account of the conduct of the members of Parliament accepting money directly or through middle men as consideration for raising certain questions in the House or for



otherwise espousing certain causes for those offering bribe. The facts came to light when a private T.V channel conducted a sting operation and telecasted it on 12 December 2005. The telecast disclosed that ten members of Parliament namely of the House of People and one member of Rajya Sabha accepted money for discharging their legitimate functions on the floor of the House.

Both the Lok Sabha and Rajya Sabha respectively held necessary enquiry and found that there was truth in the allegations made in the telecast after the sting operation. Majority of the members of the Parliamentary Committee which inquired into the matter recorded deep distress for the acceptance of money for raising questions in the House. Thereafter, the Lok Sabha considered that their continuance as member of the House of People would be untenable. On the report of the enquiry committee being put on the table of the House, a motion was passed by the Lok Sabha expelling the ten members from the membership of the Lok Sabha. Similar action was taken by Rajya Sabha against one of its members. The decision of the Lok Sabha and also of the Rajya Sabha was challenged before the Supreme Court of India in writ petitions filed under article 32 of the Constitution. This came to be known as "Cash for Query Case" and the judgment of the Supreme Court is reported in *Raja Ram Pal Vs. The Speaker, Lok Sabha* (2007 (3) SCC 184). Before the Supreme Court following three questions arose for consideration:

[1] Does the Supreme Court, within the constitutional scheme, have the jurisdiction to decide the content and scope of powers, privileges and immunities of the Legislatures and its members?

[2] If the first question is answered in the affirmative, can it be found that the powers and privileges of the Legislatures in India, in particular with reference to article 105, include the power of expulsion of its members?

[3] In the event of such power of expulsion being found, does the Supreme Court have the jurisdiction to interfere in the exercise of the said power or privilege conferred on Parliament and its members or committees and, if so, is this jurisdiction circumscribed by certain limits? In other words, if the power of expulsion exists, is it subject to judicial review and if so, the scope of such judicial review.

As far as the first and third questions are concerned, they related to the jurisdiction of the Supreme Court to deal with the matter. The answer to the above questions was bound to be affirmative for the

reason by a long line of decisions and particularly in the seven judge judgment of the Supreme Court in case of *L. Chandra Kumar Vs. Union of India* (1997 (3) SCC 261). In that case, the Supreme Court held that the power of judicial review by a superior Court was one of the basic structures of the Constitution. Accordingly, the Supreme Court had the power of judicial review of every action of the Executive or the Legislature or of any authority which is vested with any power to take action to the prejudice to the citizens. Accordingly, the Supreme Court answered the first and third questions in affirmative. There is no controversy about this part of the decision.

However, the Supreme Court answered the second question also in the affirmative and held that the power and privileges conferred on the Parliament under article 105 of the Constitution included the power to expel its members. Out of the five judges constituting the bench, Justice Sabharwal, the then Chief Justice of India wrote the majority judgment for himself and on behalf of Justice Balakrishnan and Justice D.K. Jain. Justice Thakker wrote a separate judgment but he concurred with the views of the majority judgment. Justice R.V. Raveendran, however, wrote a dissenting judgment and held that under the Constitution no power is vested in the Parliament to expel its members.

It is this judgment which has become the matter of debate in the country in general and judicial and legal circles in particular. The question which is being raised is whether the majority was right in holding that the Parliament had the power to expel its members who were elected by the people or whether the dissenting judgment of Justice R.V. Raveendran holding that the Parliament had no such power was correct?

It is in view of this that it has become necessary to examine the provisions of the Constitution to find out as to which of the two views is correct?

In order to find out the answer to the question it is necessary to refer to some of the relevant provisions of the Constitution. Under article 79, the Constitution provides that there shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as Council of States and the House of the People. Article 83\* of the Constitution prescribes the duration of the Houses of Parliament.

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\* 83. Duration of Houses of Parliament.—(1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

According to clause (1) of article 83, the Council of States which is part of the Parliament is not subject to dissolution. Only one-third of its members retire every two years. According to clause (2) of article 83, the term of office of House of the People is five years from the date appointed for its first meeting and it gets dissolved on the completion of five years. Further, in terms of article 83, the term of office of a member of Rajya Sabha is six years from the date of his election which is unalterable and as far as the House of the People (Lok Sabha) is concerned, its term of office is five years and it gets automatically dissolved on the expiration of five years. It is quite possible that in a given case that House may be dissolved earlier by the President on the advice of the Council of Ministers and direct that there shall be fresh general election in which event, the term of office of members of the Lok Sabha comes to an end. However, the fact remains that until six years expire from the date of his election, a member of Rajya Sabha and until the dissolution of Lok Sabha after its commencement, a member of Lok Sabha continues in office. Other relevant provisions which have a bearing on the membership of Parliament are contained in article 102\*.

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(2) The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House.

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

#### **102. Disqualifications for membership**

(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

- (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

*Explanation:* For the purpose of this clause, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.

Thus, a member of Parliament stands disqualified for being chosen as a member or for being a member when he suffers from any one of the disqualifications mentioned in article 102. There is another provision in article 101\* of the Constitution which brings about the termination of the membership of the House of the People and as such the seat becomes vacant.

Thus, according to the Constitution, a seat of member of Parliament becomes vacant on the following grounds:-

[1] When a person is a member of both the Houses of Parliament or

[2] when a person is elected as a member of Parliament but also a member of State Legislature who does not resign the seat within the prescribed time.

[3] When a person becomes subject to any of the disqualification mentioned in clause (1) and (2) of article 102 and he resigns his seat and when a member is absent from all meetings of the House for a period of 60 days without permission of the House.

[4] When member elected is a candidate of a recognized political party loses his seat by the mandate of the Tenth Schedule to the Constitution.

Thus, various circumstances and reasons on the basis of which the office of a member of Parliament becomes vacant are set out in

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\* 101. Vacation of seats—

(1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State, and if a person is chosen a member both of Parliament and of a House of the Legislature of a State, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament—

(a) becomes subject to any of the disqualifications mentioned in clause (1) or clause (2) of article 102, or

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant\*.

article 101. In this context, it is also necessary to refer to article 329\* of the Constitution.

In view of clause (b) of article 329, when a person is elected to the House of Parliament or State Legislature, it can be challenged only through an election petition presented to such authority in such a manner as may be provided for by or under any law made by the appropriate Legislature.

The Parliament has enacted Representation of Peoples Act, 1951 which prescribes the procedure for challenging the validity of the election of a person elected to the Parliament or to the State Legislatures and conferred jurisdiction on the election tribunal constituted under section 100 of the Representation of Peoples Act to decide as to whether the election is invalid on any of the grounds set out and if so to set aside the election pursuant to which the seat becomes vacant. This means, once a person is elected to the State Legislature or the Parliament, his election could be questioned on account of any illegality or violation of the provisions of the Representation of Peoples Act, 1951 only by way of election petition as held in *Election Commission Vs. Saka Venkata*, (1953 SCR 1144). In none of the above articles is there any provision authorizing the Parliament to expel its own member. However, the majority of the judges in *Raja Ram Pal's* case traced the power of the Parliament to clause (3) of article 105 which states that 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.

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- \* **329. Bar to interference by courts in electoral matters:** Notwithstanding anything in this Constitution:
- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;
  - (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature;

Having analysed the scope of privileges conferred on the Parliament under article 105 of the Constitution, the majority judgment held as follows\*:-

293. It is axiomatic to state that expulsion is always in respect of a Member. At the same time, it needs to be borne in mind that a Member is part of the House due to which his or her conduct always has a direct bearing upon the perception of the House. Any legislative body must act through its Members and the connection between the conduct of the Members and the perception of the House is strong. We, therefore, conclude that even if Parliament had only the limited remedial power to punish for contempt, the power to expel would be well within the limits of such remedial contempt power.

294. We are unable to find any reason as to why Legislatures established in India by the Constitution, including Parliament under Article 105(3), should be denied the claim to the power of expulsion arising out of remedial power of contempt.

Thus, the power of Lok Sabha to expel its members was traced to its power to punish for contempt of itself.

As regards the power of judicial review in matters relating to exercise of power or privileges by the Parliament, the majority judgment stated as follows:-

59. Sarkar J. in his separate judgment in the same case was *ad idem* with the majority opinion in this context. Rejecting the contentions based on the observations in *Bradlaugh*, he observed at SCR pp. 508-09\*\* as under:

"152. This passage should suffice to illustrate the nature of the dispute. It will not be profitable at all, and indeed I think it will be 'mischievous', to enter upon a discussion of that dispute for it will only serve to make turbid, by raking up impurities which have settled down, a stream which has run clear now for years. Furthermore, *that dispute can never arise in this country for here it is undoubtedly for the courts to interpret the Constitution and, therefore, Article 194(3)*. It follows that *when a question arises in this country under that article*

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\* Raja Ram Pal Vs. Hon'ble Speaker, Lok Sabha, (2007) 3 SCC

\*\* UP Assembly case (Special Reference No.1 of 1964), AIR p. 794, para 152

*as to whether the House of Commons possessed a particular privilege at the commencement of the Constitution that question must be settled, and settled only, by the courts of law. There is no scope of the dreaded 'dualism' appearing here, that is, courts entering into a controversy with a House of a Legislature as to what its privileges are. I think what I have said should suffice to explain the nature of the privileges for the purposes of the present reference and I will now proceed to discuss the privileges of the Assembly that are in question in this case, using that word in the sense of rights ancillary to the main function of the Legislature."*

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62. In view of the above clear enunciation of law by Constitution Benches of this Court in case after case, there ought not be any doubt left that whenever Parliament, or for that matter any State Legislature, claims any power or privilege in terms of the provisions contained in article 105(3), or article 194(3), as the case may be, it is the Court which has the authority and the jurisdiction to examine, on grievance being brought before it, to find out if the particular power or privilege that has been claimed or asserted by the Legislature is one that was contemplated by the said constitutional provisions or, to put it simply, if it was such a power or privilege as can be said to have been vested in the House of Commons of the Parliament of the United Kingdom as on the date of commencement of the Constitution of India so as to become available to the Indian Legislatures.

After elaborate consideration of the earlier judgments, the conclusions of the majority judgment are set out at para 431 as given below:

431. We may summarise the principles that can be culled out from the above discussions. They are:

(a) Parliament is a coordinate organ and its views do deserve deference even while its acts are amenable to judicial scrutiny;

(b) The constitutional system of government abhors absolutism and it being the cardinal principle of our Constitution that no one, howsoever lofty, can claim to be the sole judge of the power given under the Constitution, mere coordinate constitutional status, or even the status of an exalted constitutional functionaries, does not disentitle this Court from exercising its jurisdiction of judicial review of actions which partake the character of judicial or quasi-judicial decision;

(c) The expediency and necessity of exercise of power or privilege by the Legislature are for the determination of the legislative authority and not for determination by the courts;

(d) The judicial review of the manner of exercise of power of contempt or privilege does not mean the said jurisdiction is being usurped by the judicature;

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(f) The fact that Parliament is an august body of coordinate constitutional position does not mean that there can be no judicially manageable standards to review exercise of its power;

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(h) The judicature is not prevented from scrutinizing the validity of the action of the Legislature trespassing on the fundamental rights conferred on the citizens;

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(u) An ouster clause attaching finality to a determination does ordinarily oust the power of the court to review the decision but not on grounds of lack of jurisdiction or it being a nullity for some reason such as gross illegality, irrationality, violation of constitutional mandate, *mala fides*, non-compliance with rules of natural justice and perversity.

Justice Thakker in his separate judgment, concurred with the majority. He stated as follows:-

525. In *Halsbury's Laws of England* (4th Edn., Reissue, Vol. 34, p. 569, para 1026), it has been stated:

'House of Commons' power of expulsion:

Although the House of Commons has delegated its right to be the judge in controverted elections, it retains its right to decide upon the qualifications of any of its Members to sit and vote in Parliament.

If in the opinion of the House, a Member has conducted himself in a manner which renders him unfit to serve as a Member of Parliament, he may be expelled, but unless the cause of his expulsion by the House constitutes in itself a disqualification to sit and vote in the House, he remains capable of re-election.

526. From the above statement of law, it is explicitly clear that the two things, namely, (i) expulsion; and (ii) disqualification



are different and distinct. A Member can be expelled by the Legislature if his conduct renders him "unfit" to continue as such. It, however, does not *ipso facto* disqualify him for re-election. An expelled Member may be re-elected and no objection can be raised against his re-election, as was the case of John Wilkes in 1769.

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600. So far as this Court is concerned, probably this is the first case of the type and, therefore, is of extreme importance. Few cases, which had come up for consideration earlier did not directly deal with expulsion of membership from the Legislature. As already noted above, though in some cases, Parliament had taken an action of expelling its Members, the aggrieved persons had not approached this Court.

Thus, the majority held that the power of Lok Sabha and Rajya Sabha to expel its members is traceable to the power conferred on them to punish for contempt of itself. Justice R.V. Raveendran in his dissenting judgment was of the view that none of the articles in the Constitution conferred any power on the Parliament to expel its members. He was of the view that the power to expel a person who has been elected by the people was such an important and far reaching power which could only be conferred by a specific article of the Constitution and cannot be inferred. In this behalf he stated as follows:-

736. We have referred in detail to the various provisions to demonstrate that as far as the Indian Constitution is concerned, Chapter II of Part V is a complete code in regard to all matters relating to Parliament. It provided for every conceivable aspect of Parliament. It contains detailed provisions in regard to the constitution of Parliament, composition of Parliament, sessions, prorogation and dissolution of Parliament, officers of Parliament, duration of the Houses of Parliament, qualifications for Membership, disqualifications for being chosen as, and for being Members, vacancies of seats, decision on questions of disqualification, powers, privileges and immunities of Parliament, its Members and committees, manner of conducting business, the procedure to be adopted by Parliament in regard to the enactment of laws, persons who can address Parliament, the language to be used, and the officers of Parliament. The entire field in regard to the Legislature is covered fully in the following manner.

Subject	(Parliament) Articles	(State Legislature) Articles
Constitution and composition of Houses and election/nomination of Members	79 to 82	168 to 171
Duration of Houses and tenure of office of Members	83	172
Sessions, prorogation and dissolution	85	174
Qualification for membership	84	173
Cessation of membership (disqualifications for being a Member, and vacancies) and decision on question of disqualification	102, 101 and 103	191, 190 and 192
Powers, privileges and immunities of the Legislatures, Members and committees, and salaries and allowances	105, 122 and 106	194, 212 and 195
Restriction on powers	121	211
Offices of Legislature	89 to 98	178 to 187
Rules of procedure and language	118, 119 and 120	208, 209 and 210
Legislative procedure and conduct of business	107 to 111 112 to 117 99 and 100	196 to 201 202 to 207 188 and 189
Persons who can address Parliament	86 to 88	175 to 177

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737. The Constitution also makes express provisions for cessation of tenure of office or removal of every constitutional functionary referred to in the Constitution. I will refer to them briefly:

(i) Article 61 refers to the procedure for impeachment of President. Clause (4) of Article 61 provides that if the resolution is passed by a majority of not less than two-third of the members of the House declaring that the charge against the President has been sustained, such resolution shall have the effect of removing the President from the office.

(ii) Clause (b) of Article 67 deals with the term of office of Vice-President and provides for removal of Vice-President from office by a resolution of the Council of States passed by majority of all the then Members of the Council and agreed to by the House of the People.

(iii) Article 75(2), Article 76(4) and Article 156(1) refer to the Ministers, Attorney General and Governor holding office during the pleasure of the President.

(iv) Article 124 provides that no Judge of Supreme Court shall be removed from his office except by an order of the President passed after impeachment. Articles 148 and 324 provide that the Comptroller and Auditor General of India and the Chief Election Commissioner shall not be removed from their office except in like manner and on like grounds of a Judge of the Supreme Court.

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739. A person cannot be disqualified unless he suffers a disqualification enumerated in Article 102. Article 102 refers to 6 types of disqualifications:

- (i) if he holds any office of profit, vide Article 102(1)(a);
- (ii) if he is of unsound mind and stands so declared, vide Article 102(1)(b);
- (iii) if he is an undischarged solvent, vide Article 191(3)(c);
- (iv) if he is not a citizen of India, vide Article 101(1)(d);
- (v) if he is disqualified by or under any law made by Parliament;
- (vi) if he is disqualified under the Tenth Schedule; vide Article 102(2).

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748. We have also noticed above that the Constitution makes express provisions for election/appointment and removal/cessation of service of the Executive (President and Vice-President), Judiciary (Judges of the Supreme Court and the High Courts) and all other constitutional functionaries (Attorney-General, Auditor and Comptroller General, Chief Election Commissioner, etc.). It is therefore inconceivable that the Constitution makers would have omitted to provide for "expulsion" as one of the methods of cessation of membership or consequential vacancy, if it intended to entrust such power to Parliament.

749. In view of the express provisions in the Constitution, as to when a person gets disqualified to be a Member of either House of Parliament (and thereby ceases to be a Member) and when a consequential vacancy arises, it is impermissible to read a new category of cessation of membership by way of expulsion and consequential vacancy, by resorting to the incidental powers, privileges and immunities referred to in Article 105.

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752. I am, therefore, of the considered view that there is no power of expulsion in Parliament, either inherent or traceable to Article 105(3). Expulsion by the House will be possible only if Article 102 or Article 101 is suitably amended or if a law is made under Article 102(1)(e) enabling the House to expel a Member found unworthy or unfit of continuing as a Member. The first question is thus answered in the affirmative. Therefore, the second question does not survive for consideration.

In order to find out which of the view is correct it is necessary to refer to the relevant provisions of the Constitution.

It is indisputable that there is no reference to the question of expulsion of members of Lok Sabha or Rajya Sabha by either of them has not been incorporated in any of the articles of the Constitution. As can be seen from the aforesaid provisions read with the Representation of Peoples Act, a member of Parliament or the State Legislature is elected by the people. Under the normal law it is well settled that the authority who makes the appointment has also the power to remove a person so appointed. Under the scheme of the Constitution, there is no appointing authority which appoints the members of the Lok Sabha or Rajya Sabha as the said person is elected by the people. There is no provision in the Constitution which enables the electing authority, namely, the people to recall the member whom they had elected. Though there has been a demand to that effect having seen misconduct and negligence in discharge of duties by many elected members, there could be a provision introduced into the Constitution which would authorize and also prescribe the procedure, according to which, the electorate can recall an elected member. There is no such provision in our Constitution. In the absence of such provision the only method by which the seat of an elected member becomes vacant are those specified in articles 101 and 102 of the Constitution and also the Tenth Schedule to the Constitution. The question of disqualification of a citizen to become a member of Parliament or State Legislature has to be raised at the time of scrutiny of nomination papers and if for any

reason the nomination were to be accepted wrongly and he were to be elected, the only way of challenging the validity of an election is through section 80 of the Representation of Peoples Act on the ground specified in section 100 thereof, in view of the prohibition contained in article 329 of the Constitution.—*Election Commission Vs. Saka Venkata Rao*, (1953 SCR 1144).

As far as the disqualification which arises after election and while continuing as a member that is in respect of a post election disqualification of a member, the procedure for his removal is prescribed in article 103 of the Constitution, in respect of members of Parliament. Procedure for the removal of a member of State Legislature, on the ground of post election disqualification is prescribed under article 192 of the Constitution. Therefore, the provisions of the Constitution has made special procedure regarding discontinuance of a disqualified person to the Parliament or the State Legislatures. This being the position, with great respect to the majority of the judges who delivered the judgment in *Raja Ram Pal's case*, it has to be submitted that there has been no basis for such a conclusion and the reasoning given by Justice R.V. Raveendran in his dissenting judgment is more convincing for discontinuance.

In support of the minority view there is also another weighty reason. When the founding fathers of the Constitution, while incorporating removal of an elected person in fact which results in the ceasing of the person concerned as a member of Parliament, they did not incorporate any ground for expulsion pursuant to a resolution passed by the Parliament. This clearly means that the power to do so was exercised in the negative sense. This principle of interpretation was laid down by a Constitution Bench of the Supreme Court in *R.C. Poudyal Vs. Union of India* (1994 Suppl. (1) SCC 324) as follows:-

“If reservation is made by Parliament for only one section it must, by implication, be construed to have exercised the power respecting the other sections in a negational sense. The provisions really enable reservation confined only to a particular section” (Para 132)

Applying the said principle, it is reasonable to hold that as the Constituent Assembly having laid down reasons for disqualification which results in the discontinuance of a person as a member of Parliament did not specify expulsion also as a reason for discontinuance, the Constituent Assembly has rejected to include such a provision.

In fact, a situation of this type was created on account of the earlier judgment of the Supreme Court in *P.V. Narasimha Rao's case*

(1998 (2) SCC 629) holding that article 105(2) gives immunity against prosecution of a member of Parliament even when he has taken bribe to speak in a particular manner or vote in a particular manner on the floor of the House. But for that judgment, all the eleven members of Parliament who were expelled from the Parliament were liable to be prosecuted for taking bribe to raise questions in the Parliament and on such persecution, if the charge leveled against them was proved, then they would have been automatically stood disqualified from continuing as members of the Parliament and there was no necessity to resort to a non-existent power. But, as pointed out earlier, the majority in P.V. Narasimha Rao's case took the view that even if the members of Parliament had accepted bribe for speaking and voting in a particular matter on the floor of the House, they are not liable to be prosecuted because of the immunity he enjoys under article 105(2) of the Constitution. While dealing with P.V. Narasimha Rao's case, I have pointed out earlier that in that case also the majority view appears to be erroneous and minority view is worthy of acceptance.

If the majority in P.V. Narasimha Rao's case had held that the immunity granted under article 105(2) in respect of speaking and voting in a particular manner does not extend to speaking and voting by taking bribe, there would have been no necessity to go to the extent of holding that the Parliament has power to expel its own members. As it is not the Parliament which had elected any one to the House and it is the people who have elected them. Therefore, in the absence of any specific provision in the Constitution, the view that the Parliament has power to expel its members is inconsistent with the existing provisions of the Constitution.

If the recommendations by the Constitution Review Committee, chaired by Former Chief Justice of India Shri. M.N. Venkatachalaiah, that article 105 should be amended and immunity should be taken away in respect of corruption were to be accepted or the view taken by Supreme Court, the majority of judges who decided in P.V. Narasimha Rao's case were to be reviewed and the Supreme Court were to hold that the immunity guaranteed under article 105(2) does not extend to speaking and voting in Parliament by taking bribe, that would automatically solve the problem in which event, it would be unnecessary for the Parliament to exercise a non-existent power of expulsion, as the members of Parliament convicted for offences of taking bribe would automatically stand disqualified and they are bound to vacate the seat in view of article 102 of the Constitution.

The situation demands, either a legislative surgery or a judicial review to remove the legal hurdle.

## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCES AND SYMPOSIA

*The 55<sup>th</sup> Commonwealth Parliamentary Conference, Arusha, Tanzania:*  
The 55<sup>th</sup> Commonwealth Parliamentary Conference was held in Arusha, Tanzania from 28 September to 6 October 2009. The Indian Delegation to the Conference was led by Smt. Meira Kumar, Speaker, Lok Sabha and member, CPA Executive Committee. Shri Hashim Abdul Halim, Speaker, West Bengal Legislative Assembly and Treasurer, CPA Executive Committee also attended the Conference. Shri Uday Narain Chowdhury, Speaker, Bihar Legislative Assembly and Shri Tanka Bahadur Rai, Speaker, Assam Legislative Assembly attended the CPA Executive Committee Meeting as Regional Representatives from India Region.

The Delegation from India Union Branch consisted of Shri Bhubaneswar Kalita, MP, (Rajya Sabha); Shri Bhakta Charan Das, MP (Lok Sabha); Shri Vikram Verma, MP (Rajya Sabha); Shri Baijayant J. Panda, MP (Lok Sabha); and Smt. Ratna De, MP (Lok Sabha). Shri Dushyant Singh, MP (Lok Sabha) attended the Conference as an Observer. Smt. Ratna De, MP (Lok Sabha) also attended the meeting of the Commonwealth Women Parliamentarians (CWP) Steering Committee as an alternate for Km. Selja, Minister of Housing & Urban Poverty Alleviation and Tourism and also the CWP Steering Committee Member from India Region, who could not attend the Conference due to unavoidable reasons. Shri P.D.T. Achary, Secretary-General, Lok Sabha attended the Conference as Regional Secretary of CPA India Region and Member of Society of Clerks-at-the Table. Dr. V.K. Agnihotri, Secretary-General, Rajya Sabha and member, Society of Clerks-at-the-Table attended the Conference as an Observer. Shri Amitabh Mukhopadhyay, Joint Secretary, Lok Sabha Secretariat, was the Secretary to the Delegation.

The Delegation from India Region also included the following delegates from the State CPA Branches of India: Dr. (Prof.) Ramsundar Ram Kanaūjia, MLA, Bihar Vidhan Sabha; Shri Dharam Lal Kaushik, Speaker, Chhattisgarh Vidhan Sabha; Shri Pratapsing Raoji Rane,

Speaker, Goa Legislative Assembly; Shri Tulsi Ram, Speaker, Himachal Pradesh Vidhan Sabha; Shri Veeranna Mathikatti, Chairman, Karnataka Legislative Council; Shri K. Radhakrishnan, Speaker, Kerala Legislative Assembly; Shri Ishwar Das Rohani, Speaker, Madhya Pradesh Legislative Assembly; Dr. Sapam Budhichandra Singh, Speaker, Manipur Legislative Assembly; Shri Charles Pyngrope, Speaker, Meghalaya Legislative Assembly; Shri R. Romawia, Speaker, Mizoram Legislative Assembly; Shri Kiyanielie Pesiyie, Speaker, Nagaland Legislative Assembly; Shri Pradeep Kumar Amat, Speaker, Orissa Legislative Assembly; Shri Deependra Singh Shekhawat, Speaker, Rajasthan Vidhan Sabha; Shri K.T. Gyaltsen, Speaker, Sikkim Legislative Assembly; Thiru V.P. Duraisamy, Speaker, Tamil Nadu Legislative Assembly; Shri R.C. Debnath, Speaker, Tripura Legislative Assembly; Shri Harbans Kapoor, Speaker, Uttaranchal Legislative Assembly; Shri Bhakti Pada Ghosh, Deputy Speaker, West Bengal Legislative Assembly; Dr. Yoganand Shastri, Speaker, Delhi Vidhan Sabha; and Shri R. Radhakrishnan, Speaker, Pondicherry Legislative Assembly.

Shri Siddharath Rao, Secretary, Delhi Legislative Assembly; Shri P.D Rajan, Secretary, Kerala Legislative Assembly; Shri Dorjee Rinchen, Secretary, Sikkim Legislative Assembly were the three Secretaries from the State Branches who attended the Conference.

The theme of the Conference was "The Commonwealth and the CPA—Meeting Future Global Challenges". During the Conference, the following topics were discussed in the Workshops:

- Coalition Governments: Parliamentary Democracy in Dilemma?
- Policy Responses to the Global Financial Crisis
- Role of Commonwealth Parliaments in Combating Terrorism
- The Role of Parliament in Shaping the Information Society
- The Role of Parliamentarians in the Elimination of Violence against Women with Particular Reference to Domestic Violence
- Climate Change – Are Policy Solutions Working?
- Developing Mechanisms to Remedy Root Causes of Political, Economic and Social Conflicts.
- The Commonwealth and Youth – How to Engage Future Generations in Representative Democracy?

Hon'ble Speaker, Lok Sabha and Member, CPA Executive Committee, Smt. Meira Kumar was one of the Discussion Leaders in the Workshop



on *The Role of Parliament in Shaping the Information Society* and Shri Bhakta Charan Das, MP, Lok Sabha, was a Discussion Leader in the Workshop on *Developing Mechanisms to remedy Root Causes of Political, Economic and Social Conflicts*.

Shri Baijayant J. Panda, MP, Lok Sabha was one of the Lead Speakers in the final Plenary '*Can Trade Liberalization Benefit the Commonwealth in the Current Economic Climate*'.

A meeting of the newly constituted Task Force on Climate Change was held on 4 October 2009. Shri Baijayant J. Panda, MP, Lok Sabha participated in the Meeting.

*Eighth Session of the UNCCD Round Table for Parliamentarians:* The Eighth Session of the United Nations Convention to Combat Desertification (UNCCD) Round Table for Parliamentarians was held in Buenos Aires, Argentina on 24 and 25 September 2009. Shri Kavuri Samba Siva Rao, MP, Lok Sabha participated in it. The following agenda items were discussed during the meeting:

- Which policy towards achieving food security in the dry lands under the current economic crisis?
- How can the UNCCD contribute to the global responses to climate change?

*Fourth Conference for Members of Parliamentary Committees on the Status of Women and other Committees dealing with Gender Equality:* This Conference was held in Geneva on 28 and 29 September 2009. An Indian Parliamentary Delegation consisting of Smt. Jayanthi Natarajan, MP (Rajya Sabha) and Leader of the Delegation and Dr. (Smt.) Botcha Jhansi Lakshmi, MP, Lok Sabha, represented Parliament of India at the Conference. Shri Narendra Kumar Pandey, Addl. Director, Lok Sabha Secretariat was Secretary to the Delegation.

During the Conference, the Committees *inter alia* deliberated on the following key topics:

- Overcoming barriers: Electoral gender quotas
- Women in Parliament: Challenges inside the House

*Meetings of (i) WTO Public Forum 2009; (ii) Parliamentary Panel on WTO Public Forum 2009; and (iii) 19<sup>th</sup> Session of the Steering Committee:* The above meetings were held in Geneva from 28 September to 1 October 2009. Shri P.C. Chacko, MP, Lok Sabha participated in the meetings.

The main theme of the WTO Public Forum 2009 was *Global Problems, Global Solutions: Towards better Global Governance*. The sub-themes of the Conference were:

- ♣ Finding global solutions to global problems: the way forward towards better global governance;
- ♣ The role of WTO and the Doha Round negotiations in the midst of the current financial crisis;
- ♣ The impact of global economic crisis on developing countries, in particular LDCs, and the role of trade financing; and
- ♣ The main challenges facing the multilateral trading systems and reflections on the post-crisis agenda for the WTO.

The Parliamentary Panel on WTO Public Forum 2009 deliberated on the theme: *Can protectionism protect trade – The Legislators' perspective*. The key issues that came up for discussion at the 19<sup>th</sup> Session of the Steering Committee of Parliamentary Conference on the WTO were:

- Current state of multilateral negotiations and possible scenarios for the conclusion of the Doha Round.
- Main challenges facing the multilateral trading system.
- Assessment of long-term consequences of the protracted stalemates in WTO talks.

### **BIRTH ANNIVERSARIES OF NATIONAL LEADERS**

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

The birth anniversaries of the following leaders were celebrated during the period 1 July to 30 September 2009:

*Dr. Syama Prasad Mookerjee:* On the occasion of the birth anniversary of Dr. Syama Prasad Mookerjee, a function was held on 6 July 2009 in the Central Hall of Parliament House. Smt. Meira Kumar, Speaker, Lok Sabha; Shri L.K. Advani, Leader of Opposition, Lok Sabha; Shri Arun Jaitley, Leader of Opposition, Rajya Sabha; several Members of Parliament; former Members of Parliament and the Secretaries-

General of Lok Sabha and Rajya Sabha paid floral tributes to Dr. Syama Prasad Mookerjee.

*Lokmanya Bal Gangadhar Tilak:* On the occasion of the birth anniversary of Lokmanya Bal Gangadhar Tilak, a function was held on 23 July 2009 in the Central Hall of Parliament House. Dr. Manmohan Singh, Prime Minister; Smt. Meira Kumar, Speaker, Lok Sabha; Shri Pranab Mukherjee, Union Minister of Finance; Shri L.K. Advani, Leader of Opposition, Lok Sabha; Shri Arun Jaitley, Leader of Opposition, Rajya Sabha; Shri Pawan Kumar Bansal, Union Minister for Parliamentary Affairs; Shri V. Narayansamy, Union Minister of State for Planning and Parliamentary Affairs; Shri Shashi Tharoor, Union Minister of State for External Affairs; Members of Parliament and former Members of Parliament paid floral tributes to Lokmanya Bal Gangadhar Tilak.

*Shri Rajiv Gandhi:* On the occasion of the birth anniversary of Shri Rajiv Gandhi, a function was held on 20 August 2009 in the Central Hall of Parliament House. Dr. Manmohan Singh, Prime Minister; Smt. Meira Kumar, Speaker, Lok Sabha; Smt. Sonia Gandhi, M.P., and Chairperson of UPA; Union Ministers; Members of Parliament; former Members of Parliament; and the Secretaries-General of Lok Sabha and Rajya Sabha paid floral tributes to Shri Rajiv Gandhi.

*Dadabhai Naoroji:* On the occasion of the birth anniversary of Dadabhai Naoroji, a function was held on 4 September 2009 in the Central Hall of Parliament House. Smt. Meira Kumar, Speaker, Lok Sabha; Shri Kapil Sibal, Union Minister for Human Resource Development; Members of Parliament, several former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha paid floral tributes to Dadabhai Naoroji.

## **EXCHANGE OF PARLIAMENTARY DELEGATIONS**

### **Indian Parliamentary Delegations gone abroad**

*Italy:* A 5-member Indian Parliamentary Delegation led by the Speaker, Lok Sabha, Smt. Meira Kumar visited Italy to attend the Meeting of Speakers of 'Lower Chambers' of G8 and Outreach Countries held in Rome on 12 and 13 September 2009. The other members of the Delegation were Shri Zafar Ali Naqvi, M.P. and Shri P.D.T. Achary, Secretary-General, Lok Sabha.

*Republic of Austria:* A 12-member Indian Parliamentary Delegation led by the Speaker, Lok Sabha, Smt. Meira Kumar visited the Republic

of Austria from 14 to 17 September 2009. The other members of the Delegation were: Shri Anant Kumar Hegde, Smt. Rajkumari Ratna Singh, Dr. E.M. Sudarsana Natchiappan, Smt. Usha Verma, Smt. Paramjit Kaur Gulshan, Shri Prabhat Jha, all members of Parliament and Shri P.D.T. Achary, Secretary-General, Lok Sabha. Shri U.S. Saxena, Joint Secretary, Lok Sabha Secretariat was the Secretary to the Delegation.

### **Foreign Parliamentary Delegations Visiting India**

*Timor-Leste:* A 9-member Parliamentary Delegation from Timor-Leste led by Mr. Osorio Florindo, President of the Committee on Poverty Reduction, Rural, Regional Development and Gender Equality visited India from 6 to 15 September 2009.

On 7 September 2009, the Delegation had meetings with the Minister of Women & Child Development and also with the Centre for Women's Development Studies. On 8 September 2009, the Delegation had meetings with the Minister of Rural Development, the Chief Minister of Delhi and the National Commission for Women. The Delegation also called on the Vice-President of India and Chairman, Rajya Sabha, Shri Mohammad Hamid Ansari the same day. On 9 September 2009, the Delegation called on the Speaker, Lok Sabha and also had meeting with the representatives of All India Women's Education Fund Association. Besides Delhi, the Delegation visited Agra and Goa before final departure from Mumbai.

### **BUREAU OF PARLIAMENTARY STUDIES AND TRAINING**

*Orientation Programme for newly elected members of the 15<sup>th</sup> Lok Sabha:* An Orientation Programme was organized for the newly-elected members of the 15<sup>th</sup> Lok Sabha from 6 to 11 July 2009. Smt. Meira Kumar, Speaker, Lok Sabha inaugurated the Programme. Shri Kariya Munda, Deputy Speaker, Lok Sabha also addressed the members during the Inaugural Session. The members were addressed on various procedural and other matters by Shri Pranab Mukherjee, Minister of Finance; Shri Pawan Kumar Bansal, Minister of Parliamentary Affairs and Water Resources; Shri Shivraj V. Patil, MP; Shri Oscar Fernandes, MP; Shri V. Kishore Chandra Deo, MP; Smt. Margaret Alva, Honorary Advisor, BPST; and Shri P.D.T. Achary, Secretary-General, Lok Sabha.

An Exhibition on *Parliamentary Democracy in India: Marching Ahead* was put up in the foyer of Parliament House Annexe by



Smt. Meira Kumar, Speaker, Lok Sabha, lighting the lamp at the inauguration of the Exhibition on  
*Parliamentary Democracy in India: Marching Ahead*

Parliamentary Museum and Archives and the Directorate of Advertising & Visual Publicity (DAVP), during the currency of the Orientation Programme. Hon'ble Speaker, Lok Sabha, also inaugurated the exhibition on 6 July 2009, prior to the inauguration of the Orientation programme.

*Lecture Series for Members of Parliament:* As part of the Lecture Series for Members of Parliament, three lectures were organized: (i) *India's Foreign Policy: Challenges and Opportunities* by Shri Shiv Shankar Menon on 21 July 2009; (ii) *Monsoon Management and Agricultural Progress in an Era of Climate Change* by Prof. M.S. Swaminathan, MP on 28 July 2009 and (iii) *International Financial Crisis and its Impact on India* by Dr. C. Rangarajan, MP and former Governor, RBI on 6 August 2009.

*Study Visits:* The Study visits were organized between July and September 2009 for: (i) 7 Editors from Sri Lanka on 13 and 14 July 2009; (ii) 37 Bangladesh Officials on 22 July 2009; (iii) 4 Delegates from the Southern Nations Nationalities Peoples Regional States (SNNPRS), a regional State of Ethiopia, led by the Speaker from 17 to 19 August 2009; (iv) 15 Officers of the Government of Nepal undergoing Management Development Programme on Federalism at the Indian Institute of Public Administration, New Delhi on 2 September 2009; and (v) 24 Delegates from the Standing Committee of the House of Representatives Affairs, Thai National Assembly, Thailand on 22 September 2009. Besides, ten other Study Visits were conducted for the benefit of the students/trainees/officials of various institutions/organizations. A total of 646 participants attended these visits.

*Appreciation Courses:* Appreciation Courses in Parliamentary Processes and Procedures were organized for the following Officers: (i) 52 Senior Accounts/Audit Officers and Accounts/Audit Officers from the Office of the C&AG of India from 13 to 17 July 2009; (ii) 29 Probationers of the Indian Forest Service from 20 to 24 July 2009; (iii) 30 Probationers of the Indian Ordnance Factories Service and Indian Railway Personnel Service, from 3 to 6 August 2009; and (iv) 103 Probationers of the Indian Revenue Service and Indian Railway Stores Service from 31 August to 4 September 2009.

*Attachment Programme:* An Attachment Programme for two Officials from the National Assembly of Seychelles was organized from 3 to 7 August 2009.

*Training Programmes:* Training programmes were organised for:  
(i) 23 Watch & Ward Officials of the Lok Sabha, the Rajya Sabha and the State Legislature Secretariats from 17 to 19 August 2009; and  
(ii) 20 Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats providing Research, Reference and Information Service from 24 to 28 August 2009.

## PROCEDURAL MATTERS

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### LOK SABHA

*Instance when the Chair allowed members to lay their written speeches on the Table of the House:* On 13 and 14 July 2009, during combined discussion on the Budget (General) for the year 2009-10 and Demands for Excess Grants in respect of Budget (General) for the year 2006-07, the Chair allowed thirty eight members to lay their written speeches and fifteen members to lay some portion of their written speeches on the Table of the House.

On 15 July 2009, during discussion on the Budget (General) for the year 2009-10 in respect of Demands for Grants under the control of the Ministry of Human Resource Development for the year 2009-10, the Chair allowed four members, Sarvashri Mithilesh Kumar, Hansraj Gangaram Ahir, Kirit Premjibhai Solanki and Arjun Ram Meghwal to lay their written speeches and three members Sarvashri J.M. Rashid Aaron, Anto Punnathaniyil Antony and S.K. Bwiswmuthiary to lay some portion of their written speeches on the Table of House.

On 20 July 2009, during combined discussion on Demands for Grants under the control of the Ministry of Agriculture and Ministry of Consumer Affairs, Food and Public Distribution, the Chair allowed thirteen members Sarvashri Tarun Mandal, Dudhgaonkar Ganeshrao Nagorao, Prasanna Kumar Patasani, P.L. Punia, Dushyant Singh, Rudramadhab Ray, Gowdar Mallikarjunappa Siddeswara, Virendra Kumar, Tarachand Bhagora, Arjun Ram Meghwal, A.T. Nana Patil, Kachhadia Naranbhai and Smt. Jayshreeben Kanubhai Patel to lay their written speeches and ten members Sarvashri Vijay Bahadur Singh, M. Anandan, Smt. Botcha Jhanshi Lakshmi, Uma Shanker Singh, Kaushalendra Kumar, S. Alagiri, S.K. Bwiswmuthiary, Brij Bhusan Sharan Singh, Suresh Kodikunnil and J.M. Aaron Rashid to lay some portion of their written speeches on the Table of House.

On 21 July 2009, during discussion on Budget (General) for the year 2009-10 in respect of Demands for Grants under the control of the Ministry of Power, the Chair allowed eight members Sarvashri Mithilesh Kumar, Premdas, Kaushalendra Kumar, Virendra Kumar, Arjun Ram Meghwal, Anurag Singh Thakur, C.L. Ruala and Bhudeo Choudhury to lay their written speeches and five members Sarvashri Ravindra Kumar Pandey, Brij Bhusan Sharan Singh, Sushil Kumar Singh, J.M. Rashid



Aaron and S.K. Bwiswmuthiary to lay some portion of their written speeches on the Table of House.

On 22 July 2009, during discussion on Budget (General) for the year 2009-10 in respect of Demands for Grants under the control of the Ministry of Home Affairs, the Chair allowed seven members Sarvashri D.V. Sadananda Gowda, Arjun Ram Meghwal, Virendra Kumar, Tufani Saroj, Hansraj Gangaram Ahir, Brij Bhushan Sharan Singh and Smt. Botcha Jhanshi Lakshmi to lay their written speeches and seven members Sarvashri Kirit Premjibhai Solanki, Madan Lal Sharma, Sanjeev Ganesh Naik, Sohan Potai, S.K. Bwiswmuthiary, Radha Mohan Singh and Bajju Ban Riyan to lay some portion of their written speeches on the Table of House.

On 23 July 2009, during discussion on Budget (General) for the year 2009-10, in respect of Demands for Grants under the control of the Ministry of Women and Child Development, the Chair allowed eleven members Shri Kachhadia Naranbhai, Dr. (Smt.) Prabha Kishore Taviad, Dr. (Smt.) Killi Krupa Rani, Dr. (Smt.) Botcha Jhanshi Lakshmi, Smt. Priya Sunil Dutt, Smt. Kamla Devi Patle, Shri Arjun Ram Meghwal, Smt. Jayshreeben Kanubhai Patel, Sarvashri Kaushalendra Kumar, Virendra Kumar and Smt. Usha Verma to lay their written speeches and four members Sarvashri Wakchaure Bhausaheb Rajaram, O.S. Manian, Prabodh Panda and Smt. J. Shantha to lay some portion of their written speeches on the Table of House.

On 27 July 2009, during discussion on the motion for consideration of the Finance (No.2) Bill, 2009, the Chair allowed two members Sarvashri Arjun Ram Meghwal and Satpal Maharaj to lay some portion of their written speeches on the Table of House.

On 28 July 2009, during discussion under rule 193 on situation arising out of drought and floods in various parts of the country, the Chair allowed twelve members Sarvashri Radha Mohan Singh, Hukumdeo Narayan Yadav, Dudhgaonkar Ganeshrao Nagorao, Smt. P. Jayaprada Nahata, Shri Ganesh Singh, Smt. Jayashreeben Kanubhai Patel, Sarvashri Arjun Ram Meghwal, Vishwa Mohan Kumar, Thokchom Meinya, Ravindra Kumar Pandey, M. Badruddin Ajmal and Prasanna Kumar Patasani to lay their written speeches and four members Dr. M. Thambi Durai and Sarvashri Ramashankar Rajbhar, Arvind Kumar Sharma and P.K. Biju to lay some portion of their written speeches on the Table of House.

On 30 July 2009, during Private Members' Business, the Chair allowed Shri Satpal Maharaj, who moved the resolution regarding steps to ensure availability of drinking water in the country, to lay some portion of his written speech on the Table of House.

On 4 August 2009, during discussion on the Right of Children to Free and Compulsory Education Bill, 2009, the Chair allowed twenty

five members to lay their written speeches and two members to lay some portion of their written speeches on the Table of House.

On 6 August 2009, during discussion on the Metro Railways (Amendment) Bill, 2009, the Chair allowed two members Dr. Kirit Premjibhai Solanki and Dr. (Prof.) Prasanna Kumar Patasani to lay their written speeches on the Table of the House.

On 6 and 7 August 2009, during discussion under rule 193 on rise in prices of essential commodities, the Chair allowed eleven members Sarvashri Radha Mohan Singh, Ganesh Singh, Arjun Ram Meghwal, Mahabal Mishra, Rakesh Singh and T.K.S. Elangovan, Hansraj Gangaramji Ahir, Ramashankar Rajbhar, Ravindra Kumar Pandey, Virendra Kumar and Naranbhai Kachhadia to lay their written speeches on the Table of the House.

## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 JULY TO 30 SEPTEMBER 2009)

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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

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### INDIA

#### DEVELOPMENTS AT THE UNION

*Parliament Session:* The Second Session of newly constituted Fifteenth Lok Sabha and the Two Hundred and Seventeenth Session of the Rajya Sabha commenced on 2 July 2009. Both the Houses were adjourned on 7 August 2009. The President of India, Smt. Pratibha Devisingh Patil, prorogued both the Lok Sabha and the Rajya Sabha on 11 August 2009.

*Elections to Rajya Sabha:* Elections to 13 Rajya Sabha seats were held on 3 August 2009.

Shri George Fernandes of the Janata Dal (United) [JD (U)] was elected to the Rajya Sabha from Bihar. His term commenced on 4 August 2009 and he took oath/affirmation on the same day.

Sarvashri Kaptan Singh Solanki and Anil Madhav Dave of the Bharatiya Janata Party (BJP) were elected from Madhya Pradesh.

Sarvashri Rajnitsinh Vijaysinh Mohite-Patil and Govindrao Wamanrao Adik of the Nationalist Congress Party (NCP) and Vilasrao Dagadojirao Deshmukh of the Indian National Congress (INC) were elected from Maharashtra.

Shri Jai Prakash of the Bahujan Samaj Party (BSP) was elected from Uttar Pradesh.

Shri Narendra Budania of the INC was elected from Rajasthan.

Shri Nand Kumar Sai of the BJP was elected from Chhattisgarh.

Shri G.N. Ratanpuri of the Jammu and Kashmir National Conference (J&KNC) was elected from Jammu and Kashmir.

Shri Shadi Lal Batra of the INC was elected from Haryana.

The term of all the members commenced on 4 August 2009 and they took oath/affirmation on 6 August 2009.

Shri Parvez Hashmi of the INC and Shri Kishore Kumar Mohanty of the Biju Janata Dal (BJD) were elected from NCT of Delhi and Orissa. The term of Shri Hashmi and Shri Mohanty commenced on 4 and 6 August 2009, respectively. Both took oath/affirmation on 7 August 2009.

*Resignation of Rajya Sabha Members:* On 8 July 2009, Dr. K. Kasturirangan and Dr. C. Rangarajan, both nominated members resigned from the Rajya Sabha on 8 July and 10 August 2009, respectively.

*Nominated Members to the Lok Sabha:* On 18 September 2009, Shri Charles Dias and Smt. Ingrid Mcleod were nominated to the Lok Sabha under article 331 of the Constitution by the President to represent the Anglo-Indian Community.

*Expulsion of Party MP:* On 19 August 2009, the BJP expelled its party MP Shri Jaswant Singh for anti-party activities.

## **AROUND THE STATES**

### **ANDHRA PRADESH**

*Death of Chief Minister:* On 2 September 2009, Chief Minister Shri Y.S. Rajasekhara Reddy was killed in a helicopter crash.

Shri K. Rosaiah was appointed as the new Chief Minister.

*Expansion of Cabinet:* On 6 September 2009, Chief Minister Shri K. Rosaiah inducted all 34 members of the erstwhile Shri Y.S. Rajasekhara Reddy Cabinet into his Council of Ministers.

*Assembly By-election Result:* On 14 September 2009, Smt. Korla Bharathi of the INC was declared elected from the Tekkali Assembly seat by-election to which was held on 10 September 2009.

### **BIHAR**

*Assembly By-elections Results:* By-elections to 18 Assembly constituencies were held in two phases on 10 (seven) and

15 September 2009 (eleven seats). The results were announced on 17 September 2009. The Rashtriya Janata Dal won five seats—Bochaha, Aurai, Kalyanpur, Ramgadh and Phulwarisharif, the Janata Dal (United) four—Bagha, Triveniganj, Munger and Dhoraiya, the Lok Janshakti Party three—Araria, Bodh Gaya and Warisnagar, the BJP two—Begusarai and Chainpur and the Congress two—Chenari and Simri Bakhtiarpur, the Bahujan Samaj Party one—Nautan and Independent won Ghosi block in Jehanabad.

### DELHI

*Assembly By-elections Results:* On 17 September 2009, Shri Pardymn Rajput of the BJP was declared elected from the Dwarka Assembly seat by-election to which was held on 10 September 2009.

On 17 September 2009, Shri Asif Mohammed Khan of the RJD was declared elected from the Okhla Assembly seat by-election to which was held on 15 September 2009.

### GUJARAT

*Death of Governor-designate:* On 1 August 2009, the Governor-designate of Gujarat Shri Devendra Nath Dwivedi passed away due to liver problems even before he could take up his assignment.

*Assembly By-elections Results:* By-elections to seven Assembly Constituencies were held on 10 September 2009. The results were announced on 15 September 2009. The winners are: Sarvashri Vashrambhai Khorani—BJP (Chotila); Khodabhai Bharatbhai Boghra—BJP (Jasdan); Jayesh Vitthabhai Radadiya—BJP (Dhoraji); Kalyansinh Chauhan—BJP (Dehgam); Vasant Bhatol—BJP (Danta); Karshanbhai Dhirsinh Barad—INC (Kodinar); and Dinesh Thakore—Congress (Sami-Harji).

### HARYANA

*Change of Party:* On 19 July 2009, the Indian National Lok Dal (INLD) MLA Shri Sushil Kumar Indora resigned from the party as well from the Ellenabad (SC) Assembly constituency and joined the Congress.

*Governor Sworn in:* On 27 July 2009, Shri Jagannath Pahadia was sworn in as the Governor of Haryana replacing Dr. A.R. Kidwai.

*Death of Minister:* On 16 August 2009, Minister without Portfolio

Smt. Kartar Devi passed away following a prolonged illness in Chandigarh.

*Dissolution of State Assembly:* On 21 August 2009, Governor Shri Jagannath Pahadia on the recommendation of Chief Minister Shri Bhupinder Singh Hooda dissolved the State Legislative Assembly.

### **JHARKHAND**

*President's Rule approved by Parliament:* On 17 July 2009, the Parliament approved the extension of President's rule in Jharkhand for another 6 months.

### **KARNATAKA**

*Assembly By-elections Results:* By-elections to five Assembly constituencies were held on 18 August 2009. The results were announced on 21 August 2009. The Janata Dal (Secular) won Ramanagara and Channapatna, the BJP won Chittapur and Kollegal and the Congress, Govindarajanagar.

*Resignation of Minister:* On 31 August 2009, Minister for Housing and Muzrai Shri V. Somanna resigned from the Council of Ministers following his defeat in the Assembly by-election.

### **KERALA**

*Resignation of Minister:* On 15 August 2009, Public Works Minister Shri Mons Joseph submitted his resignation to the Chief Minister Shri V.S. Achuthanandan.

### **MADHYA PRADESH**

*Assembly By-elections Results:* On 17 September 2009, Shri Bhaiyya Ram Patel of the BJP and Shri Ranveer Jatav of the INC won from Tendukheda and Gohad Assembly constituencies, by-elections to which were held on 10 September 2009.

### **MEGHALAYA**

*Change of Party:* On 6 July 2009, BJP lone MLA Shri A.L. Hek, representing Pynthormukhrah constituency joined the INC.

### **PUNJAB**

*Resignation of Deputy Chief Minister:* On 2 July 2009, Shri Sukhbir Singh Badal resigned from the post of Deputy Chief Minister of Punjab as well as the Council of Ministers. Governor Shri S.F. Rodrigues accepted the resignation.

*Assembly By-election Results:* On 6 August 2009 the ruling Shiromani Akali Dal won all the three Assembly seats, by-election to which were held on 3 August 2009. The winners are: Sarvashri Sukhbir Singh Badal (Jalalabad), Sewa Singh Sekhwan (Kahnuwan) and Jasjit Singh "Bunny" (Banur)

*Deputy Chief Minister Sworn in:* On 10 August 2009, Shri Sukhbir Singh Badal was sworn in as the Deputy Chief Minister.

### **RAJASTHAN**

*Resignation of MLA:* On 7 August 2009, the Speaker Shri Deependra Singh Shekhawat accepted the resignation submitted to him by Dr. Kirorilal Meena MLA on 28 June 2009. Shri Meena recently got elected to the 15<sup>th</sup> Lok Sabha as an Independent member from the Dausa Lok Sabha constituency.

### **SIKKIM**

*Assembly By-elections Results:* On 14 September 2009, the Sikkim Democratic Front won the Namchi Singthong Assembly seat by-election to which was held on 10 September 2009.

### **TAMIL NADU**

*Death of INC MLA:* On 5 July 2009, Shri D. Selvaraj an INC MLA died following a heart attack.

*Expulsion of Party MLAs:* On 29 July 2009, All India Anna Dravida Munnetra Kazhagam expelled two party MLAs namely Shri S. Ve. Shekher and Anitha R. Radhakrishnan for anti-party activities.

*Assembly By-elections Results:* By-elections to five Assembly constituencies were held on 18 August 2009. The Dravida Munnetra Kazhagam won Bargur, Cumbum and Ilayangudi seats, the INC won Srivaikuntam and Thondamuthur seats. The winners are: Sarvashri K.R.K. Narasimhan (Bargur), E. Ramakrishnan (Cumbum), S. Mathiyarasan (Ilayangudi), M.B. Sudalaiyandi (Srivaikuntam) and M.N. Kandasamy (Thondamuthur).

### **UTTAR PRADESH**

*Assembly By-elections Results:* On 21 August 2009, the BSP won Malihabad, Bidhuna and Moradabad West Assembly seats and the Rashtriya Lok Dal (RLD) secured Morna seat in the by-elections held on 18 August 2009. The winners are: Sarvashri Siddharth Shankar

(Malihabad), Mahesh Verma (Bidhuna), Balram Singh Saini (Moradabad West) and Mithilesh Pal (Morna).

### UTTARAKHAND

*Expansion of Cabinet:* On 1 July 2009, Chief Minister, Shri Ramesh Pokhriyal Nishank expanded his Cabinet by inducting eight more Ministers, including four with the Cabinet rank and the rest Ministers of State.

The Cabinet Ministers are: Sarvashri Prakash Pant, Diwakar Bhatt, Trivendra Singh Rawat and Rajendra Singh Bhandari.

The Ministers of State are: Vijay Barthawal, Govind Singh Bisht, Khajan Dass and Balwant Singh Bhauriyal.

*The names of Council of Ministers with their portfolios is as follows\*:* Dr. Ramesh Pokhriyal 'Nishank', Chief Minister, *Gopan, Personnel, Home & Vigilance, Energy, Public Works and the State Property, Secretariat Administration, Finance, Housing, Civil Aviation, Medical and Health, Aayush and Medical Education, Disaster Management, Sports, Higher and Technical Education, Culture Education, Information and Information Technology Department;* Sarvashri Matbar Singh Kandari, *Irrigation, Minor Irrigation, Flood Control, Khadi and Village, Social Welfare and Disabled Welfare;* Bishan Singh Chuphal, *Wild Animals and Forest Environment, Watershed Management, Transport, Cooperative, Rural Engineering Service and Protocol;* Prakash Pant, *Parliamentary Affairs, Legislative, Water, Labour, Planning, Restructuring, External Projects, Election and Uttarakhand River Projects related to India and Nepal;* Divakar Bhatt, *Revenue, Land Management, Food and Civil Supply and Sainik Kalyan;* Trivendra Singh Rawat, *Agriculture, Agro Education, Agricultural Marketing, Horticulture, Fruit Industry, Animal Husbandry, Dairy Development and Fisheries;* Madan Kaushik, *Excise, Sugar and Cane Development, City Development and Tourism;* and Rajendra Singh Bhandari, *Panchayati Raj, Alternative Energy, Census, Civil Defence, Home Guards and Prison.*

The Ministers of State are: Sarvashri Govind Singh Bisht, *School Education (Primary and Secondary Education);* Khajan Das, *Disaster Management and Social Welfare;* Balwant Singh Bhauriyal, *Medical and Health and Information Technology;* and Smt. Vijaya Barthwal, *Rural Development, Women Welfare and Child Development.*

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\* As on 7 July 2009



*New Governor:* On 6 August 2009, Smt. Margaret Alva was sworn in as the Governor of Uttarakhand.

### **WEST BENGAL**

*Death of Minister:* On 3 August 2009, Minister for Transport, Sports and Youth Services Shri Subhas Chakraborty passed away at a private hospital in Kolkata.

*Assembly By-election Results:* On 21 August 2009, Smt. Shikha Mitra and Swamakamal Saha of the Trinamool Congress were declared elected from Sealdah and Bowbazar Assembly seats, by-elections for which were held on 18 August 2009.

### **EVENTS ABROAD**

#### **ALBANIA**

*Legislative Elections:* The elections to the 140-seat People's Assembly (the unicameral legislature) were held on 28 June 2009. The party position following the elections is as follows: Democratic Party of Albania: 68; Socialist Party of Albania: 65; Socialist Movement for Integration: 4; Union for Human Rights: 1; Republican Party: 1; and Party for Justice and Integration: 1.

#### **BULGARIA**

*Legislative Elections:* The elections to the 240-seat National Assembly (the unicameral legislature) were held on 5 July 2009. The party position following the elections is as follows: Citizens for the European Development of Bulgaria: 116; Coalition for Bulgaria: 40; Movement for Rights and Freedoms: 38; Attack Coalition: 21; Blue Coalition: 15; and Order, Law, and Justice: 10.

*Election of Speaker:* On 14 July 2009, Ms. Tsetska Tsacheva was elected as the new Speaker of the National Assembly.

*Resignation of Prime Minister:* On 22 July 2009, Prime Minister Mr. Stanishev resigned.

*New Prime Minister:* On 27 July 2009, Mr. Boiko Borisov was sworn in as the new Prime Minister.

#### **CAMEROON**

*New Prime Minister:* On 30 June 2009, President Mr. Paul Biya appointed Mr. Yang Philemon as the new Prime Minister, replacing Mr. Ephraim Inoni.

### **CONGO**

*President re-elected:* On 12 July 2009, Mr. Denis Sassou-Nguesso was re-elected as the President.

### **CROATIA**

*Resignation of Prime Minister:* On 1 July 2009, Mr. Ivo Sanader resigned as the Prime Minister.

*New Prime Minister:* On 6 July 2009, Ms. Jadranka Kosor was appointed as the new Prime Minister.

### **CZECH REPUBLIC**

*New Prime Minister:* On 8 May 2009, President Mr. Vaclav Klaus appointed Mr. Jan Fischer as the new Prime Minister.

### **EL SALVADOR**

*New President:* On 1 June 2009, Mr. Mauricio Funes was sworn in as the new President.

### **GABON**

*Death of President:* On 8 June 2009, President Mr. Omar Bongo passed away following a heart failure in a hospital in Spain.

*Resignation of Prime Minister:* On 15 July 2009, Mr. Jean Eyeghe Ndong resigned as the Prime Minister.

*New Prime Minister:* On 17 July 2009, interim President Mr. Rose Francine Rogombe appointed Mr. Paul Biyoghe Mba as the new Prime Minister.

### **GERMANY**

*Re-election of President:* On 23 May 2009, Mr. Horst Kohler was re-elected as the President for a second term. He was sworn in on 1 July 2009.

### **GREENLAND**

*Legislative Elections:* The elections to the 31-seat *Landsting* (the unicameral legislature) were held on 2 June 2009. The party position following the elections is as follows: Inuit Brotherhood: 14; Forward: 9; Democrats: 4; Community: 3; and Electoral Alliance: 1.

### **GUINEA-BISSAU**

*President Election:* On 26 July 2009, Mr. Malam Bacai Sanha was elected as the new President.

**INDONESIA**

*Legislative Elections:* The elections to the 560-seat House of Representatives (the unicameral legislature) were held on 9 April 2009. The party position following the elections is as follows: Democratic Party: 150; Golkar (Party of the Functional Groups): 107; Indonesian Democratic Party of Struggle: 95; Justice and Prosperity Party: 57; National Mandate Party: 43; United Development Party: 37; National Awakening Party: 27; Gerindra (Great Indonesian Movement Party): 26; and Hanura (People's Conscience Party): 18.

*President Re-elected:* On 25 July 2009, President Gen. (Retd.) Susilo Bambang Yudhoyono was re-elected to a second term.

**IRAN**

*President Re-elected:* On 5 August 2009, President Mr. Mahmoud Ahmadi-Nejad was re-elected for a second term in office.

**JAPAN**

*Legislative Elections:* The elections to the 480-seat House of Representatives (the lower chamber of the Diet) were held on 30 August 2009. The party position following the elections is as follows: Democratic Party of Japan: 308; Liberal Democratic Party: 119; New Komeito: 21; Japanese Communist Party: 9; Social Democratic Party: 7; Your Party: 5; Peoples' New Party: 3; and Others: 8.

**KYRGYZSTAN**

*President Re-elected:* On 23 July 2009, President Mr. Kurmanbek Bakiev was re-elected for a second term.

**LEBANON**

*Legislative Elections:* The elections to the 128-seat National Assembly (the unicameral legislature) were held on 7 June 2009. The party position following the elections is as follows: **March 14 Alliance (M14):** Future Movement: 24; Lebanese Forces: 5; Kataeb: 5; Progressive Socialist Party: 4; Democratic Left: 1; Ramgaur: 1; Jamaa: 1; and M14-affiliated Independents: 30.

**March 8 Alliance (M8):** Amal: 12; Hezbollah: 10; Syrian Socialist National Party: 2; Ba'ath Party: 2; Islamic Action: 1; and M8-affiliated Independents: 16.

**Reform and Change:** Free Patriotic Movement: 10; Tashnags: 2; Marada: 1; and Lebanese Democratic Party: 1.

### **LITHUANIA**

*New President:* On 12 July 2009, Ms. Dalia Grybauskaitė was sworn in as the new President.

### **LUXEMBOURG**

*Legislative Elections:* The elections to the 60-seat Chamber of Deputies (the unicameral legislature) were held on 7 June 2009. The party position following the elections is as follows: Christian Social People's Party: 26; Luxembourg Socialist Workers' Party: 13; Democratic Party: 9; Greens: 7; Action Committee for Democratic and Social Justice: 4; and The Left: 1.

### **MALAWI**

*President Re-elected:* On 22 May 2009, Mr. Bingu wa Mutharika was sworn in as the President for a second term.

*Legislative Elections:* The elections to the 192-seat National Assembly (the unicameral legislature) were held on 19 May 2009. The party position following the elections is as follows: Democratic Progressive Party: 114; Malawi Congress Party: 26; United Democratic Front: 17; Maravi People's Party: 1; Alliance for Democracy: 1; Malawi Forum for Unity and Development: 1; and Independents: 32.

### **MALDIVES**

*Legislative Elections:* The elections to the 76-seat People's Majlis (the unicameral legislature) were held on 9 May 2009. The party position following the elections is as follows: Dhivehi Rayyithunge Party: 28; Maldivian Democratic Party: 25; People's Alliance: 7; Dhivehi Gaumi Party: 2; Republican Party: 1; and Independents: 13.

### **MEXICO**

*Legislative Elections:* The elections to the 500-seat Chamber of Deputies (the lower chamber of the National Congress, the bicameral federal legislature) were held on 5 July 2009. The party position following the elections is as follows: Institutional Revolutionary Party: 241; National Action Party: 147; Party of the Democratic Revolution: 72; Ecologist Green Party of Mexico: 17; Workers' Party: 9; New Alliance Party: 8; and Convergence: 6.

**MOLDOVA**

*Legislative Elections:* The elections to the 101-seat *Parlamentul* (the unicameral legislature) were held on 29 July 2009. The party position following the elections is as follows: Communist Party of Moldova: 48; Liberal Democratic Party: 18; Liberal Party: 15; Democratic Party of Moldova: 13; and Our Moldova Alliance: 7.

**MONGOLIA**

*President Election:* On 24 May 2009, Mr. Tsakhiagiyn Elbegdorj was elected as the new President.

**PANAMA**

*Election of President:* On 3 May 2009, Mr. Ricardo Martinelli Berrocal was elected as the new President.

*Legislative Elections:* The elections to the 71-seat National Assembly (the unicameral legislature) were also held on 3 May 2009. The party position following the elections is as follows: Democratic Revolutionary Party: 26; People's Party: 1; Panamenista Party: 21; Democratic Change: 15; Patriotic Union: 4; Nationalist Republican Liberal Movement: 2; and Independents: 2.

**PERU**

*Resignation of Prime Minister:* On 10 July 2009, Mr. Yehude Simon resigned as the Prime Minister.

*New Prime Minister:* On 12 July 2009, President Mr. Alan Garcia Perez appointed Mr. Velasquez Quesquen as the new Prime Minister.

**SOUTH AFRICA**

*New President:* On 9 May 2009, Mr. Jacob Zuma was sworn in as the new President.

**UNITED KINGDOM**

*New Speaker:* On 22 June 2009, Mr. John Bercow was elected as the 157<sup>th</sup> Speaker of the House of Commons in succession to Mr. Michael Martin.

## DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

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*The Right of Children to Free and Compulsory Education Act, 2009:* The crucial role of universal elementary education for strengthening the social fabric of democracy through provision of equal opportunities to all had been accepted since inception of our Republic. The Directive Principles of State Policy enumerated in our Constitution had clearly laid down that the State should provide free and compulsory education to all children up to the age of fourteen years. Over the years there had been significant spatial and numerical expansion of elementary schools in the country, yet the goal of universal elementary education continued to elude us. The number of children, particularly children from the disadvantaged groups and weaker sections, who dropped out of school before completing elementary education, remained very large. Moreover, the quality of learning achievement was not always entirely satisfactory even in the case of children who completed elementary education.

Article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provided for free and compulsory education to all children in the age group of six to fourteen years as a Fundamental Right in such manner as the State might, by law, determine.

Consequently, the Right of Children to Free and Compulsory Education Bill, 2008, was proposed to be enacted which sought to provide,—(a) that every child had a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfied certain essential norms and standards; (b) 'compulsory education' casts an obligation on the appropriate Government to provide and ensure admission, attendance and completion of elementary education; (c) 'free education' meant that no child, other than a child who had been admitted by his or her parents to a school which was not supported by the appropriate Government, should be liable to pay any kind of fee or charges or expenses which might prevent him or her from pursuing and completing elementary education; (d) the duties and responsibilities of the appropriate Governments, local authorities, parents, schools and teachers in providing free and compulsory education; and (e) a system for protection of the right of children and a decentralized grievance redressal mechanism.

The proposed legislation had been drafted with the belief that the values of equality, social justice and democracy and the creation of a just and humane society could be achieved only through provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections was, therefore, not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which were not dependent on the Government

funds. It was, therefore, found expedient and necessary to enact a suitable legislation as envisaged in article 21-A of the Constitution.

The Right of Children to Free and Compulsory Education Bill, 2009, which sought to achieve the above-mentioned objectives, was passed by the Rajya Sabha and the Lok Sabha on 20 July and 4 August 2009, respectively. The President assented to it on 26 August 2009.

We reproduce here the text of the above Act.

—Editor

## **THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009**

*An Act to provide for and compulsory education to all children  
of the age of six to fourteen years.*

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

### *CHAPTER I*

#### PRELIMINARY

1. *Short title, extent and commencement.* (1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) “capitation fee” means any kind of donation or contribution or payment other than the fee notified by the school;

(c) “child” means a male or female child of the age of six to fourteen years;

- (d) "Child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;
- (e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;
- (f) "elementary education" means the education from first class to eighth class;
- (g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;
- (h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;
- (i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commission for Protection of Child Rights Act, 2005;
- (j) "notification" means a notification published in the Official Gazette;
- (k) "parent" means either the natural or step or adoptive father or mother of a child;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "scheduled" means the Schedule annexed to this Act;
- (n) "school" means any recognised school imparting elementary education and includes—
  - (i) a school established, owned or controlled by the appropriate Government or a local authority;
  - (ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;
  - (iii) a school belonging to specified category; and
  - (iv) an unaided school not receiving any kind of aid or



grants to meet its expenses from the appropriate Government or the local authority;

- (o) "screening procedure" means the method of selection for admission of a child, in preference over another than a random method;
- (p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;
- (q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commission for Protection of Child Rights Act, 2005.

## CHAPTER II

### RIGHT TO FREE AND COMPULSORY EDUCATION

**3. Right of child to free and compulsory education.** (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education;

Provided that a child suffering from disability, as defined in clause (1) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

**4. Special provisions for children not admitted to or who have not completed elementary education.** Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education

shall be titled to free education till completion of elementary education even after fourteen years.

**5. *Right of transfer to other school.*** (1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clause (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clause (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

### CHAPTER III

#### DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

**6. *Duty of appropriate Government and local authority to establish school.*** For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

**7. *Sharing of financial and other responsibilities.*** (1) The Central Government and the State Government shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Government, as grants-in-aid of revenues, such percentage of expenditure referred to

in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall—

- (a) develop a framework of national curriculum with the help of academic authority specified under section 29;
- (b) develop and enforce standards for training of teachers;
- (c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

**8. Duties of appropriate Government.** The appropriate Government shall—

- (a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

*Explanation.*—The term “compulsory education” means obligation of the appropriate Government to—

- (i) provide free elementary education to every child of the age of six to fourteen years; and
- (ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six

to fourteen years;

- (b) ensure availability of a neighbourhood school as specified in section 6;
  - (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;
  - (d) provide infrastructure including school building, teaching staff and learning equipment;
  - (e) provide special training facility specified in section 4;
  - (f) ensure and monitor admission, attendance and completion of elementary education by every child;
  - (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
  - (h) ensure timely prescribing of curriculum and courses of study for elementary education; and
  - (i) provide training facility for teachers.
9. *Duties of local authority.* Every local authority shall—

- (a) provide free and compulsory elementary education to every child:  
Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;
- (b) ensure availability of a neighbourhood school as specified in section 6;
- (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;
- (d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;
- (e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its

of elementary education by every child residing within its jurisdiction;

- (f) provide infrastructure including school building, teaching staff and learning material;
- (g) provide special training facility specified in section 4;
- (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
- (i) ensure timely prescribing of curriculum and courses of study for elementary education;
- (j) provide training facility for teachers;
- (k) ensure admission of children of migrant families;
- (l) monitor functioning of schools within its jurisdiction; and
- (m) decide the academic calender.

**10. *Duty of parents and guardian.*** It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

**11. *Appropriate Government to provide for pre-school education.*** With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

#### CHAPTER IV

##### RESPONSIBILITIES OF SCHOOLS AND TEACHERS

**12. *Extent of school's responsibility for free and compulsory education.*** (1) For the purposes of this Act, a school,—

- (a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;
- (b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent;
- (c) specified in sub-clause (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood

its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, which ever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

**13. No capitation fee and screening procedure for admission.** (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provisions of sub-section (1),—

- (a) receive capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;
- (b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

**14. Proof of age for admission.** (1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issue in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis

the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other document, as may be prescribed.

(2) No child shall be denied admission in a school for lack of age proof.

**15. *No denial of admission.*** A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

**16. *Prohibition of holding back and expulsion.*** No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

**17. *Prohibition of physical punishment and mental harassment to child.*** (1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

**18. *No school to be established without obtaining certificate of recognition.*** (1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3) no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

**19. Norms and standards for school.** (1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.

(2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.

(4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

**20. Power to amend Schedule.** The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

**21. School Management Committee.** (1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that atleast three-fourth of members of such Committee shall be parents or guardians:



Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

Provided also that fifty per cent of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

- (a) Monitor the working of the school;
- (b) prepare and recommend school development plan;
- (c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and
- (d) perform such other functions as may be prescribed.

**22. School Development Plan.** (1) Every School Management Committee, constituted under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government of local authority as the case may be.

**23. Qualifications for appointment and terms and conditions of service of teachers.** (1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

(3) The salary and allowances payable to, and the terms and conditions of service of teachers shall be such as may be prescribed.

**24. Duties of teachers and redressal of grievances.** (1) A teacher

appointed under sub-section (1) of section 23 shall perform the following duties, namely:—

- (a) maintain regularity and punctuality in attending school;
- (b) conduct and complete the curriculum in accordance with provisions of sub-section (2) of section 29;
- (c) complete entire curriculum within the specified time;
- (d) assess the learning ability of each child and accordingly supplement additional instructions, if any as required;
- (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and
- (f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her:

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

**25. Pupil-Teacher Ratio.** (1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

**26. Filling up vacancies of teachers.** The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten per cent of the total sanctioned strength.

**27. Prohibition of deployment of teachers for non-educational purposes.** No teacher shall be deployed for any non-educational purposes, other than the decennial population census, disaster relief

duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

**28. Prohibition of private tuition by teacher.** No teacher shall engage himself or herself in private tuition or private teaching activity.

#### CHAPTER V

##### CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

**29. Curriculum and evaluation procedure.** (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—

- (a) conformity with the values enshrined in the Constitution;
- (b) all round development of the child;
- (c) building up child's knowledge, potentiality and talent;
- (d) development of physical and mental abilities to the fullest extent;
- (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (f) medium of instructions shall, as far as practicable, be in child's mother tongue;
- (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
- (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

**30. Examination and completion certificate.** (1) No child shall be required to pass any Board examination till completion of elementary education.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

#### CHAPTER VI

##### PROTECTION OF RIGHT OF CHILDREN

**31. Monitoring of child's right to education.** (1) The National Commission for Protection of Child Rights constituted under section 3,

or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:—

- (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (b) inquire into complaints relating to child's right to free and compulsory education; and
- (c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

**32. Redressal of grievances.** (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

**33. Constitution of National Advisory Council.** (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the

Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

**34. Constitution of State Advisory Council.** (1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

#### CHAPTER VII

#### MISCELLANEOUS

**35. Power to issue directions.** (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

**36. Previous sanction for prosecution.** No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except

with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

**37. Protection of action taken in good faith.** No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

**38. Power of appropriate Government to make rules.** (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;
- (b) the area or limits for establishment of a neighbourhood school, under section 6;
- (c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;
- (d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;
- (e) any other document for determining the age of child under sub-section (1) of section 14;
- (f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;
- (g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;
- (h) the form, the period, the manner and the conditions for issuing certificate of recognition, under sub-section (2) of section 18;
- (i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;
- (j) the other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;

- (k) the manner of preparing School Development Plan under sub-section (1) of section 22;
- (l) the salary and allowances payable to, and the terms and conditions of service of teacher under sub-section (3) of section 23;
- (m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;
- (n) the manner of redressing grievances of teachers under sub-section (3) of section 24;
- (o) the form and manner of awarding certificate for completion of elementary education under sub-section (3) of section 24;
- (p) the authority, the manner of its constitution and the terms and conditions therefor, under sub-section (3) of section 31;
- (q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;
- (r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34;

(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislatures.

## SESSIONAL REVIEW

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### FIFTEENTH LOK SABHA

#### FIRST SESSION

The Second Session of the Fifteenth Lok Sabha commenced on 2 July 2009 and lasted till 7 August 2009. In all, there were 26 sittings held during the session.

A resume of some of the important discussions held and other business transacted during the period 2 July to 7 August 2009 is given below:

#### A. DISCUSSIONS/STATEMENTS

*The Budget (Railways) – 2009-2010:* Presenting the Railway Budget for the year 2009-2010, the Minister of Railways, Kumari Mamata Banerjee said that this was the first Railway budget that she was presenting as a Minister in the UPA Government.

The Minister of Railways, Kumari Banerjee affirmed that she was firmly committed to the visible upliftment of the downtrodden and under privileged for holistic socio-economic development of the country. The Minister stated that the projects instrumental in upgradation of the deprived and under privileged, might not meet the economic viability criterion but could create real economic assets which would be far more beneficial for future development. She further stated that by building up major infrastructural facilities like Indian Railways, we would be able to aim at development of the large number of faceless poor people. These are at the core of her developmental approach for railways.

The Minister said that the Railways must set an example to promote 'inclusiveness' in its functioning keeping the needs of all sections of our fellow countrymen in our thoughts, decisions and deeds. Therefore, she decided to set up an expert committee to advise her on innovative financing and implementation of the so-called "economically unviable" but socially desired projects.

The Minister stated that her priority areas would be a perceptible



improvement in Passenger Amenities, Cleanliness, Quality of Railway catering, Safety and Security and Punctuality. All Railway zones had been instructed to give priority to provision of good quality food, drinking water and toilet facilities and ensure cleanliness on trains and stations. She had given instructions that availability of Janata Khana should be ensured. A comprehensive policy, including strict monitoring mechanisms, would be developed soon for achieving these objectives.

She announced to develop about 50 world class stations with international level facilities and which would be developed, through innovative financing and in Public-Private-Partnership mode. She announced also to develop *Adarsh* stations with basic facilities such as drinking water, adequate toilets, catering services, waiting rooms and dormitories especially for lady passengers.

The Minister proposed to take up development of Multi-functional Complexes for providing rail users facilities in different parts of the country at 50 railway stations serving places of pilgrimage, industry and tourist interest in this year. The Minister also said that the Railways would extend a helping hand to Physically Challenged Persons and aged persons by providing standard ramps, earmarked parking lots, specially designed coaches in each mail and express train, lifts and escalators, in a phased manner. She looked forward to the possibility of deputing at least one doctor in long distance trains. For long distance passengers, the Minister informed that Railways would provide on-board infotainment services on *Rajdhani*s, *Shatabdi*s and important long distance inter-city trains for a pleasurable travel experience.

Indian Railways Passenger Reservation System (PRS) now covers 800 locations with 6,872 terminals. The Minister stated that Railways would cover 200 new towns and cities, and a further 800 new locations in cities and towns already having PRS facilities.

The Minister also stated that for unreserved tickets, the number of Unreserved Ticketing System (UTS) terminals was being expanded from 5,000 to 8,000; Automatic Vending Machines would be installed at 200 large and medium sized stations; E-ticketing would be extended for ease of passengers; cancellation of confirmed e-tickets after preparation of charts was being further simplified; and efforts are on to provide SMS update on waitlisted tickets and indicate berth numbers on confirmed ticket by the end of the financial year.

The Railway Minister announced her decision to introduce mobile ticketing vans "*Mushkil Aasaan*" for issuing reserved and unreserved tickets in both urban and rural areas to enable the poor people to

purchase tickets in market places, *mohallas* and other busy places.

The Railway Minister Kumari Banerjee declared that safety is our first priority. This included timely track renewal, modernization of signals, use of various safety equipments like digital ultrasonic flaw detecting machines and wheel impact load detectors (WILD). In this connection, Road Over Bridges and Road Under Bridges are extremely important. She also announced introduction of Anti-Collision-Device (ACD) to prevent incidents of train collisions. She said that all safety related matters would be taken care of by the Railway Board who would take responsibility and effective measures in this regard.

Security is another priority area of Railways. Railways are strengthening their efforts at providing protection to passengers both at stations and on trains. For revamping security systems, the Minister stated that an Integrated Security Scheme had been drawn up for 140 vulnerable and sensitive railway stations. It was also being planned to raise Commando Battalions and increase the number of women commandos. Women RPF squads were being deployed for the security of women passengers, particularly in sections where a large number of women travel alone regularly. In spite of law and order being a State subject, she said that she would work together with all agencies concerned to give passengers a safe journey.

It was also stated that a thrust will be given under the Corporate Welfare Plan for improvement of staff quarters and colonies. During 2009-10, 6,560 staff quarters were proposed to be constructed. Also, she proposed to set up scholarships for higher education of girl children of group D staff for promoting their economic independence. She proposed to develop a scheme to give better representation to minorities, women and economically backward classes of the society in railway recruitments and a Special Recruitment Drive would be launched for filling up of vacancies against Physically Handicapped Quota.

The Minister announced the launch of a premium parcel service named "Faster Parcel Services" on a pilot basis. The Railway Minister also announced concessional monthly season ticket for members of unorganized sector with low income under a new scheme called '*Izzat*' and concessions to students and press besides introduction of ladies special and *Yuva* trains, and new train service called '*Duranto*'.

The Dedicated Freight Corridor project on the Western and Eastern routes which is a landmark project was declared as the "Diamond Rail Corridors" project of the Indian Railways. She proposed to set up a

1000 MW power plant at Adra to avail traction supply at economical tariff.

The House was informed that the traffic Receipts grew by 11.4 per cent to reach Rs.79,862 crore. A saving of Rs.676 crore was achieved in expenditure, through stringent economy measures. The plan expenditure for 2008-09 was about Rs.36,336 crore as against the revised target of Rs.36,773 crore.

Coming to the Budget Estimates for 2009-10, the Railway Minister, while taking into account the overall economic situation of the country, stated that she has set more realistic targets for 2009-10. The freight traffic target was fixed at 880 MT. Goods earnings were projected at Rs.58,525 crore and passenger earnings at Rs.24,309 crore. The target for **other coaching earnings** was kept at Rs.55,525 crore. By developing new innovative ideas for land and air space utilization for commercial purposes through the public-private-partnership mode, she stated that efforts had been made for strengthening the potential earning of the railways. Based on these projections, **Gross Traffic Receipts** were set at Rs.88,419 crore, reflecting an increase of Rs.8,557 crore on the actuals of 2008-09. The Minister proposed to retain the ordinary **working expenses** at Rs.62,900 crore to meet the requirements of 60 per cent disbursement of arrears of salary due in 2009-10 on account of implementation of Sixth Pay Commission. The **cash surplus** before dividend of the Railways worked out at Rs.14,201 crore and the Net Revenue at Rs.8,121 crore and operating ratio 92.5 per cent. Despite the combined impact of increase in Working Expenses due to the Sixth Pay Commission and sluggishness in earnings arising out of the global financial meltdown in the economy, the Railways paid their full dividend liability of Rs.4,717 crore in 2008-09 and would pay an even higher dividend of Rs.5,479 crore in 2009-10. The Minister said that based on the above projections, the Excess of the Railways for 2009-10 would be Rs.2,642 crore which would be appropriated to Railways Funds.

General discussion on the Budget (Railways) for 2009-10 commenced on 7 July 2009. Initiating the debate, Shri Ananth Kumar (BJP) wanted to know the real performance of the Railways during the last five years along with the details of actual surplus as on date and the factual investment made. Shri Kumar held the Railway Minister, Mamata Banerjee of being partisan in laying down projects.

Participating in the discussion, Shri Basudeb Acharia (CPI-M) said, "what is needed today in Indian Railways is to increase its efficiency, to increase its carrying capacity so that Railways can earn

more and more revenue and have more and more investment for the development of Railways". Shri Acharia emphasized on the social obligation of the Railways and the linkage of rail infrastructure with the development of the country.

Participating in the discussion, Shri Lalu Prasad (RJD) said that Indian Railways could not be overlooked in respect of infrastructure. During the NDA Government, Indian Railways did not generate dividend to the Government of India. He quoted the Rakesh Mohan Committee which said that the Railways would become bankrupt. Privatisation and increase in fares were being stated to be the only measure.

However, Shri Prasad said that he, as the previous Railway Minister, concentrated on business and stopped evasion to bring a turn around in the Railways. Days of loading were reduced from seven to five. Lengths of platforms were extended. Number of coaches was increased from 12 to 24 in a train. He also decreased fares in the budget. Even after the losses, the Railways did not increase the fares. He said that Railway's employees and officers were all happy. Free Railway passes were provided to the farmers and also to the girl students of up to twelfth class in the country. He requested the Railway Minister to present a White Paper in that very session. He also urged upon the Minister to commence the projects of the whole country in general and Bihar in particular.

Taking part in the discussion, Shri Arjun Charan Sethi (BJD) said that the gist or main philosophy of Budget presentation and Budget making of the Minister of Railway was social viability rather than economic viability. He alleged that whatever Budget provision the Railway Minister had provided in that year, was quite insufficient. He said that a list of proposals worth about Rs. 1520 crore had been presented to the Railway Minister. But, in that Budget, the Minister had provided less money to Orissa in comparison to the last Budget. He alleged that the backward areas or the backward regions of the country had been overlooked in the Budget.

Shri Bhakta Charan Das (INC) termed the Rail Budget as "poor". He said that the ideas expressed in the Presidential Address has also been reflected in the rail budget. He lauded the budget for having several schemes for the people of economically weaker sections, backward areas, youngsters, students and women.

Participating in the discussion, Shri Dara Singh Chauhan (BSP) expressed his anguish over the negligence meted out to Uttar Pradesh notwithstanding the fact that it is the sixth largest populous State of

the country. He hoped that efforts would be made to fill up the vacant posts of SCs, STs and OBCs in the Railways.

Replying to the discussion\* on 9 July 2009, the Minister of

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- \* Those who participated in the discussion were: Sarvashri Vilas Baburao Muttemwar, Kunwar Rewati Raman Singh, D.V. Sadananda Gowda, Rajiv Ranjan (Lalan) Singh, Gobinda Chandra Naskar, P.C. Gaddigoudar, Pinaki Misra, Anand Rao Vithoba Adsul, Premdas, Ganesh Singh, Danapal Venugopal, Kamlesh Paswan, Kanumuru Bapiraju, Shailendra Kumar, Nikhil Kumar Choudhary, Jagdambika Pal, Nityanand Pradhan, Hansraj Gangaram Ahir, Satpal Maharaj, Prasanta Kumar Majumdar, Joseph Toppo, P. Kumar, Sripad Yesso Naik, Rayapati Sambasiva Rao, Kodikunnil Suresh, Madhusudan Yadav, Anand Prakash Paranjpe, A. Ganeshmurthi, Ramen Deka, N.S.V. Chitthan, Anantha Venkatarami Reddy, Munde Gopinathrao Pandurang, Laxman Tudu, Syed Shahnawaz Hussain, Sidhant Mohapatra, G.M. Siddeswara, Sher Singh Ghubaya, Sonowane Pratap Narayanrao, N. Cheluvarya Swamy, Yogi Adityanath, Jeetendra Singh Bundela, Adagur H. Vishwanath, Mithlesh Kumar, Shivraj Bhalya, Nishikant Dubey, Manikrao Hodiya Gavit, Bhisma Shankar *alias* Kushal Tiwari, Prabodh Panda, Sanjay Singh Chauhan, Ravindra Kumar Pandey, Naveen Jindal, Chandulal Sahu, Narahari Mahato, Virender Kashyap, P.L. Punia, Anurag Singh Thakur, Sanjay Brijkishorlal Nirupam, Rakesh Pandey, Inder Singh Namdhari, Dharmendra Yadav, Hemanand Biswal, Sharief Ud Din Shariq, E.G. Sugavanam, E.T. Muhammed Basheer, Jagada Nand Singh, Nirmal Khattri, Sudip Bandyopadhyay, Prem Das Rai, Jadhav Prataprao Ganpatrao, Kabindra Purkayastha, Sajjan Singh Verma, Amamath Pradhan, Dinesh Chandra Yadav, Sanjay Shamrao Dhotre, Ram Singh Kaswan, R. Dhruvanaryana, O.S. Manian, A.K.S. Vijayan, Chauhan Mahendrasinh, Nama Nageswara Rao, Khiladi Lal Bairwa, Rudramadhab Ray, Francisco Sardinha, Goraknath Pandey, S.K. Bwiswmuthiary, Shetti Raju *alias* Anna Devappa, Bhupendra Singh, Thirumaavalavan Thol, Brij Bhushan Sharan Singh, Rajendra Agarwal, Madhu Goud Yaskhi, Muralilal Singh, Badruddin Ajmal, M.B. Rajesh, Subhash Bapurao Wankhede, Raghuvir Singh Meena, Prahlad Venkatesh Joshi, Gadhvi Mukeshkumar Bheiravdanji, Suresh Chanabasappa Angadi, Jose K. Mani, Prabhakar Ponnamp, Sukender Reddy Gutha, P. Lingam, Digvijay Singh, Raosaheb Patil Danve, Ramsinhbhai Patalbhai Rathwa, Lalit Mohan Suklabaidya, Jagdish Sharma, Tathagata Satpathy, K.C. Venugopal, Haribhau Jawale, Ramlkishun, Vijay Bahadur Singh, Bishnu Pada Ray, Dilip Singh Judeo, Harishchandra Deoram Chavan, Bharat Ram Meghwal, P. Karunakaran, Mekapati Rajamohan Reddy, Bibhu Prasad Tarai, Dudhgaonkar Ganeshrao Nagorao, Dilip Kumar Mansukhlal Gandhi, Sanjay Bhoi, Katti Ramesh Vishwanath, Paban Singh Ghatowar, Rakesh Sachan, Kaushalendra Kumar, Vishnu Deo Sai, Jagdish Thakor, Sk Saidul Haque, Uma Shanker Singh, Manicka Tagore, Tufani Saroj, Arjun Roy, Rakesh Singh, K.C. Singh 'Baba', Kamal Kishor, Pradeep Tamta, Mahendra Kumar Roy, Wakchaure Bhausaheb Rajaram, Virendra Kumar, Khatgaonkar Patil Bhaskarrao Bapurao, Sushil Kumar Singh, Shivaji Adhalrao Patil, Harsh Vardhan, Sohan Potali, Govind Prasad Mishra, Chandrakant Bhaurao Khare, Makhansingh Solanki, Pradeep Kumar Majhi, Arjun Ram Meghwal, M.K. Raghavan, A.T. Nana Patil, C.R. Patil, Kuvarjibhai Mohanbhai Bavalia, Shivramagouda Shivanagouda, Ch. Lal Singh, Dr.(Prof.) Prasanna Kumar Patasani, Dr. Shafiqur Rahman Barq, Dr. Bali Ram, Dr. Tarun Mondal, Dr. M. Jagannath, Dr. Charan Das Mahant, Dr. Thokchom Meinya, Dr. Ram Chandra Dome, Dr. Arvind Kumar Sharma, Dr. N. Sivaprasad, Dr. Raghuvansh Prasad Singh, Dr. Jyoti Mirdha, Dr. Vinay Kumar Pandey, Dr. Pulin Bihari Baske, Smt. Patel Jayshreeben Kanubhai, Dr. (Smt.) Prabha Kishore Taviad, Smt. Supriya Sule, Smt. Meena Singh, Dr. (Smt.) Jhansi Botcha Lakshmi, Smt. Priya Sunil Dutt, Smt. Darshana Vikram Jardosh, Smt. Sumitra Mahajan, Smt. Helen Davidson J., Smt. Sushila Saroj, Smt. Usha Verma, Km. Saroj Pandey, Smt. Susmita Bauri, Smt. Bijoya Chakravarty, Smt. Annu Tandon, Smt. Bhavana Pundlikrao Patil Gawali, Smt. Jyoti Dhurve, and Smt. Santosh Chaudhary.

Railways, Kumari Mamata Banerjee said that Railways are the life line of the nation, and it is the life line of national integration also. She agreed with the contention of her fellow parliamentarians that development should reach the grassroot level in every corner, phase-wise. For this, a blue print is being drawn. Further, she said that the money allocated in the Budget should be spent in a proper way. The Chairman, Railway Board had been entrusted with the task of ensuring the safety and security of passengers, the Minister informed.

The Railway Minister said that she would take time to bring out a White Paper on the working of railways during the last five years. She also promised to bring a Vision Document for the future growth of the Railways. She went on to explain the works that would be undertaken by the Railways such as laying down of optical fibre cable, Infrastructure projects in different States, etc. Assuring the Hon'ble members of Parliament that she would look into their various requests, the Minister of Railways requested the House to pass the Demands for Grants (Railways) for 2009-10. Later, after following certain procedures, the Demands for Grants (Railways) for 2009-10 were considered and passed on 9 July 2009.

*The Budget (General) – 2009-2010:* Presenting the General Budget for the year 2009-2010, the Minister of Finance, Shri Pranab Mukherjee said that the structure of India's economy has changed rapidly in the last ten years. The share of merchandise trade as a proportion of GDP has more than doubled over the past decade to 38.9 per cent in 2008-09. Similarly, trade in goods and services taken together has also doubled to 47 per cent during this period. Gross Capital flows rose to a peak of 9 per cent of GDP in 2007-08.

The growing integration of the Indian economy with the rest of the world has brought new opportunities and also new challenges. It has made the task of sustaining high growth more complex. Over the past month, he said that we critically evaluated Government's efforts at both short term economic recovery as well as medium term economic growth. The economic recovery and growth is a cooperative effort of the Central and State Governments. Shri Mukherjee said that to counter the negative fallout of the global slowdown on the Indian economy, the Government responded by providing three focused fiscal stimulus packages in the form of tax relief to boost demand and increased expenditure on public projects to create employment and public assets. The RBI took a number of monetary easing and liquidity enhancing measures to facilitate flow of funds from the financial system to meet the needs of productive sectors.

This fiscal accommodation led to an increase in fiscal deficit from 2.7 per cent in 2007-08 to 6.2 per cent of GDP in 2008-09. The difference between the actuals of 2007-08 and 2008-09 constituted the total fiscal stimulus. This fiscal stimulus at 3.5 per cent of GDP at current market prices for 2008-09 amounts to Rs.1,86,000 crore.

These measures were effective in arresting the fall in growth rate of GDP in 2008-09 and we achieved a growth of 6.7 per cent. There are signs of revival in the domestic industry and the foreign investors have also returned to the Indian market in the last couple of months.

The Minister informed that the allocation during the current year to National Highways Authority of India (NHAI) for the National Highways Development Programme (NHDP) was being stepped up by 23 per cent over the 2008-09 (BE). He also increased the allocation for the Railways from Rs.10,800 crore made in the Interim Budget for 2009-10 to Rs.15,800 crore.

To improve the lot of the urban poor, he proposed to enhance the allocation for housing and provision of basic amenities to urban poor to Rs.3,973 crore in the current year's budget. This included the provision for Rajiv Awas Yojana (RAY), a new scheme announced in the Address of the President of India. This scheme, the parameters of which were being worked out, intended to make the country slum free in the five year period.

To address the problem of flooding in Mumbai, Brihan Mumbai Storm Water Drainage Project (BRIMSTOWA) was initiated in 2007. A sum of Rs.500 crore has been released for this project up to 2008-09.

He proposed to increase the allocation for the scheme *Accelerated Power Development and Reform Programme* (APDRP) to Rs.2,080 crore, a steep increase of 160 per cent above the allocation in the Budget Estimates of 2008-09.

Shri Mukherjee said that the Government proposes to develop a blueprint for long distance gas highways leading to a National Gas Grid. This would facilitate transportation of gas across the length and breadth of the country.

Agriculture credit flow was Rs.2,87,000 crore in 2008-09. The target for agriculture credit flow for the year 2009-10 was being set at Rs.3,25,000 crore. To achieve this, he proposed to continue the interest subvention scheme for short term crop loans to farmers for loans up to Rs.3 lakh per farmer at the interest rate of 7 per cent per

annum. Shri Mukherjee announced an one-time bank loan waiver of nearly Rs.71,000 crore to cover an estimated 40 million farmers.

Shri Mukherjee also announced the measures to help the exporters to overcome the short-term disadvantages. More specifically: to extend the benefits of Export Credit and Guarantee Corporation (ECGC) scheme up to March 2010; to extend the interest subvention beyond the current deadline of 30 September 2009 to 31 March 2010; to facilitate the flow of credit at reasonable rates, by providing a special fund out of Rural Infrastructure Development Fund (RIDF) to Small Industries Development Bank (SIDBI).

On the issue of Disinvestment of the Public Sector Undertakings, the Finance Minister wished to retain 51 per cent government equity in these enterprises even while encouraging people's participation in the Disinvestment Programme.

The Finance Minister asserted that the UPA Government has gone for paradigm shift for making the development process more inclusive and "Aam Admi" was made the focus of all programmes and schemes.

Shri Pranab Mukherjee proposed an allocation of Rs.39,100 crore for the year 2009-10 for the National Rural Employment Guarantee (NREGA), marked with an increase of 144 per cent over 2008-09 Budget Estimates. Similarly, allocations for *Bharat Nirman* had been stepped up by 45 per cent in 2009-10 over the Budget Estimates of 2008-09. In respect of the allocation for the *Pradhan Mantri Gram Sadak Yojana* (PMGSY) and *Rajiv Gandhi Grameen Vidyutikaran Yojana* (RGGVY), the increase has been 59 and 27 per cent respectively over the Budget Estimates of 2008-09. The allocation for *Indira Awaas Yojana* (IAW) was proposed to be increased by 63 per cent to Rs.8,800 crore in Budget Estimates 2009-10. For the integrated development of 1,000 scheduled caste dominated villages, a new scheme called *Pradhan Mantri Adarsh Gram Yojana* (PMAGY), with a budgetary allocation of Rs.100 crore was being launched on pilot basis. The *Swarna Jayanti Gram Swarojgar Yojana* was stated to be restructured as the National Rural Livelihood Mission, with emphasis being laid on poverty-eradication, capital subsidy, interest subsidy to poor households, etc. It was also stated that efforts were being made to enroll at least 50 per cent of all rural women in India as members of Self Help Groups over the next five years. The Finance Minister proposed to raise the corpus of the *Rashtriya Mahila Kosh* from Rs.100 crore to Rs.500 crore over the next five years. He announced the launch of National Mission for Female Literacy, with focus on minorities, Scheduled



Castes, Scheduled Tribes and other marginalized groups. He also reiterated the UPA Government's commitment to universalisation of the Integrated Child Development Scheme (ICDS).

The Plan outlay of Ministry of Minority Affairs has been enhanced from Rs.1,000 crore in Budget Estimates 2008-09 to Rs.1,740 crore in 2009-10, besides a separate allocation of Rs.25 crore for the campus development of Aligarh Muslim University.

The Finance Minister, Shri Mukherjee proposed to step up the budgetary allocation for the *National Rural Health Mission* by Rs.2,057 crore over and above Rs.12,070 crore provided in the Interim Budget. Similarly, to bring all Below Poverty Line (BPL) families under the *Rashtriya Swasthya Bima Yojana* (RSBY), an amount of Rs.350 crore, marking 40 per cent increase over the previous allocation was being provided in the 2009-10 Budget Estimates. The Minister also proposed to provide necessary funds for the eight National Missions set up for ecological sustainability of development path and adapting to the National Action Plan for Climate Change. The budgetary outlay for the National River and Lake Conservation Plans had been increased from Rs.335 crore last year to Rs.562 crore this year.

The Finance Minister proposed an outlay of Rs.120 crore for the newly set up Unique Identification Authority of India (UIDAI), a project for the upkeep of online data base with identity and biometric details of Indian residents, as also for providing enrolment and verification services across the country. For modernization of Police Force in the States, an additional amount of Rs.430 crore was proposed, over and above the provisions in the Interim Budget. The Minister stated that for strengthening Border Management, an additional amount of Rs.2,284 crore, over and above the provision in the Interim Budget, was being provided. The Minister proposed for necessary funds for the Government's massive programme for housing to create one lakh dwelling units for the Central Para-Military Forces personnel. The Minister also announced Rs.2,100 crore to provide for the enhancement in pension of our Defence personnel.

For upgrading the technical skills amongst our youth, the Finance Minister announced Rs.900 crore for the scheme "Mission on Education through ICT". The Government expressed its intent for setting up one Central University in each of the uncovered States, and the budgetary provision for this was proposed as Rs.827 crore. The Finance Minister also allocated Rs.2,113 crore for IITs and NITs, which included a provision of Rs.450 crore for new IITs and NITs. The overall Plan

budget for higher education was proposed to be Rs.2,000 crore over Interim Budget Estimate.

The Finance Minister Shri Mukherjee also enhanced the allocations for the Commonwealth Games from Rs.2,112 crore in the Interim Budget to Rs.3,472 crore in the Budget for 2009-10.

For the rehabilitation of Sri Lankan Tamils, the Finance Minister made a provision of Rs.500 crore. He also proposed Rs.1,000 crore for building the damaged infrastructure in the coastlines of West Bengal on account of Cyclone *Aila*.

Coming to the Budget Estimates for the year 2009-10, the Minister said that total expenditure was placed at Rs.10,20,838 crore, consisting of Rs.6,95,689 crore towards Non Plan and Rs.3,25,149 crore towards Plan expenditure. The increase in Non-Plan expenditure over Budget Estimates 2008-09 was 37 per cent whereas the increase in Plan expenditure was 34 per cent. The total increase in expenditure in 2009-10 over Budget Estimates 2008-09 was 36 per cent.

The increase in Non-Plan expenditure was mainly on account of the implementation of the Sixth Central Pay Commission recommendations, increased food subsidy and higher interest payment arising out of the larger fiscal deficit in 2008-09. Interest payments were estimated at Rs.2,25,511 crore constituting about 36 per cent of Non-Plan revenue expenditure in Budget Estimates 2009-10. The total provision for subsidies were up from Rs.71,431 crore in Budget Estimates 2008-09 to Rs.1,11,276 crore in Budget Estimates 2009-10. The outlay on Defence had gone up from Rs.1,05,600 crore in Budget Estimates 2008-09 to Rs.1,41,703 crore in Budget Estimates 2009-10.

The Gross Budgetary Support (GBS) for the Annual Plan 2009-10 was increased by Rs.40,000 crore over Interim Budget 2009-10. The Minister stated that the State Governments would be permitted to borrow additional 0.5 per cent of their Gross State Domestic Product by relaxing the fiscal deficit target under Fiscal Responsibility and Budget Management from 3.5 per cent to 4 per cent of their Gross State Domestic Product.

The Finance Minister further stated that the gross tax receipts are budgeted at Rs.6,41,079 crore in Budget Estimates 2009-10, compared to Rs.6,87,715 crore in Budget Estimates 2008-09. The non-tax revenue receipts were, however, likely to be better and are estimated at Rs.1,40,279 crore in Budget Estimates 2009-10 compared to Rs.95,785 crore in Budget Estimates 2008-09. The revenue deficit as a percentage of GDP was projected at 4.8 per cent compared to 1 per cent in

Budget Estimates 2008-09 and 4.6 per cent as per provisional accounts of 2008-09. The fiscal deficit as a percentage of GDP is projected at 6.8 per cent compared to 2.5 per cent in Budget Estimates 2008-09 and 6.2 per cent as per provisional accounts 2008-09.

Coming to the direct tax proposals, Shri Mukherjee proposed to increase the personal income tax exemption limit by Rs.15,000 from Rs.2.25 lakh to Rs.2.40 lakh for senior citizens. Similarly, he proposed to raise the exemption limit by Rs.10,000 from Rs.1.80 lakh to Rs.1.90 lakh for women tax payers and by Rs.10,000 from Rs.1.50 lakh to Rs.1.60 lakh for all other categories of individual taxpayers. Further, he proposed to increase the deduction under section 80-DD in respect of maintenance, including medical treatment, of a dependent who is a person with severe disability to Rs.1 lakh from the present limit of Rs.75,000. He proposed to phase out the surcharge on various direct taxes by eliminating the surcharge of 10 per cent on personal income tax.

With a view to reforming the system of funding of political parties, he proposed to provide that donations to electoral trusts shall be allowed as a 100 per cent deduction in the computation of the income of the donor.

As regards customs duty, he proposed to impose a nominal basic customs duty of 5 per cent on Set Top Boxes to encourage domestic value addition. The Finance Minister reduced the basic customs duty on LCD panels from 10 per cent to 5 per cent to support indigenous production of LCD televisions.

He proposed to reduce the customs duty on life saving drugs from 10 per cent to 5 per cent. Customs duty would also be reduced from 7.5 per cent to 5 per cent on two specified life saving devices used in treatment of heart conditions.

The Finance Minister proposed to restore the earlier optional rate of 4 per cent for cotton textiles beyond the fibre stage. He proposed to restore the rate of 8 per cent Central Excise duty on man-made fibre and yarn on a mandatory basis and on stages beyond fibre and yarn at that rate on optional basis. He proposed to fully exempt petro-diesel blended with bio-diesel from excise duty. He also proposed to reduce basic customs duty on bio-diesel from 7.5 per cent to 2.5 per cent—at par with petro-diesel.

The Minister said that the tax proposals on direct taxes were revenue neutral. On indirect taxes, they were estimated to yield a net gain of Rs.2,000 crore for a full year.

The detailed Demands for Grants for 2009-10 in respect of various Ministries were laid on the Table of the House on 10 July 2009. Soon, afterwards, the combined Discussion on the General Budget 2009-10 started in the Lok Sabha.

Initiating the discussion, Dr. Murlī Manohar Joshi (BJP) expressed doubts regarding the actualization of the budget targets set by the Hon'ble Finance Minister for the year. He offered help to streamline the economy of the country and improve the lot of the poor and farmers. He wanted to know what steps the Government would take to eradicate poverty. He suggested that the Government should set a target to make India hunger-free. He also criticized the poor budgetary allocation for the social security and health-care sectors. Shri Joshi also stressed on the need for increasing the tax-GDP ratio. He said that the current trend of globalization was not working in the interest of the poor and did not represent inclusive growth.

Participating in the discussion\*, Shri B. Mahtab (BJD) drew attention

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\* Others who participated in the discussion were: Sarvashri Kavuri Samba Siva Rao, Shailendra Kumar, Dara Singh Chauhan, Rajiv Ranjan 'Lalan' Singh, P. Karunakaran, Hukamdeo Narayan Yadav, Brij Bhushan Sharan Singh, Suresh Chanabasappa Angadi, Sandeep Dikshit, Kristappa Nimmala, Ramkishun, Premdas, Rajen Gohain, M.I. Shanavas, Mahabali Singh, Shivraj Bhaiya, Kalyan Banerjee, Ghansyam Anuragi, Virendra Kumar, Jayant Chaudhary, Asaduddin Owaisi, Harin Pathak, Datta Raghobaji Meghe, Pralhad Venkatesh Joshi, Ram Singh Kaswan, Gowdar Mallikarjunappa Siddeswara, Mahendrasinh Chauhan, Somendra Nath Mitra, Bansagopal Chowdhury, Vijay Bahadur Singh, Bishnu Pada Ray, Adhir Ranjan Chowdhury, Inder Singh Namdhari, Manohar Tirke, Adhi Sankar, Pashupati Nath Singh, C. Rajendra, Madan Lal Sharma, Sharief Ud Din Shariq, Ganesh Singh, E.T. Muhammed Basheer, Prem Das Rai, Sripad Yesso Naik, Nripendra Nath Roy, Mohammad Asrarul Haque, Avtar Singh Bhadana, Mohan Jena, Jagada Nand Singh, Shivaji Adhalrao Patil, Francisco Sardinha, Prabodh Panda, Ravindra Kumar Pandey, Paban Singh Ghatowar, S.K. Bwiswmuthiary, Jose K. Mani, Badruddin Ajmal, Deepender Singh Hooda, A. Ganeshamurthi, Shetti Raju *alias* Devappa Anna, P. Lingam, Rakesh Sachan, Vijay Bahuguna, Katti Ramesh Vishwanath, Mohammad Azharuddin, Satpal Maharaj, Arjun Ram Meghwal, Neeraj Shekhar, Govind Prasad Mishra, Anadrao Vilthoba Adsul, Thol Thirumaavalavan, P.L. Punia, R. Thamaraiselvan, Uday Pratap Singh, Aruna Kumar Vundavalli, Prasanta Kumar Majumdar, Bhudeo Choudhary, Naveen Jindal, P.K. Biju, Haribhau Madhav Jawale, P. Viswanathan, Goraknath Pandey, N. Peethambara Kurup, Mirza Mehboob Beg, Abdulrahman, Narayan Singh Amlabe, Sonawane Pratap Narayanrao, Jardosh, Sanjay Singh Chauhan, S.S. Ramasubbu, P.T. Thomas, K.P. Dhanapalan, Tufani Saroj, Kamal Kishor, S.P.Y. Reddy, Chandulal Chandu Bhaiya Sahu, S.R. Jeyadurai, Hansraj Gangaram Ahir, Mithilesh Kumar, Capt. (Retd.) Jinarayan Prasad Nishad, Kunwar Rewati Raman Singh, Dr. (Prof.) Prasanna Kumar Patasani, Dr. Bali Ram, Dr. Chinta Mohan, Dr. Kirit Premjibhai Solanki, Dr. Sanjay Jaiswal, Dr. Tarun Mandal, Dr. Rajan Sushant, Dr. Thokchom Meinya, Dr. Sanjeev Ganesh Naik, Dr. Raghuvansh Prasad Singh, Dr. G. Vivekanand, Dr. Vinay Kr. Pandey, Dr. Kirodial Meena, Dr. (Smt.) Ratna De, Dr. (Smt.) Botcha Jhansi Lakshmi, Smt. Kakoli Ghosh Dastidar, Smt. Chh. Udganraje Pratapsinhmaharaj Bhonsle, Smt. Deepa Dasmunsi, Smt. Satabdi Roy, Smt. Priya Sunil Dutt, Smt. Sumitra Mahajan, Smt. Jayshreeben Kanubhai Patel, Smt. Darshana Vikram.

to the low budgetary allocation for the social sector and flagship programmes of the country. He stated that there was no intent expressed on the banking and financial sector, especially insurance. Funding for the new food schemes had not been accounted for in the Budget. He alleged that the Government was showering favours to selected interest groups and deny them to others. He termed the NREGS as a “colossal failure”. He said that a few months ago, the Comptroller and Auditor General had noted the dismal performance of the scheme, and the CAG report stated that barely 3.2 per cent of the registered households had benefitted from the scheme. He found that the manner in which the Government had spelt out its programmes in the Budget was not at all encouraging. The Budget did not have any major incentive or sweeping reforms.

Shri Anant Gangaram Geete (Shiv Sena) stated that the Budget went against the interests of common man. He alleged that no provision has been made in this budget regarding the package of seventy thousand crore rupees announced for the farming community. He accused the Government for its failure to check the price rise of essential commodities. He also said that NREGA had failed to eradicate unemployment. Shri Geete said that to say that Indian Economy was free of impacts of global slowdown process was totally wrong.

Participating in the discussion, Shri Manish Tiwari (INC) commended the budget as a judicious mix of short-term stimulus, medium-term fiscal prudence and long-term institutional reforms. He lauded the way the Government handled the macro economic management of the country even amidst the global recession.

Participating in the discussion, Shri Gurudas Dasgupta (CPI), termed the budget as ambitious and nominal as well. Though the budget had the largest ever outlay of nearly ten lakh crores of rupees which Shri Dasgupta considered as inadequate to meet the challenge of economic recession. He was pessimistic about the progress of different sectors of the economy—namely, creation of jobs, agricultural growth, GDP growth, etc.

While taking part in the debate, Dr. M. Thambidurai (AIADMK) said that the Budget attempted to get some short-term gains by putting more money in tax-payers' hands and allocating more funds to infrastructure and social welfare programmes. However, the absence of a long-term strategy for fiscal consolidation was conspicuous and it was disappointing. He stated that the Finance Minister though blamed the global slowdown for the fiscal deficit, but that was not a convincing reason. This fiscal deficit was due to mismanagement of the economy

in the past. The revelation of higher-than-expected fiscal deficit added to the woes. Dr. Thambidurai further said that the Indian economy had been going through tough times. At that critical juncture, what India needed was an effective, implementable action plan. According to Dr. Thambidurai, the Budget was partially populist, unimaginative and did not set clear roadmap for a better India.

Taking part in the budget discussion, Dr. Rattan Singh Ajnala (SAD) said that the Finance Minister had presented the Budget of the Fifteenth Lok Sabha. He stated that until the population was not controlled there would not be any development. He put forth before the House that population control was necessary and all should concentrate on that aspect. He also suggested that all the parties have to get together and work towards electoral reform which would lead to the development of democracy. He also said that we should all work for reducing the expenditure on elections.

Participating in the General Discussion on budget, Shri Nama Nageswara Rao (TDP) said that it was the Government's responsibility to ensure that the assurances with regard to: minimum prices security for the farmers, education security, employment security, essential commodity price control security, food security, environmental and global warming security, energy security, village and cottage Industry protection security and life security are implemented for the benefit of the common man. Shri Rao said that Swaminathan Commission's recommendations have to be implemented immediately, otherwise, the country would face food shortage. He alleged that the primary education and health were totally overlooked by the Government. Even after 62 years of Independence, the literacy has not crossed 60 per cent mark. He further expressed concern that global warming and climate change were affecting the farmers.

Replying to the discussion on 14 July 2009, Finance Minister, Shri Pranab Mukherjee expressed satisfaction on the overwhelming participation of members in the budget discussion. Shri Mukherjee contextualized the present budget to the prevailing economic situation domestically and internationally. Keeping in view the demand of fellow parliamentarians and the expectation of the people in general, Shri Mukherjee extended the job opportunity under NREGA beyond 100 days, bringing more people and more families under the poverty line to benefit from the scheme.

To meet the developmental requirements, particularly in the rural areas, Shri Mukherjee relied on the consistent higher growth of our economy in the recent years to take up this gigantic challenge. He

said that the performance of the UPA Government in the last five years had clearly demonstrated that when we could reach into the higher growth trajectory of 6.8 per cent average in the last three years with 9 per cent growth, that brought resources and brought income, that improved the tax GDP ratio from 8 plus percentage to 11.2 percentage which helped to take an ambitious plan hike providing Rs.65,000 crore to meet the borrowing responsibility of the farmers to relieve more than three crore farmers from the debt burden. That could provide a substantial step up in NREGA and he had stepped it up by 144 per cent, that is from Rs.16,000 crore to Rs.31,000 crore under NREGA. It was improved substantially. He further stated that it was a deliberate action to give a clear signal that those were the sections who waited too long and we must give justice to them.

He tried to highlight some of the positive signs of the Indian economy in the recent years, especially the commendable growth-rate in the steel, cement, automobile and telecommunication sectors.

Shri Mukherjee termed agriculture as the "mainstay of the economy". He cited the move by the UPA Government in the last five years in substantially hiking the Minimum Support Price (MSP) for wheat and paddy. He stated that agricultural credit had been increased from a level of Rs.85,000 crore to Rs.3,50,000 crore under the UPA dispensation.

Shri Mukherjee stressed on infrastructural development as a measure for spurring economic growth. For achieving this, he provided necessary fiscal stimulus to the Union Budget.

The Finance Minister concluded his observations by saying that he had tried to focus in his Budget proposals veering round *aam aadmi*. He further stated that the wealth had to be created so that each and every section of the society gets benefit from that.

On 14 July 2009, after the reply of the Hon'ble Finance Minister, Shri Mukherjee to the General Discussion, the Budget (General) 2009-10 was considered and voted by the House without discussion after adoption by the House of Motion regarding suspension of Rule 331G. All cut motions which had been circulated were treated as moved, put to vote and negated.

*Issues arising out of Prime Minister's recent visit to foreign countries:* Making a Statement in this regard in the House on 30 July 2009, the Minister of External Affairs, Shri S.M. Krishna sought to clarify certain doubts arising out of the PM's visit to foreign countries. Shri Krishna said that in the NAM Summit at Sharm-El-Sheikh, 118 countries participated. All of them reiterated it in one voice that non-

alignment is as relevant as it was during the days of Pandit Nehru. Some accusations were made that the autonomy of decision-making and independence of thought and action had been bartered away. Shri Krishna clarified that India even today pursues an independent Foreign Policy which is tailored to subserve our national interest. In fact, our Foreign Policy is an extension of the domestic subject to the changes that have come about in our neighbourhood, and in the world at large. Any Foreign Policy would be strong and effective when there is domestic consensus behind it. He further stated that whenever the House felt that our Foreign Policy needed a course correction, we had never hesitated to go in for that course correction. With reference to Balochistan, he said that the clarification had been made and most of the issues raised had been answered by the Hon'ble Prime Minister and the Hon'ble Finance Minister. He added that some members of Parliament had sought to know about the situation in Sri Lanka. In the meeting that the Prime Minister had with the President of Sri Lanka, the question of settlement and rehabilitation of civilians who had become hapless victims of the conflict in Sri Lanka came up and the Prime Minister reiterated India's willingness to make possible early return to normal lives of the Tamil IDPs in Sri Lanka. The Minister further stated that the President of Sri Lanka had assured that he shared those goals and was committed to complete the resettlement process in 180 days. The Minister clarified that India was also working with the Sri Lankan authorities and the international community to ensure that practical, meaningful devolution of power and other arrangements were made to enable all communities to live in peace and with dignity within the framework of a united Sri Lanka. As regards climate change, Shri Krishna referred to the Prime Minister's statement the previous day on India's basic policy. He further added that in some quarters, an impression was sought to be created that our Defence installations were going to be opened for American inspection and verification. The Minister emphasized that there had never been a thought of our sovereignty being compromised.

*Regarding Rise in prices of essential commodities*, the Minister of Agriculture and Minister of Food, Civil Supplies and Public Distribution, Shri Sharad Pawar made a statement on 7 August 2009 on the floor of the Lok Sabha. Shri Pawar said that prices of essential commodities was one of the most important issues that have affected a sizeable section of our society. An uncertain monsoon has created a serious situation in the country which has affected agriculture, particularly the farming community in several States. The Minister urged to unitedly face the situation and find out a solution. The Minister assured that



the Government would provide subsidy, if needed, to address the problem of availability of food grains to the poor. The people living below poverty-line would be included in the *Antyodaya Yojana*. Income, growth, climatic change, high energy prices, globalization, increasing urbanization have also had their impact on food consumption, production and market. He said that inflation was another problem facing the country as well as the whole world. Crude oil and petroleum products have also posed a big problem adversely affecting the economies of the world, and the developing countries have been badly hit. He stated that a decrease was also registered in the production of pulses during the year 2008-09 and only a few selected countries possess surplus stock of pulses. This year (2009), surplus stock of pulses in the world was only 5 million tonne. He further stated that a huge gap had emerged between demand and supply of pulses in the country which had resulted in soaring prices of pulses. A long term policy was also suggested to address the problem. On the issue of sugarcane import, the Minister said that the country has a five year production cycle of sugar. The first three years of the cycle gives bumper crop of sugar, whereas, in the next two years, the production comes down. When the production of sugar is less, the prices of sugar sky high. Then the farmer grows more sugarcane, and after two years, the country has more production than required. Ultimately, the price crashes and the farmer shifts his attention to other crops. The Minister said that we have increased the Minimum Support Price of sugarcane, and also imported raw sugar. We have imposed a condition on the importers that within three months of the import, they will have to sell the sugar in the market, otherwise it will be confiscated. The Minister hoped that this would bring about the desired results.

Regarding the need to import edible oil, the Minister said that during the last few years, the production of oilseeds in our country has increased. In spite of that, the gap between demand and supply is still there and for the last ten years, the successive Governments of India have resorted to the import of edible oils. On the increasing price of vegetables in our country, the Minister cited paucity of rain as the reason.

With regard to the availability of wheat and rice, Shri Pawar said that the country had sufficient quantity of buffer stock. The Minister appealed to the States which produce rice to take the stock for their Public Distribution System; otherwise, after procurement, there would be no buyer in the country and the people of our nation would suffer.

As regards the need for hiking the Minimum Support Price for

crops, the Minister said that every effort was being made to give better prices for wheat, rice and paddy.

With regard to the supply of essential commodities to consumers getting disrupted and the resultant hoarding of those commodities, the Minister replied that in this regard every State Government had been asked to take steps under the Essential Commodities Act.

As a first step, the Minister said that a meeting of all the Chief Secretaries had been called to take a review of what exact action the States were taking to control the hoarders, the black-marketeers. He added that if need be, a meeting of Chief Ministers could also be called to discuss the matter. The Minister urged each State to take very deterrent action against hoarders and black-marketeers as the situation was very serious. He reiterated his Government's commitment to make food supply reach the people, regardless of its availability on the domestic front. The Minister contended that there was no question of food shortage in this country.

## **B. LEGISLATIVE BUSINESS**

*The Right of Children to Free and Compulsory Education Bill, 2009:* Moving the Motion for consideration in the House on 31 July 2009, the Minister of Human Resource Development, Shri Kapil Sibal said that it was the bounden duty of any democratically elected Government to educate its citizens. He reiterated the UPA Government's commitment to provide free and compulsory education for children between the age of 6-14. Shri Sibal felt that education was integrated with the future of this country, and as such, it is the right of a child to get quality education. He said that the present Bill was the first step in making India a hub of a big knowledge power in the next 10-15 years.

The present Bill broadly seeks to provide (a) that every child has a right to be provided full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards; (b) 'compulsory education' casts an obligation on the appropriate Government to provide and ensure admission, attendance and completion of elementary education; (c) 'free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education; (d) the duties and responsibilities of the appropriate Governments, local authorities, parents, schools and teachers in providing free and compulsory education; and (e) a system for protection of the right of children and a decentralized grievance redressal mechanism.

Participating in the debate, Shri Kirti Azad (BJP) put forth certain reservations, notwithstanding his extending support to the Bill. Shri Azad suggested that academicians having proven experience should be appointed in the proposed Advisory Council. He reaffirmed the need to have a monitoring mechanism on the lines of the recommendations of the Standing Committee of the Parliament. He also suggested to undertake campaigns on public awareness.

Participating in the discussion, Shri Francisco Cośme Sardinha (INC) emphasized on the need to have adequate teachers in order to check the 'drop out' rates of children, especially when elementary education becomes compulsory. He called upon the Government to ensure that there is proper environment like drinking water, toilets, etc. in the school premises. He laid importance on the timely implementation of the recommendations of the Committees constituted in respect of education, once the recommendations are accepted.

Taking part in the discussion, Shri Asaduddin Owaisi (AIMIM) raised objection against the Bill. He stated that Muslim students' drop-out rate was 63 per cent between the age group of 6 and 14. He wanted to know how reservation can be allowed in Muslim/minority-run education schools and requested the Government not to do so. He said that the present Bill went contrary to the law laid down by the Islamic Academy, by T.M. Pai, Inamda. He further said that this Bill did not talk about the financial implications and asserted that public-private partnership in the field of education would double the cost of education.

Replying to the debate, the Hon'ble Minister for Human Resource Development, Shri Kapil Sibal sought the cooperation of all the members in the House and clarified that the Bill sought to have a uniform standard of education to all the four categories of schools in the country, namely, government schools, government-aided schools, specialized schools and private unaided schools. Shri Sibal also talked about uniformity of quality of education in the country—minimum physical infrastructure, teacher-pupil ratio, minimum qualification for teachers, etc. The Minister informed that the Bill has a provision for the disadvantaged in private schools, and the selection of this group has been left to the State Government. Shri Sibal also said that he had tried to de-bureaucratize the school system. As far as funding this holistic programme is concerned, the Minister informed that the National University of Educational Planning and Administration has been entrusted with the job of preparing updated estimates of funds required for implementing the provisions of the Bill.

The Bill was passed following the reply of the Minister on 4 August 2009, in the Lok Sabha. It was assented by the President on 26 August 2009.

### **C. QUESTION HOUR**

The Second Session of the Fifteenth Lok Sabha commenced on 2 July 2009 and terminated on 7 August 2009. In all, 16,424 notices of questions were received, out of these, 11,905 were starred, 4,513 Unstarred and 6 Short Notice Questions.

All the above notices were examined with a view to deciding their admissibility or otherwise. Out of these, 500 notices were included in lists of Starred Questions, 4,894 were included in the list of Unstarred Questions and none was included in the Short Notice Question List.

No Questions Hour was fixed for 6 July 2009, the day of presentation of General Budget.

Due to interruptions in the House on 16 July and 3 August 2009, 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 the day.

*Daily average of Questions in the List of Questions:* The average number of Starred Questions answered orally in each sitting of the House during the session was three. The maximum number of Starred Questions answered orally on a day was six on 9, 13 and 30 July 2009.

The average number of Unstarred Questions appearing in the List came to 180 per day against the prescribed limit of 230, the minimum being 136 Questions on 10 July 2009.

*Half-an-Hour Discussion:* In all, 12 notices of Half-an-Hour Discussions were received during the Session. Out of them, only one notice was admitted but the same could not be discussed on the floor of the House.

### **D. OBITUARY REFERENCES**

During the Session, Obituary References were made to the passing away of Shri Shiv Charan Mathur, a member of the Third and Tenth Lok Sabha and Governor of Assam; Shri Fasi-ur-Rehman Munnar Khan, a member of the Ninth Lok Sabha; Dr. Madan Prasad Jaiswal, a member of the Eleventh, Twelfth and Thirteenth Lok Sabha; and Shrimati Gayatri Devi, a member of the Third, Fourth and Fifth Lok Sabha.

Thereafter, members stood in silence for a short while as a mark of respect to the memory of the departed.

**RAJYA SABHA****TWO HUNDRED AND SEVENTEENTH SESSION\***

The Rajya Sabha met for its Two Hundred and Seventeenth Session on 2 July, 2009 and was adjourned *sine die* on 7 August, 2009. The House was prorogued by the President on 11 August, 2009. A resume of some of the important discussions held and other business transacted during the Session is given below:

**A. STATEMENTS/DISCUSSIONS**

*The Budget (Railways), 2009-2010:* On 3 July 2009, the Minister of Railways, Kumari Mamata Banerjee laid on the Table of the House the Budget (Railways) 2009-2010. The discussion on Budget (Railways) 2009-2010 took place in the House on 7, 8 and 9 July 2009.

Initiating the discussion, the Leader of the Opposition, Shri Arun Jaitley (BJP) expressed doubts about the genuineness of the cash surplus and turnaround of railways as claimed by the Government in its previous tenure. He mentioned about the lack of progress in augmenting passenger facilities, laying of new tracks and expressed doubts over the efficacy of the Public Private Partnership (PPP) model being followed by the Railways. He suggested fundamental changes in the architecture of railway platforms to make those more passenger-friendly. He also questioned the proposed plan of the Railway Minister to undertake building of shopping areas, hotels, restaurants, indoor stadia, nursing colleges, medical colleges, etc. He felt it was a gross constitutional violation of the Allocation of Business Rules. He said that the basic function of the Railways was to provide safety, comfort, efficiency and to connect the entire country through a network of railways. He earnestly appealed to the Railway Minister to see to it that the railways earn its profits by providing freight services effectively and translate that profit into passenger amenities and make travelling by railways an enjoyable experience.

Participating in the discussion\*\*, Shri Rama Chandra Khuntia (INC)

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\* Contributed by LARRDIS, Rajya Sabha Secretariat

\*\* Others who were part of the discussion were Sarvashri Tarini Kanta Roy, Virendra Bhatia, Syed Azeez Pasha, Bhagat Singh Koshyari, P. Rajeeve, Brij Bhushan Tiwari, R.C. Singh, Rajeev Chandrasekhar, Shantaram Laxman Naik, Lalit Kishore Chaturvedi, T.K. Rangarajan, Mahendra Mohan, Rahul Bajaj, Varinder Singh Bajwa, Vijaykumar Rupani, O.T. Lepcha, Kumar Deepak Das, Mohd. Ali Khan, Silvius

supported the steps being taken by the Railway Minister to showcase the social responsibility of the railways. He outlined the various steps being taken to augment the operational and financial growth of the organization, especially in the area of freight movement. He opposed the idea of privatization of the Railways fully or partially. He tabled his demands for better Railway infrastructure for the East Coast in general and Orissa in particular by introduction of new trains, laying of new tracks, creation of new railway zones and increasing the stoppages of key trains. He expressed dissatisfaction at the enormous amounts of power wielded by certain officials particularly with respect to recruitment.

Shri Penumalli Madhu [CPI(M)] expressed concern that the development of rail transport was lagging behind the recommendations of the Planning Commission. The augmentation in Railway infrastructure was not at par with that of roads, although the former was cheaper and environment friendly. He emphasized upon development of bypass lines and ring railways. He rued the lack of sanction of Railway projects for Andhra Pradesh in general and lack of attention to Multi-Modal Transport System (MMTS) in urban areas in particular. The Hon'ble Member held privatization of certain Railway functions responsible for the decrease in passenger safety.

Prof. Ram Gopal Yadav (SP) said that populist declarations and promises were made in every railway Budget and then conveniently forgotten. He criticised the impracticality of implementing the Rs.25/- monthly pass aimed at the poor. He mentioned that the non-stop long-haul trains like *Jan Sadharan* and *Garib Rath* benefitted the rich rather than the poor. He expressed concern at the poor hygiene in Railway catering, awarding of platform food shops to rich contractors and the general apathy towards the poor and the socially/economically backward classes by the Railways.

Shri N. Balaganga (AIADMK) expressed dissatisfaction at lack of

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Condpan, Moinul Hassan, Avtar Singh Karimpuri, Shivanand Tiwari, Motilal Vora, Biswajit Daimary, Shreegopal Vyas, Ganga Charan, K.B. Shanappa, Arjun Kumar Sengupta, Gireesh Kumar Sanghi, Jai Prakash Narayan Singh, Kalita Bhubaneshwar, Thomas Sangma, Abani Roy, Pyarimohan Mohapatra, Sharad Anantrao Joshi, Rajniti Prasad, Ishwar Singh, Kheikiho Zhimomi, Ahmad Saeed Malihabadi, Jesudasu Seelam, Mohammad Shafi, Nandi Yellajiah, Abdul Wahab Peeve, Sardar Tarlochan Singh, Prof. Saif-ud-Din Soz, Prof. Alka Balram Kshatriya, Dr. Ram Prakash, Dr. K. Malaisamy, Dr. T. Subbarami Reddy, Dr. Gyan Prakash Pillania, Dr. Ejaz Ali, Dr. C.P. Thakur, Dr. Janardhan Waghmare, Dr. Radhakant Nayak, Ms Sushila Tiriya and Miss Anusuiya Ulkey

progress in gauge conversion projects in Tamil Nadu and non-releasing of funds for new line projects in the State. Shri Manohar Joshi (Shiv Sena) citing the incidents of 26/11, requested augmentation of security at the Chhatrapati Shivaji Terminus (CST) railway station and helping the victims of July 2006 bomb blasts.

Shri Birendra Prasad Baishya (AGP) drew attention to the neglect of Assam and the North East by the Railways and suggested several measures viz. doubling of railway tracks, introduction of *Duranto* services from Guwahati, establishment of a rail coach factory and transparency in the recruitment process.

Shri M.V. Mysura Reddy (TDP) highlighted the corruption in the Railways citing the anomalies in the sale of scrap and demanded a detailed probe by Central Vigilance Commission (CVC). He also pointed out the disproportionate number of trains and facilities for West Bengal at the expense of other areas like the south central part.

Shri Ram Jethmalani (Nominated) pointed out the unhygienic conditions in lavatories in trains and platforms and demanded improvement in hygiene. He advised exercise of extreme caution and maintenance of transparency in the sale of Railway land to prevent corruption. He felt that this land should be used for welfare of the poor people of this country, for e.g., by building marriage halls and creches for children of working women. He also suggested the Railways to provide budget hotels at all places enroute to the places of pilgrimage.

Shri A.A. Jinnah (DMK) said that the Indian Railways play a vital role in binding together dispersed areas and promoting national integration. He suggested provision for medical facilities at railway stations in major metro cities and revamping of security system at railway stations. He also favoured representation of members from both Houses of Parliament in the Railway Board so that the views of the public could be represented.

The Minister of Railways replying to the suggestions of the Hon'ble Members, reiterated her stand to publish a White Paper regarding the financial position of the Railways. To ensure speedy completion of outstanding projects, a monitoring committee would be constituted. She assured the House that the Railways would not be privatized and that the public-private partnership for commercial utilization would continue. She said that the optic fibre cabling project had been going on under the monitoring of an Advisory Committee headed by Shri Sam Pitroda. She also said that the work for doubling of rail line, new projects and electrification would continue. She further stated that

a proposal had been given for a Monitoring Committee to strictly monitor the work of various project implementation.

The Budget (General), 2009-10: The Minister of Finance, Shri Pranab Mukherjee laid the Budget (General) 2009-10 on the Table of the House on 6 July 2009. Thereafter, discussion on the Budget was held on 13, 14 and 15 July 2009.

Initiating the discussion, Shri M. Venkaiah Naidu (BJP) highlighted the issues of price rise, suffering of the common man, loss of jobs, growing unemployment, agricultural crisis, etc. He suggested that attention should be paid to several key programmes such as River-Linking Projects, Food Security Act, Gram Sadak Yojna, National Identity Card Project, etc. Regional imbalances must also be addressed. Shri Naidu also spoke about the problems of Sri Lankan Tamils, which required urgent attention.

Participating in the discussion\*, Dr. Abhishek Manu Singhvi (INC) lauded the overall content and direction of the budget. He mentioned that budgetary allocations had been increased in key sectors such as health and rural development, water supply, etc. He also stated that NREGA would continue and Right to Food Act would be brought in. Dr. Singhvi further opined that infrastructure would get a boost through the Public Private Partnership route. He also felt that in the Budget important allocations had been made in the areas of environment and climate.

Shri Sitaram Yechury [CPI(M)] termed the Budget as an anti-poor and pro-rich. He cited the abolition of surcharge and increased exemption limits and abolition of commodities transaction tax as evidence for the same. He addressed availability of rural credit to

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\* Others who were part of the discussion were Sarvashri Brij Bhushan Tiwari, Brajesh Pathak, N.K. Singh, Rajeev Chandrasekhar, Ashwani Kumar, Tapan Kumar Sen, Birendra Prasad Balshya, Biswajit Daimary, Krishan Lal Balmiki, Jesudasu Seelam, Rajeev Shukla, Raghunandan Sharma, Avtar Singh Karimpuri, Virendra Bhatia, S. Anbalagan, Ali Anwar Ansari, M.P. Achuthan, Ram Narayan Sahu, Arjun Kumar Sengupta, Naresh Gujral, Praveen Rashtrapal, M.V. Mysura Reddy, Tariq Anwar, Sharad Anantrao Joshi, Mangala Kisan, Khekiho Zhimomi, Bharat Kumar Raut, Gireesh Kumar Sanghi, Sabir Ali, Kumar Deepak Das, Sardar Tarlochan Singh, Prof. M.S. Swaminathan, Prof. Alka Balram Kshatriya, Dr. K. Keshava Rao, Dr. T. Subbarami Reddy, Dr. Prabha Thakur, Dr. E.M. Sudarsana Natchiappan, Dr. Bimal Jalan, Smt. Shobhana Bhartia, Smt. Mohsina Kidwai, Smt. Vasanthi Stanley, Smt. Viplove Thakur, Ms. Mabel Rebello and Ms. Sushila Tiriya



farmers as a major issue. He also pointed out the fact that the Government had not taken adequate steps to control inflation and rise of prices of essential commodities. The Government needs to be cautious about disinvestment in public sectors through the Public Private Partnership route. He also felt that the problem of one-man, one-pension needed urgent attention. He spoke against corporate funding of political parties, to prevent corruption.

Dr. K. Malaisamy (AIADMK) was of the opinion that the Budget had failed to focus on the macro-issues facing the country, whereas only minor issues had been addressed. He talked about lacunae in internal security, corruption in bureaucracy and judiciary and the effect of black money on the economy.

Shri D. Raja (CPI) doubted the Government's commitment to inclusive growth as the budgetary allocation for dalits was reduced by 18 per cent. He observed that the interest rate for farmers has not been decreased despite committee recommendations to the contrary. The Budget had also neglected remunerative pricing for the farmers and primary education at the cost of higher education.

Dr. C. Rangarajan (Nominated) appreciated the efforts of the Finance Minister in presenting a balanced Budget. However, he felt that the issue of fiscal deficit needed to be addressed. Outstanding liabilities as a proportion of GDP goes up due to high level of fiscal deficit. This large pre-emption of the revenue receipts for interest payments means that in order to provide for productive investment expenditures at the same level, more deficit would have to be incurred. Another consequence was the high level of borrowing and the pressures that it puts on the interest rates. He further stated that the Budget could be analyzed from three angles, the macro-economic implications of the Budget, the tax reforms and the reforms direction. He supported the concept of subsidies in a developing economy like India's. However, he remarked that the tax reforms had not been given due attention in the Budget. He felt that the timing of disinvestment should be chosen judiciously. He was of the opinion that the Budget was primarily an expenditure Budget, focusing on increasing the expenditure of the Government in a substantial manner.

Shri Rahul Bajaj (Independent) welcomed the scrapping of the Fringe Benefit Tax. He expressed dissatisfaction over the imposition of taxes on dividend incomes of small, non-listed companies, which was earlier exempted. He was concerned about inflation in the case of edible items. Shri Bajaj also stated that right timing and transparency

are vital for disinvestment, which he termed as a necessary evil in the present circumstances.

Shri Arun Shourie (BJP) urged the Government to evolve a consensus on the issue of subsidy. He said that the Government has failed to implement several policy decisions. The Food Security Act had also not seen the light of the day. Despite covering 316 million people under the Public Distribution System, India stood at number 66 in the global hunger index. He also mentioned about the vote bank politics of the day and pleaded that welfare measures should be based on secular criteria and not on the basis of religion or caste.

Shri Mahendra Mohan (SP) drew attention over the fact that no special attention had been given towards industries in the Budget. Foreign investment was not coming and the money invested by the Government was being withdrawn. He further stated that no information had been given in the Budget proposal regarding enhanced power generation and nuclear power generation in the scenario of looming power shortage in the country. Unemployment had been increasing in the country as new industries were not being set up.

Shri Rajniti Prasad (RJD) expressed displeasure at the fact that no provision had been made in the Budget for the people affected by the Kosi floods. He focused on the fact that industrial scenario in Bihar needed to be strengthened to provide employment to people and stop large scale migration. He also spoke about the neglect of irrigation facilities in Bihar and the need to rectify it.

Prof. Alka Balram Kshatriya (INC) mentioned about the need for improving regional economic imbalances in the North-Eastern Region and felt that a blueprint for sustained economic growth of the North-Eastern Region, in general, and the State of Nagaland, in particular was urgently needed.

Shri Mohammad Shafi (J&K National Conference) was of the opinion that proper monitoring of the various welfare schemes is necessary to ensure benefits reach the marginalized and the poor. He also demanded that the State of Jammu and Kashmir should be given proper attention in terms of development. Scarcity of basic resources like water and power being faced by the State should be urgently resolved so that grievance did not brew among people. He also drew attention to the rising number of unemployed youths in the State leading to their alienation. Investment should be encouraged in the State and all measures should be taken to ensure confidence building among the populace of the State.

Replying to the debate, the Finance Minister, Shri Pranab Mukherjee, spoke of the high fiscal deficit and revenue deficit as the main challenges for the budget. He cited the payment of arrears for Sixth Pay Commission and the decline in exports and excise duty collection as the principal causes behind the higher fiscal deficit. However, he lauded the State Governments and also the Central Government for showing considerable fiscal discipline. Responding to the concern shown by Hon'ble Members regarding enhanced Government borrowings, he stated that the RBI has taken several steps to improve liquidity in the market and availability of finance for the private sector. He reiterated the Government's commitment to economic liberalisation and disinvestment and assured that disinvestment proceeds would be judiciously used for modernization of public sector enterprises, upgradation of technology and for various other welfare schemes. The agriculture sector was being taken care of through agricultural credit and minimum support prices, debt waiver scheme and short-term crop loans. It had been proposed to extend investment-linked tax incentives to the business of setting up and operating cold warehousing facilities for storing agricultural produce. He also reassured the House that the Government was closely monitoring the monsoon situation and contingency plans were in place to deal with any eventuality. He further stated that the Government's priority is to ensure the welfare of the common citizen of the country, especially the poor and the marginalized, rather than moulding its policies to enhance credit ratings as given by International Credit Rating Agencies. Shri Mukherjee summarized that 'Food for All', 'Health for All', and 'Education for All' had been the guiding principles of the budget.

*Statement by the Prime Minister regarding his visits to Italy, France and Egypt from 13-17 July, 2009:* On 17 July 2009 the Prime Minister, Dr. Manmohan Singh briefed the House about his visit to Italy, France and Egypt. He visited Italy for the G-8 and G-5 Summit meetings. The main focus of this year's summit was on the ongoing global economic and financial slowdown. The Prime Minister stressed upon a concerted and well-coordinated global response to address systemic failures and to stimulate the real economy. He also spoke about the need to maintain adequate flow of finance to the developing countries and to keep markets open by resisting protectionist pressures. While reassuring the G-8 and G-5 countries about fulfilling India's obligation to preserve and protect the environment, the Prime Minister stressed that climate change could not be addressed by perpetuating poverty of the developing countries. He presented India's Action Plan on Climate Change and favoured additional financial support as well

as technological transfers from developed to developing countries in this regard.

Dr. Singh also spoke about India's participation as guest of honour at the French National Day. He informed the House about his dialogue with President Sarkozy to review the entire range of Indo-French bilateral cooperation including counter-terrorism and defence cooperation. President Sarkozy was categorical about France's readiness for full civilian nuclear cooperation with India.

The Prime Minister had participated in the 15<sup>th</sup> Summit of the Non-Aligned Movement (NAM) in Egypt. India's views found widespread resonance and the Summit heeded to India's call to strongly condemn international terrorism. During his meeting with the Prime Minister of Pakistan, Dr. Singh conveyed that sustained, effective and credible action needs to be taken to bring the perpetrators of the Mumbai attack to justice and shut down the operations of terrorist groups so as to prevent any future attacks. He reiterated India's stand that the starting point of any meaningful dialogue with Pakistan would be a fulfilment of their commitment, of not allowing their territory being used in any manner for terrorist activities against India. It was also felt that action on terrorism should not be linked to the composite dialogue process, and, therefore, should not await other developments. For the present, it was agreed that the Foreign Secretaries would meet as often as necessary and report to the two Foreign Ministers who would meet on the sidelines of the United Nations General Assembly.

The Prime Minister, replying to the queries made by Hon'ble Members, said that the joint statement with Pakistan strengthened India's commitment that meaningful process of engagement could not move forward unless and until Pakistan took effective measures to control terrorism. It did not mean any dilution of India's stand. The meeting with Mr. Mahinda Rajapakse, President of Sri Lanka focused on the Tamil problem. India expressed its concern about the plight of Sri Lankan Tamils and had urged the Sri Lankan Government to take all effective measures to provide meaningful relief and rehabilitation and also to satisfy the legitimate political aspirations of the Sri Lankan Tamil community.

*Statement by the Minister of External Affairs on significant developments in India's neighbourhood:* Making a statement in the House on 9 July 2009, the Minister of External Affairs, Shri S.M. Krishna apprised the House of significant developments in India's

relations with three important neighbours—Pakistan, Sri Lanka and Nepal. Recognising the salience of continued dialogue process with Pakistan, the Composite Dialogue Process was restarted in 2004. Despite India's best efforts and assurance from the highest levels in Pakistan, India had been severely hit by terrorist attacks from Pakistan time and again. The President of Pakistan had apprised the Prime Minister of India about Pakistan's efforts to deal with the menace of terrorism and the difficulties they face during their meeting at the margins of the SCO (Shanghai Cooperation Organisation) Summit. It was agreed that the Foreign Secretaries of India and Pakistan would discuss these issues. After Foreign Secretary's report the situation could be reviewed during Prime Minister's meeting with Pakistani leadership at the Non-Aligned Summit at Sharm-el-Sheikh.

On the situation in Sri Lanka, the Hon'ble Minister stated that following the defeat of the LTTE there was a pressing need of rebuilding the northern parts of the country and rehabilitating lakhs of civilians who had been internally displaced. The Sri Lankan Government has reassured of their intention to proceed quickly with the task of resettlement. India will also provide every possible assistance in the task of rehabilitation, resettlement and reconstruction and has already earmarked Rs.500 crores for this purpose. The immediate focus of the projects that would be taken up as part of this effort include deployment of four demining teams, reconstruction of houses and supply of shelter material, medical assistance and repair of civil infrastructure. India had also been operating a full-fledged 60-member field hospital in Sri Lanka since March 2009. The Hon'ble Minister further stated that the Sri Lankan Government had assured of their intention to pursue a political process envisaging a broader dialogue with all parties, including the Tamils, the full implementation of the 13<sup>th</sup> Amendment to the Sri Lankan Constitution and to achieve a meaningful devolution of powers. The Government of India is concerned about the safety of Indian fishermen in the waters between India and Sri Lanka and has reiterated to Sri Lanka the need to ensure strict compliance with the understanding on fishing arrangements reached between the two countries in October 2008.

Regarding India's relationship with Nepal, Shri Krishna said that India provided full support to the ongoing peace process in Nepal, including material assistance to strengthen the civil security forces and law enforcement machinery, and support for elections to the Constituent Assembly. He said that India had conveyed its commitment to assist the Government and the people of Nepal in their endeavour

of transition to multi-party democracy and conclusion of peace process. He informed that India had also agreed to establish local level mechanisms across the borders to address issues related to border management. The Hon'ble Minister stated that a peaceful, democratic Nepal was in the interest of all the people of Nepal and India and of the entire region.

Replying to the points raised by the Hon'ble Members, the Minister of External Affairs said that India respected the autonomy of all three nations and did not intend to interfere in their internal affairs. India maintained that Pakistani soil was being used to attack India repeatedly and this had been brought to the notice of the Pakistani Government. He hoped that Pakistan would make a determined bid to curb terrorism. Regarding the problems faced by fishermen in the southern coast, he said that the Government took up this matter relating to their safety with Sri Lanka and came to an understanding with them in October, 2008. He also stated that open borders always invite unlawful activities and to control these, continuous vigil on these areas was needed.

*Short Duration Discussion on the Need to Strengthen Measures to Prevent Ragging in Institutions of Higher Education:* A discussion on the Need to Strengthen Measures to Prevent Ragging in Institutions of Higher Education was held in the House on 2 and 3 July 2009. Initiating the discussion Shri Santosh Bagrodia (INC) said that ragging has become torturous, vulgar and defied all norms of decency and morality. During the academic year 2007-08, the number of cases of ragging went up to 89, whereas annual average over the last five years *i.e.*, 2003-08 was only 46 with majority cases occurring in Engineering and Medical colleges. He felt that along with the students responsible for ragging, their parents and the management of the institution where such incidents are reported should also be held responsible. He favoured deterrent punishment for such offenders. Shri Bagrodia complimented the Central Government for setting up the anti-ragging help line.

Participating in the discussion\*, Dr. Gyan Prakash Pilonia (BJP) commented that ragging had become more infectious and contagious than swine flu. Recalling the sad case of Aman Kachroo, he favoured that continuous surveillance must be to prevent such incidents. He

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\* Others who took part in the discussion were: Sarvashri Tiruchi Siva, Rama Jois, Rajniti Prasad, Prakash Javadekar, Mahendra Mohan, Rudranarayan Pany, Dr. T. Subbaram Reddy and Smt. Viplove Thakur

called for punishment through fast-track courts and through better legislation.

Shri Moinul Hassan [CPI(M)] was of the view that incidents of ragging occurred not only in educational institutions but also in many work places. He was of the opinion that rules and laws were not enough to get rid of this menace. A national consensus was needed against this anti-social activity. He also stressed that there was an urgent need to fix responsibility and act upon it.

Shri R.C. Singh (CPI) said that despite Hon'ble President's concern on the issue and letter to all Governors asking them to take steps to wipe out ragging, adequate steps had not been taken in this regard. Moreover, the Supreme Court as well as Raghvan Committee had recommended that anti-ragging committees should be formed in all the colleges, but Government had not yet taken any steps in this regard. He suggested that strict steps should be taken like cancellation of affiliation of such colleges and favoured registration of ragging victim's complaints through a toll free number. He urged the Government to take up the Prevention of Ragging in the College and the Institution Bill that was introduced in Rajya Sabha 6 May 2005.

Shri Rama Chandra Khuntia (INC) spoke about passing a resolution in the House to prevent this sort of activity in universities and colleges. He urged that it was very important to create awareness and to build up a strong public opinion against ragging. He alleged that incidents of ragging had increased due to the lack of proper controlling and monitoring system. The Hon'ble Member suggested that action should be taken to oust all dropout students and mafias from the university campus and called for a national legislation to punish all those perpetrating this heinous crime.

Replying to the discussion, Shri Kapil Sibal, the Minister of Human Resource Development said that the concept of ragging was age-old which used to take place as a measure of building confidence within the system, but over the years it had become abusive, violent and degrading. He reiterated the judgment of the Supreme Court which not only defined ragging but suggested that States should also bring out legislations on the subject. If an offence was committed under the penal code, whether it was within the precincts of the university or outside, the person responsible should be prosecuted. He also informed about the regulations issued by the University Grants Commission on 17 June 2009, which has the force of law. Affidavits had to be filed by both students as well as parents that they were aware that ragging

was a prohibited activity and indulgence in any form of ragging would invite severe action. Communications advising to adopt the regulations formulated by the UGC have been sent to the institutions outside the ambit of UGC. He further clarified that various other stringent steps had been formulated that could be adopted by educational institutions to deter students from indulging in this vice, such as suspension from attending classes and academic privileges, withholding or withdrawing of scholarships, debarring from appearing in any test or examination or evaluation process, withholding results, debarring from representing the institution in any regional or national or international meet, suspension, expulsion from hostel, cancellation of admission, rustication from the institute for a period ranging from one to four semesters, expulsion from institution and consequent debarring from admission. All these are in conformity with the Government's policy of zero tolerance against ragging.

*Short Duration Discussion on the situation arising out of continued rise in prices of essential commodities in the country:* On 4 August 2009, Shri Shivanand Tiwari [JD(U)] initiated a discussion on rise in prices of essential commodities. He said that rise in prices of essential commodities had been posing a threat to two-third population of the country. Citing the World Bank Report, he said that 50 per cent people in villages and 38 per cent people in cities are malnourished in the country. He wondered that despite being self reliant on food grain production, the country had to import foodgrains from other countries. Urging the Government to rein in the situation, he suggested certain steps like strengthening the public distribution system, investment in the agrarian sector.

Taking part in the discussion\* Dr. E.M. Sudarsana Natchiappan (INC) said that through programmes like NREGA, the common man would be able to fulfil his basic needs in terms of food and other essentials. He vouched for encouragement to local markets, whereby the agriculturist could sell his produce there only. Dr. Natchiappan also urged the Government to strengthen the Panchayati Raj Institutions, which could play a leading role in encouraging local production and local markets.

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\* Others who were part of the discussion were Sarvashri Janeshwar Mishra, A. Elavarasan, K.E. Ismail, Gireesh Kumar Sanghi, Shanta Kumar, P. Rajeeve, Avtar Singh Karimpuri, Tiruch Siva, Kumar Deepak Das, Pranab Mukherjee, Rajniti Prasad, Ram Narayan Sahu, Bharatkumar Raut, Sharad Anantrao Joshi, Sardar Tarlochan Singh, Dr. Barun Mukherjee, Dr. Janardhan Waghmare and Dr. T. Subbarami Reddy



Shri M.Venkaiiah Naidu (BJP) urged for proper planning on the part of the Government to see if production of foodgrains is sufficient to meet the demands. He appealed the State Governments to curb hoarding. He felt that it is the overall responsibility of the Central Government to ensure availability of foodgrains at affordable prices to the vast populace of the country.

Shri Prasanta Chatterjee [CPI(M)] expressed his concern about the plight of the vast majority of people who earn less than Rs.20 a day. He said that as per the recent Human Development Report, nearly 50 per cent of the world's hungry people live in India. He was critical of the definition of BPL (below poverty line), by which crores of people were left out of the various welfare schemes. He advocated for introduction of universal public distribution system (PDS) to guarantee food security to all.

Shri M.V. Mysura Reddy (TDP) said that due to poor implementation of the policy measures, the Government had not been able to protect the interests of farmers or that of consumers. He urged the Government that instead of taking short term measures, it should wake up and act in response to the grim situation.

The Minister of Finance, Shri Pranab Mukherjee in his intervention, said economy should be managed in such a manner that supply and demand should have some equilibrium and if that equilibrium was lost, it would adversely affect the vulnerable sections of the society. Referring to maintenance of four Consumer Price Index(CPI) over the years, he said that the Central Statistical Organization (CSO) is working towards evolving a single index. It was imperative to maintain sustained development in agriculture to meet the objective of inclusive growth for every strata of the society. He also stressed that the Governemnt is exploring alternate sources of energy so that dependence on fossil fuels procured from other countries could be lessened. He stated that erratic monsoon has contributed to the rise in the prices of vegetables, milk and other articles. He reassured the House that the Government was taking necessary steps to tackle the situation.

Shrimati Kusum Rai (BJP) mentioned that urgent steps are needed to be taken to control black marketing and make it easy for farmers to sell their produce across States.

Shri Arjun Kumar Sengupta (Independent) suggested strengthening the PDS and establishment of a Commodities Exchange Corporation under Government control. He also suggested the Finance Minister to

reconsider introduction of transaction tax to check speculation and a regular mechanism for controlling import.

Shri Sharad Anantrao Joshi (SBP) expressed concern at the rise in prices of essential commodities for the common man. He said that it could be a result of mismatch in demand and supply of key items.

Shri Mangala Kisan (BJD) pointed out that lack of adequate irrigation facilities was the root cause behind falling agricultural produce. He added that agriculture had suffered as the Central Government had not paid adequate attention towards irrigation considering it a State subject, whereas the State Governments do not have sufficient funds to make 100 per cent provision of irrigation for entire cultivable land.

Replying to the discussion, the Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution, Shri Sharad Pawar reiterated that the Government was committed to the farmers, who receive fair and remunerative prices with terms of trade maintained in their favour. He briefed the House about new schemes: the *Rashtriya Krishi Vikas Yojana* and *Accelerated Irrigation Development Programme*. He also focused on the loan waiver scheme undertaken by the Government to improve agricultural credit situation. Terming NREGA a useful scheme for the overall development of agriculture, he informed that more than Rs.30,000 crores had been provided under this scheme.

He reassured the House that despite scarce monsoon, sufficient stock of wheat and rice was available for the next 13 months and on the inflation front, the situation was improving. Regarding action taken under the Essential Commodities Act 1955, he informed that 18 States and UTs had issued orders imposing stock limits/licensing/stock declaration requirements for essential commodities, like pulses, rice, paddy, edible oil, edible oilseeds and sugar. He urged the State Governments and the Central Government to come together and act collectively to protect the interests of the weaker sections of the society.

*Calling Attention to the situation arising out of growing number of Swine Flu cases in the country and the action taken by the Government in regard thereto:* On 2 July 2009, Shri M.V. Mysura Reddy (TDP) invited the attention of the Minister of Health and Family Welfare, Shri Ghulam Nabi Azad on the aforesaid issue. Shri Azad briefed the House on the spread of H1N1 virus in the country and the Government's preparedness to deal with the situation in the backdrop of the present global scenario. He said that the World Health Organization had

declared the present spread of influenza A/ H1N1 (earlier called the swine flu) as a global pandemic. The disease, first noticed on 18 March, 2009, in Mexico, had already spread to 116 countries. In India, the first case was reported on 13 May 2009. Since then, there have been 109 laboratory-confirmed cases of influenza A H1N1. All these were travel-related cases, being brought to India by passengers coming from affected countries, except a few which were secondary cases reported in the immediate family contacts. All the cases were detected early, put on treatment and cured. Timely institution of public health measures have prevented its spread to the community so far.

He further highlighted the comprehensive plan, including guidelines and standard operating procedures being adopted by the Ministry to check the flu menace. These included screening of passengers at airports, community surveillance, provision for isolation facilities including critical care at hospitals and preparation of Central and State Rapid Response Teams to manage community outbreak situations should the need arise. The Minister reassured that there was adequate quantity of Oseltamivir, the drug recommended by the World Health Organization in the national stockpile. A comprehensive long-term media plan in consultation with the Directorate of Advertising and Visual Publicity had been drawn up covering both electronic and print media to allay fear and avoid panic. Replying to the points raised by the Hon'ble Members, Shri Azad said that India is fully prepared to deal with any kind of emergent situation with no shortage in technology, medicine or resources.

*Calling Attention to the deteriorating financial condition of Air India and action taken by the Government in this regard:* On 14 July 2009, Shri Prakash Javadekar (BJP) called the attention of the Minister of Civil Aviation, Shri Praful Patel on this pertinent issue. Shri Patel said that the Government had liberalised the civil aviation sector keeping in view the rapid increase in the demand for both domestic and international air services. Removal of constraints in capacity, both in terms of the number of routes as also number of aircraft was urgently needed. The number of aircrafts available increased from only 100 before the turn of the century, to approximately 400 at present. He stated that apart from liberalising to allow more airline operators in the market, a fleet expansion plan was also conceived for Air India and Indian Airlines. The competition that ensued provided better service to the Indian public as also much more economical and affordable prices. The ageing fleet of the national carriers needed replacement, and, towards this end, orders for 111 aircraft were placed upon M/s. Boeing &

Airbus for its fleet replacement and expansion programmes. While the airline began the process of modernisation, its losses have been mounting because of the present economic recession. Losses in Air India thus reflects a common economic problem of all airlines worldwide.

The Minister further elaborating on this issue said that after the merger of Indian Airlines and Air India, a plan for an Initial Public Stock Offering (IPO) was mooted but the market conditions then were not conducive to this process. It was in this background that an equity infusion and soft loan by the Government as a measure of softening the adverse financial situation was contemplated. Surge in oil prices, high fixed cost as also high expenditure on insurance, interest on working capital, aircraft loan, had all contributed to loss. The airline also had to incur huge cost for operating non economic flights in national interest that have not been compensated for by adequate revenue. These included flights to the North-East region, Andaman & Nicobar Islands, transportation of the Army troops, transportation of Haj pilgrims, disaster relief and other unprofitable but necessary operations that have been entirely in the country's interest.

The Minister highlighted on the various measures undertaken to improve its financial position, which *inter alia* included (i) rationalization of routes; (ii) rescheduling/cancellation of future aircraft deliveries; (iii) a complete rationalization of manpower and productivity linked incentives; (iv) constitution of a turnaround Committee to look at all areas of cost reduction.

Replying to the points raised by the Hon'ble Members, Shri Patel reiterated the Government's stand to run Air India as a national carrier and not allowing disinvestment in this Airline. He also supported the role being played by private carriers alongwith the national airlines leading to better connectivity, more choice, better fares and better service to the consumer.

*Calling Attention to the situation arising out of the large scale loss of jobs due to retrenchment and closure of industries including industries in the IT Sector as a result of global economic slowdown and recession and Government's reaction thereto:* On 4 August 2009, Shri D. Raja (CPI) called the attention of the Minister of Labour and Employment, Shri Mallikarjun Kharge to the aforesaid matter. Replying to the motion, the Minister said that the impact of global slowdown on the Indian economy had been felt since the middle of 2008. To counter the negative fallout of the global slowdown on the Indian economy, Government of India provided three focussed fiscal stimulus

packages in the form of tax relief and increased expenditure on public projects while the RBI took a number of monetary easing and liquidity enhancing steps in order to boost domestic demand. He stated it was evident from the Budget for the year 2009-10, that the Government continued with the policies aimed at boosting demand, generating employment and creating infrastructure through measures such as enhancing the exemption limit in personal income tax, eliminating surcharge on personal income tax, increased public expenditure, especially on social sector programmes. These measures were also likely to act as a safety net for the vulnerable sections of society including the workers who may have lost their jobs as a result of economic slowdown. To boost construction activity, which generates substantial employment in the economy, interest rate subsidy had been offered for housing loan borrowers from the lower and middle-income groups. He further added that individual Ministries and Departments had also taken steps to counter the adverse effects of global slowdown on Indian economy.

## **B. LEGISLATIVE BUSINESS**

*The Right of Children to Free and Compulsory Education Bill, 2008\**: The Minister of Human Resource Development, Shri Kapil Sibal, moved the motion for consideration of the Right of Children to Free and Compulsory Education Bill on 20 July 2009. The Statement of Objects and Reasons to the Bill states that article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such manner as the State may, by law, determine. The present legislation seeks to provide every child a right to be provided with full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. The proposed legislation believed that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections was not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools not dependent on Government funds.

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\* The Bill was introduced in Rajya Sabha on 15 December 2008 and was passed by the House on 20 July 2009

The Minister of Human Resource Development, Shri Kapil Sibal replying to the debate\*, said that the legislation would determine the course of India in the 21<sup>st</sup> century. He reminded the House of the mammoth task of dealing with provisions of the Bill – the obligation on the part of the Government to impart free education to children. A policy has to be formulated to ensure that all the children in the schools get the kind of education required to make them good citizens of this country. Shri Sibal clarified that rules would be framed in respect of neighbourhood schools. The National University of Educational Planning and Administration (NUEPA) had been given the job of preparing up the estimates of funds required for implementing the provisions of the Bill. Share of the Central and State Governments would be decided only after the Bill was passed. The Bill focused on the eligibility conditions of teachers as well.

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

*The Constitution (One Hundred and Ninth) Amendment Bill, 2009\*\*:* On 3 August 2009, the Minister of Law and Justice, Shri M.Veerappa Moily moved the motion for consideration of the Bill. The Statement of Objects and Reasons to the Bill states that article 334 of the Constitution lays down that the provisions of the Constitution relating to the reservation of seats for the Scheduled Castes and the Scheduled Tribes and the representation of the Anglo-Indian community by nomination in the House of the People and the Legislative Assemblies of the States would cease to have effect on the expiration of the period of sixty years from the commencement of the Constitution. In other words, these provisions would cease to have effect on 25 January 2010, if not further extended. Although the Scheduled Castes and the Scheduled Tribes have made considerable progress in the last sixty years, the reasons for which the Constituent Assembly made provisions with regard to the aforesaid reservation of seats and nomination of members have not ceased to exist. The Bill, therefore,

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\* The Hon'ble Members who took part in the debate were: Sarvashri Santosh Bagrodia, P. Rajeeve, Brij Bhushan Tiwari, Ganga Charan, N.K. Singh, D. Raja, Shyam Benegal, Rajeev Chandrasekhar, M. Rama Jois, Mahendra Mohan, Sharad Anantrao Joshi, Jesudasu Seelam, Sabir Ali, M.V. Mysura Reddy, Kumar Deepak Das, Rajniti Prasad, Bharatkumar Raut, Dr. K. Malaisamy, Dr. K.Keshava Rao, Dr. Ram Prakash, Dr. Bimal Jalan, Dr. Janardhan Waghmare, Smt. Shobhana Bhartia, Smt. Kanimozhi, Prof. Alka Balram Kshatriya, Dr. (Smt.) Najma A. Heptulla and Dr. (Smt.) Kapila Vatsyayan

\*\* The Bill was introduced in Rajya Sabha on 30 July 2009

proposed to continue the reservation for the Scheduled Castes and the Scheduled Tribes and the representation of the Anglo-Indian community by nomination for a further period of ten years.

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

*The Metro Railways (Amendment) Bill, 2009\**: The Minister of Urban Development, Shri S. Jaipal Reddy moved the motion for consideration of the Bill on 7 August 2009. He said that the Central Government proposed to extend the Delhi Metro area under the control of New Okhla Industrial Development Area (NOIDA) in the State of Uttar Pradesh and to Gurgaon in the State of Haryana. Construction work had already begun by the Delhi Metro Rail Corporation (DMRC) Limited. In view of the Commonwealth Games to be held in October 2010, these extensions were required to be completed before that period. The Metro Rail System has been approved by the Central Government for Bangalore and Chennai and the construction work has already begun at these places. The other cities where such system was under different stages of construction and implementation were Chandigarh, Hyderabad, Kochi and Mumbai. There were no statutory provisions at present which would provide a legal cover for development, construction, operation and maintenance of Metro Railway in these cities. Therefore, it became necessary to make suitable amendment to the Metro Railway (Construction of Works) Act, 1978 and to the Delhi Metro Railway (Operation and Maintenance) Act, 2002, so as to make provisions of both these Acts applicable to the Metro Railway in the NCR, metropolitan cities and other metropolitan areas.

Replying to the debate\*\*, the Hon'ble Minister said that for the first time an enabling legal framework for metro construction in all million-plus urban agglomerations was being provided through this Bill. He also spoke on the security of metro train system. He urged for meaningful cooperation from State Governments. The Hon'ble Minister also requested the DMRC to see to the working conditions of contract labourers. It was assured that though certain projects needed to be completed before the Commonwealth Games, under no circumstance quality or safety of construction of projects would be sacrificed for the

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\* The Bill was introduced in Lok Sabha on 4 August 2009 and was passed by Rajya Sabha 7 August 2009

\*\* The Hon'ble Members who took part in the debate were Sarvashri S.S. Ahluwalia, Ramachandra Khuntia, Prasanta Chatterjee, Brij Bhushan Tiwari, N. Balaganga, Syed Azeez Pasha and P.R. Rajan

sake of speed. He also informed the House about the Comptroller and Auditor General's (CAG's) Report which would be looked into by the Public Accounts Committee. The Hon'ble Minister spoke about cost sharing between Centre and the States as the metro rail projects are forbiddingly capital intensive. Efforts were being made to obtain soft loans from foreign countries. He also informed that the Government would work towards spreading the Metro Rail System in the growing urban areas.

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

### **C. QUESTION HOUR**

During the session, 8,073 notices of Questions (6,513 Starred and 1,560 Unstarred) were received. Out of these, 500 Questions were admitted as Starred and 3,810 as Unstarred. 108 Starred Questions were orally answered. The total number of notices of Questions received in Hindi was 1,561.

*Daily average of Questions:* For all the days, the lists of Starred Questions contained 20 Questions each. On an average, 4.32 Questions were orally answered for all the sittings having Question Hour. The maximum number of Questions orally answered was seven on 21 and 27 July 2009 and the minimum number of Questions orally answered was three on 7 August 2009. The list of Unstarred Questions contained 122, 149, 143 and 149 Questions on 2, 3, 7 and 9 July 2009 respectively. On the rest of the days, it contained 155 Questions each.

*Half-an-Hour Discussion:* 22 notices of Half-an-Hour Discussion were received, out of which none was discussed.

*Short Notice Question:* Seven notices of Short Notice Questions were received, but none was admitted.

### **D. OBITUARY REFERENCES**

During the Session, obituary references were made on the passing away of Prof. Naunihal Singh, Dr. G. Vijaya Mohan Reddy, Sarvashri D. Heera Chand, Syed Rahmat Ali, Devendra Nath Dwivedi and Shrimati Vidyawati Chaturvedi, all former members. Members stood in silence as a mark of respect to the deceased.



## STATE LEGISLATURES

### ASSAM LEGISLATIVE ASSEMBLY\*

A One day Special Session of the Twelfth Assam State Legislative Assembly was held on 5 September 2009.

The Special Session was held to ratify the Constitution (One hundred and Ninth Amendment) Bill, 2009 which was already adopted in both the Houses of Parliament, *i.e.* the Rajya Sabha and the Lok Sabha. After discussion, the Bill was unanimously ratified by the Assam Legislative Assembly.

*Obituary references:* During the Session, obituary references were made on the passing away of 5 leading personalities.

### GOA LEGISLATIVE ASSEMBLY\*\*

The Eighth Session of the Fifth Goa Legislative Assembly commenced on 20 July 2009 and was adjourned *sine die* on 7 August 2009. There were 15 sittings in all.

*Legislative business:* During the Session, the following Eleven Bills were introduced, considered and passed by the House: (i) The Goa Appropriation (No. 3) Bill, 2009; (ii) The Goa Appropriation (No. 4) Bill, 2009; (iii) The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Third Amendment) Bill, 2009; (iv) The Goa Land Revenue (Amendment) Bill, 2009; (v) The Goa (Recovery of Arrears of Tax through Settlement) Bill, 2009; (vi) The Goa Civil Courts (Amendment) Bill, 2009; (vii) The Goa University (Amendment) Bill, 2009; (viii) The Goa Tax on Infrastructure Bill, 2009; (ix) The Goa Town and Country Planning (Amendment) Bill, 2009; (x) The Goa Tax on Luxuries (Eleventh Amendment) Bill, 2009; and (xi) The Goa Panchayat Raj (Amendment) Bill, 2009.

*Financial business:* On 24 July 2009, Chief Minister Shri Digambar Kamat who also holds the Finance portfolio presented the additional Budget for the year 2009-2010. The Supplementary Demands for Grants for the year 2009-2010 (First Batch) were presented on 6 August 2009. They were discussed and passed by voting by the House on the same day.

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\* Material contributed by the Assam Legislative Assembly Secretariat

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

The General Discussion on the Budget was held on 20 and 21 July 2009. The discussion and voting of the Demands for Grants for the year 2009-2010 was held on 22, 23, 27, 28, 29, 30 July 2009 and 3, 4, 5 and 6 August 2009. Total of 84 Demands for Grants for the year 2009-2010 were put to vote and passed.

*Obituary references:* During the Session, obituary references were made on the passing away of Dr. Maurilio Furtado, former MLA from Benaulim Constituency and a renowned doctor; Sarvashri Manuel Santana Aguiar popularly known as M. Boyer, a renowned Konkani drama artist, writer, director and producer, and a recipient of Padmashree Award; Alban Couto, Goan retired IAS officer; Vasudev Laxman Vaze, freedom fighter, a dedicated teacher, a renowned Kirtantka, a prolific writer and recipient of the State Government award for reciting Kirtans; Pandit Bhaskar Chandaverkar, a renowned music composer; Prof. (Dr.) Olivinho J.F. Gomes, IRS, a Goan, a researcher, scholar and a multifaceted personality; and Smt. Gangubai Hangal, a renowned classical singer. Tributes were also paid to the Jawans who lost their lives in defence of Indian unity and integrity in the Kargil war of 1999.

#### **HIMACHAL PRADESH LEGISLATIVE ASSEMBLY\***

The Sixth Session of the Eleventh Himachal Pradesh Legislative Assembly commenced on 3 August 2009 and was adjourned *sine die* on 27 August 2009. The House was prorogued by the Governor on 4 September 2009. There were 17 sittings in all.

*Obituary references:* During the Session, obituary references were made on the passing away of Shri Virender Verma, former Governor of Himachal Pradesh.

#### **MADHYA PRADESH LEGISLATIVE ASSEMBLY\*\***

The Third Session of the Thirteenth Madhya Pradesh Legislative Assembly which commenced on 6 July 2009, was adjourned *sine die* on 28 July 2009. There were 17 sittings held in all.

*Legislative business:* During the Session, ten Bills were introduced, considered and passed by the House. Some of the major Bills were: (i) Rajistrikaran (The Madhya Pradesh Sanshodhan) Vidheyak, 2009; (ii) Jawaharlal Nehru Krishi Vishwavidyalaya (Sanshodhan) Vidheyak,

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\* Material contributed by the Himachal Pradesh Legislative Assembly Secretariat

\*\* Material contributed by the Madhya Pradesh Legislative Assembly Secretariat

2009; and (iii) The Madhya Pradesh Pashu Chikitsa Vigyan Vishwavidyalaya Vidheyak, 2009.

**Financial business:** The Minister of Finance, Shri Raghavji presented the Annual Budget for the year 2009-2010 on 10 July 2009. The discussion on the Budget, was held in two phases. General discussion commenced on 13 July 2009 and concluded on 14 July 2009. Voting of the Demands for Grants for individual departments started on 15 July 2009 and continued up to 22 July 2009. Immediately after the voting on Demands for Grants was concluded, the Appropriation (No. 3) Bill was introduced, which was considered on the next day. In all, 2288 Cut Motions were received, out of which 39 were disallowed and 2249 were discussed and rejected by the House.

**Obituary references:** During the Session, obituary references were made on the passing away of Shri Makhanlal Jatav, a sitting member of the State Legislative Assembly, Sarvashri Arjan Das, Homi F. Daazi, Dau Hanumant Singh, Ramlakhan Singh, Madan Gopal Singh, Chironjilal Sonkar, Balveer Khanuja, Narsinghdas Goyal, Sunderlal Uraiti, Sukhiram, Umashankar Pathak, Mohd. Yaqoob Rajwani, Chandanmal Banbat, all former members of the State Legislative Assembly and Shri Habib Tanveer, veteran theater artist.

### **MEGHALAYA LEGISLATIVE ASSEMBLY\***

The Fourth Session of the Eighth Meghalaya Legislative Assembly, re-assembled (Budget Session) on 25 May 2009 and was adjourned *sine die* on 3 July 2009. The House was prorogued by the Governor on the same day. There were 12 sittings in all.

**Motion of Confidence:** On 25 May 2009, the new Meghalaya United Alliance Ministry headed by Dr. D.D. Lapang, sworn in earlier on 13 May 2009 moved a Motion of Confidence in the House and the Motion was adopted.

**New Speaker:** On 25 May 2009, Shri Charles Pyngrope was elected unopposed as the new Speaker.

**Motion of Thanks to the Governor's Address:** On 25 May 2009, the House passed the Motion of Thanks to the Governor for his Address to the House delivered on 16 March 2009, following a reply by the Chief Minister.

**Legislative business:** During the Session, the following five Bills

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\* Material contributed by the Meghalaya Legislative Assembly Secretariat.

were introduced, considered and passed by the House: (i) The Industrial Disputes (Meghalaya Amendment) Bill, 2009; (ii) The Meghalaya Appropriation (No. 1) Bill, 2009; (iii) The Meghalaya Appropriation (Vote-on-Account) Bill, 2009 (Relating to "Demands on Account" for a part of the Financial Year 2009-10); (iv) The Meghalaya Appropriation (No. 2) Bill, 2009 and (v) The CMJ University Bill, 2009.

*Financial business:* On 23 June 2009, the Deputy Chief Minister Dr. Mukul Sangma who is also in charge of Finance presented the Annual Financial Statement for the year 2009-2010 to the House.

General Discussion on the Annual Financial Statement was held on 24 and 25 June 2009, thereafter reply to the general discussion on the Annual Financial Statement of the Government was given by the Deputy Chief Minister, in charge of Finance on 25 June 2009.

Voting on Demands for Grants was held on 29 June 2009, 1 and 3 July 2009.

*Obituary references:* During the Session, obituary references were made on the passing away of Shri Shiv Charan Mathur, Governor of Assam.

#### **MIZORAM LEGISLATIVE ASSEMBLY\***

The Sixth Mizoram Legislative Assembly, which commenced its Third Session on 21 July 2009, was adjourned *sine die* on 23 July 2009. There were 2 sittings in all.

*Legislative business:* During the Session, the following four Bills were introduced and passed by the House. (i) The Mizoram Appropriation (No. 3) Bill, 2009; (ii) The Contingency Fund of the State of Mizoram Bill, 2009; (iii) The Mizoram Fiscal Responsibility and Budget Management (Amendment) Bill, 2009; and (iv) The Mizoram Civil Courts (Amendment) Bill, 2009.

*Financial business:* The Chief Minister and Finance Minister, Pu Lal Thanhawla presented the Second Vote on Account for the months of August to November 2009 and the House passed these Demands for the duration.

*Obituary references:* During the Session, obituary references were made on the passing away of Pu J. Lalsangzuala, former Minister, Government of Mizoram and Pu Lalkhawngchinga, a former member of the State Legislative Assembly.

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\* Material contributed by the Mizoram Legislative Assembly Secretariat.

**NAGALAND LEGISLATIVE ASSEMBLY\***

The Fourth Session of the Eleventh Nagaland Legislative Assembly commenced on 7 July 2009 and was adjourned *sine die* on 13 July 2009. The House was prorogued by the Governor on the same day. There were 5 sittings in all.

*Legislative business:* During the Session, the following seven Bills were passed by the House: (i) The Nagaland Motor Vehicles One Time Taxation (3rd Amendment) Bill, 2009; (ii) The Nagaland Retirement from Public Employment (Second Amendment) Bill, 2009; (iii) The Nagaland Fiscal Responsibility and Budget Management (Amendment) Bill, 2009; (iv) The Nagaland Village Councils (Fourth Amendment) Bill, 2009; (v) The Nagaland Government Servants (Transfer and Posting) Bill, 2009; (vi) The Nagaland Appropriation (No. 4) Bill, 2009; and (vii) The Nagaland Appropriation (No.5) Bill, 2009.

*Financial business:* The Chief Minister and Finance Minister, Shri Neiphiu Rio presented the Supplementary Demands for Grants for Regularization of Excess Expenditure for the year 2002-2003; and (ii) The Annual Financial Statement for the year 2009-2010.

Discussion and voting on the Supplementary Demands for Grants for Regularization of Excess Expenditure for the year 2002-2003 and Demand Nos. 16, 18, 22, 28, 35, 38, 42, 43, 49, 58, 61, 62, 64, 65, 67, 69, 73, and 74 without discussion were put to vote and passed.

General Discussion on the Annual Financial Statement for the year 2009-2010 was initiated by Shri I. Imkong in which 16 other members participated.

Discussion and voting on the Demands for Grants for the year 2009-2010 and Cut Motions was taken up.

Demand Nos. 1, 3, 7, 11, 12, 13, 16, 18, 21, 22, 26, 27, 31, 32, 33, 35, 36, 37, 38, 39, 42, 43, 45, 48, 49, 50, 51, 53, 55, 59, 60, 61, 64, 66, 67, 68, 69, 70, 72, 74, 76, 77, 78 and 79, the Cut Motions of which were withdrawn were put to vote and passed.

Cut Motions to the Demands No. 4, 28, 52 and 58 were voted out and the Demands were passed.

Demand Nos. 5, 6, 8, 9, 14, 15, 17, 19, 20, 23, 24, 25, 29, 30, 34, 40, 41, 44, 46, 47, 54, 56, 57, 62, 63, 65, 71 and 73 after being

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\* Material contributed by the Nagaland Legislative Assembly Secretariat

clarified on the Questions raised by members, were put to vote and passed.

*Obituary references:* During the Session, obituary references were made on the passing away of Shri Loknath Mishra, former Governor of Assam and Nagaland and Shri Sethricho, a former member of the State Legislative Assembly.

### **KERALA LEGISLATIVE ASSEMBLY\***

The Eleventh Session of the Twelfth Kerala Legislative Assembly, which commenced on 22 June 2009, was adjourned *sine die* on 24 July 2009. The Governor prorogued the House on the same day. There were 22 sittings in all.

*Resignation of Members:* On 27 May 2009, Prof. K.V. Thomas, from Ernakulam Constituency resigned from the State Legislative Assembly.

On 28 May 2009, Shri K.C. Venugopal (Alleppey Constituency) and Shri K. Sudhakaran (Cannanore Constituency) resigned from the State Legislative Assembly.

*Legislative business:* During the Session, the following 14 Bills were passed by the House: (i) The Kerala Appropriation (No. 2) Bill, 2009; (ii) The Kerala Jewellery Workers Welfare Fund Bill, 2008; (iii) The Kerala Appropriation (No. 3) Bill, 2009; (iv) The Kerala Appropriation (No. 4) Bill, 2009; (v) The Kerala Appropriation (No. 5) Bill, 2009; (vi) The Kerala Appropriation (No. 6) Bill, 2009; (vii) The Kerala Appropriation (No. 7) Bill, 2009; (viii) The Kerala Appropriation (No. 8) Bill, 2009; (ix) The Kerala Appropriation (No. 9) Bill, 2009; (x) The Kerala Appropriation (No. 10) Bill, 2009; (xi) The Kerala Appropriation (No. 11) Bill, 2009; (xii) The Kerala Appropriation (No. 12) Bill, 2009; (xiii) The Kerala Appropriation (No. 13) Bill, 2009; and (xiv) The Kerala Finance Bill, 2009.

*Obituary references:* During the Session, obituary references were made on the passing away of Sarvashri P. Neelakantan, B. Madhavan Nair, C.K. Narayanan Kutty, P.C. Thomas and P. Narayanan Thampi, all former members of the State Legislative Assembly; A.K. Lohithadas, noted director and script writer and Smt. Kamala Surayya, noted literatureur.

The Twelfth Session of the Twelfth Kerala Legislative Assembly,

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\* Material contributed by the Kerala Legislative Assembly Secretariat

which commenced on 8 September 2009, was adjourned *sine die* on 17 September 2009. The Governor prorogued the House on the same day. There were 7 sittings in all.

**Legislative business:** Following nine Bills were passed by the House (i) The Kerala Temporary Stay of Eviction Proceedings (Amendment) Bill, 2009; (ii) The Kerala Land Conservancy (Amendment) Bill, 2009; (iii) The Kerala Cashew Factories (Acquisition) Amendment Bill, 2009; (iv) The Kerala Toddy Workers' Welfare Fund (Amendment) Bill, 2009; (v) The Kerala Panchayat Raj (Second Amendment) Bill, 2009; (vi) The Kerala Municipality (Amendment) Bill, 2009; (vii) The Pampa River Basin Authority Bill, 2009; (viii) The Code of Criminal Procedure (Kerala Amendment) Bill, 2008; and (ix) The Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Amendment Bill, 2009.

**Obituary references:** During the Session, obituary references were made on the passing away of Shri Y.S. Rajasekhara Reddy, Chief Minister of Andhra Pradesh; Sarvashri K.P. Prabhakaran, former Minister, P.K. Gopalakrishnan, former Deputy Speaker and Mercy Ravi, former member of the State Legislative Assembly; Sayed Mohammed Ali Shihab Thangal, State President of the Indian Union Muslim League; Murali and Rajan P. Dev, both Cine and Drama artists.

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**APPENDIX I**

**STATEMENT SHOWING THE WORK  
TRANSACTIONED DURING THE SECOND SESSION OF  
THE FIFTEENTH LOK SABHA**

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1. PERIOD OF THE SESSION	2 July 2009 to 7 August 2009
2. NUMBER OF SITTINGS HELD	26
3. TOTAL NUMBER OF SITTING HOURS	162 hours 11 minutes
4. NUMBER OF DIVISIONS HELD	4
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	Nil
(ii) Introduced	16
(iii) Laid on the Table as passed by Rajya Sabha	2
(iv) Returned by the Rajya Sabha without any amendment/Recommendation and laid on the Table	Nil
(v) Discussed	8
(vi) Passed	8
(vii) Returned by Rajya Sabha without any recommendation	5
(viii) Pending at the end of the Session	10
6. PRIVATE MEMBERS' BILLS	
(i) Pending at the commencement of the Session	Nil
(ii) Introduced	30
(iii) Discussed	1
(iv) Passed	Nil
(v) Part-discussed	1
(vi) Pending at the end of the Session	30
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 184	
(i) Notices received	464
(ii) Admitted	196
(iii) Discussed	1
8. NUMBER OF MATTERS RAISED UNDER RULE 377	322
9. NUMBER OF MATTERS ON URGENT PUBLIC IMPORTANCE RAISED DURING "ZERO HOUR"	280
10. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	
(i) Notices received	100

(ii) Admitted	4
(iii) Discussions held	4
(iv) Part-discussed	1
11. NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling attention to matters of urgent public importance)	3
12. STATEMENTS MADE BY MINISTERS UNDER RULE 372 & DIRECTION 73A	39
13. MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS	Nil
14. STATUTORY RESOLUTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
(v) Negatived	Nil
15. RESOLUTION(S) PLACED BEFORE THE HOUSE BY SPEAKER, LOK SABHA	Nil
16. GOVERNMENT RESOLUTIONS	Nil
17. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	9
(ii) Admitted	9
(iii) Discussed	2
(iv) Adopted	Nil
(v) Withdrawn	1
(vi) Part-discussed	1
(vii) Discussions postponed	Nil
18. GOVERNMENT MOTIONS	
33 Motions for election to Parliamentary Committees and Govt. Bodies	
(i) 28 - Govt. Bodies	
(ii) 3 - Financial Committees (Estimates Committee, Public Accounts Committee and Committee on Public Undertakings)	
(iii) 2 - Other Committees (Scheduled Castes and Tribes Committee and Joint Committee on Office of Profit)	
19. MOTION REGARDING MODIFICATION OF STATUTORY RULES	
(i) Received	Nil
20. NUMBER OF ADJOURNMENT MOTIONS	
(i) Total Number of Notices received	15

(ii) Brought before the House				Nil
(iii) Consent withheld by the Speaker, Lok Sabha outside the House				15
21. NUMBER OF PARLIAMENTARY COMMITTEE(S) CONSTITUTED, IF ANY, DURING THE SESSION				5
	(i) Joint Committee on Installation of Portraits/Statues of National Leaders and Parliamentarians in Parliament House complex;			
	(ii) Estimates Committee;			
	(iii) Public Accounts Committee;			
	(iv) Committee on Public Undertakings; and			
	(v) Scheduled Castes & Scheduled Tribes Committee			
22. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION				13,589 passes
23. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED				833 passes issued on 7 August 2009
24. TOTAL NUMBER OF QUESTIONS ADMITTED				
(i) Starred				500
(ii) Starred Questions answered orally				87
(iii) Un-starred				4,894
				(Excluding 2 Un-starred Questions deleted)
(iv) Short Notice Questions				Nil
(v) Half-an-Hour discussions				Nil
25. PETITIONS PRESENTED				Nil
26. NUMBER OF NEW MEMBERS SWORN IN WITH DATE				One on 7 July 2009
27. NUMBER OF PRIVILEGE MOTIONS				
(i) Notices received				7
(ii) Brought before the House				Nil
(iii) Consent withheld by Speaker				Nil
(iv) Observation made by Speaker				Nil
28. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED IN LOK SABHA	Original	Action Taken	Study Tour	
i) Estimates Committee	Nil	—	—	
ii) Public Accounts Committee	Nil	—	—	
iii) Committee on Public Undertakings	Nil	—	—	
iv) Business Advisory Committee	5	—	—	
v) Committee on Absence of Members from the sittings of the House	Nil	—	—	

vi) Committee on Subordinate Legislation	Nil	—	—
vii) Committee on Petitions	Nil	—	—
viii) Committee on Private Members Bills and Resolutions	Nil	—	—
ix) Committee on Government Assurances	Nil	—	—
x) Committee on the Welfare of Scheduled Castes and Scheduled Tribes Committee	Nil	—	—
xi) Joint Committees:			
i) Office of Profit	Nil	—	—
ii) Papers Laid on the Table	Nil	—	—
iii) Any other Joint Committee constituted from time to time	Nil	—	—
xii) Rules Committee	Nil	—	—
xiii) Railway Convention Committee	Nil	—	—
xiv) Committee on Privileges	Nil	—	—
xv) Committee on Ethics	Nil	—	—

**Co-ordination Cell**

29. NUMBER OF REPORTS OF DEPARTMENTALLY-RELATED STANDING COMMITTEES PRESENTED IN LOK SABHA	Original	Action Taken	Study Tour
i) Committee on Agriculture	Nil	—	—
ii) Committee on Information and Technology	Nil	—	—
iii) Committee on Defence	Nil	—	—
iv) Committee on Energy	Nil	—	—
v) Committee on External Affairs	Nil	—	—
vi) Committee on Finance	Nil	—	—
vii) Committee on Food, Consumer Affairs and Public Distribution	Nil	—	—
viii) Committee on Labour	Nil	—	—
ix) Committee on Petroleum and Natural Gas	Nil	—	—
x) Committee on Railways	Nil	—	—
xi) Committee on Urban Development	1	—	—
xii) Committee on Water Resources	Nil	—	—
xiii) Committee on Chemicals and Fertilizers	Nil	—	—
xiv) Committee on Rural Development	Nil	—	—
xv) Committee on Coal and Steel	Nil	—	—
xvi) Committee on Social Justice and Empowerment	Nil	—	—



30. COMMITTEE ON MEMBER OF PARLIAMENT LOCAL AREA DEVELOPMENT SCHEME (MPLADS)	Nil	—	—
31. COMMITTEE ON EMPOWERMENT OF WOMEN	Nil	—	—
32. NUMBER OF REPORTS OF DEPARTMENTALLY-RELATED STANDING COMMITTEES PRESENTED IN RAJYA SABHA	Original	Action Taken	Study Tour
i) Committee on Commerce	3	—	—
ii) Committee on Home Affairs	Nil	—	—
iii) Committee on Human Resource Development	Nil	—	—
iv) Committee on Industry	Nil	—	—
v) Committee on Science & Technology Environment & Forests	Nil	—	—
vi) Committee on Transport, Tourism & Culture	Nil	—	—
vii) Committee on Health and Family Welfare	Nil	—	—
viii) Committee on Personnel, Public Grievances, Law and Justice	Nil	—	—
33. WORKING OF PARLIAMENTARY COMMITTEES			

Sl. No.	Name of the Committee	No. of sittings held during the period 1 July to 30 September 2009*	No. of Reports presented
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*	—	—
iv)	Committee on Estimates*	—	—
v)	Committee on Ethics*	—	—
vi)	Committee on Government Assurances*	—	—
vii)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	Nil	Nil
viii)	Committee on Papers Laid on the Table*	—	—
ix)	Committee on Petitions	Nil	Nil
x)	Committee on Private Members' Bills and Resolutions*	—	—
xi)	Committee of Privileges*	—	—

xii) Committee on Public Accounts	1	Nil
xiii) Committee on Public Undertakings	3	Nil
xiv) Committee on Subordinate Legislation*	—	—
xv) Committee on the Welfare of Scheduled Castes and Scheduled Tribes*	—	—
xvi) General Purposes Committee	Nil	Nil
xvii) House Committee*	—	—
(a) Accommodation Sub-Committee	—	—
(b) Sub-Committee on Amenities	—	—
xviii) Library Committee*	—	—
xix) Railway Convention Committee	Nil	Nil
xx) Rules Committee	Nil	Nil
<b>Joint / Select Committee</b>		
i) Joint Committee on Offices of Profit*	—	—
ii) Joint Committee on Salaries and Allowances of Members of Parliament*	—	—
<b>Departmentally-Related Standing Committees</b>		
i) Committee on Agriculture	4	Nil
ii) Committee on Chemicals and Fertilizers*	—	—
iii) Committee on Coal & Steel	3	Nil
iv) Committee on Defence	2	Nil
v) Committee on Energy*	—	—
vi) Committee on External Affairs	1	Nil
vii) Committee on Finance*	—	—
viii) Committee on Food, Consumer Affairs and Public Distribution*	—	—
ix) Committee on Information Technology*	—	—
x) Committee on Labour*	—	—
xi) Committee on Petroleum & Natural Gas*	—	—
xii) Committee on Railways	2	Nil
xiii) Committee on Rural Development*	—	—
xiv) Committee on Social Justice & Empowerment	1	Nil
xv) Committee on Urban Development	1	1
xvi) Committee on Water Resources*	—	—

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\* Information not received from the Committees/Branches

**CELL ON PARLIAMENTARY FORUM**

Sl. No.	Name of Forum	No. of Meetings held during the period 1 July to 30 September 2009	No. of lectures held
1.	Parliamentary Forum on Children	Nil	—
2.	Parliamentary Forum on Water Conservation and Management	Nil	—
3.	Parliamentary Forum on Youth	Nil	—
4.	Parliamentary Forum on Population & Public Health	Nil	—

APPENDIX II

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

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1. PERIOD OF THE SESSION	2 July to 7 August 2009
2. NUMBER OF SITTINGS HELD	26 days
3. TOTAL NUMBER OF SITTING HOURS	147 Hours 27 minutes
4. NUMBER OF DIVISIONS HELD	5
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	37
(ii) Introduced	1
(iii) Laid on the Table as passed by the Lok Sabha	6
(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	Nil
(viii) Reported by Select Committee	Nil
(ix) Reported by Joint Committee	Nil
(x) Reported by the Department-related Standing Committees	2
(xi) Discussed	8
(xii) Passed	8
(xiii) Withdrawn	Nil
(xiv) Negatived	Nil
(xv) Part-discussed	Nil
(xvi) Returned by the Rajya Sabha without any Recommendation	Nil
(xvii) Discussion postponed	Nil
(xviii) Pending at the end of the Session	36
6. PRIVATE MEMBERS BILLS	
(i) Pending at the commencement of the Session	144

(ii) Introduced	Nil
(iii) Laid on the Table as passed by the Lok Sabha	Nil
(iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Withdrawn	1
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	41
(xvi) Pending at the end of the Session	161
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)</b>	
(i) Notices received	94
(ii) Admitted	4
(iii) Discussions held	4
<b>NUMBER OF STATEMENT MADE UNDER RULE 180 (Calling Attention to Matters of Urgent Public Importance)</b>	
<b>8. STATEMENT MADE BY MINISTERS</b>	9
<b>9. HALF-AN-HOUR DISCUSSIONS HELD</b>	
<b>10. STATUTORY RESOLUTIONS</b>	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
(v) Negatived	Nil
(vi) Withdrawn	Nil
<b>11. GOVERNMENT RESOLUTIONS</b>	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil

(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTION	
(i) Received	26
(ii) Admitted	15
(iii) Discussed	1
(iv) Withdrawn	1
(vi) Negatived	Nil
(vii) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion Postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved & discussed	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	105
(ii) Admitted	88
(iii) Moved	1
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	1
(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	620
18. TOTAL NUMBER OF VISITORS	1386
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	84 (on 19.2.2009)
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	283 (on 24.2.2009)
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	160
(ii) Unstarred	1166
(iii) Short-Notice Questions	Nil
22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES	Nil
23. WORKING OF PARLIAMENTARY COMMITTEES	

Sl. No.	Name of the Committee	No. of meetings held during the period 1 July to 30 September 2009	No. of Reports presented
1	2	3	4
(i)	Business Advisory Committee	2	Nil
(ii)	Committee on Subordinate Legislation	4	3
(iii)	Committee on Petitions	6	2
(iv)	Committee of Privileges	1	Nil
(v)	Committee on Rules	Nil	Nil
(vi)	Committee on Government Assurances	Nil	Nil
(vii)	Committee on Papers Laid on the Table	2	Nil
(viii)	General Purposes Committee	Nil	Nil
(ix)	House Committee	1	Nil
<b>Department-related Standing Committees :</b>			
(x)	Commerce	1	Nil
(xi)	Home Affairs	6	6
(xii)	Human Resource Development	2	1
(xiii)	Industry	1	Nil
(xiv)	Science and Technology, Environment and Forests	6	2
(xv)	Transport, Tourism and Culture	4	2
(xvi)	Health and Family Welfare	2	1
(xvii)	Personnel, Public Grievances, Law and Justice	3	2

**Other Committees**

(xviii) Committee on Ethics	2	1
(xix) Committee on Provision of Computers Equipment to Members of Rajya Sabha	Nil	Nil
(xx) Committee on Member of Parliament Local Area Development Scheme	1	Nil
(xxi) Joint Parliamentary Committee on the Functioning of Wakf Boards	1	Nil
24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	4	
25. PETITIONS PRESENTED	Nil	
26. NAME OF NEW MEMBERS SWORN-IN WITH DATES		

S. No.	Name of Members sworn-in	Party Affiliation	Date on which sworn-in
1.	2	3	4
1.	Shri Narendra Singh Tomer	BJP	12.2.2009
2.	Prof. Saif-ud-Din Soz	INC	16.2.2009
3.	Shri Ghulam Nabi Azad	INC	-do-
4.	Dr. Garooq Abdullah	J&K National Conference	18.2.2009
5.	Shri Muhammad Shafi	-do-	-do-

**27. OBITUARY REFERENCES**

S. No.	Name	Sitting Member/ Ex-Member
1.	Shrimati Krishna Kaul	Ex-Member
2.	Shri Rishi Kumar Mishra	-do-
3.	Shri E. Balanandan	-do-
4.	Shri Lakkhiram Agarwal	-do-
5.	Shri Ranbir Singh	-do-
6.	Shri Sudhir Ranjan Mazumdar	-do-



**APPENDIX III**  
**STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD FROM 1 JULY TO 30 SEPTEMBER 2009**

Legislature	Duration	Sittings	Govt. Bills [Introduced (Passed)]	Private Bills [Introduced (Passed)]	Starred Questions [Received (admitted)]	Unstarred Questions [Received (admitted)]	Short Notice Questions [Received (admitted)]
	2	3	4	5	6	7	8
<b>STATES</b>							
Andhra Pradesh L.A.**	—	—	—	—	—	—	—
Andhra Pradesh L.C.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.**	—	—	—	—	—	—	—
Assam L.A.	5.9.2009 to 5.9.2009	1	—	—	—	—	—
Bihar L.A.	26.6.2009 to 30.7.2009	21	8(8)	—	2,462(1,798)	453(291)	155(80)
Bihar L.C.	26.6.2009 to 4.8.2009	25	—(8)	—(—)	1,085(1,082)	—(5)	363(248)
Chhattisgarh L.A.	20.7.2009 to 30.7.2009	8	5(5)	—(—)	661(308)	411(227)	—(—)
Goa L.A.	20.7.2009 to 7.8.2009	15	14(9)	1(—)	804(786)	654(636)	—(—)
Gujarat L.A.	29.6.2009 to 29.7.2009	24	14(14)	2(—)	—(—)	573(371)	4(0)
Haryana L.A.	31.7.2009 to 3.8.2009	2	14(14)	—(—)	52(32)	17(10)	—(—)
Himachal Pradesh L.A.	3.8.2009 to 27.8.2009	17	16(16)	—(—)	717(445)	174(123)	—
Jammu & Kashmir L.A.	27.7.2009 to 1.9.2009	21	8(8)	2(2)	545(497)	413(363)	3(1)
Jammu & Kashmir L.C.	27.7.2009 to 2.9.2009	16	—(8)	1(—)	—	—	—(—)
Jharkhand L.A.	—	—	—	—	—	—	—
Karnataka L.A.	9.7.2009 to 29.7.2009	16	22(22)	—(—)	180(180)	1,033(1,033)	—(—)
	9.9.2009 to 16.9.2009	6	—	—	—	—	—
Karnataka L.C.	9.7.2009 to 30.7.2009	16	22(22)	—(—)	632(167)	255(720)	—(—)
	9.9.2009 to 16.9.2009	6	—	—	—	—	—

Kerala L	22	22.6.2009 to 24.7.2009	13(14)	—(—)	2,945(2,945)	6,553(6,553)	—(—)
Madhya Pradesh L.A.	7	8.9.2009 to 17.9.2009	8(9)	—(—)	1,028(1,028)	1,787(1,787)	—(—)
Maharashtra L.A.	17	6.7.2009 to 28.7.2009	10(10)	—(—)	3,411(1,880)	(2,139)	3,112(—)
Maharashtra L.C.	—	—	—	—	—	—	—
Manipur L.A.**	—	—	—	—	—	—	—
Meghalaya L.A.	12	25.5.2009 to 3.7.2009	5(5)	—	94	103	—
Mizoram L.A.	2	21.7.2009 to 23.7.2009	4(4)	—	73(68)	18(17)	—(—)
Nagaland L.A.	5	7.9.2009 to 13.9.2009	7(7)	—	45(44)	16(16)	—(—)
Orissa L.A.	28	8.6.2009 to 30.7.2009	6(5)	—	2,215(1,568)	1,972(3,282)	5(1)
Punjab L.A.	7	3.7.2009 to 11.7.2009	9(9)	—	272(159)	6(45)①,	1(1)
Rajasthan L.A.	17	7.7.2009 to 28.7.2009	8(8)	—	1,355(1,316)	1,673(1,607)	2(2)
Sikkim L.A.	7	27.7.2009 to 30.7.2009	6(6)	—	(11)	(7)	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—
Tripura L.A.	5	31.8.2009 to 4.9.2009	4(4)	—	452(201)	494(271)	1(—)
Uttarakhand L.A.	10	13.7.2009 to 24.7.2009	5(5)	—	48(20)	—(26)	64(03)
Uttar Pradesh L.A.	4	31.7.2009 to 7.8.2009	19(19)	—	253(193)	301(218)	166(133)
Uttar Pradesh L.C.	7	31.7.2009 to 11.8.2009	—(18)	—(—)	396(85)	78(41)	178(108)
West Bengal L.A.**	—	—	—	—	—	—	—
<b>UNION TERRITORIES</b>							
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

• 413 notices of starred as well as unstarred questions were received. Out of 413, 279 starred questions and 65 unstarred questions were taken up

①, 41 notices of starred questions were admitted as unstarred questions

②, including unstarred



	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.	2	1	1	—	—	—	—	2	2	3	—	1	5(4)	—	—	6 <sup>(a)</sup>
Bihar L.A.	4(4)	8(4)	33(6)	7	—	32	32(1)	14(1)	18(1)	1	7	8	12	—	—	120(6) <sup>(a)</sup>
Bihar L.C.	2(2)	7	7(6)	7(1)	4(1)	32	—	7	18(1)	—	7	—	12	—	—	57(3) <sup>(a)</sup>
Chhattisgarh L.A.	1(1)	3	3	—	—	1	—	3	1	—	1	—	7(30)	—	—	4 <sup>(a)</sup>
Goa L.A.	1(1)	1	3(1)	—	2	1	2	—	—	—	—	—	1	—	—	25(7) <sup>(a)</sup>
Gujarat L.A.	1(1)	2	2	4(4)	1	5(4)	1	9(2)	4	—	4	—	7	—	—	13(2) <sup>(a)</sup>
Haryana L.A.	1(1)	—	13	—	2(1)	15	13	10	12	—	—	9	6	—	—	1 <sup>(a)</sup>
Himachal Pradesh L.A.	2(2)	—	—	—	4	6	4	—	—	—	—	—	10(48)	—	—	28(11) <sup>(a)</sup>
Jammu & Kashmir L.A.	2	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—
Jammu & Kashmir L.C.	2(2)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	3	—	—	1	4	3(2)	4	7	6(1)	—	3	—	2(2)	—	—	16 <sup>(a)</sup>
Karnataka L.C.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala L.A.	4(4)	9(3)	6(1)	7(3)	—(1)	8(8)	5	5	8(2)	—	8	—	—	—	—	62(32) <sup>(a)</sup>
Madhya Pradesh L.A.	3(3)	—	3	2(2)	1	4	4	3	5	—	3	—	4	—	—	4(1) <sup>(a)</sup>
Maharashtra L.A.	—	9	2	—	—	6	10	18(SC-9)	13	—	—	—	—	6	—	—
43 <sup>(a)</sup>								(ST-9)								
Maharashtra L.C.	—	10	—	—	2	6	10	18(SC-9)	12	—	—	—	—	6	—	—
43 <sup>(a)</sup>								(ST-9)								
Manipur L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A.	2	3	6	—	2	3	6	9	2	—	—	2	2	—	—	5 <sup>(a)</sup>
Mizoram L.A.	—	2	1	—	1	1	4	—	—	—	2	—	7	—	—	3 <sup>(a)</sup>
Nagaland L.A.	1	—	—	—	—	2	—	—	—(3)	—	—	—	1	—	—	—
Orissa L.A.	5(4)	2	4	—	—	3	3	3	3	—	1	3	4	—	—	—

Punjab L.A.	1(1)	13	12	—	8	11	8	13	1	1(1)	1	9	12	—	30 <sup>(a)</sup>	
Rajasthan L.A.	4(4)	7	14	—	17	15	8	8+11	15+12	—	11	13	15	—	35(3) <sup>(a)</sup>	
	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Sikkim L.A.	—	—	—	—	—	—	—	—	—	—	—	—	5	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A.	1(1)	2	2	—	1	2	1	—	—	—	—	1	3(1)	—	—	—
Uttarakhand L.A.	8	4(1)	—	—	—	—	—	2	3	—	—	—	—	—	—	—
Uttar Pradesh L.A.	5(5)	11	—	—	—	—	1(1)	6	6(1)	—	—	—	5	—	5 <sup>(b)</sup>	—
Uttar Pradesh L.C.	4	8	7	—	5	—	—	—	—	—	—	—	4	—	75 <sup>(a)</sup>	—
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>UNION TERRITORIES</b>																
Delhi L.A.	—	5	—	—	1	1	1	2	2	—	—	—	1	—	—	4 <sup>(b)</sup>
Puduchery L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

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

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

● does not exist

- a) Employment Review Committee-2; OBC & MOBC Committee-1; Act Implementation Committee-2; and Member Amin Ethic Committee-1
- b) Aachar Committee-1; Women and Child Welfare Committee-8; Agricultural and development Industries Committee-9; Members Fund Monitoring and Implementation Committee-11; Tourism Development Committee-8; Question and Calling Attention Committee-9; Zila Parishad & Panchayati Raj Committee-8; Internal Resources Committee-19; Nivedan Committee-39; and Zero Hour Committee-8;
- c) Human Rights Committee-7; Committee on Questions and Calling Attention-7; Nivedan Committee-7; Committee on State Language-7; Committee on Zila Parishad and Panchayati Raj-8; Committee on Papers Laid on the Table-7; and Implementation Committee-7
- d) Question and Reference Committee-1; Committee relating to the Examination of the Papers Laid on the Table-3; and Women & Child Welfare-Nil
- e) Select Committee on the Goa Succession, Special Notaries and Inventory Proceeding Bill, 2008-4; Select Committee on the Goa Cooperative Societies Model Act, 2009-1; Ad hoc Committee on Home-3; Ad hoc Committee on Sports, Education and Information Technology-2; Ad hoc Committee on Industries and Tourism-2; Ad hoc Committee on PWD, Panchayats and Transport-3; Ad hoc Committee on Health and Social Welfare-2; Ad hoc Committee on Law-2; Ad hoc Committee on Finance-2; and Ad hoc Committee on Agriculture and Forest-4

- f) **Members' Pay and Allowance Rules Committee-1; Panchayati Raj Committee-5; Welfare of Socially and Educationally Backward Classes Committee-2; Paper Laid on the Table Committee-4; and Committee on Absence of Members-1**
- g) **Committee on Haryana Vidhan Sabha on Yamuna Accords-1**
- h) **Welfare Committee-9; Public Administration Committee-5; Human Development Committee-5; General Development Committee-5; and Rural Planning Committee-4**
- i) **Library Sub-Committee-Nii; Committee on Welfare of Women and Children-5; Committee on Papers Laid on the Table-6; Committee on Welfare of Backward Classes and Minorities-2; and Joint House Committee (Bangalore International Air Port)-3**
- j) **Committee on Welfare of Women and Children and Physically Handicapped-8; Committee on Environment-9; Committee on Welfare of Backward Class Communities-7; Committee on Official Language-8; Committee on Papers Laid on the Table-6; and Committee on Local Fund Accounts-7; and Subject Committees-I-X-17**
- k) **Question and Reference Committee-2; Committee on Welfare of Women and Children-1; and Committee on Paper Laid on the Table-1**
- l) **Committee on Welfare of Vimukta Jatis and Nomadic Tribes (VJNT)-8; Committee on Employment Guarantee Scheme-6; Panchayati Raj Committee-12; Catering Committee-2; Committee on Rights and Welfare of Women-4; and Committee on Welfare of Backward Classes-11;**
- m) **Committee on Welfare of Vimukta Jatis and Nomadic Tribes (VJNT)-8; Committee on Employment Guarantee Scheme-6; Panchayati Raj Committee-12; Catering Committee-2; Committee on Rights and Welfare of Women-4; and Committee on Welfare of Other Backward Classes-11;**
- n) **Committee on Empowerment of Women-5**
- o) **Subject Committee-IV-1; Subject Committee-I-1; and Joint Sitting of Financial Committee-1**
- p) **Committee on Papers Laid/to be laid on the Table of the House-9; Committee on Questions and References-13; Committee on Local Bodies & Panchayati Raj Institutions-7; and Committee of the House to Examine Pollution being created by Sugar Mills and Distilleries in the State-1**
- q) **Committee on Welfare of Women and Child-10; Question and Reference Committee-9; Committee on Welfare of Backward Class-16**
- r) **Committee on Parliamentary Research Reference Studies-1; and Committee Relating to Examination of Audit Reports of the Local Bodies of the State-4**
- s) **Committee on Reference and Question-13; Committee on Financial and Administrative Delays-4; Committee on Parliamentary Study-6; Committee on Enquiry of Housing Complaints of U.P. Legislature-6; Parliamentary and Social Welfare Committee-5; Committee on Control of Irregularities in Development Authorities, Housing Board, Jila Panchayats and Municipal Corporation-5; Committee on Enquiry of Provincial Electricity Management-12; Committee on Regulation Review-4; Committee on Enquiry of Ragging in Colleges/Engineering institution in Provincial-3; Daivee Aapda Prabandhan Samiti-6; and Committee on Commercialization of Education-1; and Committee on Enquiry of Universities/Degree Colleges which is established Legally in Province-10**
- t) **Committee on Women and Child Welfare-1; Committee on Environment-1; Committee on paper Laid on the Table-1; and Committee on Members' Salary and Allowances-1**

**APPENDIX IV****LIST OF BILLS PASSED BY THE HOUSES OF  
PARLIAMENT AND ASSENTED TO BY THE  
PRESIDENT DURING THE PERIOD****1 JULY TO 30 SEPTEMBER 2009**

<b>Sl. No.</b>	<b>Title of the Bill</b>	<b>Date of Assent by the President</b>
1.	The Appropriation (Railways) No. 3 Bill, 2009	15.7.2009
2.	The Appropriation (No. 2) Bill, 2009	20.7.2009
3.	The Jharkhand Appropriation (No.2) Bill, 2009	22.7.2009
4.	The Appropriation (No. 3) Bill, 2009	29.7.2009
5.	The Finance (No.2) Bill, 2009	19.8.2009
6.	The Metro Railways (Amendment) Bill, 2009	26.8.2009
7.	The Right of Children to Free and Compulsory Education Bill, 2009	26.8.2009

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

**1 JULY TO 30 SEPTEMBER 2009**

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**BIHAR LEGISLATIVE ASSEMBLY**

1. The Bihar Land Reform (Fixation of Ceiling Area and Acquisition of Surplus land (Amendment) Bill, 2009
2. The Bihar Non Government Secondary School (Taking over of Management and Control) (Amendment) Bill, 2009
3. The Bihar Municipal (Amendment) Bill, 2009
4. The Bihar Land Tribunal Bill, 2009
5. The Bihar Panchayat Raj (Amendment) Bill, 2009
6. The Appropriation (No.2) Bill, 2009
7. The Bihar Appropriation (No.3) Bill, 2009
8. The Bihar Contingency Fund (Amendment) Bill, 2009

**BIHAR LEGISLATIVE COUNCIL**

1. The Appropriation (No.2) Bill, 2009
2. The Bihar Appropriation (No.3) Bill, 2009
3. The Bihar Municipal (Amendment) Bill, 2009
4. The Bihar Non Government Secondary School (Taking over of Management and Control) (Amendment) Bill, 2009
5. The Bihar Land Reform (Fixation of Ceiling Area and Acquisition of Surplus land (Amendment) Bill, 2009
6. The Bihar Panchayat Raj (Amendment) Bill, 2009
7. The Bihar Contingency Fund (Amendment) Bill, 2009
8. The Bihar Land Tribunal Bill, 2009

**CHHATTISGARH LEGISLATIVE ASSEMBLY**

1. The Chhattisgarh Nagarpalik Nigam (Sansodhan) (No.5) Bill, 2009
2. The Chhattisgarh Nagarpalika (Sansodhan) (No.6) Bill, 2009
3. The Chhattisgarh Appropriation (No.3) Bill, 2009
4. The Chhattisgarh Swami Vivekanand Takniki Vishvavidyalaya (Sansodhan) (No.7) Bill, 2009
5. The Chhattisgarh Vidhan Sabha Sadsya Vetan, Bhatta tatha Pension (Sansodhan) (No.9) Bill, 2009

**GOA LEGISLATIVE ASSEMBLY**

1. The Goa Appropriation (No.3) Bill, 2009



2. The Goa Appropriation (No.4) Bill, 2009
3. The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Third Amendment) Bill, 2009
4. The Goa Agricultural Tenancy (Amendment) Bill, 2009
5. The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 2009
6. The Goa Land Revenue (Amendment) Bill, 2009\*
7. The Goa Land Use (Regulation) (Amendment) Bill, 2009
8. The Goa (Recovery of Arrears of Tax through Settlement) Bill, 2009
9. The Goa Civil Courts (Amendment) Bill, 2009
10. The Goa University (Amendment) Bill, 2009
11. The Goa Tax on Infrastructure Bill, 2009
12. The Goa Town and Country Planning (Amendment) Bill, 2009
13. The Goa Tax on Luxuries (Eleventh Amendment) Bill, 2009
14. The Goa Panchayat Raj (Amendment) Bill, 2009\*

#### **GUJARAT LEGISLATIVE ASSEMBLY**

1. The Nirma University of Science and Technolgy (Amendment) Bill, 2009
2. The Sardar Patel University (Amendment) Bill, 2009
3. The Gujarat Repealing Bill, 2009
4. The Gujarat Private Universities Bill, 2009
5. The Kamdhenu University Bill, 2009
6. The Gujarat Fiscal Responsibility (Amendment) Bill, 2009
7. The Bombay Prohibition (Gujarat Amendment) Bill, 2009\*
8. The Gujarat Prohibition of Transfer of Immovable Property and Provision for protection of Tenants from Eviction from Premises in Disturbed Areas (Amendment) Bill, 2009\*
9. The Raksha Shakti University Bill, 2009
10. The Gujarat Entertainments Tax (Amendment) Bill, 2009
11. The Gujarat Value Added Tax (Amendment) Bill, 2009
12. The Children's University Bill, 2009
13. The Gujarat Appropriation Bill, 2009
14. The Gujarat Control of Terrorism and Organized Crime Bill, 2003\*\*

#### **HARYANA LEGISLATIVE ASSEMBLY**

1. The Haryana Police (Amendment) Bill, 2009\*
2. The Haryana Public Service Commission (Additional Functions) Amendment Bill, 2009
3. The Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Haryana Validation Bill, 2009
4. The Haryana Appropriation (No.3) Bill, 2009
5. The Haryana Fiscal Responsibility and Budget Management (Amendment) Bill, 2009
6. The Haryana Municipal (Amendment) Bill, 2009

7. The Haryana Municipal Corporation (Second Amendment) Bill, 2009
8. The Deen Bandhu Chhotu Ram University of Science and Technology Murthal (Amendment) Bill, 2009
9. The Haryana Co-operative Societies (Amendment) Bill, 2009\*
10. The Haryana Urban Development Authority (Amendment) Bill, 2009\*
11. The Haryana Development and Regulation of Urban Areas (Second Amendment) Bill, 2009
12. The Court Fees (Haryana Amendment) Bill, 2009
13. The Haryana Private Universities (Third Amendment) Bill, 2009\*
14. The YMCA University of Science and Technology Faridabad Bill, 2009

#### **HIMACHAL PRADESH LEGISLATIVE ASSEMBLY**

1. The Himachal Pradesh Electricity (Duty) Bill, 2009
2. The Himachal Pradesh Educational Institutions (Prohibition of Ragging) Bill, 2009
3. The Shoolini University of Biotechnology and Management Sciences (Establishment and Regulation) Bill, 2009
4. The Baddi University of Emerging Sciences and Technology (Establishment and Regulation) Bill, 2009
5. The Manav Bharti University (Establishment and Regulation) Bill, 2009
6. The Arni University (Establishment and Regulation) Bill, 2009
7. The H.P. Courts (Amendment) Bill, 2009
8. The Indian Forest (H.P. Amendment) Bill, 2009
9. The H.P. Land Revenue (Amendment) Bill, 2009
10. The Shimla Road Users and Pedestrians (Public Safety and Convenience) Amendment Bill, 2009
11. The H.P. Value Added Tax (Amendment) Bill, 2009
12. The H.P. Public Premises and Land (Eviction and Rent Recovery) Bill, 2009
13. The Salaries and Allowances of Ministers (H.P. Amendment Bill, 2009)
14. The H.P. Legislative Assembly Speaker's and Deputy Speaker's Salaries (Amendment) Bill, 2009
15. The H.P. Parliamentary Secretaries (Appointment, Salaries, Allowances, Powers, Privileges and Amenities) (Amendment) Bill, 2009
16. The H.P. Legislative Assembly (Allowances and Pension of Members) Amendment Bill, 2009

#### **JAMMU AND KASHMIR LEGISLATIVE COUNCIL**

1. The Jammu and Kashmir Consumer Protection (Amendment) Bill, 2009
2. The Code of Criminal Procedure (Amendment) Bill, 2009\*
3. The Jammu and Kashmir Homeopathic Practitioners (Amendment) Bill, 2009
4. The Code of Criminal Procedure (Second Amendment) Bill, 2009\*
5. The Jammu and Kashmir State Legislature (Prevention and Disqualification) (Amendment) Bill, 2009\*
6. The Jammu and Kashmir State Finance Commission Bill, 2009
7. The Jammu and Kashmir Presiding Officers and Deputy Presiding Officers Salaries and Allowances (Amendment) Bill, 2009

## 8. The Jammu and Kashmir Appropriation (No.3) Bill, 2009

**KARNATAKA LEGISLATIVE ASSEMBLY**

1. The Indian Penal Code and the Code of Criminal Procedure (Karnataka Amendment) Bill, 2009
2. The Karnataka Essential Services Maintenance Bill, 2009
3. The Universities of Agricultural Science Bill, 2009
4. The Universities of Horticultural Sciences Bill, 2009
5. The Karnataka Control of Organised Crimes (Amendment) Bill, 2009
6. The Karnataka Land Revenue (Amendment) (No.15) Bill, 2009
7. The Karnataka Land Revenue (Amendment) (No.16) Bill, 2009
8. The Karnataka Rajya Sangeetha Mattu Pradarshaka Kalegala Vishwavidyalaya Bill, 2009
9. The Karnataka Forest (Amendment) Bill, 2009
10. The Bangalore Water Supply and Sewerage (Amendment) Bill, 2009
11. The Karnataka Civil Courts (Amendment) Bill, 2009
12. The Karnataka Khadi and Village Industries (Amendment) Bill, 2009
13. The Karnataka Municipalities and Certain other Law (Amendment) Bill, 2009
14. The Karnataka Municipal Corporations (Amendment) Bill, 2009
15. The Karnataka Appropriation (No.2) Bill, 2009
16. The Karnataka State Universities (Amendment) Bill, 2009
17. The Karnataka Appropriation (No.3) Bill, 2009
18. The Karnataka Stamp (Second Amendment) Bill, 2009
19. The Karnataka Fiscal Responsibilities (Second Amendment) Bill, 2009
20. The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Gundas, Immoral Traffic Offenders and Slum grabbers (Amendment) Bill, 2009
21. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 2009
22. The Karnataka Legislature Salaries, Pensions and Allowances (Second Amendment) Bill, 2009

**KARNATAKA LEGISLATIVE COUNCIL**

1. The Indian Penal Code and the Code of Criminal Procedure (Karnataka Amendment) Bill, 2009
2. The Karnataka Essential Services Maintenance Bill, 2009
3. The Universities of Agricultural Sciences Bill, 2009
4. The Universities of Horticultural Sciences Bill, 2009
5. The Karnataka Control of Organised Crimes (Amendment) Bill, 2009
6. The Karnataka Land Revenue (Amendment) (No.15) Bill, 2009
7. The Karnataka Land Revenue (Amendment) (No.16) Bill, 2009
8. The Karnataka Rajya Sangeetha Mattu Pradarshaka Kalegala Vishwavidyalaya Bill, 2009
9. The Karnataka Forest (Amendment) Bill, 2009

10. The Bangalore Water Supply and Sewerage (Amendment) Bill, 2009
11. The Karnataka Civil Courts (Amendment) Bill, 2009
12. The Karnataka Khadi and Village Industries (Amendment) Bill, 2009
13. The Karnataka Municipalities and Certain other Law (Amendment) Bill, 2009
14. The Karnataka Municipal Corporations (Amendment) Bill, 2009
15. The Karnataka Appropriation (No.2) Bill, 2009
16. The Karnataka State Universities (Amendment) Bill, 2009
17. The Karnataka Appropriation (No.3) Bill, 2009
18. The Karnataka Stamp (Second Amendment) Bill, 2009
19. The Karnataka Fiscal Responsibilities (Second Amendment) Bill, 2009
20. The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Gundas, Immoral Traffic Offenders and Slum Grabbers (Amendment) Bill, 2009
21. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 2009
22. The Karnataka Legislature Salaries, Pensions and Allowances (Second Amendment) Bill, 2009

**KERALA LEGISLATIVE ASSEMBLY**

1. The Kerala Appropriation (No.2) Bill, 2009
2. The Kerala Jewellery Workers' Welfare Fund Bill, 2009
3. The Kerala Appropriation (No.3) Bill, 2009
4. The Kerala Appropriation (No.4) Bill, 2009
5. The Kerala Appropriation (No.5) Bill, 2009
6. The Kerala Appropriation (No.6) Bill, 2009
7. The Kerala Appropriation (No.7) Bill, 2009
8. The Kerala Appropriation (No.8) Bill, 2009
9. The Kerala Appropriation (No.9) Bill, 2009
10. The Kerala Appropriation (No.10) Bill, 2009
11. The Kerala Appropriation (No.11) Bill, 2009
12. The Kerala Appropriation (No.12) Bill, 2009
13. The Kerala Appropriation (No.13) Bill, 2009
14. The Kerala Finance Bill, 2009
15. The Kerala Temporary Stay of Eviction Proceedings (Amendment) Bill, 2009
16. The Kerala Land Conservancy (Amendment) Bill, 2009
17. The Kerala Cashew Factories (Acquisition) Amendment Bill, 2009
18. The Kerala Toddy Workers' Welfare Fund (Amendment) Bill, 2009
19. The Kerala Panchayat Raj (Second Amendment) Bill, 2009
20. The Kerala Municipality (Amendment) Bill, 2009
21. The Pampa River Basin Authority Bill, 2009
22. The Code of Criminal Procedure (Kerala Amendment) Bill, 2008
23. The Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Amendment Bill, 2009

**MADHYA PRADESH LEGISLATIVE ASSEMBLY**

1. The Madhya Pradesh Bana Upaja Vyapara Biniyaman Sanshodhan Vidheyak, 2009
2. The Madhya Pradesh Vishwavidyalaya Sanshodhan, 2009
3. The Mahatama Gandhi Chitrakut Gramodaya Vishwavidyalaya Sanshodhan, 2009
4. The Madhya Pradesh Bhoja (Mukta) Vishwavidyalaya Sanshodhan Vidheyak, 2009
5. The Rajstrikaran (Madhya Pradesh Sanshodhan) Vidheyak, 2009
6. The Madhya Pradesh Viniyog (Kramank-3) Vidheyak, 2009
7. The Madhya Pradesh Vat (Sanshodhan) Vidheyak, 2009
8. The Madhya Pradesh Manoranjan Shuk Tatha Bigyapan Kar (Sanshodhan) Vidheyak, 2009
9. The Jawaharlal Nehru Krushi Vishwavidyalaya (Sanshodhan) Vidheyak, 2009
10. The Madhya Pradesh Pashu Chikitsa Vigyan Vishwavidyalaya Vidheyak, 2009

**MEGHALAYA LEGISLATIVE ASSEMBLY**

1. The Industrial Disputes (Meghalaya Amendment) Bills, 2009
2. The Meghalaya Appropriation (No.1) Bill, 2009
3. The Meghalaya Appropriation (Vote-on-Account) Bill, 2009
4. The Meghalaya Appropriation (No.II) Bill, 2009
5. The C.M.J. University Bill, 2009

**MIZORAM LEGISLATIVE ASSEMBLY**

1. The Mizoram Civil Courts (Amendment) Bill, 2009
2. The Contingency Fund of the State of Mizoram Bill, 2009
3. The Mizoram Fiscal Responsibility and Budget Management (Amendment) Bill, 2009
4. The Mizoram Appropriation (No.3) Bill, 2009

**NAGALAND LEGISLATIVE ASSEMBLY**

1. The Nagaland Motor Vehicles One Time Taxation (3<sup>rd</sup> Amendment) Bill, 2009
2. The Nagaland Fiscal Responsibility and Budget Management (Amendment) Bill, 2009
3. The Nagaland Village Councils (Fourth Amendment) Bill, 2009
4. The Nagaland Government Servants (Transfer and Posting) Bill, 2009

**ORISSA LEGISLATIVE ASSEMBLY**

1. The Shri Shri University Bill, 2009
2. The Vedanta University Bill, 2009
3. The Code of Criminal Procedure (Orissa Amendment) Bill, 2009
4. The Orissa Government Land Settlement (Amendment) Bill, 2009
5. The Orissa Appropriation Bill, 2009

**PUNJAB LEGISLATIVE ASSEMBLY**

1. The East Punjab Minister's Salaries (Amendment) Bill, 2009\*
2. The Salaries and Allowances of Deputy Ministers, Punjab (Amendment) Bill, 2009\*
3. The Indian Stamp (Punjab Amendment) Bill, 2009\*
4. The Punjab Police (Amendment) Bill, 2009\*
5. The Punjab Appropriation (No.2) Bill, 2009\*
6. The Court Fees (Punjab Amendment) Bill, 2009\*
7. The Punjab Special Economic Zones Bill, 2009\*
8. The Punjab School Teacher's Re-employment (Repeal) Bill, 2009\*
9. The Industrial Disputes (Punjab Second Amendment) Bill, 2009\*

**RAJASTHAN LEGISLATIVE ASSEMBLY**

1. The Rajasthan Finance Bill, 2009
2. The Rajasthan Appropriation (No.4) Bill, 2009
3. The Rajasthan Compulsory Registration of Marriage Bill, 2009
4. The Rajasthan Agriculture University, Bikaner (Change of Name) Bill, 2009
5. The Rajasthan Court Fees and Suits Valuation (Amendment) Bill, 2009
6. The Rajasthan Municipalities Bill, 2009
7. The Rajasthan Agricultural Produce markets (Amendment) Bill, 2009
8. The Rajasthan Panchayati Raj (Amendment) Bill, 2009

**SIKKIM LEGISLATIVE ASSEMBLY**

1. The Sikkim Road Reserve (Protection and Preservation) Bill, 2009
2. The Sikkim Cooperative Societies (Amendment) Bill, 2009
3. The Sikkim Online Gaming (Regulation) Amendment Bill, 2009
4. The Sikkim Municipalities (Amendment) Bill, 2009
5. The Sikkim Appropriation Bill, 2009 (for Excess Demands for Grants 2004-05)
6. The Sikkim Appropriation Bill, 2009 (for Demands for Grants 2009-10)

**TRIPURA LEGISLATIVE ASSEMBLY**

1. The Salaries, Allowances, Pensions and other Benefits of the Ministers, Speaker, Deputy Speaker, Leader of Opposition, Government Chief Whip and the Members of the Legislative Assembly (Tripura) (Amendment) Bill, 2009
2. The Tripura Motor Vehicle Tax (Seventh Amendment) Bill, 2009
3. The Tripura Panchayat (Fourth Amendment) Bill, 2009
4. The Tripura Co-operative Societies (Second Amendment) Bill, 2009

**UTTARAKHAND LEGISLATIVE ASSEMBLY**

1. The Uttarakhand [The Uttar Pradesh Cane (Regulation of Supply and Purchase) Act, 1953 (Amendment) Bill, 2009
2. The Uttarakhand Appropriation Bill, 2009
3. The Uttarakhand [The Uttar Pradesh Public Services (Tribunal)] (Amendment) Bill, 2009 .

4. The Uttarakhand Paramedical Council Bill, 2009
5. The Uttarakhand Ayurveda University Bill, 2009

#### **UTTAR PRADESH LEGISLATIVE ASSEMBLY**

1. Dr. Shakuntala Misra Rehabilitation University (For Differently Abled) Uttar Pradesh (Amendment) Bill, 2009
2. The Uttar Pradesh Public Services (Tribunal) (Amendment) Bill, 2009
3. The Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents Freedom Fighters and Ex-servicemen) (Amendment) Bill, 2009
4. The Uttar Pradesh Motor Vehicles Taxation (Amendment) Bill, 2009
5. The Uttar Pradesh Entertainments and Betting Tax (Amendment) Bill, 2009
6. The Uttar Pradesh Value Added Tax (Second Amendment) Bill, 2009
7. The Uttar Pradesh Advertisement Tax (Amendment) Bill, 2009
8. The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2009\*
9. The Uttar Pradesh Appropriation (Supplementary 2009-10) Bill, 2009
10. The Uttar Pradesh Appropriation (Regularization of Excess Expenditure 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004 and 2004-2005) Bill, 2009
11. The Uttar Pradesh Value Added Tax (Third Amendment) Bill, 2009
12. The Uttar Pradesh Pandit Deen Dayal Upadhyaya Pashu Chikitsa Vigyan Vishwavidyalaya Evam Go Anusandhan Sansthan (Sanshodhan) Vidheyak, 2009
13. The Uttar Pradesh Cinema (Regulation) (Amendment) Bill, 2009
14. The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Bill, 2009
15. The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Bill, 2009
16. The Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Services (Rescission of Rules) Bill, 2009
17. The Invertis University Uttar Pradesh Bill, 2009
18. The GLA University Uttar Pradesh Bill, 2009
19. The Uttar Pradesh Rakshak Dal (Amendment) Bill, 2009

#### **UTTAR PRADESH LEGISLATIVE COUNCIL**

1. The Uttar Pradesh Motor Vehicles Taxation (Amendment) Bill, 2009
2. The Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents Freedom Fighters and Ex-servicemen) (Amendment) Bill, 2009
3. Dr. Shakuntala Misra Rehabilitation University (For Differently Abled) Uttar Pradesh (Amendment) Bill, 2009
4. The Uttar Pradesh Appropriation (Supplementary 2009-10) Bill, 2009
5. The Uttar Pradesh Appropriation (Regularization of Excess Expenditure 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004 and 2004-2005) Bill, 2009
6. The Uttar Pradesh Public Services (Tribunal) (Amendment) Bill, 2009
7. The Uttar Pradesh Entertainments and Betting Tax (Amendment) Bill, 2009
8. The Uttar Pradesh Higher Education Services Commission (Amendment) Bill,

2009\*

9. The Uttar Pradesh Advertisement Tax (Amendment) Bill, 2009
10. The Uttar Pradesh Value Added Tax (Second Amendment) Bill, 2009
11. The Uttar Pradesh Pandit Deen Dayal Upadhyaya Pashu Chikitsa Vigyan Vishwavidyalaya Evam Go Anusandhan Sansthan (Sanshodhan) Vidheyak, 2009
12. The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Bill, 2009
13. The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Bill, 2009
14. The Uttar Pradesh Cinema (Regulation) (Amendment) Bill, 2009
15. The Uttar Pradesh Value Added Tax (Third Amendment) Bill, 2009
16. The Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Services (Rescission of Rules) Bill, 2009
17. The Uttar Pradesh Rakshak Dal (Amendment) Bill, 2009
18. The Invertis University Uttar Pradesh Bill, 2009
19. The GLA University Uttar Pradesh Bill, 2009

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\* Bills awaiting assent

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

**1 JULY TO 30 SEPTEMBER 2009**

Sl. NO.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
<b>UNION GOVERNMENT</b>					
-NIL-					
<b>HARYANA</b>					
1.	The Haryana Public Service Commission (Additional Functions) Amendment Ordinance, 2009	14.5.2009	31.7.2009	3.8.2009	Replaced by Legislation
2.	The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Haryana Validation Ordinance, 2009	17.7.2009	31.7.2009	3.8.2009	Replaced by Legislation
3.	The Haryana Development and Regulation of Urban Areas (Amendment) Ordinance, 2009	23.7.2009	3.8.2009	3.8.2009	Replaced by Legislation
4.	The Haryana Urban Development Authority (Amendment) Ordinance, 2009	23.7.2009	3.8.2009	3.8.2009	Replaced by Legislation
<b>HIMACHAL PRADESH</b>					
1.	The Himachal Pradesh Educational Institutions (Prohibition of Ragging) Ordinance, 2009	25.3.2009	3.8.2009	—	Replaced by Legislation

	<b>KERALA</b>				
1.	The Kerala Temporary Stay of Eviction Proceedings (Amendment) Ordinance, 2009	25.7.2009	8.9.2009	—	Replaced by Legislation
2.	The Kerala Sports (Amendment) Ordinance, 2009	1.8.2009	8.9.2009	—	—
3.	The Kerala Police (Amendment) Ordinance, 2009	1.8.2009	8.9.2009	—	—
4.	The Kerala Advocates' Welfare Fund (Amendment) Ordinance, 2009	1.8.2009	8.9.2009	—	—
5.	The Kerala Taddy Workers' Welfare Fund (Amendment) Ordinance, 2009	1.8.2009	8.9.2009	—	Replaced by Legislation
6.	The Kerala Land Conservancy (Amendment) Ordinance, 2009	3.8.2009	8.9.2009	—	Replaced by Legislation
7.	The Pampa River Basin Authority Ordinance, 2009	3.8.2009	8.9.2009	—	Replaced by Legislation
8.	The Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Amendment Ordinance, 2009	20.8.2009	8.9.2009	—	Replaced by Legislation
	<b>MAHARASHTRA</b>				
1.	The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders and Dangerous Persons (Amendment) Ordinance, 2009	15.7.2009	—	—	—

2.	The Maharashtra Municipal Corporations and Municipal Councils Temporary Postponement of Elections (of the Mayors and the Deputy Mayors of certain Municipal Corporations and the Presidents and the Vice-Presidents of certain Municipal Councils due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009	—	—	—	31.7.2009
3.	The Bombay Court-Fees (Amendment) Ordinance, 2009	—	—	—	11.8.2009
4.	The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Ordinance, 2009	—	—	—	11.8.2009
5.	The Maharashtra Tax on Luxuries (Amendment) Ordinance, 2009	—	—	—	18.8.2009
6.	The Maharashtra Zilla Parishads and Panchayat Samitis Temporary Postponement of Elections of the President, Vice-President, and the Chairmen of Subjects Committees of certain Zilla parishads and Chairman and Deputy Chairman of Certain Panchayat Samitis due to ensuing General election to the State Legislative Assembly) Ordinance, 2009	—	—	—	20.8.2009

7.	The Maharashtra Contingency Fund (Second Amendment) Ordinance, 2009	21.8.2009	—	—	—
8.	The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2009	25.8.2009	—	—	—
9.	The Maharashtra Value Added Tax (Levy, Amendment and Validation) Ordinance, 2009	27.8.2009	—	—	—
10.	The Maharashtra Project Affected Persons Rehabilitation (Amendment) Ordinance, 2009	28.8.2009	—	—	—
11.	The Maharashtra State Special Security Corporation Ordinance, 2009	31.8.2009	—	—	—
12.	The Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Ordinance, 2009	31.8.2009	—	—	—
13.	The Dr. Babasaheb Ambedkar Technological University and the Maharashtra Universities (Amendment) Ordinance, 2009	31.8.2009	—	—	—
14.	The Bombay Entertainments Duty (Amendment) Ordinance, 2009	31.8.2009	—	—	—

	<b>RAJASTHAN</b>				
1.	The Rajasthan Agriculture University, Bikaner (Change of name) Ordinance, 2009	4.6.2009	7.7.2009	—	—
	<b>TRIPURA</b>				
1.	The Tripura Co-operative Societies (Amendment) Ordinance, 2009	8.7.2009	31.8.2009	3.9.2009	Replaced by Legislation
	<b>UTTARAKHAND</b>				
1.	The Uttarakhand [The Uttar Pradesh Public Services (Tribunal)] (Amendment) Ordinance, 2009	15.6.2009	13.7.2009	20.7.2009	The Uttarakhand [The Uttar Pradesh Public Services (Tribunal)] (Amendment) Bill, 2009
	<b>UTTAR PRADESH LEGISLATIVE ASSEMBLY</b>				
1.	The Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 2009	20.9.2009	—	—	—
	<b>UTTAR PRADESH LEGISLATIVE COUNCIL</b>				
1.	The Uttar Pradesh Sahakari Samiti (Sanshodhan) Adhyedesh, 2009	—	—	20.9.2009	—
	<b>TRIPURA</b>				
1.	The Tripura Co-operative Societies (Amendment) Ordinance, 2009	8.7.2009	31.8.2009	3.9.2009	Replaced by Legislation

APPENDIX VII  
A. PARTY POSITION IN 15<sup>TH</sup> LOK SABHA (STATE-WISE) (AS ON 21.12.2009)

States	No. of Seats	INC	BJP	SP	BSP	JD (U)	AITC	DMK	CPI (M)	BJD	SHIV SEVA	NCP	AIA DMK	TDP	RLD	CPI	SAD	RLD	JKNC	JD (S)	AIFB
Andhra Pradesh	42	33	—	—	—	—	—	—	—	—	—	—	—	6	—	—	—	—	—	—	—
Assam	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar	4	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhattisgarh	40	1*	12	—	—	20	—	—	—	—	—	—	—	—	—	—	4	—	—	—	—
Goa	11	1	10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	26	11	15	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	10	9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	4	1	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka	14	1	8	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala	28	6	19	—	—	—	—	—	4	—	—	—	—	—	—	—	—	—	—	3	—
Madhya Pradesh	20	13	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	29	12	16	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mharashtra	48	17	9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manipur	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab	13	8	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan	25	20	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	8	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttarakhand	5	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	22	10	22	20	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
West Bengal	42	6	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman and Diu	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
The NCT of Delhi	7	7	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Puducherry	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	543	206*	116	22	21	20	19	18	16	14	11	9	9	6	5	4	4	4	3	3	2

## APPENDIX VII (CONTD.)

States	JAM	MLK SC	RSP	TRS	AIM EIM	AGP	AUDF	BVA	BFF	HJC (BL)	JVM (P)	KC (M)	MD MK	NFF	SDF	SMP	VCK	NOMT.#	IND	TOTAL	VACA NCIES		
Andhra Pradesh				2	1																42		
Andhra Pradesh																						2	
Assam						1																14	
Bihar							1		1											2		39*	
Chhattisgarh																						11	
Goa																						2	
Gujarat																						26	
Haryana										1												10	
Himachal Pradesh																						4	
Jammu & Kashmir																						6	
Jharkhand	2										1											2	14
Karnataka												1										28	
Kerala		2																				20	
Madhya Pradesh																						29	
Maharashtra																1						48	
Manipur																						2	
Meghalaya																						2	
Mizoram																						1	
Nagaland														1								1	
Orissa																						21	
Punjab																						13	
Rajasthan																						25	
Sikkim																1						1	
Tamil Nadu													1				1					39	
Tripura																						2	
Uttarakhand																						5	
Uttar Pradesh																						80	
West Bengal			2																			1	42
UNION TERRITORIES																							
A & N Islands																						1	
Chandigarh																						1	
Dadra & Nagar Haveli																						1	
Daman and Diu																						1	
The NCT of Delhi																						7	
Lakshadweep																						1	
Puducherry																						1	
Total	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2#	9	544		

\* Excluding Speaker, Lok Sabha

# Nominated

**Abbreviations used for Parties :**

AGP-Asom Gana Parishad; AIFB-All India Forward Bloc; AIADMK-All India Anna Dravid Munnetra Kazhagam; AIMEIM-All India Majlis-e-Ittehadul Muslimeen; AITC-All India Trinamool Congress; AUJDF-Assam United Democratic Front; BJD-Biju Janata Dai; BJP-Bharatiya Janata Party; BPF-Bodoland Peoples Front; BSP-Bahujan Samaj Party; BVA-Bahujan Vikas Aaghadi; CPI(M)-Communist Party of India (Marxist); CPI-Communist Party of India; DMK-Dravida Munnetra Kazhagam; HJC(BL)-Hatyana Janhit Congress(BL); INC-Indian National Congress; IND-Independents; J&KNC-Jammu & Kashmir National Conference; JD(S)-Janata Dal (Secular); JD(U)-Janata Dal (United); JMM-Jharkhand Mukti Morcha; JVM(P)-Jharkhand Vikas Morcha (Prajantrik); KC(M)-Kerala Congress(M); MDMK-Marumalarchi Dravida Munnetra Kazhagam; MLKSC-Muslim League Kerala State Committee; NCP-Nationalist Congress Party; NPF-Nagaland Peoples Front; RJD-Rashtriya Janata Dai; RLD-Rashtriya Lok Dai; RSP-Revolutionary Socialist Party; SAD-Shiromani Akali Dai; SDF-Sikkim Democratic Front; SP-Samajwadi Party; SWP-Swabhimani Paksha; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi; VCK-Viduthalai Chiruthaigal Katchi.



## B. PARTY POSITION IN RAJYA SABHA (AS ON 5 NOVEMBER 2009)

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

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
24.	Tamil Nadu	18	4	—	—	1	—	7	—	1	5 <sup>(a)</sup>	—	18	—	
25.	Tripura	1	—	—	—	1	—	—	—	—	—	—	1	—	
26.	Uttarakhand	3	2	1	—	—	—	—	—	—	—	—	3	—	
27.	Uttar Pradesh	31	—	4	13	—	—	—	12	—	1 <sup>(b)</sup>	1	31	—	
28.	West Bengal	16	—	—	—	9	—	—	—	1	4 <sup>(c)</sup>	2	16	—	
<b>UNION TERRITORIES</b>															
29.	The NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	3	—	
30.	Puducherry	1	1	—	—	—	—	—	—	—	—	—	1	—	
31.	Nominated	12	—	—	—	—	—	—	—	—	4 <sup>(d)</sup>	—	4	8	
<b>TOTAL</b>		<b>245</b>	<b>72</b>	<b>46</b>	<b>13</b>	<b>15</b>	<b>7</b>	<b>7</b>	<b>12</b>	<b>5</b>	<b>51</b>	<b>7</b>	<b>235</b>	<b>10</b>	

\*OTHERS

(Break-up of Parties/Groups)

- (a) Telegu Desam Party-2
- (b) Asom Gana Parishad-2; and Bodoland People's Front-1
- (c) Rashtriya Janata Dal-4; and Lok Jan Shakti Party-1
- (d) Jammu and Kashmir National Conference-2
- (e) Jharkhand Mukti Morcha-1
- (f) Janata Dal (Secular)-2
- (g) Muslim League-1
- (h) Nationalist Congress Party-5; Shiv Sena-4; and Swatantra Bharat Paksh-1
- (i) Nationalist Congress Party-1
- (j) Mizo National Front-1
- (k) Nagaland Peoples' Front-1
- (l) Biju Janata Dal-4
- (m) Shiromani Akali Dal-3
- (n) Sikkim Democratic Front-1
- (o) Dravida Munnetra Kazhagam-4; and Pattali Makkal Katchi-1
- (p) Rashtriya Lok Dal-1
- (q) All India Trinamool Congress-2; Revolutionary Socialist Party-1; and All India Forward Bloc-1
- (r) Nominated-4

## C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

States/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.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam L.A. (1.10.2009)	—	54	10	2	1	1	—	—	—	46 <sup>(a)</sup>	11	—	—
Bihar L.A. (7.10.2009)	243	10	54	1	3	1	5	84	—	74 <sup>(b)</sup>	11	243	—
Bihar L.C. (1.10.2009)	75	4	17+1 <sup>*</sup>	1	1	—	—	32+1 <sup>(c)</sup>	—	14 <sup>(d)</sup>	4	75	—
Chhattisgarh L.A. (1.10.2009)	90	38	49	—	—	—	2	—	—	—	—	90	1
Goa L.A. (1.10.2009)	40	18	14	—	—	3	—	—	—	3 <sup>(e)</sup>	2	40	—
Gujarat L.A. (1.10.2009)	182	55	121	—	—	3	—	1	—	—	2	182	—
Haryana L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A. (12.10.2009)	89	18	11	1	—	—	—	—	—	55 <sup>(f)</sup>	4	89	—
Jammu & Kashmir L.C. (30.9.2009)	—	13	—	—	—	—	—	—	—	17 <sup>(g)</sup>	—	—	—
Jharkhand L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A. (1.10.2009)	225	74	116	—	—	—	—	—	27	—	6	225****	—

Karnataka L.C. (1.10.2009)	75	28	28	—	—	—	1	13	—	3 <sup>e</sup>	75	1
Kerala L.A. (1.10.2009)	—	21	—	60	17	2	—	5	—	5 <sup>th</sup>	137 <sup>e</sup>	—
Madhya Pradesh L.A. (1.10.2009)	230	69	143	—	—	—	7	—	6 <sup>th</sup>	3	230 <sup>e</sup>	1
Maharashtra L.A. (1.9.2009)	289	72 <sup>e</sup>	53	3	—	68 <sup>e</sup>	—	—	60 <sup>th</sup>	18	289	15
Maharashtra L.C. (1.10.2009)	78	20 <sup>e</sup>	10	—	—	21 <sup>e</sup> <sub>1</sub>	—	—	15	9	78	3
Manipur L.A.**	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya L.A. (1.10.2009)	60	—	—	—	—	15	—	—	45 <sup>th</sup>	—	60	—
Mizoram L.A. (1.10.2009)	40	32	—	—	—	—	—	—	8 <sup>th</sup>	—	40	—
Nagaland L.A. (1.10.2009)	60	19	—	—	—	2	—	—	32 <sup>nd</sup>	7	60	—
Orissa L.A. (1.10.2009)	147	27	6	—	1	4	—	—	103 <sup>rd</sup>	6	147	—
Punjab L.A. (1.10.2009)	117	42	19	—	—	—	—	—	50 <sup>th</sup>	5	117	1
Rajasthan L.A. (30.9.2009)	200	101	78	3	—	—	1	—	2 <sup>nd</sup>	13	200	2
Sikkim L.A. (1.10.2009)	32	—	—	—	—	—	—	—	32 <sup>nd</sup>	—	32	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A. (1.10.2009)	60	10	—	46	1	—	—	—	3 <sup>rd</sup>	—	60	—
Uttarakhand L.A. (1.10.2009)	71	20	36	—	—	—	8	—	7 <sup>th</sup>	—	71	—

Uttar Pradesh L.A. (1.10.2009)	404	19	48	—	—	218	—	—	99 <sup>(1)</sup>	8	404	12
Uttar Pradesh L.C. (1.10.2009)	100	3	16	—	—	22	—	—	50 <sup>(2)</sup>	5	100	4
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—
<b>UNION TERRITORY</b>												
Delhi L.A.	70	41*	24	—	—	2	—	—	2 <sup>(3)</sup>	1	70	—
Puducherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—

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

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

\*\*\* Assembly Dissolved

\*\*\*\* Includes the Speaker and 1 nominated member

① Including Speaker/Chairman

② Including Deputy Speaker/Deputy Chairman

a) Asom Gana Parishad-24; Bodoland People's Front-11; Assam United Democratic Front-10; and Autonomous State Demand Committee (ASDC)-1

b) Rashtriya Janata Dal-56; Lok Jan Shakti Party-12; Communist Party of India (Marxist-Leninist) (Liberation)-5; and Akhil Jan Vikas Dal-1

c) Rashtriya Janata Dal-11; and Lok Jan Shakti Party-3

d) United Goans Democratic Party-1; and Maharashtrawadi Gomantak Party-2

e) National Conference-29; Peoples Democratic Party-21; National Panthers Party-3; Jammu & Kashmir Democratic Party Nationalist-1; and Peoples Democratic Front-1

f) J&K National Conference-13; J&K People's Democratic Party-3; and J&K National Panthers Party-1

g) 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

h) Bharatiya Jana Shakti-5; and Samajawadi Party-1

i) Shiv Sena Party-49; Jan Surajya Shakti-4; Peasants and Workers Party-2; Bharip Bahujan Mahasangh-1; Republican Party of India (A)-1; Swatantra Bharat Paksha-1; Aakhil Bharatiya Sena-1; and Nominated-1

- j) Shiv Sena-8; Peesants and Workers Party of India-1; Republican Party of India (A)-2; Lok bharti-1; and Suspended-3
- k) MUA-45
- l) Mizo National Front-3; Mizo People's Conference-2; Zorane Nationalist Party-2; and Maraland Democratic Front-1
- m) Nagaland People's Front-32
- n) Biju Janata Dal-103
- o) Shiromani Akali Dal-50
- p) Samajwadi Party-1; and Loktantrik Samajwadi Party-1
- q) Sikkim Democratic Front-32
- r) R.S.P.-2; and I.N.P.T.-1
- s) U.K.D.-3; Others-3 and Nominated Member-1
- t) Samajwadi Party-87; Rashtriya Lok Dal-10; Rashtriya Swabhimani Party-1; and Nominated-1
- u) Samajwadi Party-35; Rashtriya Lok Dal-5; Samajwadi Janata Dal (Rashtriya)-1; and Sikchhak Dal (Non-Political)-9
- v) Lok Jan Shakti Party-1; and Rashtriya Janata Dal-1

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