PREFACE

The **'FOCUS'** *is published by the Kerala Legislature Secretariat for the use of the members of the Kerala Legislative Assembly. It is a digest containing articles and excerpts from books on subjects of current intellectual, political, social and cultural interest, news, reports of the commissions and committees and reviews of books. The views expressed therein are those of the authors and do not necessarily reflect the views of the Kerala Legislature Secretariat.*

Materials reproduced from other sources may not be republished in any form. Inquiries regarding permission for publication may be addressed directly to the sources cited.

`

P. D. SARANGADHARAN,
SECRETARY,
KERALA LEGISLATURE.

CONTENTS

VOL. XLVI **MARCH 2016** **No. 03**

NJAC is struck down by the Supreme Court

Sanjeev Sirohi

The 121st Amendment Bill was passed in the Lok Sabha on 13 August and in the Rajya Sabha on 14 August. After 20 Vidhan Sabhas, too, ratified it; the President gave his assent on 30 December, 2014 and it was notified as 99th Constitution Amendment Act on 13 April 2015.

A Bench comprising Justices J.S. Khehar, J. Chelameswar, Madan B. Lokur, Kurian Joseph and Adarsh Goel struck down the NJAC as unconstitutional, on 16 October, after the conclusion of hearings, by a 4:1 verdict. It was of the view, that any reform must be immediate to expedite the stalled process of appointment.

Barring Justice J. Chelameswar, four Judges on the Bench opined that the NJAC Act violates the basic structure of the Constitution of India. The Constitution Bench of Supreme Court ruled that appointment of Judges shall continue to be made by the collegium system, in which the Chief Justice of India (CJI) will have the last word.

The Bench led by Justice J.S. Khehar held as "ultra vires" the 99th Constitutional Amendment Act and the NJAC Act. Justice Khehar held that, "The sensitivity of selecting Judges is so enormous, and the consequences of making inappropriate appointments so dangerous, that, if those involved in the process of selection and appointment of Judges to the higher judiciary make wrongful selections, it may well lead the nation into a chaos of sorts."

He was supported by Justice Lokur, who shot down the Attorney General's submission to "give NJAC a try". Justice Lokur stated, "If during experimentation, the independence of the judiciary is lost, it is gone forever and cannot be regained by simply concluding that the loss of independence is a failed experiment. The independence of the judiciary is not physical but metaphysical. The independence of the judiciary is not like plasticine that it can be moulded any which way."

When the NJAC was challenged before the Apex Court, senior and eminent advocate Fali Nariman asserted vocally, that the "framers of the Constitution had never intended to give the power of appointment of Judges to the superior judiciary to the executive."

Describing the inclusion of the Law Minister in the process of appointing Judges as "questionable", the Court was categorical that "it needs to be ensured that the political executive dispensation has the least nexus, with the process of finalisation of appointments of Judges to the higher judiciary."

The Judges held, that the appointment of Judges, coupled with primacy of judiciary and the CJI, was part of the basic structure of the Constitution and that the Parliament had no power to tinker with this structural distribution.

Rejecting the Centre's argument, that the NJAC represented the will of the people, Justice Goel noted, "The will of the people is the Constitution while the Parliament represents the will of the majority at a given point of time, which is subordinate to the Constitution."

Article 124(2) of the Constitution provides that the Judges of the Supreme Court shall be appointed by the President in consultation with the Judges of the Supreme Court and the High Courts as he may deem necessary; in case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted.

Similarly, Article 217(1) encapsulates that the Judges of the High Courts shall be appointed by the President after consulting the Chief Justice of India and the Governor of the State concerned.

These Articles of the Constitution were interpreted differently by the Supreme Court at different times. First of all, the Supreme Court in SP Gupta vs Union of India, in 1981, held that the opinion of the Chief Justice of India and the Chief Justice of the High Court are merely consultative, and the power resides solely and exclusively in the Central Government.

Overruled

However, in 1993, a nine-Judge Bench overruled this decision in the Supreme Court Advocates-On-Record Association vs Union of India case. It held, "The opinion of the Chief Justice of India should have the greatest weight as he is best suited to know the worth of the appointee. The selection should be made as a result of a participatory consultative process in which the Executive has the power to act as a mere check on the exercise of power by the Chief Justice of India. In case of a conflict, the primacy must lie in the final opinion of the Chief Justice of India.

This primacy in effect means primacy of the opinion of the Chief Justice of India formed collectively after taking into account the views of his senior colleagues, who are required to be consulted by him."

This landmark judgment was reiterated in Re: Special Reference (1998) case, in which the Supreme Court recommended specifically that the collegium making the appointments should consist of the Chief Justice and four senior most Judges. The opinion of all the Judges should be in writing. If the majority of the collegium is against the appointment of any person, he should not be appointed.

Collegium system

The collegium system was the handiwork of Justice J.S.Verma and eminent jurist Fali Nariman, who later became aware of its fatal flaws and had requested the Justice M. N. Venkatachalliah Commission to recommend a National Judicial Commission for appointing Judges. Indeed, when the Government had power to appoint Judges, we saw many of them being appointed only because of their proximity to the ruling party at the Centre or for giving favourable judgments on crucial occasions, as we saw during Emergency days.

Arun Jaitley reacts to the judgment by calling it the "tyranny of the unelected"! But what about "tyranny of elected" as Jaitley himself witnessed, when he was packed off to jail during Emergency?

However, just bashing politicians is no answer. Justice V. D. Tulzapurkar, an eminent, retired Supreme Court Judge, observed rightly, "Sycophantic Chief Justices were a threat to judicial independence because they could easily pack the court or withdraw cases from one Bench to another."

This has happened many times and largely gone unnoticed and, therefore, warrants merits course-correction. For withdrawing cases, there must be strong grounds laid down and it should be invoked very rarely and not regularly. It is imperative to note here, that while reviving the collegium system, the Supreme Court has been honest enough to admit serious flaws in its functioning and asked the Government and the people to suggest improvements.

In 1993, when Justice J. S. Verma lead the Supreme Court to assume the power to appoint Judges, there were some good Judges appointed. However, ultimately, we saw some bad apples making it through while some exceptionally good lawyers were left out of the race and no reasons were forwarded for doing the same.

This veil of secrecy must be junked at the earliest, to ensure transparency and better Judges reaching the top. This complete lack of transparency and objectivity in the functioning of the collegium has resulted in a simmering discontent amongst not only jurists and lawyers, but also among the people.

Integrity undermined

Judges like P.D. Dinakaran and others were approved even though their name figured in a controversy. At the same time, an exceptionally bright Judge with an impeccable reputation, former Chairman of Law Commission of India, Justice A.P. Shah, was not considered fit to become the Supreme Court Judge. Also, the brilliant and learned lawyer, former Solicitor General of India, Gopal Subramanium, in spite of being cleared by the collegium, was not appointed.

What is this Intelligence Bureau report? It can always be manipulated by the ruling party in favour or against any aspirant, depending on whether they like or dislike him/her! Everyone knows that Subramanian Swamy, like Rohinton Nariman, deserved to be a Supreme Court Judge. Why was he singled out?

Why cannot Judges of Supreme Court and High Courts be appointed after clearing some gruelling exam, just as we see in case of lower courts; for becoming Civil Judge Junior Division and for becoming Additional District Judge. There is proper examination, followed by interview. Why different parameters for them?

Why cannot lawyers practising in district courts also be considered for Judgeship in High Courts and Supreme Court? Are there no exceptionally bright and capable lawyers in lower courts? Why those lawyers, who are not very well-off economically and who cannot sustain the expenditure of big cities, be considered for Judgeship in High Courts and Supreme Court if they are otherwise capable? Why cannot the Constitution be amended on this score?

In the last 70 years, the Government as well as the collegium has not found a single jurist either, to be considered for Judgeship in top court, even though the Constitution stipulates for it in Article 124 of the Constitution. Has India not produced even a single jurist, who is capable enough to be appointed as Judge of Supreme Court? Are all learned jurists, whom we keep hailing, totally unfit to be considered for Judgeship in the Supreme Court?

Appointment culture

The Law Commission of India, in its 230th report, had castigated the "Uncle Judges" culture prevailing in various High Courts. But the Government has done nothing to address it. Why lawyers are appointed as Judges in the same High Court, where they have practiced for many decades? Here, they can get unduly influenced by close friends, colleagues, relatives and others.

Why have more High Court Benches not been created, barring the two created in Karnataka, at Dharwad and Gulbarga? Justice Jaswant Singh Commission had recommended three High Court Benches for West Uttar Pradesh, in the 1980s, for nearly 40 districts but the Centre did not create a single Bench; even though it created Benches in other States for just four and eight districts, as we saw in Karnataka.

Even though UP is known as the rape and crime capital of India, why is the Centre determined that, under no circumstance will it allow even a single Bench to come up in any corner of the State? Maximum cases, maximum crime, maximum MPs, MLAs and Judges are from Up, yet it has least Benches. Why?

An all-India judicial services needs to be started on the lines of the All India Civil Services, to recruit good Judges right after they complete their graduation. This was recommended by the 116th report of the Law Commission, way back in 1985. Why cannot the system of appointing Judges in higher courts and Supreme Court be totally transparent?

Why are only lawyers considered for Judgeship? Why cannot learned persons in the field of law but not lawyers be considered for Judgeship? Why lawyers practising successfully for many decades in lower courts are not considered for appointment in High Courts and Supreme Court? Are they all unsuitable or useless?

Transparency required

PM Modi recently, very rightly talked about giving due weightage to those who fight cases for free. However, the Centre must spare a thought for this aspect too.

The process for selecting Judges must be made totally transparent. Noting that sitting Judges do not have enough time to look at probable candidates, former Delhi High Court Judge R.S. Sodhi very rightly points out, "There should be a body to assist them in the process. This body should hunt talent. After filtration by this body of former Judges and Bar Members, the High Court collegium and Supreme Court collegium should take a call."

In my opinion, at last nine Judges must form part of the collegium so that there is more chance of fairness and less chance of arbitrariness on the part I of few Judges! Immediate improvements must be made in the manner of appointing Judges. The collegium should record the reason for selection or rejection of a candidate and it should be put in public domain.

This will go a long way in boosting people's faith in the impartial and transparent way of selecting Judges, which is so necessary for a democracy. It was not for nothing that three of the Supreme Court Judges, who delivered the landmark verdict on NJAC, had criticised the opacity in the collegium's functioning.

Matters of Importance

Also, prospective High Court and Supreme Court Judges should fill affidavits, disclosing their stakes in companies, relationships with Judges or political parties and also reveal information about their family background. There must be well-defined criteria with regard to age, merit, seniority, integrity, academic qualifications, etc.

An annual report on appointments should be made public. All procedures of collegium must be recorded and transferred to the National Archives after 30 years. Also, the minutes of the collegium meeting must be subject to RTI.

Supreme Court inviting suggestions of people on how to introduce more transparency and efficiency in collegium system of appointing Judges is a historic and landmark step. Till now, judicial appointments have been a closed-door affair with only Judges having a say on how the collegium must function.

Suggestions have been invited under four heads - transparency, eligibility criteria for Judges, permanent Secretariat to act as full-time office for judicial appointments and mechanism to deal with complaints against candidates. Eminent jurist Fali S. Nariman proposed that the suggestions could be put on the Supreme Court's website and time should be given for inviting further suggestions.

Now, coming to the NJAC. It was sought to comprise of the Chief Justice of India, who would be the ex officio Chairperson, two senior Judges of the Supreme Court, the Union Minister of Law and Justice ex officio and two eminent persons as members. These two eminent persons were supposed to be chosen by the Chief Justice of India, the Prime Minister of India and Leader of Opposition in the Lok Sabha. One of them was supposed to be from either Scheduled Castes or Scheduled Tribes or OBC or minority communities or a woman. A three-year fixed term was decided for these eminent persons but they were not entitled to become members again.

One somehow gets the feeling, that neither the Judges nor the politicians are prepared, under any circumstance, to relinquish their most arbitrary power of making Judges by recommending them for elevation to the higher courts. This is because the stakes involved are so high. This also explains why they do not want Judges to be selected by conducting written tests, on the pattern of an All India Judicial Services Exam as we see in case of Civil Services conducted by UPSC.

Flouting Judgment

Even in exams conducted by High Courts, we see how some High Courts openly flout the landmark judgment delivered by Supreme Court in Himani Malhotra vs NCT (State of Delhi) just about two years back. Therein, the Apex Court had cast serious aspersions on the minimum marks criteria fixed in interview for Additional District Judge exams and has termed it whimsical, arbitrary and subject to manipulations!

The moot point is, that only very few High Courts, like West Bengal, Himachal Pradesh and Uttaranchal, are obeying the guidelines; many, like Delhi, Madhya Pradesh and Rajasthan, are openly violating the guidelines set out by the Apex Court and yet no action is being taken. Till

2012, Allahabad High Court had not even fixed minimum marks for interview. Why? Supreme Court must fire those High Courts, that are violating its guidelines with impunity!

Eminent senior advocate of Supreme Court Prashant Bhushan vocally opposed NJAC. His view should definitely be taken into account while appointing Judges.

No cures!

He says, "This is a case of the cure being worse than the disease. The NJAC had all the shortcomings of the collegium system and an additional problem. It gave a significant say to the executive in the selection of Judges. I criticised the collegium system because it was non-transparent; because sitting Judges could not devote adequate time to the selection of Judges. They did not have a method of selection. No due criterion was followed in the selection of Judges. All these shortcomings would have continued in the NJAC and would have further compromised the independence of the judiciary if the executive had a significant stay in the selection of Judges. I have been saying, that there needs to be a full-time body that would be independent of both the judiciary and the government."

About the structure of the fulltime independent body to select Judges, Bhushan elaborates, "There are several models. One model, which we had originally proposed, was that one or two members could be selected by a collegium of all the Judges of the Supreme Court, one or two members could be selected by

Judges of the High Court, one member by the Union Cabinet, one member by a committee consisting of the Speaker, the Vice-President and the Leader of the Opposition, one member by institutions like the Comptroller and Auditor General, the Election Commission, and the National Human Rights Commission.

"This way, you can have five or seven members selected by different collegiums. After selection, they should be completely independent, unaccountable to the government. The government's NJAC had the sitting Law Minister as one of the members, and that was very problematic.

"The other model is to select five or seven members by a broad-based selection committee, comprising people like Chief Justices, the Union Cabinet, etc. These selected members would then go on to select the members of an autonomous NJAC. Both these systems should be transparent and accountable."

Prashant Bhushan hits the nail on the head, when he points out, "At present, they (collegium) don't advertise the post. Because of the policy, nobody can apply or nominate people; they don't have any criteria for selecting Judges. As a result, the selection becomes arbitrary and that is why nepotism flourishes.

"Transparency can be ensured by advertising the post so that people can apply or nominate others. The senior Judges can lay down the criteria for selecting Judges so that people have a fair idea of the selection process. Even after advertising the post, the short listed candidates with their profiles should be made public so that people can also have a chance to raise an objection."

President's views

President Pranab Mukherjee very strongly feels, "The appointment process must conform to the highest standards of probity. Whichever system of appointment we follow, it must operate on well-established and transparent principles to select the best. No one can meddle in the process. An autonomous judiciary is a vital feature of any democracy. Yet, being an important pillar of democracy, it must reinvent itself through introspection and self-correction. Delay in administering justice is as good as denial."

There can be no two opinions about what the President has said eloquently!

ALIVE,

MARCH 2016.

A case against the sedition law

Kaleeswaram Raj

Henry Ward Beecher (1813-87), the American preacher and social reformer, said: "It takes a hundred years to make a law; and then after it has done its work, it takes another hundred years to get rid of it." The Jawaharlal Nehru University episode evocatively makes out a formidable case for junking Section 124A (sedition) of the Indian Penal Code (IPC) once and for all.

The textual or literal tone of the provision is per se undemocratic, for it penalises dissent with an obfuscating vocabulary. The provision criminalises words bringing, or attempting to bring, "hatred or contempt" or "disaffection" towards the government. By prescribing a disproportionate optimum punishment of life imprisonment even for the words spoken, it designs a nefarious power structure that is inherently illiberal and dangerously oppressive.

Section 124A finds its legal legitimacy in the Constitution Bench decision in Kedar Nath Singh vs State of Bihar (AIR 1962 SC 955). The judgment, which is apparently ambivalent and intrinsically wrong, needs to be reviewed by a larger bench insofar as it validates the provision. The reasoning in the judgment does not stand the test of constitutional experience of the country or the subsequent developments in the concept of freedom across the world. The binary of individual liberty and state security is no longer a contested concept, for a synthesis of these "opposing ideas" has been vividly demonstrated by many modern democracies. Parliament is unlikely to repeal the provision, for those in power often have needed it and even benefited from it. An introspective gesture from the apex court alone seems to be the way ahead for those who believe in the cause of liberty of thought and imagination.

It is high time Section 124A was held void, for it is legally unnecessary, constitutionally invalid and democratically untenable. There are at least four prominent reasons for invalidating Section 124A by recalling the ratio in Kedar Nath, which is an epitome of an obsolete precedent insofar as it retains Section 124A.

KEDAR NATH IS AMBIVALENT

The validation of Section 124A in Kedar Nath is neither categorical nor assertive. In paragraph 25 of the judgment, the court said: " .... (I)f it is held .... that the gist of the offence of sedition is incitement to violence, in other words bringing the law into line with the law of sedition in England was the intention of the legislators when they introduced Section 124A into the IPC in 1870, ... (then) the law will be within the permissible limits laid down in clause (2) of Article 19 of the Constitution. If on the other hand, we give a literal meaning to the Section ... it will be true to say that the Section is not only within but also very much beyond the limits laid down in clause 2 (of Article 19)." In paragraph 26, the court has resorted to a dialectical logic and validated the provisions: "It is well settled that if certain provisions of law construed in one way would make them consistent with the Constitution, and another interpretation would render them unconstitutional, the court would lien in favour of the former construction." Thus, Kedar Nath laid down the law: If activities do not create disorder or have the pernicious tendency to create public disorder, there is no offence. If otherwise, it is a punishable offence. Therefore, according to Kedar Nath, the provision is reasonable in terms of Article 19(2) of the Constitution. Thus, the question of constitutionality is decided by the bench in contextual and contingent terms. Even while accepting the possibility of interpreting the provision as unconstitutional, Ke dar Nath has validated it by construing the law, which is otherwise vague, at least to the extent to which it needed a construction.

This hermeneutical error in Kedar Nath contains inherent dangers. The penal provisions, unlike the other statutes, are primarily interpreted and invoked by the executive. As such, there is an enormous element of subjectivity in invoking Section 124A. Although theoretically, the Kedar Nath judgment advocates an objective test, the question whether the words spoken by the accused has a tendency to create disorder is again a matter of subjective decision by the executive, which runs the police-the jury on the street.

Kedar Nath imself was an activist of the Forward Communist Party. The charge against him specifically refers to his speech. In a folkloric rhetoric, he, inter alia, said: "The Forward Communist Party does not believe in the doctrine of vote itself. The party had always been believing in revolution and does so even at present. We believe in that revolution, which will come and in the flames of which the capitalists, zamindars and the Congress leaders of India, who have made it their profession to loot the country, will be reduced to ashes and on their ashes will be established a government of the poor and the downtrodden people of India."

The Kedar Nath judgment also considered the speeches by a Bolshevik Party leader from Uttar Pradesh and one Ishaq Ilmi, the chairman of the reception committee of the All India Muslim Convention in Aligarh. Thus, literally it was the speech that invited sedition charges in many of the appeals considered by the Supreme Court in Kedar Nath. Having found that mere words, unless accompanied by an intention to scuttle "law and order", cannot lead to sedition, the court should have gone further into the realm of legal realism. The country had to pay a heavy

price in terms of liberty for retaining Section 124A in the IPC. The inhospitable history of the provision shows that it was used to stifle democratic dissent. Many journalists, writers and activists have been booked for dissent. The voices of thousands of Koodankulam anti-nuclear plant activists, who led peaceful agitations, were muffled with sedition charges. It is time to rethink the "unbearable reluctance" in Kedar Nath to do away with the provision.

If Section 124A punishes only the pernicious activities against the state, it is no longer necessary in the IPC. There are other provisions in the IPC that take care of such offences more effectively. In Kedar Nath, the Supreme Court has not examined the sufficiency of other provisions even after noting the inherent dangers of the sedition part. Apart from Section 124A, the court, in Kedar Nath, dealt with Section 505 of the IPC relating to "statements conducing to public mischief'. The court, however, did not analyse the more visible forms of offences to topple the regime. Sections 121, 12lA and 122 deal with the offence of "waging war against Government of India" or in any way facilitating such a war. Going by judicial interpretation, the word "war" has a wide and varied meaning. Section 121 says that insurrection against the government is punishable with death or life imprisonment. Section 126 makes "depredation on territories of power at peace with the Government of India" a punishable offence. Chapter VII of the IPC, by way of Sections 131 to 140, deals with offences relating to the Army, the Navy and the Air Force. More importantly, any violence or call for overturning the law and order situation or to disrupt public tranquility is otherwise punishable under the provisions of the Code, outside the scope of Section 124A. Thus, the law and order requirement of Section 124A is met by other parts of the IPC, which is its very basic object. As such, the retention of Section 124A is rendered unnecessary by the Code itself. Since it is capable of being put to unconstitutional use (not misuse) as noted by the apex court, its retention defies constitutional logic and empirical thinking. The lack of a comprehensive analysis of the provisions in the IPC has rendered the Kedar Nath ratio dangerously incomplete.

FOUNDATION SHATTERED

The foundational reason adopted by the Supreme Court for validating the provision was the retention of the sedition law in England at that time. The court said: "This species of offence against the state was not an invention of the British government in India but has been known in England for centuries. Every state, whatever its form of government, has to be armed with the power to punish those who, by their conduct, jeopardise the safety and stability of the state ... " (Paragraph 15). After extracting the British equivalent of sedition law, the court said that "the law has not changed during the course of the centuries ... ".

Now that law is changed. It was abolished in Britain as it was found untenable in the light of the Human Rights Act, 1998. The emphasis on free speech by the European Convention on Human Rights (ECHR) accelerated the process of expulsion of sedition laws from many democracies. New Zealand followed suit after noting that in the United States, Canada and

Australia, the law is practically in disuse. Nigeria also abolished its sedition law. The judgment of the Federal Court of Appeal in Nigeria struck down the part of Criminal Code of Eastern Nigeria, saying:

"(T)he law of sedition which has derogated from the freedom of speech guaranteed under this Constitution is inconsistent with the 1979 Constitution more so when this cannot lead to a public disorder as envisaged under Section 41(a) of the 1979 Constitution ... " [State vs Arthur Nwankwo, (1985) 6 NCLR 228].

Therefore, it is clear that the Kedar Nath ratio, in as much as it justifies itself on the basis of the erstwhile British legislation, is no longer a good law in the legal or political sense. But since the law has not been scrapped, the Supreme Court had to exonerate the accused in Bilal Ahmed Kaloo (1997) 7 SCC 431 and Balwant Singh (1995) 3 SCC 214 where the charges were inter alia under Section 124A. It happened likewise in many unreported cases as well. As explained by Salvador J. Antonett Stutts, an attorney in Puerto Rico, often obsolete precedents are not revaluated "because of habit", as the "habitual adherence to precedent" could lead to "incorrect results". The citizen's long journey to the Supreme Court to free himself of the charges is a sad commentary on the Indian sedition law.

TRAPPING THE INNOCENT

Kedar Nath identifies two possible interpretations of Section 124A, thereby indicating that the provision is vague. Vagueness of a penal statute (as distinct from its potential for misuse) is not sufficient enough to invalidate the provision. The Supreme Court recently accepted this principle in Shreya Singhal vs Union of India (2015) [5 SCC 1], while dealing with the validity of Section 66A of the Information Technology Act, which the court struck down. The "open-ended" and "vague" terminology in the penal provisions could be even deceptive, for it might "trap the innocent". As held in United States vs Reese [92 U.S. 214J, "the Constitution does not permit a legislature to set a net large enough to catch all possible offenders and leave it to the court to step in and say who could rightfully be detained and who should be set at liberty". The court in Shreya Singhal also refers to Grayned vs Rocliford [408 U.S. 104 (1972)J to say that "vague laws may trap the innocent by not providing fair warning". It noted the warning by Justice Brandeis that "public discussion is a political duty".

"Vagueness" in itself is a ground to invalidate a statute. However, its linkage with the potential for misuse of the provision is an added reason to do away with it.

The modernity and modernism in Shreya Singhal reflect an updated constitutionalism. Kedar Nath also needs thorough modernisation surgery, 'which precisely means annulling Section 124A.

DEBATES OVERLOOKED

The fundamental error in KedarNath, however, seems to be that it followed the minority view of Fazal Ali (J) in Brij Bhushan (1950), which attributed a strange reasoning for not incorporating sedition as an exception to freedom of speech, as part of Article 19(2). Fazal Ali (J) said: "The framers of the Constitution must have therefore found themselves face to face with the dilemma as to whether the word 'sedition' should be used in Article 19(2) and if it was to be used, in what sense it was to be used. On the one hand, they must have had before their mind the very widely accepted view supported by numerous authorities that sedition was essentially an offence against public tranquillity and was connected in some way or other with public disorder; and on the other hand there was the pronouncement of the Judicial Committee that sedition as defined in the Indian Penal Code did not necessarily imply any intention or tendency to incite disorder." FazalAli (J) seems to have not correctly appreciated the spirit of the objections raised by K.M. Munshi, T.T. Krishnamachari and Seth Govind Das in the Constituent Assembly. Sedition was initially incorporated under Article 13 of the draft Constitution, which is the equivalent of the present Article 19.

Munshi lamented: "Our notorious Section 124A of (the) Penal Code was sometimes construed so widely that I remember in a case a criticism of a District Magistrate was urged to be covered by Section 124A. But the public opinion has changed considerably since and now that we have a democratic government" (Constituent Assembly Debates, 1948; Book No.2; Vol. No. VII; page 731; Lok Sabha Secretariat; 6th Reprint, 2014).

Krishnamachari felt even the word "sedition" needed to be "resented". He spoke unflinchingly against the draft Constitution, which contained the word sedition under Article 13, as an exception to freedom of speech and expression. He said: "Students of constitutional law would recollect that there was a provision in the American Statute Book towards the end of the 18th century providing for a particular law to deal with sedition which was intended only for a period of years and became more or less defunct in 1802" (Ibid, page 773).

Fazal Ali's apprehension that sedition per se would undermine the "security of the state" does not appear to be reasonable when examined in the light of the opinion expressed in the Constituent Assembly, which were well received and accepted by the makers of the Constitution. In Kedar Nath, unfortunately, the bench relied on the dissent on the basis of assumptions and presumptions by Fazal Ali (J) rather than by invoking any interpretative technique. The reference

to the amendment to Clause (2) of Article 19, occurring in paragraph 22 of the judgment, does not erase this basic infirmity. Had there been an assimilation of the spirit of liberty in the Constituent Assembly debates, the analysis in Kedar Nath might have turned more organic, vibrant and libertarian, which in turn would have led to a different conclusion about the validity of the provision. Viewed in this light, after 145 years of its horrendous existence, Section 124A calls for its own annihilation by the world's most powerful Supreme Court.

FRONTLINE,

MARCH 18,2016.

DNA at play

The UK government recently gave permission to Kathy Niakan, a researcher at the Francis Crick Institute, London, to use a controversial gene editing technology to alter genes in the human embryo. Niakan will use a technology called Clustered, Regularly Inter- spaced, Short Palindromic Repeat (CRISPR) to knock out OCT4 – a gene important for the development of master cells-to prevent the embryo from surviving beyond 14 days. This means the embryo will not be implanted into a woman's womb. Experts believe that this experiment could answer important questions about infertility by identifying the gene responsible for it.

The gene editing market is spreading worldwide, and the market was worth about US $1.8 billion in 2014, and is expected to grow to about US $3.5 billion in 2019. But scientists, ethicists and policymakers are divided over the clinical use of gene editing in human embryos, especially where modifications can be inherited. Niakans research is significant as it sets a strong precedent for allowing gene editing research or alteration of genes in human embryos. Gene editing in embryos has provoked a global controversy due to technological and ethical issues.

Medical breakthroughs

Since its inception in 2012, CRISPR and other gene editing technologies have helped reverse mutations that cause blindness, stop cancer cells from multiplying and develop pest-resistant wheat varieties. For instance, scientists in London used gene editing to save one-year-old Layla from dying due to leukemia. Using genetically engineered immune cells from a donor, they killed all her cancerous cells in her bone marrow.

In September 2015, scientists at the Beijing Genomics Institute used a gene editing technique called TALEN to create tiny pigs, which they intend to sell as pets. Gene editing has also be used to address shortage of organs for transplants. For instance, scientists from the Harvard Medical School in Boston, Massachusetts, USA, modified more than 60 genes in pig embryos to produce a suitable non-human organ donor

Many startups are trying to augment research for specific targets. For instance, Vira Vecs, a Bengaluru-basedgene editing company, is trying to eliminate off-target effects that inevitably arise when you engineer a mutation in a particular gene. "Along with my business partner, Srikanth Budnar, we are working to generate an ideal model system," says Rohan .H. Kamat of Vira Vecs. "Though CRISPR is an awesome tool, it isn't all that easy to use. It needs know how and a fair bit of failures to know what works best;" adds Kamat.

"The reality is that we don't know enough about the multi-traits of genes. And if they are found, too many things need to be manipulated to get your desired phenotype," says Chetana Sachidanandan, a professor at the Institute of Genomics and Integrative Biology, New Delhi. For instance, the genes for sickle cell anaemia were long thought to be "bad genes". It has only now been known that though two copies of the gene cause anaemia, one provides protection against malaria. If permanent changes are made in the gene pool to do away with a pair of sickle cell anaemia genes, we will lose the benefit that the other can provide.

More than custom-made babies, the primary use of gene editing would be in correcting genetic errors or mutations. But correction of even a single gene isn't 100 per cent safe. This is perhaps the only technological hindrance for CRISPR. "There are still some off-target effects associated with CRISPR, though it is the most specific gene editing technique developed till now;" adds Sachidanandan,

Long-term impacts

At the recent 'International Summit on Human Gene Editing', held in Washington DC, David Baltimore of the California Institute of Technology, said: "Today, we sense that we are close to being able to alter human heredity. Now we must face the questions that arise. How, if at all, do we, as a society, want to use this capability?" "Before we make permanent changes to the human gene pool, we should exercise considerable caution;' said Eric S Lander of the Massachusetts Institute of Technology.

At the same time, it is important to note that custom-made babies are farfetched. You cannot just have genes for intelligence and height and good looks and, voila, a baby with all of these traits! "The 'dishes' do not come it la carte. If you believe that made-to-order babies are possible, then you are oversimplifying how genes work," says Nathaniel Comfort, a medicine historian at the Johns Hopkins University in Baltimore, USA. "After all, thousands of genes are responsible for a trait such as intelligence or height. The time hasn't come for editing all of them simultaneously, and without error;' adds Comfort.

Also, what if our knowledge of genetic diseases that CRISPR sets out to cure only half-knowledge? Sachidanandan recommends gene editing should be restricted only to mutations with clear deleterious consequences. "Editing mutated genes should be the last resort, when the

patient is nearing death and nothing else is working;' says P.V Shivaprasad of the National Centre for Biological Sciences, Bengaluru.

One contentious issue is that optimisation of certain traits may lead to a reduction in genetic diversity. It is well known that genetically diverse species are more likely to survive a catastrophe. "Optimisation of traits happens without gene editing too. What we are today is because of strong selection. Gene editing will take this one step further;' adds Shivaprasad.

There are also risks of inaccurate editing (such as off-target mutations) and incomplete editing of the cells of early-stage embryos. Scientists have not been able to accurately predict the harmful effects that genetic changes may have under a wide range of circumstances experienced by the human population, including interactions with other genetic variants and with the environment.

Then there is the question of the implications for both the individual as well as for future generations who will carry the genetic alterations. Once introduced into the human population, genetic alterations would be difficult to remove and would not remain within any single community or country. There is also the possibility that permanent genetic "enhancements" to subsets of a population could exacerbate social inequities. There are also moral and ethical questions in purposefully altering human evolution using this technology.

This is not the first time gene editing is being done on human embryos. In April, 2015, researchers at the Sun Yat-sen University in Guangzhou, China, injected the gene responsible for â-thalassaemia in 86 embryos, and then waited for48 hours for the embryos to grow to about eight cells each. Of the 71 embryos that survived, 54 were genetically tested. "This revealed that just 28 were successfully spliced, and that only a fraction of those contained the replacement genetic material," says the research.

"If you want to do it in normal embryos, you need to be close to 100 per cent," says Junjiu Huang, the lead researcher. 'That's why we stopped. We still think it's too immature:' Interestingly, established journals such as Nature and Science had refused to publish Huang's paper, in part due to ethical objections. So the UK's government's decision only adds a new twist to the ongoing technological and moral debate about gene editing on human embryos

DOWN TO EARTH,

16-31 MARCH, 2016.

Total Quality Management in Grama Panchayats of Kerala: An Assessment

Biju S.K. and J. B. Rajan

Cheruvanoor – Nallalam Grama Panchayat (GP). in Kozhikode (15 km south of Calicut) district has implemented Total Quality Management (TQM) in 2007 by formulating a project and through public contribution during the Peoples' Plan Campaign (PPC). (Rajan J.B. 2008a and Rajan J.B. 2008b). By deputing Mr.Hashim K.P.A, (Chairperson, Welfare Standing Committee) to a Certificate Course in Local Governance conducted by KILA, the Panchayat showed its determination to adopt innovative ideas. Inspired by the learning from the course in general and the session on TQM in particular, Mr. Hashim briefed Mr. P.C. Rajan, the Panchayat President about TQM. After a series of deliberations in various fora, the Panchayat implmented TQM, which was a unique initiative. The implementation of TQM in the Panchayat has resulted in the following courses of action to improve the quality of service delivery (J. B. Rajan and S. K. Biju, 2013.

1. Prepared Citizen's Charter in an organic manner with the participation of the People, Staff and Elected Representatives.
2. A Functional Map of personnel, showing their designations and responsibilities was prepared through a participatory process and displayed.
3. A File Movement Register was opened, which helps to trace the current status of files, reasons for any delay, the responsible person for such delay, etc.
4. Office Attendance made public with details of attendance of the staff viz. present, leave, on other duty, etc .. This avoided the practice of 'absentee-attendance'.
5. The name boards of administrative staff to the level of LD Clerks were displayed on the concerned by establishing and recognising their identity.
6. A front office counter (named Jana Sevana Kendram) was opened to ensure smooth service delivery.

7. In order to improve service delivery, bench marks of various services were fixed through participatory process.

8. Opened a separate record room and documents, records, and files were systematically arranged and indexed.

9. Created an environment for easy access to information by complying with Section-4 of the RTI Act that makes proactive disclosure mandatory.

10. The office was rearranged in such a manner by ensuring the interface between the staff and also between the staff and citizens were being done effectively.

11. The updating of the accounts, of the Panchayat that was pending for a period of 3 years.

12. The office premises were cleaned and maintained well.

13. Waiting Space for People with' seating facility was provided in the panchayat office.

14. Monthly Staff meeting convened regularly to review their performance.

15. Training to Employees and Elected Representatives by the Panchayat on every first Friday afternoon of a month, so as to update their knowledge.

16. Formed Ouality Circles (OCs) of officials doing similar task in the office to discuss and solved work related problems.

17. The Finance Standing Committee monitored the TQM by dividing the role of monitoring among the elected representatives and officials.

18. The Panchayat published a Meeting Calendar specifying the dates of monthly meetings of Steering Committee, Standing Committees, and Panchayat.

Thus the Cheruvannoot-Nallalam GP has set the trend for TQM in the State.

Physical Components of TQM

From the successfully launched TQM in Cheruvannoor-Nallalam GP, KILA has taken clues on physical components of TQM and piloted in the GPs of Wayanad district in the name of Front Office Management (FOM) in 2008/2009. On the success of this piloting, KILA has recommended the State Government to upscale the same to all the GPs in Kerala and submitted draft government order on the same. Accordingly, the Government of Kerala has approved the government order and introduced Front Office Management (FOM) in every Grama Panchayat during 2009. (Govt. of Kerala, 2009).

To make the Panchayat Offices people-friendly and office functioning more efficient, the afore-said G.O suggested to set up Front Office (FO) and to re-organise the office into Front Office and Main Office. Massive capacity building programmes had also been conducted by

KILA to make the FOM in place. Through campaign mode in 2009, FOM was introduced in all the GPs in Kerala. The FO functioned as a single window for receiving applications and letters, service delivery, and informing the status of files.

The advantages envisaged are single window service delivery, efficient public administration, principle based service, reduce corruption, avoids intermediaries and recommendations in service delivery, smooth office atmosphere, all employees to have better understanding of the office functioning, ensures office performance management, ensures social equity and dignity of citizens, ensures right to service, and enhance the trust of people on administrative mechanism. The FO followed the principle 'first come, first served'. After a couple of years of introducing FOM, it was encountered that the initial vibrancy of FOM has declined and the physical existence of FO is not reflecting at the functional level. It was in that context, KILA had undertaken a detailed study on FOM.

Cosmetic Beauty

The learnings from TQM in Cheruvannoor-Nallalam is the base of the Government Order on FOM, based on which FO was set up in all the GPs in Kerala. However the study by KLA revealed that the parable 'all that glitters is not gold' is very much relevent for FOM. (Rajan J.B. and Biju S. K., 2013). The study has computed performance score of FOM based on 46 indicators in terms of facility at 61%; reflecting the performance gap in the physical facility to the tune of 39%. The scores are highly dispersed between 162 GPs studied, with a co-variance of 18%. The study revealed that the FOM has failed to fulfill the envisaged objective of 'Change Management Initiative' aiming to Good Governance. The observations of the study, inter alia are:

1. FOM lacks continuous improvement, that is the crux of TQM.
2. The slogan 'Front office' is not seen materialised while visiting Front Office.
3. The initial vibrancy and enthusiasm on FOM have lost and functioning of it has become mechanistic.
4. There is apathy to work in front office and hence junior officials are placed there.
5. Front office has reduced to become a mere collection office of applications.
6. The public relation is the heart of FOM but the arrangements in FO reduce the face to face communication.
7. The officials delay the work according to the maximum time available.
8. No acknowledgement slip is provided to the applicants, despite its insistence in the G.O.
9. Lack of simple things like relevant orders, address book, etc. causes unnecessary delay.
10. The principle 'first come, first served' is most often violated.

11. The effective linkage between front office and main office was found missing.
12. The e-Governance drive through softwares developed by IKM has yet to reach desired results.
13. The record management is found very poor.
14. The 'blame game' is very much evident among officials and elected representatives:
15. The hierarchical relation is more pronouncing, weakening the team work and synergy.
16. There is no delegation of activities between staff.
17. It is seen that the 'efficient are taxed, inefficient are escaped'.
18. The citizen related facilities, as envisaged by FOM, given low priority.
19. Display Beards are installed for name sake, without understanding their utilities.
20. There are no regular meetings and even when meetings held are ritualistic.
21. The crux of TQM, i.e. the continuous training to enhance the capacity of all these concerned, is missed in FOM.

From these, it is evident that the cosmetic beauty of FOM shows a fading image, while lee king at field reality.

Derailed Vision

Almost all components of TQM launched in the Cheruvannoor- Nallalam GP in 2007 have been replicated with a new name 'FOM' in 2009. Why the TQM, a successful venture in the GP, has failed while transformed as FOM? Why the initial vibrancy of FOM has lest in due course of time? The study by KILA revealed that the transmission of TQM into FOM has missed the core process and spirit. This missing has impacted en the FOM that would have spiraled into a robust management system, but has miserably declined into mechanistic. The gaps identified in arranging physical facilities, especially on optional and public related components evidence this.

TQM has two elements, viz. "Soft" and "Hard" (Christos B. F. & Evanjalose L. P., 2008). The 'Hard' element of TQM deals with the infrastructure facility, benchmarking of services, preparation of checklists etc.; while the 'Soft' element envisages initiatives for continual improvement, continuous evaluation and monitoring, involvement of all employees, continuous training, support from all sections, unity, integrity and teamwork ensuring quality circle of employees etc. But study by KILA reveals that the soft elements .of TQM are net being considered with due importance in the implementation of FOM. The Cheruvannur-Nallalam Grama Panchayat has implemented TQM undertaking continuous and energetic efforts like the efficient and effective addressing of work related problems with the help of the Quality Circle, empowerment of employees, and elected representatives through continuous training, energizing the Panchayat for

continuous monitoring and evaluation, etc. Infrastructure arrangements are just a single factor of TQM and the bread vision of the Change Management Initiative. The absence of the soft factors of TQM like continuous monitoring for quality improvement, continuous training and recognition, and rewarding of geed efforts leads to the fading image of FOM.

The revelation from the study by KILA is that even the name makes more sense for conceiving by the concerned personnel The title 'TQM', while introduced in Cheruvanoor- Nallalam has provided a broader message of 'total' for holistic approach and involvement of all; and 'quality', the attributes of services. Such a message is net reflected in the title 'FOM' and thus, it has reduced to a bureaucratic responsibility and a mere administrative mechanism. In the shifting process from TQM to FOM, only the components of physical facilities to be arranged are retained; leaving the process .of setting vision and mission for quality management, formulating quality policy, and determining quality objectives. Thus the FOM has derailed from the broader vision of TQM.

Revisit into TQM and Institutionalisation Efforts

By realising the fact that the FOM missed the essence of TQM that brings all stakeholders together towards holistic approach of quality management, KILA has revisited TQM in Cheruvannoor-Nallelam and attempted to upscale it in the GPs of Kerala without losing its letter and spirit. Based en the study findings, KILA has prepared a Guideline on TQM that was approved by the Government, (Govt. of Kerala, 2013). Through this Guideline, Government of Kerala envisaged the Grama Panchayats to implement TQM and avail ISO 9001: 2008 for ensuring quality in service delivery.

KILA's capacity building programme in this regard has shown positive signs. Through demand based training, TQM-ISO 9001 :2008 KILA trained 220 GPs. Among these, 31 GPs have already implemented TQM and availed ISO 9001: 2008. One of these Panchayats - Eraviperoor GP in Pathanamthitta district - has won the Prime Minister's Award 2013-14 for public administration too. The post-training evaluation by KILA on ISO 9001: 2008 Certified Panchayat revealed that more vigor is required with regard to TQM. Accordingly KILA has submitted a modified guideline and was approved by the Government. (Govt. of Kerala, 2015). Now the attempt is to institutionalise and also to upscale the TQM into the Institutions of the Panchayats; so as to make the Panchayats people-friendly. Hope this will be attained in the near future.

SOUTHERN ECONOMIST,

MARCH 1, 2016.

❖❖❖❖❖

BOOK REVIEW

Welding the Two Visions of Democracy

A Tale of Ambedkar and Gandhi

H. S. Komalesha

In the political iconography of the Indian nationalist struggle for independence, M K Gandhi and B R Ambedkar have more often than not been invoked as ideological opponents vying fiercely with each other to influence the trajectory of India's social, moral and democratic space. Thanks to Arundhati Roy's book-length introduction to Ambedkar's Annihilation of Caste: The Annotated Critical Edition (2014), "The Doctor and the Saint," and a vigorous response to it by Rajmohan Gandhi (2015a) (and a later rebuttal by Roy (2015)) in EPW, many decades after independence, the dormant chronicle of the alleged epic rivalry between Ambedkar and Gandhi has come alive and there is today more distance between ideological legacies of the two towering visionaries of India. As if chipping into this debate, Aishwary Kumar's book Radical Equality: Ambedkar, Gandhi, and the Risk of Democracy offers refreshing insights into understanding and locating similarities and differences between the two radical thinkers. It explores the complex, but complimentary relationship that they together shared in shaping the contours of justice, equality, and democracy not just in India, but in broader South Asia.

Constructing the ontology of justice, democracy, and dissent in the anti- colonial struggles and writings of Gandhi and Ambedkar, Radical Equality seeks to shed light on an ethics of antinomies that constitutes the egalitarian muscle and fibre of Indian politics, and its moral republican centre. Through a probing enquiry, the book begins by succinctly engaging with the two seminal texts, Hind Swaraj (1909) and Annihilation of Caste (1936), and their shared, but nuanced filiations and affiliations in the rigorous pursuit of equality and sovereignty against the backdrop of the perceived antagonism between their authors. Aptly enough, the book not just locates the significance of Gandhi and Ambedkar in the wider cosmogony of Indian anti-colonial ideologies of Bankim Chandra Chatterjee, M. G. Ranade, B. G. Tilak, V. D. Savarkar among others, but goes on to excavate the sites of religious and judicial exclusions that situate Dalit politics in charting out India's political modernity.

In its engagement with political and ontological categories such as "the state," "the multitude, "social reform," "citizenship," "truth," "morality," 'Justice," etc, in the life and works of Gandhi

and Ambedkar; Radical Equality escapes being just a socio- political biography of the encounter between the two remarkable thinkers. With its commendable (and occasionally strained) intellectual rigour, it raises to become "a history of an antinomy in anti- colonial political thought" that considers both of them "together as exemplars of a shared philosophical conviction".

Though the book attempts to write a philosophical history of the Indian political, it does so by legitimately shifting the focus away from the postcolonial and postmodern narratives of struggle between Europe and colony to bring in the tensions between "the just" and "the unjust," the politics of inclusion and exclusion, right in the middle of a grand account of the nation's arrival into modernity. Strongly arguing how Hind Swaraj and Annihilation of Caste betray an insurrectionary element in their (a) critique of the sociopolitical, and (b) recognition and recovery of "force" for the multitude, Radical Equality goes on to discover, in three parts, the shared legacies of both the thinkers.

On Constituent Power and Force

Deviating from the classical and canonical interpretations of Gandhi and Ambedkar, Part 1 of the book posits how the category of force is at the vortex of both their writings. Indulging in exploiting the semiotic and semantic dimensions of "satyagraha" since its induction into Gandhi's political language in South Africa, Chapter 2 arguably shifts the emphasis away from the first part of the word satya (truth) to its second part, agraha-tenaciously tethering its meaning to "force"-and projects it as the very spirit, the structuring concept of the term satyagraha.

One could pick holes in such an argument, which (a) is more academic, and is convenient to prove its ideological objective, and (b) divests the soul and intent of the term. The book, though, critically picks on the diverse threads-physical, social, political and spiritual-of satyagraha, and shows how it is central to understanding Gandhi's ethics and politics. Finding its parallel, Chapter 3 focuses on the contours of force in Ambedkar's writings. Rightly moving away from the legislative concerns and commitments that have overshadowed Ambedkar's other equally significant achievements, the chapter constructs a conceptual genealogy of his distinctive approach to "the problem of the constituent power" of the multitude. This lends political legitimacy to the multitude's right to revolutionary force, even in a sovereign space. Beginning with how Mooknayak (the silent hero)-Ambedkar's first major publishing venture-invoked a subject that was trying to reclaim a potent space between speech and silence both beyond and before the law, the chapter neatly explores the polyvalence in the meanings of freedom, autonomy and social justice for the downtrodden Dalit in the writings of Ambedkar.

Destiny of the Nation

Subjecting the 1930S and 1940s-the two crucial decades that played a pivotal role in shaping the destiny of the nation to rigorous intellectual scrutiny, Part 2 explores India's experiments with questions of franchise and constitution. Chapter 4 deals with Gandhi's maryada

dharma-his logic of discipline and limit-which constitutes his notions of touchability and untouchability.

Chapter 5 deals with how Ambedkar, in h{s attempts to cope with his failure with the 1932 Poona Pact, shifts his focus away from caste to its total annihilation. Picking its threads from Annihilation of Caste and Thoughts on Pakistan (1941), this chapter throws light on Ambedkar's ambivalence towards the classical republican tradition out of which he develops his mature ideas on force, sovereignty and dissidence. The two chapters in this part cogently bring out the Dalit dialectics that was at the moral and legal centre of India's forthcoming tryst with destiny.

Gandhi's act of naming the untouchables as Harijan (children of god) in 1931 and Ambedkar's emphasis on the "annihilation" of caste in 1936, though they appear to lead questions around Dalit interests in contradictory directions, they together explore the possibility of redefining the 'notion of democracy by including into its fold the legitimate and constitutional interests of the minorities. The gifted Kannada writer, Devanoora Mahadeva (2013: 76), offers a brilliant insight into understanding the conflict between the two thinkers over their differences on Dalit concerns:

The older generations considered these fights as quarrel between parents over the best interests of their children; for instance, if the father argues for enrolling the child to a Kannada Medium school, the mother might insist on an English medium school. Obviously, a fight ensues. Except the interest of the child, what else is there in the fight? Why was there a fierce fight over the Poona Pact? Isn't it like saying, 'it's true, I may have some major shortcomings; but don't desert me for that?' (Author's translation from the original Kannada).

Despite their tussle over Dalit interests, what is interesting in both Gandhi and Ambedkar is their relentless determination to make the Dalit issue central in the nation's anti-colonial articulations of freedom. And, again, significantly enough, it is the same Dalit issue that is at the core of Gandhi's "construction" of religion and Ambedkar's "destruction" of religion.

Annihilation of Caste

Part 3, "Reconstitutions," examines issues of justice and autonomy couched in a paradox of politics, whose gridlines pass through the domains of religion and sacrifice. When Ambedkar's Annihilation of Caste was published in 1936, how does Gandhi respond to the cognitive, spatial and material universalisation of force that the text exuded? How does the text mediate or mitigate the sacrificial ethics of Gandhi, the astute reader? Was his response to the text a defensive act of immunising Hinduism from a sane critique of it by a community that was inhumanly kept out of the orbit of society?

Taking up these instigating questions, Chapter 6 intensely engages with Gandhi's disturbing equations with Annihilation of Caste, which had at its core not just a militant formulation of equality, but a legitimate demand to reconceptualise the meaning of freedom. By exposing the

fault lines of religion and its sacred texts, which lent caste its social meaning and mystical power, Ambedkar questions the very ontology of not just Gandhi's politics, but the politics that was spreading its tentacles across the sub- continent, and later proved lethal.

Commenting on Gandhi's defence of Hinduism and Ambedkar's fierce attack on it, the noted writer, Arundhati Roy remarks: "Gandhi believed that Ambedkar was throwing the baby out with the bathwater. Ambedkar believed the baby and the bathwater were a fused organism" (2014). The chapter, while putting Gandhi's defence of religion to a scathing scrutiny, rightly exposes Gandhi's conservative gestures and contradictions that express a desire to immunise not just faith, but also reason. The serious questions that Annihilation of Caste raises about religion-smeared politics, which was spreading its wings over India's aspiration for sovereignty, loom large without finding a satisfactory answer.

Chapter 7 takes up Ambedkar's radical and also reconciliatory understanding of the religious politics in his later works, such as "Buddha or Karl Marx" and The Buddha and His Dhamma (1957). In its attempt to capture Ambedkar's fleeting self in the tensions of the private and the public, the ethical and the political, the immanent and the transcendent, the chapter lucidly brings out Ambedkar's struggles to formulate the notion of maitri: fraternity and justice beyond the norms of the moral law, especially against the politico-moral vacuum created after the assassination of Gandhi in 1948.

In Conclusion

As Rajmohan Gandhi (20l5b) aptly notes, the exchanges (both cordial and acrimonious) between Gandhi and Ambedkar help in our understanding of not only the two powerful individuals in history, "but also of continuing flaws in Indian society and the tension in the first half of the 20th century between the goals of national independence and social justice." Highlighting how for both Gandhi and Ambedkar the social question remains inseparable from the political and the ethical, the book competently juxtaposes the two powerful articulations of justice with their insurrectionary potential. In doing so, it strongly welds the two inherent visions of democracy that have shaped contemporary Indian society and polity, the foundations of which are built on the radical relationship between freedom and citizenship, equality and autonomy, sovereignty and justice, and above all, the constituent power and constitutional principles.

The book is very timely and relevant. Recent times have witnessed an unprecedented surge of communal forces that are actively involved in shrinking the secular spaces of dissent and

choking the voices of sanity and rationality. Thus, the need of the day is the synergising of the strengths of both Gandhi and Ambedkar and harnessing them in our collective struggle against all fundamentalist forces. It is heartening to note that the book under review succeeds in meeting that challenge.

ECONOMIC & POLITICAL WEEKLY,
MARCH 5, 2016.

♦♦♦♦♦

LOKSABHA

RESUME OF WORK TRANSACTED BY THE LOKSABHA FROM 24TH NOVEMBER, 2014 TO 23RD DECEMBER, 2014

The Sixth Session of the Sixteenth Lok Sabha commenced on 26 November and concluded on 23 December 2015. In all, the House had 20 sittings spread over 117 hours and 20 minutes.

As you are aware, 66 years ago, on 26 November 1949, the Constituent Assembly of India had adopted the Constitution of free India. The year 2015 also marked the 125th Birth Anniversary of Dr. B.R. Ambedkar who chaired the Drafting Committee of the Constituent Assembly. The Lok Sabha held two days of Special Sittings to celebrate the Constitution Day and the 125th Birth Anniversary of Dr. Ambedkar. The first two sittings of the House on 26 and 27 November 2015 were accordingly dedicated exclusively for discussion on the topic '*Commitment to India s Constitution'*. On 26 November 2015, the Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, addressed the House from the Chair under Rule 360 of the Rules of Procedure and Conduct of Business in Lok Sabha. Expressing her sentiments on this special day, the Hon'ble Speaker said:

> " ... I am glad to say that the flexibility in our Constitution has enabled our Parliament to initiate and enact various amendments to the Constitution having far reaching significance. It has made possible for us to institute affirmative action measures for the socially and economically backward segments of the society together with provision for equal justice for poor and marginalised sections and free legal aid. It has also enabled us to have right to education as fundamental right in our Constitution ... "

Thereafter, the Minister of Home Affairs, Shri Rajnath Singh, initiated the discussion on the topic *"Commitment to India s Constitution as part of 125th Birth Anniversary Celebration of Dr. B. R. Ambedkar"*. The discussion lasted for 13 hours and 53 minutes in which 147 members participated. At the end of the debate, the Prime Minister, Shri Narendra Modi, said that India is a diverse country and the Constitution has strengthened our unity. Therefore, it was the need of the hour that sustained efforts be made to familiarise the people about the

sanctity and objectives of the Constitution. He further said that the work of the framers of the Constitution was still a beacon for us. On the conclusion of the debate, the Hon'ble Speaker observed that there had been an overwhelming enthusiasm amongst Hon'ble members from all sections of the House to participate in this Special Sitting. Later, the Hon'ble Speaker presented the following Resolution before the House:

"We, the members of Lok Sabha, in this Special Sittings of the Lok Sabha on 26th and 27th November 2015 for celebrating the "Constitution Day" as a part of the One Hundred and Twenty-Fifth Birth Anniversary Celebration of Dr. B.R. Ambedkar:-

Having remembered with gratitude, the commitment of Father of the Nation, Mahatma Gandhi; pioneering and monumental role played by Pandit Jawahar Lal Nehru, Dr. Rajendra Prasad, Sardar Vallabhbhai Patel, Maulana Azad and other founding fathers of our Constitution and their contribution in enabling us to give to ourselves the Constitution on the 26th November 1949; and having enacted it on the 26th January 1950; and

Having recalled with appreciation, the invaluable services rendered by Dr. B.R. Ambedkar as the Chairman of the Drafting Committee of the Constituent Assembly and all its members in the framing of the Constitution of India;

Do hereby solemnly affirm our commitment to the principles and ideals of the Constitution, and resolve to -

(a) uphold and maintain the sanctity and supremacy of the Constitution;

(b) respect the constitutional institutions, their freedom and authority;

(c) protect the sovereignty, unity and integrity of our country and its democratic, socialist and secular character;

(d) maintain transparency, probity and accountability in public life; and

(e) dedicate ourselves to equality and social justice and contribute to the task of building a strong republic."

The Resolution was adopted by the House unanimously.

Earlier in the day, on 26 November, the Prime Minister of India, Shri Narendra Modi, inaugurated an Exhibition titled "Making of the Constitution by the Constituent Assembly" as a part of the Constitution Day Celebrations and the 125th Birth Anniversary of Dr. B.R. Ambedkar in the Parliament Library Building. The Exhibition, put up by the Parliamentary Museum and

Archives of the Lok Sabha Secretariat, focused on the process of drafting of the Constitution by the Constituent Assembly through a number of textual and visual exhibits. The working of the Constituent Assembly was highlighted through photographs, write-ups, Press clippings, facts and figures, etc. The original Constitution of India also formed part of the Exhibition, apart from books on the Constitution from the Parliament Library collections.

On 30 November 2015, Shri Mohammad Salim, member, initiated a discussion under Rule 193 on the situation arising out of incidents of intolerance in the country; the discussion continued on 1 December. In all, 73 members took part in the discussion which concluded with the reply of the Minister of Home Affairs, Shri Rajnath Singh. On 2 December, another discussion took place under Rule 193 which was raised by Shri T.G. Venkatesh Babu on the flood situation in Tamil Nadu, Andhra Pradesh and several parts of the country. The discussion in which 58 members participated concluded on 3 December with the reply of the Minister of Home Affairs, Shri Rajnath Singh. On 7 December, Shri Jyotiraditya M. Scindia raised a discussion on the drought situation in various parts of the country. Ninety-two members participated in the two-day discussion, which concluded with the reply of the Minister of Agriculture, Shri Radha Mohan Singh, on 11 December 2015. On 17 December, Shri P. Karunakaran raised a discussion on the issue of price-rise which remained part-discussed.

Prof. Saugata Roy, member, made a submission on 7 December regarding the need for the Government to clarify on its foreign policy initiatives vis-a-vis Pakistan. The Minister of Parliamentary Affairs, Shri. M. Venkaiah Naidu, responded to the issue. On 10 December, again, Prof. Saugata Roy made a submission regarding clarification from the Government on its foreign policy vis-a-vis Pakistan to which the Minister of Parliamentary Affairs, Shri. M. Venkaiah Naidu, responded. On 14 December, making a Statement regarding her visit to Islamabad and recent developments relating to ties between India and Pakistan, the Minister of External Affairs, Smt. Sushma Swaraj, informed the House that a dialogue with Pakistan would be initiated under the new title 'Comprehensive Bilateral Dialogue'. She stated that the Government was committed to build an environment of peaceful and cooperative relations with all neighbouring countries.

On 21 December, by way of submission, Shri K.C. Venugopal and Shri Kirti Azad raised the issue of alleged irregularities in the Delhi District Cricket Association (DDCA). The Minister of Finance, Shri Arun Jaitley, responded to the issue. The Minister of Parliamentary Affairs, Shri. M. Venkaiah Naidu, also responded.

Apart from the already mentioned submissions, members made submissions on issues of urgent public importance like: (i) the hardships faced by rubber cultivators of Kerala; (ii) the need to construct a memorial in the name of Dr. Rajendra Prasad in his native village Zeradai, Siwan district, Bihar; (iii) the revision of salary of the employees working at Bharat Wagon Ltd., Mokama and Muzaffarpur factories in Bihar; (iv) the contamination of water in the villages of district Ballia, Uttar Pradesh; (v) the alleged withdrawal of invitation to the

Kerala Chief Minister to attend the unveiling ceremony of statue of a former State Chief Minister; (vi) the postponement of UPSC examination due to situation arising out of recent heavy rains in Tamil Nadu; (vii) the demolition of 500 jhuggies around Shakurbasti Railway Station, Delhi; (viii) the need to fill up the vacancies in Central University of Allahabad; (ix) the reported CBI raid at Delhi Chief Minister's Office and resultant infringement on the federal polity; (x) the alleged lathi charge by police against the people participating in protest march in West Bengal; (xi) the need to ensure protection to the students from Sikkim especially in Institute of Technology and Forward Management, Chandigarh; (xii) the need to expedite the construction work of Ghorghat Bridge connecting Bihar and Uttar Pradesh in Bhagalpur under the Sansad Adarsh Gram Yojna; (xiii) the need to construct a Panchnad Project in Bundelkhand region to solve the problem of drought in Uttar Pradesh and Madhya Pradesh; (xiv) the need to repair Ganga Ghats in Dum Dum, West Bengal; (xv) reported deaths of labourers working in Tea Gardens in Darjeeling, West Bengal; and (xvi) the anonymous telephone calls and abusive SMSs on Hon'ble member's cell phone.

During the Session, a statement was made by the Minister of Road Transport and Highways, Shri Nitin Gadkari, regarding initiatives of the Government for regional connectivity with focus on the North-Eastern States of the country.

On 23 December, the last day of the Session, the Minister of Finance, Shri Arun Jaitley, moved the motion that the Insolvency and Bankruptcy Code, 2015 be referred to a Joint Committee of the Houses consisting of 20 members from Lok Sabha and 10 members from the Rajya Sabha. The Minister of Parliamentary Affairs, Shri. M. Venkaiah Naidu, responded at the end of the debate. Thereafter, the motion was adopted by the House.

During the Session, out of the 360 Starred Questions that were listed, 77 Questions were orally answered; written replies to the remaining Starred Questions, along with 4140 Unstarred Questions, were laid on the Table of the House.

As many as 629 matters of urgent public importance were raised by members after the Question Hour and after completion of formal business of the House. Members also raised 331 issues under Rule 377.

During the Session, 56 Reports of Departmentally Related Standing Committees which included 7 original and 49 Action Taken Reports, were presented in the House.

As regards Financial Business, a statement showing the Supplementary Demands for Grants in respect of the Budget (General) for 2015-2016 was presented to the House by the Minister of Finance, Shri Arun Jaitley, on 11 December; he also presented a statement showing the Demands for Excess Grants in respect of the Budget (General) for 2012-2013. The Demands were discussed together on 14 and 15 December and voted in full on 15 December. Thereafter, the relevant Appropriation Bills were passed on the same day.

Coming to Legislative Business, 9 Government Bills were introduced in the Lok Sabha. In all, 13 Government Bills were passed by the House during the Session, Some of the important Bills passed by the House were: (i) The Bureau of Indian Standards Bill, 2015; (ii) The High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015; (iii) The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015; (iv) The National Waterways, Bill, 2015; and (v) The Payment of Bonus (Amendment) Bill, 2015.

The Bureau of Indian Standards Bill, 2015 sought to provide for the establishment of a national body for the harmonious development of the activities of standardisation, conformity assessment and quality assurance of goods, articles, processes, systems and services.

The High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015 sought to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, for addition of ten years practice as an Advocate to the service as a Judge of the High Court elevated from the Bar for the purpose of computing pension on the analogy of added years of service provided to the Supreme Court Judges.

The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015 sought to provide for the constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value.

The National Waterways Bill, 2015 sought to declare 106 new inland waterways as "National Waterways" and provide for regulation and development of these waterways for the purposes of shipping, navigation and matters related thereto. The Bill also sought to repeal the Acts relating to the five existing National Waterways and to bring the existing National Waterways under the purview of the present Bill.

The Payment of Bonus (Amendment) Bill, 2015 sought to amend the definition of 'employee' to include any person who is employed on a salary or wages upto Rs. 21,0001- per month, to be eligible for payment of bonus. The Bill also raised the ceiling of salary or wage for calculation of bonus from Rs. 3,5001- to Rs. 7,0001- per month.

During the Sixth Session, 117 Private Members' Bills on different subjects were introduced. The Compulsory Voting Bill, 2014, moved by Shri Janardan Singh 'Sigriwal' on 13 March 2015, which was discussed on 24 April and 8 May during the Fourth Session and on 7 August 2015 during the Fifth Session, was further taken up for discussion on 4 and 18 December 2015 and remained part-discussed.

As regards Private Members' Resolutions, two Private Members' Resolutions were discussed by the House during the Session. The discussion on the Resolution moved by Shri Nishikant Dubey on 20 March 2015, urging the Government to take immediate steps for rehabilitation and welfare of displaced persons from Kashmir living in pitiable condition in various parts of the country, was part-discussed on 8 May and 31 July 2015 during the Fourth and Fifth Sessions, respectively. Further, it was discussed on 11 December 2015. An amendment seeking to add the words "steps to settle the refugees migrated to India at the time of partition in 1947 and are now living in different parts of the country" in the Resolution, moved by Shri Bhartruhari Mahtab, was put to vote at the end of the debate and adopted. Thereafter, the Resolution, as amended, was put to vote and adopted by the House the same day. This was the thirty-fourth Private Member's Resolution to be adopted by the House since the First Lok Sabha.

Another Resolution regarding steps to ensure the welfare of the Employees Provident Fund Pensioners was moved by Shri N.K. Premachandran on 11 December 2015. The Resolution was discussed on 17 December 2015 and remained inconclusive.

During the Session, two newly elected members, Shri Dayakar Pasunoori, representing the Warangal parliamentary constituency of Telangana, and Shri Kantilal Bhuria, representing the Ratlam parliamentary constituency of Madhya Pradesh, took oath and signed the Roll of Members on 26 November and 27 November, respectively.

During the Session, the Hon'ble Speaker, Smt. Sumitra Mahajan, made references to the passing away of Sarvashri Roshan Lal, K. Parasuraman, Radhey Shyam Kori, A. Venkatesh Naik, Raghuvir Singh Kaushal, Vishwanath Das Shastri, Mitrasen Yadav, Balkrishna Wasnik, Sadhan Gupta, Rudra Pratap Singh, B.D. Singh, Parasram Bhardwaj, K. Gopal and Dr. Parshuram Gangwar, all former members.

References were also made in the House on: (i) reported death of 89 persons and injuries to several others when mining explosives stored in a building went off in Petlawad town in Jhabua district, Madhya Pradesh; (ii) reported loss of lives of 204 persons due to recent rains in Tamil Nadu, Andhra Pradesh and other adjoining regions of the Southern part of the country causing large-scale destruction and devastation of property crops and cattle; (iii) terrorist attacks in Paris causing loss of over 120 lives; (iv) loss of lives of pilgrims who died in a crane accident in Haram Sharief, Makkah, and death of several others in a stampede in Mina, Saudi Arabia; (v) loss of lives of many in an earthquake that struck Afghanistan and Pakistan; (vi) loss of lives of 224 persons in a Russian Federation plane that crashed over Egypt; and (vii) loss of lives of ten personnel of the Border Security Force when their aircraft crashed in Dwarka, near Delhi Airport. Thereafter, members stood in silence for a short while as a mark of respect to the memory of the departed.

Further, on 11 December, the Hon'ble Speaker made a reference to the fourteenth anniversary of the terrorist attack on Parliament which took place on 13 December 2001. Subsequently, at a solemn function held in Parliament House on 13 December, the Prime Minister, Shri Narendra Modi; the Lok Sabha Speaker, Smt. Sumitra Mahajan; Former Prime Minister, Dr. Manmohan Singh; Union Minister for Minority Affairs, Dr. Najma A. Heptulla; Deputy Chairman, Rajya Sabha, Prof. P. J. Kurien; Former Deputy Prime Minister and Chairperson, Ethics Committee, Shri L.K. Advani; Chairperson, Indian National Congress, Smt. Sonia Gandhi, and other dignitaries paid tributes to those who sacrificed their lives during the attack. The Indian Red Cross Society set up a Blood Donation Camp in the Parliament Complex on this occasion.

References were also made on (i) the Seventh anniversary of the terrorist attack in Mumbai (26 November); (ii) the 31st anniversary of the Bhopal Gas Tragedy (3 December); (iii) the International Day of Persons with Disabilities (3 December); and (iv) the Human Rights Day (10 December).

On 30 November, the Hon'ble Speaker, on behalf of the House, congratulated Scientists and Technologists of the Indian Space Research Organisation for the successful launch on 28 September 2015 of ASIROSAT, the first multi-wavelength space observatory. Again, on 17 December, the Hon'ble Speaker, on behalf of the House, felicitated Scientists and Technologists of the Indian Space Research Organisation for the successful launch of PSLV-C29 from Sriharikota, Andhra Pradesh, on 16 December 2015.

A Parliamentary Delegation led by His Excellency, Dr. Milan Brglez, President of the National Assembly of the Republic of Slovenia, graced the Special Box of Lok Sabha on 27 November 2015. Welcoming the distinguished guests, the Hon'ble Speaker extended the greetings of the House to the Parliament, the Government and the friendly people of the Republic of Slovenia and wished them a happy and fruitful stay in India.

As usual, functions were held under the auspices of the Indian Parliamentary Group (IPG) to mark the birth anniversaries of Sardar Vallabhbhai Patel (31 October); Deshbandhu Chittaranjan Das (5 November); Maulana Abul Kalam Azad (11 November); Pandit Jawaharlal Nehru (14 November); Smt. Indira Gandhi (19 November); Dr. Rajendra Prasad (3 December); Shri C. Rajagopalachari (10 December); Chaudhary Charan Singh (23 December); Pandit Madan Mohan Malaviya (25 December); Netaji Subhas Chandra Bose (23 January); Lala Lajpat Rai (28 January); and Smt. Sarojini Naidu (13 February) in the Central Hall of Parliament House where the portraits of these illustrious leaders are put up. The Lok Sabha Speaker, Union Ministers, members of Parliament and other dignitaries paid floral tributes on the occasions. Besides, floral tributes were paid to the former Speaker of Lok Sabha, Shri G. V. Mavalankar, on his birth anniversary on 27 November.

The Speaker's Research Initiative organised a series of Interactive Sessions on 'Goods and Services Tax (GST)' for the benefit of members during the second week of the Session.

On 25 November, the Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, launched the refurbished Lok Sabha website. The Lok Sabha Speaker also inaugurated a Swasthya Jaanch Shivir and an Exhibition on health related issues for the benefit of members of Parliament on 30 November.

The Bureau of Parliamentary Studies and Training continued with its activities, organizing various courses and programmes.

The Thirty-first Parliamentary Internship Programme (PIP) for Foreign Parliamentary Officials was organised by the Bureau from 5 November to 4 December 2015 which was attended by 46 Foreign Parliamentary Officials from twenty-five countries.

The Bureau organised a Familiarization Programme on Parliamentary Practices and Procedures for Media persons accredited to the Jharkhand and Chhattisgarh Legislative Assemblies from 30 November to 2 December 2015. The programme was attended by 35 participants. Another Familiarization Programme was conducted from 16 to 18 December 2015 for Media persons accredited to the Legislative Assemblies of Assam, Manipur, Meghalaya and Tripura which was attended by 38 participants.

The Bureau also organised twenty-one international Study Visits which were attended by 387 participants. In addition, sixty-two Study Visits were organised for students/officials of schools, colleges and other institutions from within the country covering 2956 participants.

Apart from these, six Appreciation Courses in Parliamentary Practices, Processes and Procedures were organized for Probationers Officers/Trainees of: (i) Indian Revenue Service (Customs & Central Excise); (ii) Indian Railway Service of Mechanical Engineers; (iii) Indian Railways Stores Service, Indian Railway Personnel Service and Assistant Security Commissioners of the Indian Railway Protection Force; (iv) Indian Police Service; (v) Indian Ordnance Factories Service; and (vi) Senior Accounts/Audit Officers from the Office of the Comptroller and Auditor-General of India.

During the period, the Bureau organised five Training Courses for: (i) Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats; (ii) Officials of Parliament Security Service; (iii) Security Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats; (iv) Middle Level Officers of Lok Sabha and State Legislature Secretariats; and (v) Hindi Assistants, Translators and Editors of Lok Sabha, Rajya Sabha and State Legislature Secretariats.

Besides, Professional Development Programmes for Officers of the Lok Sabha Secretariat were organized by the Bureau from time to time.

On 23 December 2015, the concluding day of the Sixth Session, the Hon'ble Speaker, Lok Sabha, in her Valedictory Address said that even though the House had lost over 8 hours and 37 minutes of time due to interruptions and forced adjournments, the time lost was compensated by

the House sitting late for 17 hours and 10 minutes. The Hon'ble Speaker thanked the Hon'ble Prime Minister, the Minister of Parliamentary Affairs, Leaders and the Chief Whips of various Parties and Groups, the Hon'ble Deputy Speaker and the Members of the Panel of Chairmen, all the Hon'ble members, the Secretary-General, Lok Sabha, and the officers and staff of Lok Sabha Secretariat, Press and Media and the allied agencies for their un stinted cooperation in conducting of the proceedings of the House.

The Sixth Session of the Sixteenth Lok Sabha was adjourned sine die on 23 December 2015 after the playing of the National Song. The President of India prorogued the House on 6 January 2016.

After the conclusion of the Session, the Lok Sabha Speaker, Smt. Sumitra Mahajan, led a Delegation to the 23rd Conference of Speakers and Presiding Officers of the Commonwealth (CSPOC) held at Kota Kinabalu, Sabah, Malaysia from 9 to 14 January 2016. The Conference held four Workshops on the topics: (i) The Challenges facing the Independence of Speakers; (ii) The Role of Speakers in the Security of Parliaments and their Precincts; (iii) Parliamentary Privilege - Protecting the Effective Functioning of Democracies; and (iv) Orientation and Development for Parliamentarians. A Special Plenary Session on the topic The Low Citizen Confidence in Parliamentary Institutions - How Can Commonwealth Parliaments Build Trust in Legislature was also held during the Conference. The Hon'ble Speaker also presented a paper on the topic 'Orientation and Development for Parliamentarians'.

As you would recall, I had the opportunity to meet all of you at the 78th Conference of Presiding Officers Conference of Legislative Bodies in India held at Gandhinagar, Gujarat from 22 to 23 January 2016 which was presided over by Smt. Sumitra Mahajan, Hon'ble Speaker, Lok Sabha and Chairperson of the Conference. The Conference of Presiding Officers was preceded by the 56th Conference of Legislative Bodies in India on 21 January 2016 where I got the opportunity to deliver the Inaugural Address. The Secretary-General, Rajya Sabha, Shri Shumsher K. Sheriff also addressed the Conference. Many important topics were discussed during the Conference and I hope the enlightening discussions will help us to perform our duties effectively in future.

Subsequently, a National Conference on 'Women Legislators: Building Resurgent India' was organized on 5 and 6 March 2016. The Conference, an initiative of the Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, aimed to provide women legislators from across the country a platform to interact, learn and suggest ways as to how women legislators can contribute to the socio-economic development of India, as also better governance and legislation.

The President of India, Shri Pranab Mukherjee, inaugurated the Conference on 5 March 2016 at Vigyan Bhawan, New Delhi. Besides, the Vice-President of India and Chairman of the Rajya Sabha, Shri M. Hamid Ansari, and the Hon'ble Speaker, Smt. Sumitra Mahajan addressed

distinguished gathering. The Prime Minister, Shri Narendra Modi and the Hon'ble Speaker, Bangladesh, Dr. Shirin Sharmin Chaudhury also graced the Inaugural Session. The Conference was attended by more than 300 Delegates, including women members of Parliament and State Legislatures, Union Ministers and Chief Ministers.

At the valedictory function, the Delegates adopted a Resolution, inter alia, resolving to work for transparent, accountable and inclusive governance. Addressing the delegates during the Valedictory Session in the Central Hall of the Parliament House, the Prim Minister, Shri Narendra Modi, called upon the women legislators to recognize their strength as agents of change and expressed optimism about women-led development rather than development of women. The former President of India, Smt. Pratibha Patil, who also spoke at the Valedictory function, observed that all women leaders should come together and speak in one voice. Concluding the Conference, the Lok Sabha Speaker, Smt. Sumitra Mahajan hoped that the Conference would serve as a platform to facilitate contributions of women members to national development.

Chhattisgarh Legislative Assembly

RESUME OF WORK TRANSACTED FROM 16TH DECEMBER, 2015 TO 23RD DECEMBER, 2015

The Session Commenced from 16th December, 2015 and concluded on 23rd December, 2015. During this period the House had five sittings in which the House transacted business for 27 hours and 10 minutes.

As per the convention in the Chhattisgarh Legislative Assembly, the first sitting on 16th December,2015 commenced with the playing of National Song "Vande Mataram" and thereafter the House condoled the sad demise of Dr. A.P.J. Abdul Kalam, Ex-President of India, Shri Parasram Bhradwaj, Ex-Member of Loksabha, Shri Ganguram Baghel, Ex-State Minister of Chhattisgarh Government, Shri Pyarelal Salam, Ex-Member of undivided Madhya Pradesh Legislative Assembly.

Financial Business.

On 21st December, 2015 Second Supplementary Grants for the financial year 2015-2016 were presented in the House by Dr. Raman Singh, Chief Minister and also Finance Minister. On 22nd December, 2015 the entire Second Supplementary Grants for the financial year 2015-2016 were discussed & passed in a consolidated form by the House and thereafter the Chhattisgarh Appropriation (No-4) Bill, 2015 was introduced, considered and passed.

Earlier, General discussion on the Second Supplementary Grants for the financial year 2015 -2016 was held for 4 hours and 11 minute. The Appropriation (No.-4) Bill, 2015 (Rs.2272,98,70,220- Two Thousand and Two Hundred, Seventy Two Crore, Ninty Eight Lakh, Seventy Thousand, Two Hundred and Twenty Rupees) was passed by the House on 22nd December, 2015.

Legislative Business (Bills)

On 17th December, 2015 Principal Secretary laid details of the following bills assented to by the President of India and Governor of Chhattisgarh State on the Table of the House :-

(i) The Chhattisgarh Appropriation (N0-3) Bill, 2015.

(ii) The Chhattisgarh Protection of Depositors Interest Bill, 2005.

(iii) The Indira Kala Sangit Vishwavidyalaya (Amendment) Bill, 2015.

(iv) The Chhattisgarh Municipal Corporation (Amendment) Bill, 2015.

(v) The Chhattisgarh Municipalities (Amendment) Bill, 2015.

(vi) The International Institute of Information Technology (IIIT) University (Amendment) Bill, 2015

(vii) The Criminal Law (Chhattisgarh Amendment) Bill, 2013.

(viii) The Chhattisgarh Value Added Tax (Amendment) Bill, 2015.

(ix) The Industrial Disputes (Chhattisgarh Amendment) Bill, 2015.

During the above Session following Bills were introduced, considered and passed by the House:-

(i) The Chhattisgarh Appropriation (N0-4) Bill, 2015.

(ii) The Chhattisgarh Rajya Vitta Ayog (Amendment) Bill, 2015.

(iii) Chhattisgarh Mineral Development Fund (Amendment) Bill, 2015.

(iv) The Indian Stamp (Chhattisgarh Amendment) Bill, 2015.

(v) The Chhattisgarh Panchayat Raj (Amendment) Bill, 2015.

(vi) The Chhattisgarh Police (Amendment) Bill, 2015.

(vii) The Chhattisgarh Madhyastham Adhikaran (Amendment) Bill, 2015.

(viii) The Chhattisgarh Rent Control (Amendment) Bill, 2015.

(ix) The Chhattisgarh High Court (Appeal to Division Bench) (Amendment) Bill, 2015.

(x) The Chhattisgarh Shram Kalyan Nidhi (Amendment) Bill, 2015.

(xi) The Chhattisgarh Protection of Depositors' Interest (Amendment) Bill, 2015.

(xii) The Chhattisgarh Vidhan Sabha Sachivalay Seva (Amendment) Bill, 2015.

The Chhattisgarh Vidhan Sabha Sachivalay Seva (Amendment) Bill 2014 passed earlier by the House on 16th December, 2014 was returned by Hon'ble Governor of Chhattisgarh State under article 200 of the Constitution on 22nd July;2015 with his message for reconsideration. It was passed by the House on 21st December, 20 15.

Petition

As regards petitions, 94 Notices of the Petitions were received and out of which 16 Notices of the Petitions were admitted and 13 Petitions were presented in the House. 54 Notices of the Petition were disallowed, 24 Notices of the Petition were under consideration and 03 Notices of the Petition however lapsed.

Reports of the Committee

During the Session 02 reports of the Committee on Private Members' Bills and Resolutions, 01 report of the Committee to examine Papers laid on the Table, 08 reports of the Committee on Public Accounts, 01 report of the Business Advisory Committee. also 02 Notifications, 03 Ordinance, 11 Reports were laid on the Table of the House.

Adjournment Motion

In all 114 notices for adjournment motions were received during the session but none of them were admitted.

Calling Attention Notices.

Under rule-138 as many as 276 Calling Attention notices were received out of which 39 notices were admitted, Out of which 08 notices were discussed in the House, 33 notices were converted into Zero Hour notices under rule-267-A. 199 notices of Calling Attention were however disallowed and 05 notices were converted into discussion on a matter of Urgent Public Importance under rule 139.

Private Members Business

The Private Members business was taken up on Wednesday 23rd December, 2015.

Out of the 08 notices of Resolution received, 03 notices were admitted, 03 notices were discussed and passed by the House, 03 notices were disallowed, 02 notices were however under consideration.

Questions.

During the Session as many as 986 notices of Questions were received out of which only 681(352 Starred+329 Un starred) Questions were admitted. Out of the admitted Questions, 49 were answered orally in the House with the following break-up:-

Questions	Received	Admitted	Answered
Short Notice	0	0	0
Starred	560	352	49
Unstarred	426	329	-
Total	986	681	49

On the last day of the session, Hon'ble Speaker thanked the Leader of the House, Leader of the Opposition, Members and one and all for their co-operation in conducting the business of the House and then adjourned the House sine-die on 23rd December, 2015.

&&&&

THE LEGISLATIVE BODIES IN SESSION DURING THE MONTH OF MARCH 2016

Sl. No.	Name of Assembly/Council	Duration
1.	Loksabha	23.02.2016 - 16.03.2016, 25.04.2016 - 13.05.2016
2.	Rajyasabha	23.02.2016 - 16.03.2016, 25.04.2016 - 13.05.2016
3.	Chhattisgarh Legislative Assembly	01.03.2016 - 31.03.2016
4.	Gujarat Legislative Assembly	22.02.2016 - 31.03.2016
5.	Himachal Pradesh Legislative Assembly	25.02.2016 - 07.04.2016
6.	Jammu and Kashmir Legislative Council	18.01.2016 - 09.03.2016
7.	Jammu and Kashmir Legislative Assembly	18.01.2016 - 09.03.2016
8.	Karnataka Legislative Assembly	29.02.2016 - 05.03.2016
9.	Karnataka Legislative Council	29.02.2016 - 05.03.2016
10.	Maharashtra Legislative Assembly	09.03.2016 - 13.04.2016
11.	Maharashtra Legislative Council	09.03.2016 - 13.04.2016
12.	Rajasthan Legislative Assembly	29.02.2016 -

Site Address of Legislative Bodies in India

Sl.No	Name of Assembly/Council	Site Address
1.	Loksabha	loksabha.nic.in
2.	Rajyasabha	rajyasabha.nic.in
3.	Andhra Pradesh Legislative Council	aplegislature.org
4.	Andhra Pradesh Legislative Assembly	aplegislature.org
5.	Arunachal Pradesh Legislative Assembly	arunachalassembly.gov.in
6.	Assam Legislative Assembly	assamassembly.nic.in
7.	Bihar Legislative Assembly	vidhansabha.bih.nic.in
8.	Bihar Legislative Council	biharvidhanparishad.gov.in
9.	Chhattisgarh Legislative Assembly	cgvidhansabha.gov.in
10.	Delhi Legislative Assembly	delhiassembly.nic.in
11.	Goa Legislative Assembly	goavidhansabha.gov.in
12.	Gujarat Legislative Assembly	gujaratassembly.gov.in
13.	Harayana Legislative Assembly	haryanaassembly.gov.in
14.	Himachal Pradesh Legislative Assembly	hpvidhansabha.nic.in
15.	Jammu and Kashmir Legislative Assembly	jklegislativeassembly.nic.in
16.	Jammu and Kashmir Legislative Council	jklegislativecouncil.nic.in
17.	Jharkhand Legislative Assembly	jharkhandvidhansabha.nic.in
18.	Karnataka Legislative Assembly	kar.nic.in/kla/assembly
19.	Karnataka Legislative Council	kar.nic.in/kla/council/council

20.	Madhya Pradesh Legislative Assembly	mpvidhansabha.nic.in
21.	Maharashtra Legislative Assembly	mls.org.in/Assembly
22.	Maharashtra Legislative Council	mls.org.in/Council
23.	Manipur Legislative Assembly	manipurassembly.nic.in/
24.	Meghalaya Legislative Assembly	megassembly.gov.in/
25.	Mizoram Legislative Assembly	mizoramassembly.in
26.	Nagaland Legislative Assembly	http:/nagaland.nic.in
27.	Odisha Legislative Assembly	odishaassembly.nic.in
28.	Puducherry Legislative Assembly	www.py.gov.in
29.	Punjab Legislative Assembly	punjabassembly.nic.in
30.	Rajasthan Legislative Assembly	rajassembly.nic.in/
31.	Sikkim Legislative Assembly	sikkimasembly.org
32.	Tamil Nadu Legislative Assembly	assembly.tn.gov.in
33.	Tripura Legislative Assembly	tripuraassembly.nic.in/
34.	Uttar Pradesh Legislative Assembly	uplegassembly.nic.in
35.	Uttar Pradesh Legislative Council	upvidhanparishad.nic.in
36.	Uttarakhand Legislative Assembly	ukvidhansabha.uk.gov.in
37.	West Bengal Legislative Assembly	wbassembly.gov.in/
38.	Telangana Legislative Assembly	telanganalegislature.org.in