



Conference of Presiding Officers
of
Legislative Bodies in India

DAILY BULLETIN

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**BUSINESS UNDERTAKEN AT THE 76th CONFERENCE OF
PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA**

The 76th Conference of the Presiding Officers of Legislative Bodies in India, which was inaugurated by the Hon'ble Speaker, Lok Sabha and Chairperson of the Conference, Smt. Meira Kumar on 21 September 2011 in the Rajasthan Vidhan Sabha Chamber, concluded today, the 22nd September 2011.

Hon'ble Speaker, Lok Sabha, Smt. Meira Kumar, in her concluding remarks on 22nd September 2011 said that 'It is a matter of immense satisfaction that within the limited time available to us, we have had very meaningful and constructive deliberations on all the three items on the Agenda, namely, 'Determination of maximum period for Assent to Bills passed by the Legislature ; the Role of the Legislature in Scrutinizing and Making Laws for Good Governance; and Era of Coalition Government – Its Compulsions and Challenges' .

She said that Shri Uday Narain Choudhary, Speaker, Bihar Vidhan Sabha, who initiated the discussion on the subject, “*Determination of maximum period for Assent to Bills passed by the Legislature*”, set the tone for deliberations by citing statistics regarding Bills passed by various Legislatures, which are pending assent for a long time. Taking the deliberations further, Shri Ganapatbhai Vestabhai Vasava, Speaker, Gujarat Legislative Assembly opined that the Governor should have only two options, that is, either to accept the Bill or to return it to the Legislature. She further added that Shri Chandreshwar Prasad Singh, Speaker, Jharkhand Vidhan Sabha while sharing the views expressed by Shri Uday Narain Choudhary, Speaker, Bihar Vidhan Sabha, pointed that a Bill loses its relevance if its assent is delayed considerably. In all, 11 Presiding Officers put forth their valuable suggestions while participating in the discussion which lasted for 1 hour and 43 minutes. Almost all the Presiding Officers were of the view that the delay in according assent to Bills passed by the Legislatures not only frustrates the objectives of the Bill but also thwarts the will of the peoples’ representatives and desired that necessary provisions be urgently incorporated in the Constitution to provide for a maximum period for according assent to Bills passed by the Legislatures.

Venue of the 77th Conference of the Presiding Officers

It was decided that the 77th Conference of the Presiding Officers will be hosted by Bihar Legislature at Patna, Bihar.

The discussion on the subject ‘*the Role of the Legislature in Scrutinizing and Making Laws for Good Governance*’, was initiated by Shri Bhimananda Tanti, Deputy Speaker, Assam Legislative Assembly. He was also of the view that participation of citizens and other stake holders in the law making process by the Legislatures is an essential part of good governance and, therefore, the Legislatures must ensure that for good governance, the will of the people is reflected in the laws enacted by them. She added that Shri Tarakant Jha, Chairman, Bihar Vidhan Parishad, was of the view that participation of legislators in law making should be research-centric and the Presiding Officers should encourage the members to go through the relevant material before participating in the debates on

Bills. The Government, on its part, should also not bypass the established procedure and get the Bills passed in a hurry.

She pointed out that Shri Kuldeep Sharma, Speaker, Haryana Vidhan Sabha lamented the role now being played by the non-representative bodies in imposing their agenda over Legislatures, whereas enactment of laws for good governance is the sole prerogative of the Legislatures.

**MAHARASHTRA LEGISLATURE: PLATINUM
JUBILEE CELEBRATIONS**

Shri Shivajirao Bapusaheb Deshmukh, Chairman, Maharashtra Legislative Council announced yesterday that Maharashtra Legislature had entered in its Platinum Jubilee year on 19th July 2011 and President of India, Smt. Pratibha Devisingh Patil had kindly consented to inaugurate the Platinum Jubilee Celebrations at Vidhan Bhawan in Mumbai on 18 October 2011.

Referring to Hon'ble Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan, she said that he lamented that Legislatures, of late, were abdicating their power to legislate so much so that courts and members of civil society are now directing the legislatures not only to pass legislation but also dictating what should be contents of those Bills. She pointed out that Shri Rahman suggested that the views of the people should be taken into consideration by the Legislatures in a proper manner. Shri Rahman was also of the view that the Parliament should sit atleast 110-120 days, the State Legislatures for 90 days and small Legislatures for a minimum of 60 days in a year and if need be, the Constitution might be amended to achieve this purpose. As many as 20 Presiding Officers presented their views on the subject and the discussion lasted for about 2 hours and 50 minutes. Majority of the speakers were of the view that the legislative procedure should be strengthened to ensure adequate and proper scrutiny of laws before their enactment in order to achieve the goal of good governance and the Constitution needs to be amended to provide for minimum number of sittings for Legislatures to ensure proper scrutiny of legislation by Legislatures.

Referring to the discussion on the third and last item '*Era of Coalition Government – Its Compulsions and Challenges*' which was initiated by Shri A. Chakrapani, Chairman, Andhra Pradesh Legislative Council, Hon'ble Speaker said that he was of the view that the Coalition Governments are the order of the day. He was of the view that Coalition Governments pay more attentions to local and regional issues, there is less transparency in decision making process and the smaller parties or groups in Coalition Governments have more say in matters of governance.

**EXHIBITION ON '*PARLIAMENTARY DEMOCRACY
IN INDIA: A HISTORICAL PERSPECTIVE*'
EXTENDED**

On the request of Shri Deependra Singh Shekhawat, Hon'ble Speaker, Rajasthan Legislative Assembly, Smt. Meira kumar, Hon'ble Speaker, Lok Sabha has agreed for displaying the premises of Rajasthan Legislative Assembly First Floor till 30 September 2011. You may recall that the said Exhibition is set up by the Parliamentary Museum and Archives (PMA), Lok Sabha Secretariat, New Delhi.

All are cordially invited.

She also referred to the opinion of Shri Mohammad Akbar Lone, Speaker, Jammu and Kashmir Legislative Assembly, who opined that Coalition Governments are not in the interest of the nation but have become inevitable now. She informed that 16 Presiding Officers participated in the discussion which lasted for 2 hours and 15 minutes. She further added that during the deliberations on the subject of Coalition Governments, the common view which emerged was that although Coalition Governments are not in the interest of the nation yet the nation cannot avoid Coalition Governments. However, the Coalition should be principle based rather than opportunity based and Coalitions should be formed by the political parties before the elections on the basis of their common programmes.

Vote of Thanks was delivered by Shri Nadendla Manohar, Speaker of the Andhra Pradesh Legislative Assembly.

BUSINESS SESSIONS

‘Determination of Maximum period for assent to Bills passed by the Legislature’ was the first Agenda Item taken up for discussion on 21st September 2011. Shri Uday Narain Choudhary, Speaker, Bihar Legislative Assembly, initiated the discussion which was followed by active participation by Presiding Officers from various state Legislatures including Gujarat Legislative Assembly, Mizoram Legislative Assembly, Orissa Legislative Assembly, Uttar Pradesh Legislative Assembly etc.

BOOK RELEASED

Commonwealth Parliamentary Association – Centennial Souvenir

Rajasthan Legislative Assembly Secretariat came out with a souvenir – commemorating the Centennial of the Commonwealth Parliamentary Association – on the theme “*Parliamentary Form of Governance – Its strengths, challenges and requirements*” with particular reference to the position of Rajasthan Legislative Assembly on such parameters. Democracy and Ethics; Democracy and Moral Values; Ensuring Accountability of the Executive to the Legislature; Democracy, Judiciary and Common Man in Indian Polity; Right to Information and the Legislature; Judicial Activism: Ensuring Justice or Promoting Anarchy; Parliamentary Democracy in India: Future of a Factual Analysis; Parliamentary Democracy: Direction and State; and Coalition Governments – Destiny of Indian Parliamentary System are some of the articles in this Souvenir that have the experiences of the emerging trends in the parliamentary system of governance and the challenges encountered by those intrigued by such vital aspects of the system.

Next Agenda item which was taken up for consideration on 21st September 2011 was the ***‘Role of the Legislatures in Scrutinising and Making Laws for Good Governance’***. Shri Bhimananda Tanti, Deputy Speaker, Assam Legislative Assembly initiated the discussion and observed that the need to orient the Government and organizations for pro-poor and gender sensitive project for active participation as partners and stakeholders in governance is the need of the hour for good governance. Presiding Officers of various State

Legislatures spoke on the subject including Bihar Legislative Council, Haryana Legislative Assembly, West Bengal Legislative Assembly, Jammu and Kashmir Legislative Assembly etc. **Later, the discussion also continued on 22nd September 2011 when Hon'ble Deputy Chairman of Rajya Sabha, Shri K. Rahman Khan spoke on the subject** and observed that the subject of discussion was of great importance in the present context. The legislative bodies in democracy are supreme in the matter of enacting laws, and laws are meant for good governance.

Speaking on the subject, he said, "The situation today is that the people are losing faith in the legislative bodies. They doubt whether their representatives are enacting laws for their governance. It is they who have given them the power to enact laws and they have subjected that you make law and we will follow the law made by you. But, if you take the present scenario in the legislative bodies, somewhere we should introspect whether we have failed.

Attention Delegates!

Delegates are requested kindly to keep their mobile phones switched off during the Symposium. Kind cooperation of Delegates is solicited.

He further stated that time has come that we should introspect and to see that every law is passed after due scrutiny. "We, in Parliament, have well laid down rules in this regard. The Standing Committees are functioning effectively. No law or no Bill is passed without its scrutiny of the Standing Committees." He felt that if we scrutinize the laws, then we will be able to give good laws to the country, there will be good governance and there will be a good accountability.

Speaking on the minimum days to be fixed for the functioning of Parliament, he said, "We should recommend and pursue that the Constitutional Amendment be made so that Parliament and the State Legislatures should sit for minimum number of days in a year".

On disruption in the House, he said, "the statistics show that of late there were a lot of disturbances in the House. We have to discuss with the political parties about the futility of disruption in the House, the futility of disruption in the Question Hour, and the futility of

degrading our own powers and the futility of surrendering our own powers to some other bodies, which is a bad trend, which is bad to democracy, and which is bad for the future of the Indian democracy”.

Discussion on the third and the last item of the Agenda '*Era of Coalition Government – Its Compulsion and Challenges*' was initiated by Dr. A. Chakrapani, Chairman, Andhra Pradesh Legislative Council. A number of Presiding Officers from various State Legislatures, including Haryana Legislative Assembly, Jharkhand Legislative Assembly, Jammu and Kashmir Legislative Assembly, Bihar Legislative Assembly, Kerala Legislative Assembly spoke on the topic.

SYMPOSIUM ON '*STRENGTHENING CONSTITUTIONAL SCHEME OF CHECKS AND BALANCES*'

The separation of powers, in practice if not in form, is considered to be a pre-requisite for the effective and meaningful functioning of a democracy. Broadly speaking, it is based on the idea that governmental powers are divisible into three categories – Executive to promulgate laws, Legislature to make laws and Judiciary to apply and interpret the laws. This idea of separation of functions stems from the logical assumption that if the law-makers should also be the administrators and dispensers of law and justice, then the people at large will be left without a remedy in case any injustice is done.

But, the modern day interpretation of this doctrine does not recognize the division of Government into three water-tight compartments but instead provides for rights and duties in order to establish a system of checks and balances. It has been found that the mere separation of powers between the three organs is not sufficient for the elimination of the dangers of arbitrary and capricious government.

Shri Ashok Gehlot, Hon. Chief Minister of Rajasthan will inaugurate the Symposium on '*Strengthening Constitutional Scheme of Checks and Balances*' today. It will be presided over by the Hon. Speaker, Lok Sabha Smt. Meira Kumar who will also address the distinguished gathering. The Speaker of Rajasthan Legislative

Assembly, Shri Deependra Singh Shekhawat will deliver the welcome address.

**REPORT OF THE COMMITTEE OF PRESIDING OFFICERS
ON 'ENSURING ACCOUNTABILITY OF THE EXECUTIVE
TO THE LEGISLATURE**

The Report of the Committee of Presiding Officers on 'Ensuring Accountability of the Executive to the Legislature' was presented by Shri Deependra Singh Shekhawat, Speaker of Rajasthan Legislative Assembly yesterday. Later, it was adopted by the Conference.

Following are some of the important Recommendations of the Committee of Presiding Officers on 'Ensuring Accountability of the Executive to the Legislature:

(i) The sanctity of the Question Hour must be maintained so that the right of the Members to seek information is protected and the Government made accountable;

Attention Delegates!

- **Cultural programme at Sisodia Rani Ka Bagh, Jaipur at 1900 hours today.**
- **Dinner to be hosted by Shri Ashok Gehlot, Hon'ble Chief Minister, Rajasthan at Sisodia Rani Ka Bagh, Jaipur at 2000 hrs. today.**

(ii) The tendency to resort to frequent adjournments and to create unruly scenes must be curtailed so as to preserve the faith of the people in the parliamentary set up and to maintain the image and credibility of the legislative bodies;

(iii) The political parties need to ensure good attendance of their Members and maintain quorum and the Members need to ponder whether it is ethical on their part to accept daily allowance for the sittings adjourned due to frequent disruptions or for want of quorum;

(iv) Mindful of the gradual decline in the sittings of Legislatures and the squeezing opportunities of Members to raise matters of public importance in the Legislature, there is a need to amend the Constitution to provide for a minimum number of sittings of 60 days for the Legislatures of smaller States and 100 days for both larger States and the Parliament in a year.

(v) Considering the significant role and functions of Parliamentary Committees, the Committee system must be further strengthened and the State legislatures should also set up the Departmentally Related Standing Committees where not set up already.

(vi) Taking note of the huge excess expenditure incurred by many States over past few decades which has not been regularized by the State Legislatures in terms of Article 205 of the Constitution, the PACs of the State Assemblies need to examine the excess expenditure on a regular basis. The defaulter Ministries should be reprimanded for excess expenditure and cautioned to avoid excess expenditure before recommending its regularization.

(vii) Concerned over the inordinate delay in fulfillment of the assurances, there is an urgent need to revamp the functioning of the Committee on Government Assurances so that the implementation of assurances given on the floor of the House is implemented expeditiously.

Cyber Café

A Cyber Café is set up in Room No. 110 on the first floor, Rajasthan Vidhan Sabha premises for the convenience of the delegates and others. They may use this centre to browse the internet as also to receive and send e-mails. This service is available till 24th September 2011.

(viii) In order to maintain the autonomy of the Legislature Secretariats as enshrined in Article 98 and 187 of the Constitution, each Legislature needs to enact a law for regulating the recruitment and conditions of service for appointment of its secretarial staff in order to build a dedicated, well qualified, objective and proficient cadre of officers and to check possible arbitrary exercise of power or outside intervention;

(ix) *In order to have an institutional arrangement for collection and collation of information regarding the work done by the Legislature and their Committees, each Legislature Secretariat must set up a Coordination Cell so as to share and exchange information with the Coordination Cell in the Lok Sabha Secretariat on a regular basis; and*

(x) *Finally, the action taken to implement the recommendations of this Report may be reviewed at the next meeting of the Presiding Officers.*

Attention Delegates!

All Delegates, Secretaries, Spouses/accompanying persons and other Officials are cordially invited to attend all the Lunches and Dinners.

PLEASE NOTE!

Sight-Seeing/Post-Conference Tour

Arrangements have been made to take the spouse of the visiting delegates and others on local sight-seeing in the Pink City from 20th to 23rd September 2011 and of course, they will be accompanying the delegates on the Post-Conference Tour scheduled to Ajmer-Pushkar and Ranthambhor.

Post-Conference Tour (Saturday, 24th September 2011)

Ranthambhor

Ranthambhor National Park, once a princely game conserve is where the celebrated Indian tigers are best seen. It sprawls over a

varying and undulating landscape. A tenth century fort also blends amicably with the background. Three big talabs meaning ponds – Padam Talab, Malik Talab and Raj Bagh – appear as turquoises studded in the vast forest that abounds with aquatic vegetation including duckweeds, lilies and lotus. The Rivers Chambal in the South and the Banas in the North bound the National Park. The tiger is not the only attraction at Ranthambhor. A variety of animals including owlets, langurs, leopards, hyena, jackal, jungle cat, marsh crocodiles, wild boar, bears and various species of deer are the other attractions.

Ajmer

South west of Jaipur, Ajmer is an oasis wrapped in the green hills. Today, Ajmer is especially famous for the Dargah Sharif-tomb of the Sufi saint Khwaja Moin-ud-din Hasan Chisti, which is equally revered both by the Hindu and the Muslims, Ajmer is a centre of culture and education. The British chose Ajmer for its prestigious Mayo College, a school exclusively for Indian nobility at one time.

Dargah Khawaja Sahib

It is the landmark of Ajmer and one of the holiest of Muslim shrines in the country. Khwaja Moin-ud-din Hasan Chisti, the Sufi saint from Persia made this place his abode from 1192 till he died in 1236 AD. Mughal King Humayun completed the construction of the Shrine.

Pushkar

The ‘Pilgrim City’ is a picturesque town 14 kms. From Ajmer. Known for its temples and lake, the Nag Pahar (Snake Mountain), which forms a part of chain of the Aravali ranges, stands between Ajmer and Pushkar. It is one of the most revered places for Hindus as *Tirth Raj* or the king among places of pilgrimage.

According to Padma Puran, the Hindu religious text, Lord Brahma was in search of suitable place for a Vedic yagna. While contemplating, a lotus fell down from his hand on the earth and water spurted from three places, one of them being Pushkar and Lord Brahma decided to perform his yagna over here.

Brahma Temple

This is the only existing temples dedicated to Lord Brahma and was constructed in the 14th Century, standing on a high plinth with marbles steps leading up to it in Pushkar.

Photographs

Delegates can have a look at the photographs clicked during the Conference and place an order by depositing the money towards developing the pictures after selection of the pictures on the computer itself in Room No. 245. The photograph could also be sent through e-mail.

TODAY'S ENGAGEMENTS

Friday, 23rd September 2011

<i>0900 hours</i>	<p>Symposium on “Strengthening Constitutional Scheme of Checks and Balances”</p> <p>(i) Welcome Address by Shri Deependra Singh Shekhawat, Hon’ble Speaker, Rajasthan Vidhan Sabha;</p> <p>(ii) Address by Smt. Meira Kumar, Hon’ble Speaker, Lok Sabha; and</p> <p>(iii) Inaugural Address by Shri Ashok Gehlot, Chief Minister, Rajasthan</p>
<i>1000 hours</i>	Coffee Break at Rajasthan Vidhan Sabha Bhavan Premises
<i>1015- 1300 hours</i>	Discussion on the Subject of the Symposium
<i>1300- 1430 hours</i>	<p>Lunch at Rajasthan Vidhan Sabha Bhavan Premises</p> <p>Press Conference by the Hon’ble Speaker, Lok Sabha at Legislators’ Room, Rajasthan Vidhan Sabha Bhawan</p>
<i>1430 -1730 hours</i>	Local Sight Seeing
<i>1900 hours</i>	Cultural Programme at Sisodia Rani Ka Bagh, Jaipur
<i>2000 hours</i>	Dinner hosted by Shri Ashok Gehlot, Hon’ble Chief Minister, Rajasthan at Sisodia Rani K Bagh, Jaipur