

# Kalam draws energy map

Statesman News Service

NEW DELHI, June 26: President Dr APJ Abdul Kalam today set out the roadmap for India's energy independence, terming it the nation's highest priority. "Our target is to achieve Energy Security by 2020 leading to Energy Independence by 2030 and beyond," Dr Kalam said after presenting the TERI corporate awards. "Of course there were many discussions nationally as well as internationally on this subject. I would like to suggest certain actions to be taken on the energy missions for contributing towards energy independence in India."

Based on India's progress visualised over the next two decades, the President said the power generating capacity had to increase to 400,000 MW by 2030 from the existing 130,000 MW. To meet this, he emphasised, energy independence could be achieved through three different sources - hydel capacity, nuclear power and non-conventional energy sources, primarily through solar energy, apart from thermal power.

Contending that solar energy in particular, had the potential for massive applications in the agricultural sector, where farmers need electricity exclusively in the daytime, Dr Kalam said this could be the primary demand driver for solar energy. "Our farmers demand for electric power today is significantly high, which makes solar energy economical due to its large scale. Shortages of water, both for drinking and farm-



ing operations, can be met by large scale seawater desalination and pumping inland using solar energy, supplemented by bio-fuels wherever necessary."

Pointing to Carbon Nano Tube (CNT) based solar cells as the answer for higher efficiency and lower cost, Dr Kalam said it was essential to launch a research mission on CNT photovoltaic cell. "Our scientists have to take up this challenge and come up with the development of a CNT based PV cell with an efficiency of at least 50% within the next three years so that it can go into commercial production within five years," he added.

Turning to nuclear energy, Dr Kalam said with the completion of nine reactors, the present nuclear power capacity of 14 reactors which is 2700 MW is expected to go to 2400 MW by 2010. "Eventually, as per present plan of Barc and Nuclear Power Corporation, the capacity by 2020 is expected to be increased to 24,000 MW. There is a need to plan right from now to increase this capacity to 50,000 MW by 2030," he felt. With the transportation sector consuming about 90 per cent of the total available oil, the President

called for an urgent need to find alternative fuels and energy sources. A promising area, he pointed out, was the production of bio-fuels. Simultaneously, he spoke of the need to work on hydrogen-based fuel and electric powered vehicles. He referred to a bio-diesel conference in Hyderabad, where participants suggested the formation of a bio-fuel corporation at the centre and bio-fuel boards in the states.

Lauding efforts by Hyderabad and Vijayawada to operate power plants utilising municipal waste, he also exhorted industry leaders to help establish such power plants in collaboration with local municipal authorities.

He set out an eight-point agenda for Teri to help the country achieve availability of adequate energy while assuring a trajectory of economic growth. These include setting up a website setting out the energy and environment scenario and help farmers procure quality standardised Jatropha seeds, for bio-diesel.

He felt the country must aim to produce 60 million tonnes of bio-diesel by the year 2030 as a step towards energy independence in the transportation sector. He urged Teri to play an important role in this effort, primarily by conducting research farming to realise standard high yield variety of Jatropha seed. Dr Kalam also called upon Teri to help remove the polluting burden of fly ash by working on a mission for its 100 per cent utilisation for wealth generating products.

# বিলা সংশোধন না করা হলে ইস্তফার জুমকি কালামের

জয়ন্ত ঘোষাল • নয়াদিল্লি

২৩ জুন: লাভজনক পদের বিলা সংশোধন না করে পাঠালে ইস্তফা দেবেন রাষ্ট্রপতি এ পি জে আব্দুল কালাম।

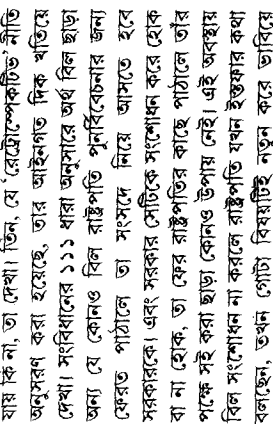
এর আগে ভারতের কোনও রাষ্ট্রপতি মেয়াদ ফুরানোর আগে পদত্যাগ করেননি। যদি রাষ্ট্রপতি ইস্তফা দেন, তা হলে সেটি হবে নজিরবিহীন ঘটনা। গোটা দেশের রাজনৈতিক মহলেই তার প্রভাব পড়বে।

রাষ্ট্রপতি তাঁর এই মনোভাবের কথা সম্প্রতি কেন্দ্রীয় সরকারকে জানিয়েছেন। জুলাই মাসে সংসদের বাদল আধিবেশনেই এই বিলাটি নিয়ে আবার সংসদে আলোচনা হওয়ার কথা। এর মাঝে রাষ্ট্রপতির এই চরম মনোভাবে উদ্ভিন্ন হয়ে পড়েছেন কংগ্রেস নেতৃত্ব। এই পরিহিতিতে কী ব্যবস্থা নেওয়া যায়, কংগ্রেস সভানেত্রী সনিয়া গান্ধী তা খতিয়ে দেখতে বলেছেন প্রতিরক্ষামন্ত্রী প্রণব মুখোপাধ্যায় ও কেন্দ্রীয় আইনমন্ত্রী হংসরাজ ভরদ্বাজকে।

লাভের পদের বিলাটি সংসদের উভয় সভাতে পাশ হয়ে যাওয়ার পর রাষ্ট্রপতি তাতে সই না করে ফেরত পাঠিয়ে দেন। এই বিলে মূলত তিনটি বিষয়ে তিনি পুনর্বিবেচনা চেয়েছেন। প্রথমত, প্রতীটি রাজ্য ও

কেন্দ্রশাসিত অঞ্চলে একই বৈশিষ্ট্য বজায় রাখা। দুই, কোনও নির্দিষ্ট পদ উল্লেখ না করে গোটা সংস্থাকে এর আওতায় আনা যায় কি না, তা দেখা। তিন, যে 'রেজ্রোস্পেকটিভ' নীতি অনুসরণ করা হয়েছে, তার আইনগত দিক খতিয়ে দেখা। সংবিধানের ১১ ধারা অনুসারে অর্ধ বিলা ছাড়া অন্য যে কোনও বিলা রাষ্ট্রপতি পুনর্বিবেচনার জন্য ফেরত পাঠালে তা সংসদে নিয়ে আসতে হবে সরকারকে। এবং সরকার সেটিকে সংশোধন করে হোক বা না হোক, তা ফের রাষ্ট্রপতির কাছে পাঠালে তাঁর পক্ষে সই করা ছাড়া কোনও উপায় নেই। এই অবস্থায় বিলা সংশোধন না করলে রাষ্ট্রপতি যখন ইস্তফার কথা বলছেন, তখন গোটা বিষয়টিই নতুন করে ভাবিয়ে তুলেছে সরকার ও কংগ্রেস নেতৃত্বকে। যদিও লোকসভায় কংগ্রেস নেতা প্রণব মুখোপাধ্যায় সনিয়া গান্ধীকে জানান, রাষ্ট্রপতির চাপের কাছে নতিস্বীকার না করে বিলাটিকে অপরিবর্তিত রাখাই বাঞ্ছনীয়।

তবে ইস্টাং কেন এত অনড় মনোভাব নিতে গেলেন রাষ্ট্রপতি?



## লাভজনক পদ বিতর্ক

কংগ্রেসের অনেক নেতার মতে, আগামী বছরেই মেয়াদ ফুরিয়ে যাচ্ছে এ পি জে আব্দুল কালামের। ২০০৭-এ ২৫ জুলাই তাঁর অবসর নেওয়ার কথা। কালাম আরও এক দফা মেয়াদ বাড়তে চেয়েছিলেন। কিন্তু কংগ্রেস নেতৃত্ব সে ব্যাপারে উৎসাহ দেখায়নি। অনেক কংগ্রেস নেতার অভিযোগ, রাষ্ট্রপতি হিসাবে কালামের নিয়োগ হয়েছিল এনিডিএ আমলে। পোখরান পরমাণু পরীক্ষার পরে তাঁকে রাষ্ট্রপতি করা হয়। এখনও বাজপেয়ী-আডবালীর মতো বিজেপির শীর্ষ নেতৃত্বের সঙ্গে কালামের ঘনিষ্ঠতা আছে। প্রাক্তন প্রতিরক্ষামন্ত্রী জর্জ ফার্নানডেজের সঙ্গেও কালামের সম্পর্ক মধুর।

তলে তলে বিজেপি ঘনিষ্ঠতার অভিযোগ তুললেও এই মুহূর্তে কোনও ভাবে রাষ্ট্রপতিকে অসন্তুষ্টও করতে চাইছেন না কংগ্রেস শীর্ষ নেতৃত্ব। কারণ, যদি রাষ্ট্রপতি ইস্তফা দিয়ে দেন, তাহলে বিজেপি তার থেকে রাজনৈতিক ফায়দা তোলার চেষ্টা করবে। বিজেপিকে সেই সুযোগও কোনও অবস্থাতে দিতে চায় না কংগ্রেস। এ

মতনা এড়াতে বিলে কোনও সংশোধন করা যায় কি না, তা খতিয়ে দেখতে বৈঠকে বসেন কংগ্রেস শীর্ষ নেতৃত্ব। প্রধানমন্ত্রী মনমোহন সিং, সনিয়া গান্ধী এ বিষয়ে আলোচনা করবেন প্রণব মুখোপাধ্যায়, প্রিয়রঞ্জন দাশমুণ্ডির মতো কংগ্রেসের অন্য শীর্ষস্থানীয় নেতাদের সঙ্গে। সংসদীয় মন্ত্রী প্রিয়রঞ্জন দাশমুণ্ডি এই মুহূর্তে বিদেশ সফরে। তিনি ফিরলে ২৭ তারিখ। সংসদের অধিবেশনের আগেই এই বৈঠক হবে বলে তিনি জানান।

এই বিলা পাশ হওয়ার উপর জাতীয় উপদেষ্টা পরিষদ (এনএসি) ও সনিয়ার ভাগ্যও অনেকটা নির্ভর করছে। কারণ, এই পদটিও লাভজনক পদের বিলে বাতিলের তালিকায় অন্তর্ভুক্ত করা হয়েছে। বিলা পাশ না হওয়া পর্যন্ত সনিয়াও ওই পদে ফিরতে পারছেন না। রাষ্ট্রপতি বিলা ফেরত দেওয়ার সময় এনএসি-র বিষয়টিও উল্লেখ করেছিলেন। সনিয়া অবশ্য এখনই এই পদে যোগ দেওয়ার ব্যাপারে ভাড়াছড়ো করতে চাইছেন না। শুধু সাংবিধানিক বৈধতাকে সঞ্চাল করে চটজলদি পুরনো পদে আসার পক্ষপাতী নন তিনি। বরং গোটা পরিহিতিটা তিনি বুঝতে চাইছেন এবং সঠিক ভাবে তা মিটিয়েও নিতে চাইছেন। সে দিক থেকে বিলাটিতে সামান্য কিছু রদবদল করে ফের এটিকে পাশ করানো যায় কি না, তা বিবেচনা করছে সরকার।

AAJKAAL

# What are the Indian President's powers?

In terms of the Indian Constitution and through long-established practice, the President of India is only a figurehead like the British monarch.

Shanti Bhushan

**T**HE PARLIAMENT (Prevention of Disqualification) Amendment Bill, 2006, was returned by the President of India a few days ago with his comments. That has raised a constitutional issue about the President's powers vis-à-vis those of the Council of Ministers. This question is governed by Article 74 (1) of the Constitution of India, which is reproduced below:

"(1) There shall be a council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice:

"Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration."

The proviso did not exist till June 20, 1979, when it was introduced by the Janata Party Government through the Constitution (44th) Amendment Act, 1978. It happened to be the Law Minister.

As the President is only a titular head with no real powers, he is constitutionally obliged to act as per the advice of the Ministers in exercise of all his functions. When the Bill, after being passed by the two Houses of Parliament, was submitted by the Council of Ministers to the President under Article 111 with its advice that it should be assented to, the President was obliged to give his assent. If he chose to exercise his power under the Proviso to Article 74(1), he could send it back to the Ministry for reconsideration.

Thereafter, if the Ministry after reconsideration again sent back the Bill to the President for his assent, the President would have no option but to give his assent.

As this question arose in 1977 when the then acting President, B.D. Jatti, initially

refused to sign the Proclamation of President's Rule in nine States, it would perhaps interest readers if I extract this passage from my memoirs, which are yet to be published:

"Charan Singh, as Home Minister, wrote a letter to the Chief Ministers of the nine States, the contents of which were drafted by me. The letter pointed out that the recent polls had indicated that people had lost confidence in the State Governments and therefore, it was necessary to go in for fresh polls. It was suggested that they themselves recommend the dissolution of the Assemblies and continue in power until the next elections. However, the Chief Ministers refused to get their Assemblies dissolved. In my opinion, the governments could not be carried on in accordance with the Constitution. The Janata Party government therefore, recommended the imposition of President's Rule under Article 356.

"The recommendation was sent to the President for his signatures. At that time Mr. B.D. Jatti, the Vice-President, was Acting President after the death of Shri Fakruddin Ali Ahmed. He had always been a very strong supporter of the Congress (I), and when the notification was taken to him, he refused to sign it. At this unexpected development, the Prime Minister called an emergency meeting of the Cabinet at his residence. Charan Singh and I had a conversation on the way to the meeting, and Charan Singh confessed to being unable to see a way out of the impasse.

"I said that the act of the acting President in refusing to sign the notification on the recommendation of the Cabinet was totally unconstitutional, and that if the acting President persisted in this conduct, we should immediately dissolve the Lok Sabha on this issue alone and go to the people on the conduct of the acting President. Charan Singh cheered up considerably on hearing this, and this combative stance was approved by the Cabinet in the meeting. We were quite confident that the people would resoundingly

condemn the President and re-elect a Janata Party government with a bigger mandate than before.

"It was decided that I should personally go to Mr. Jatti and explain the constitutional position to him. So while the Cabinet remained in session at the residence of the Prime Minister, I went to see Mr. Jatti. I told him that this position had always been accepted by the constitutional experts that a President was bound by the advice of the Council of Ministers, although there was no such express provision in the original Constitution. A controversy had arisen in 1954 when Prime Minister Jawaharlal Nehru and President Rajendra Prasad had fallen out with each other on the Hindu Code Bill and the issue was referred to the Attorney General, Setalwad. The President's position had been that the Council of Ministers' duty was merely to aid and advise the President, and the President was not bound by the advice of the Council of Ministers. However, Setalwad expressed the view that the Indian Constitution was based on the British parliamentary system, in which the advice of the Council of Ministers was supreme and binding on the President even though not so expressly stated in the Constitution. This view was also upheld by the Supreme Court in *Shamsher Singh's* case by a seven Judge bench. Mrs Gandhi even got the Constitution amended, by making it an express provision in the Constitution that the President was bound by the advice of the Council of Ministers. I made it clear to Mr. Jatti that he would be acting unconstitutionally in disregarding the views of the Council of Ministers.

"Mr. Jatti responded by saying that that was all very well, but how could he be a party to a decision that would, in all likelihood, mean the death of Congress (I) as a party? He told me that he owed every office that he had ever held throughout his political career to the Congress (I), and he could not be a

party to the destruction of the Congress (I). I told him that these were his personal views, but as long as he held the office of the President, he could not disregard the advice of the Council of Ministers. However, Mr. Jatti still declined to sign, and I reported this to the Cabinet.

"It was then decided that the Prime Minister would send a formal letter to the President, pointing out the constitutional position. Morarji Desai signed a letter, which stated all that had transpired, including the details of my meeting with Mr. Jatti. The letter was taken to the Acting President by the Cabinet Secretary. In the meantime, it was decided that the Prime Minister would take the people into confidence and make a broadcast to the nation in the evening, paving the way for the dissolution of the Lok Sabha. I was asked to draft the address of the Prime Minister to the nation. I came back to my office and started working on the draft of the address to the nation.

"An hour later, I received a call from the Prime Minister that Mr. Jatti had signed the notification. I came to know later that when Mr. Jatti went through the letter which the Cabinet Secretary handed over to him, his hands began to shake and he became extremely nervous. It was only then, that he appended his signatures to the proclamation, and thus ended this episode.

"Subsequently, the nine State Assemblies were dissolved, fresh elections were ordered, and by the end of May 1977, the Janata Party won another resounding victory in all the nine States."

In 1978, the Janata Party Government got Parliament to enact the Constitution (44th Amendment) Act to give a very limited power to the President by adding the proviso to Article 74. However, the President of India rightly remains only a figurehead like the British Queen.

(The author is a senior lawyer and a former Union Law Minister.)

# President acts

## Asks Parliament to reconsider

President Abdul Kalam has done the right thing in returning the controversial Prevention of Disqualification Amendment Bill, 2006, popularly known as the Office of Profit Bill, passed by both Houses of Parliament, for reconsideration. It is the third instance of this kind in recent history. The bill exempts 56 posts, including that of chairperson of the National Advisory Council, held by Sonia Gandhi, from disqualification. It should be said in fairness to her that the moment she knew there was a complaint against her holding an office of profit, she promptly resigned her seat in the Lok Sabha and the post of chairperson of the NAC. Other members of Parliament belonging to both the UPA and the Opposition parties failed to emulate her example. Questioning the propriety of the Bill's retrospective applicability, the President is reported to have suggested a comprehensive legislation which was just and fair and could be implemented in a transparent manner. Exercising his power under Article 111 of the Constitution, the President wanted Parliament to study the implications of including the offices regarding which petitions for disqualification are pending. If the President had given his assent to the Bill in its present form, it would amount to those holding listed offices of profit under the union government or any state government circumventing disqualification of Parliament membership because of its retrospective effect.

No one denies that Parliament is supreme but it is empowered to make laws for the public good, not mainly for the benefit of its sitting members, except in matters relating to fixing their salary and perquisites. It is not authorised by law to grant amnesty to members who have transgressed a constitutional provision. Article 102 of the Constitution is very clear that a person shall be disqualified for being a member of either House of Parliament if he holds any office of profit under the Government of India or the government of any state other than an office declared by Parliament by law not to disqualify its holder. In the case of Jaya Bachchan, whose disqualification from being a member of the Rajya Sabha led to the present Bill, the Supreme Court ruled that a member of Parliament would be treated as holding an office of profit even if the member derived no pecuniary benefit whatsoever therefrom but if the office entitled its holder to profit or gain. Far from being embarrassed by the President returning the Bill for reconsideration, the UPA government is determined to reintroduce it in Parliament in the coming monsoon session. It is assured of easy passage by virtue of the majority - and the confluence of vested interest - that the UPA and its supporting parties represent in both Houses of Parliament. The President has spoken, the Supreme Court has spoken; it is for Parliament to decide if, in this case, its actions reflect the will of the people.

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THE STATESMAN

# Manmohan meets Kalam

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## Cabinet to discuss President's message

Special Correspondent

**NEW DELHI:** In the wake of the controversy over President A.P.J. Abdul Kalam's decision to send back for re-consideration the office-of-profit Bill, Prime Minister Manmohan Singh had a scheduled meeting with him on Wednesday.

The official thinking is "the Government will examine the President's communication" and "there was no urgency." The communication is likely to figure in the Union Cabinet's regular meeting on Friday.

### NDA's plea

Meanwhile, the National Democratic Alliance pitched in with a memorandum to the Election Commission, asking it to take a view on the complaints referred to it by the President and Governors seeking disqualification of members holding offices of profit. Complaints about 40 MPs and about 200 MLAs are pending before the Commission as per a list put out on its web site.

The NDA urged the Commission not to "bunch" the references and formulate opinion only after all evidence in respect of all references was collected.

In an indirect reference to Congress president Sonia Gandhi, the NDA asked: "If one member [Rajya Sabha member Jaya Bachchan] is disqualified retrospectively, can another member similarly placed escape disqualification either by resigning or being protected by the efflux of time till a corrective law is promulgated?"

According to Bharatiya Janata Party leader Arun Jaitley, under Article 102 of the Constitution a member got disqualified immediately upon his/her holding an office of profit. "The EC adju-

dicates the disputes and makes a declaration where disqualification has already occurred. In the case of Ms. Gandhi, even though she subsequently resigned, for the period that she held an office of profit a declaration should be made by the Commission with retrospective effect."

On its part, the Congress maintained that it was well within the constitutional authority of the President to raise certain questions on the Bill. Party spokesperson Jayanti Natarajan said the Government and Parliament would examine it with great respect and give their response.

### "Not a setback"

Denying that the reference was a "setback" to the Manmohan Singh Government, Ms. Natarajan accused the BJP of "double-faced hypocrisy" and behaving "irresponsibly" by seeking to politicise the Election Commission. She said the BJP stood exposed by its demand that the Commission expedite the disposal of complaints before it. If the party stood by principles it was now talking of, it should demonstrate them by directing its Government in Jharkhand to resign.

"Their attitude to politicise the Election Commission by putting pressure [on it] to complete the proceedings and subvert both Parliament and the [office of] President and the process of law is irresponsible and motivated. This is part of their continuous attempt to politicise and denigrate high constitutional offices."

Editorial on Page 10  
Text of President's message to Parliament : Page 12

THE HINDU

THURSDAY, JUNE 1, 2006

# A case of presidential overreach

*Presidential  
HP 10*

**I**f the Indian presidency is not quite a decorative or ceremonial post, it is supposed to be a far cry from an executive office — it must not be allowed to be activist and set the terms for substantive policy-making, let alone be permitted to intrude into the parliamentary domain or, for that matter, into the executive sphere where the Cabinet is all powerful. The intent of the Constituent Assembly, the provisions of the Constitution, and democratic practice evolved over nearly six decades make this absolutely clear. By and large, heads of state in India have conducted themselves within the strict confines the supreme law and the theory of parliamentary government have laid down for them. When the Rashtrapati pits his constitutional and political wits against key decisions made by the Cabinet, not to mention Parliament, it certainly goes against the spirit of the Constitution and parliamentary government. The situation might have been otherwise had India's first President, Rajendra Prasad, prevailed with his point of view in the early 1950s; on certain occasions, notably during the controversy over the Hindu Code Bill, he "attributed to his office enormously greater powers than those given by the Constitution," to quote the scholar Granville Austin. But fortunately, it is now well settled that the position of the Indian President is analogous to that of the British constitutional monarch.

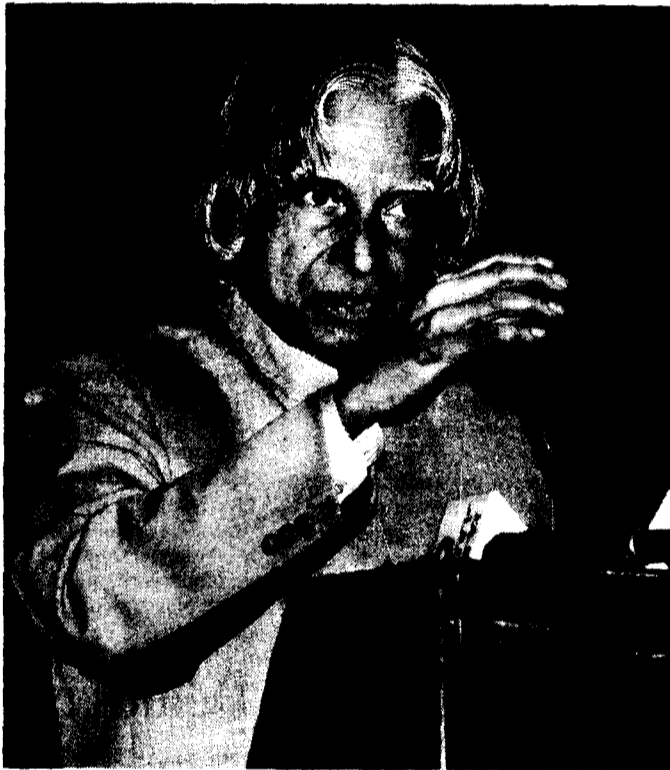
This is a time of overreach of roles by constitutional authorities, the Election Commission in particular. President A.P.J. Abdul Kalam's action of returning the Office of Profit Bill, duly passed by Parliament in the recent Budget session, for reconsideration by both Houses suggests he has now caught the contagion. Technically, he is within his rights, since Article 111 allows the President to return a non-money Bill once — but only once — to Parliament, recommending amendments if necessary. But substantively and contextually, his action amounts to throwing a spanner in the politics of the country. It is not that the President's thinking about the desirability of evolving "generic and comprehensive criteria" that are "just, fair and reasonable" and can be applied in a "clear and transparent manner" is without substantive merit. Indeed, this newspaper editorially took strong objection to the way Parliament was adjourned to enable the promulgation of a self-protective ordinance on the office of profit issue; and then criticised the Bill for "offending democratic sensibilities" by merely listing the specific offices held by sitting members and exempting them from disqualification without looking at broad categories that might qualify for reasonable exemption or advancing any general principle. However, the question the President has raised about the "soundness and propriety of law" of the retrospective nature of the Bill's exemptions and his suggestion that there can be India-wide application of the generic and comprehensive criteria (thus treading on the toes of the Legislative Assemblies of States and Union Territories) are questionable, if not unsound. The real objection to President Kalam's activism in returning the Bill to Parliament for reconsideration must be that, in the Indian constitutional scheme, it is decidedly not the business of the head of state to judge the constitutional-philosophical merit of legislation or to 'guide' Parliament in its legislative business — whether it be the Hindu Code Bill of 1951 or the Office of Profit Bill of 2006. However high-minded the action might seem, through his ill-advised overreach President Kalam seems to have played into the hands of the main opposition party whose official spokesman has demanded that the Election Commission should now decide all pending complaints against MPs on the office of profit issue within a week! It is a piquant situation to which the Government and Parliament must come up with a mature and decisive response.

01 JUN 2006

THE HINDU

# Increase number of seats in centres of higher education: Abdul Kalam

It is a "mission" to be achieved through public-private partnerships



President A.P.J. Abdul Kalam at the inauguration of "Grassroots Summit 2006" in New Delhi on Friday. - PHOTO: SHANKER CHAKRAVARTY

Special Correspondent

NEW DELHI: President A. P. J. Abdul Kalam on Friday recommended that the number of seats in centres of higher education be increased to cater for the requirements of the country's knowledge industry.

Inaugurating a grass roots summit organised by the Press Institute of India here, he said provision of more seats was a "mission" that should be achieved through public-private partnerships.

"In this connection, I have developed a system of global human resource cadre. In the 21st century, India needs a large number of talented youth with higher education for the task of knowledge acquisition, knowledge imparting, knowledge creation and knowledge sharing."

Mr. Kalam, who cited the country's rapidly growing 500-plus million population under 25, suggested that universities set up special cadres to meet future demands, from both within and outside the country, for skilled and qualified youth.

Describing the rural ambience

• Universities must set up special cadres to meet future demands

• Call to media to be a partner in national missions

as "a scene of sweat," he called upon the media to devise out-of-the-box solutions and be a partner in national missions such as Developed India, 2020, Providing Urban Amenities in Rural Areas and the recently launched Bharat Nirman programme.

These missions, together with the Rural Employment Guarantee Scheme covering 200 districts, had the potential to transform rural India.

"Journalists must become partners in the programme of PURA and energy independence mission, celebrate every aspect of success in the nation, particularly in rural areas, work towards promotion of a corruption-free society, help in the creation of enlightened citizens and promote harmony in the nation."

19 3 MAY 2006

THE HINDU

# Kalam sends back Office of Profit Bill

Says focus should be on evolving  
a just, fair criteria

9 President  
110-1

Vinay Kumar

**NEW DELHI:** In a jolt to the United Progressive Alliance Government, President A.P.J. Abdul Kalam on Tuesday returned the controversial Office of Profit Bill, passed by Parliament during the Budget session that concluded on May 23.

The Bill was sent to Mr. Kalam on May 25. Since then, he held discussions with a number of legal and judicial experts. After obtaining their views, Mr. Kalam also studied the Bill on his own, sources said.

## Retrospective effect

Asking Parliament to reconsider the Bill in the light of his observations, the President also asked it to look into the legal propriety of the application of the Bill with retrospective effect.

Mr. Kalam said the focus of the Bill should be on evolving a comprehensive criteria, which was just, fair and reasonable, and could be applied across all States and Union Territories in a clear and transparent manner. He wanted Parliament to study the implications of including the offices in relation to which petitions for disqualification were already under process by the competent authority.

Exercising his power under Article 111 of the Constitution, the President said Parliament should reconsider the Bill in the



A.P.J. Abdul Kalam

light of the settled interpretation of Article 102.

The Office of Profit Bill did not witness a smooth passage in Parliament with the Opposition whipping up controversy on several aspects. A total of 56 offices were exempted under the purview of the Bill. The controversy arose when Jaya Bachchan, a Samajwadi Party member of the Rajya Sabha, had to quit her seat following her disqualification by the Election Commission on the ground that she held an office of profit in Uttar Pradesh. The decision was upheld by the Supreme Court, which was approached by Ms. Bachchan. Ultimately, it led to Congress president Sonia Gandhi quitting her Lok Sabha seat and getting re-elected from Rae Bareilly. She also laid down her post as Chairperson of the National Advisory Council.



# Kalam charts 7-point mission for SBI

Inaugurates bank's Bicentennial celebrations, urges it to create a Rs. 5,000-crore venture capital fund

Special Correspondent

**NEW DELHI:** President A.P.J. Abdul Kalam on Tuesday chalked out a seven-point action plan for the State Bank of India (SBI) while urging the country's premier bank to create a Rs. 5,000-crore venture capital fund and hike lending to the farm sector.

In his address at the SBI's Bicentennial Celebrations here, Mr. Kalam noted that within the next three years, the bank should raise the credit to the farm and agro-processing sector from 10 to 20 per cent of its total loan disbursal.

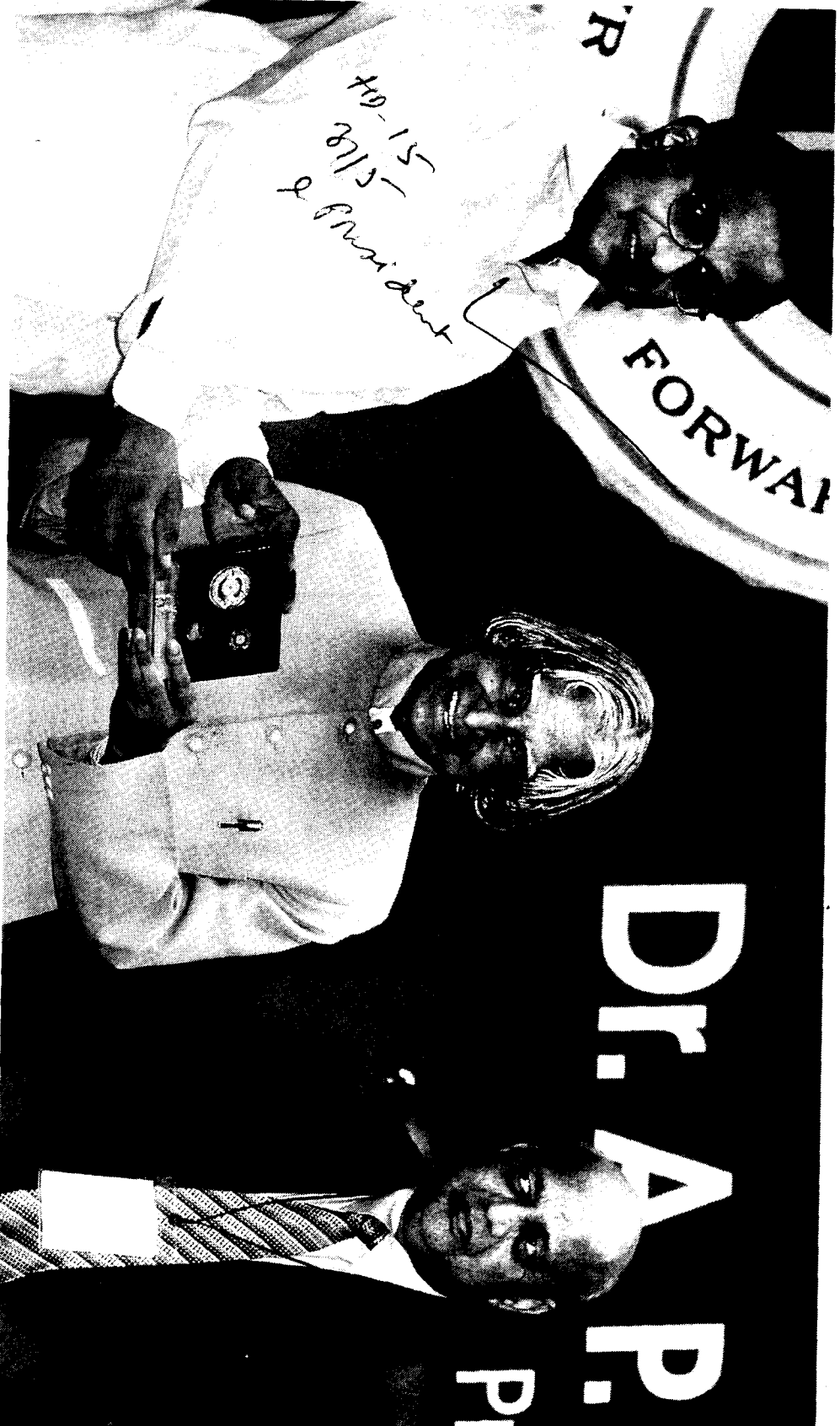
Agricultural growth, he said, was lagging behind while sectors such as manufacturing and services were showing robust increases. A higher credit disbursal, he said, was essential to hike farm growth to over four per cent as it was a vital requirement for increasing the overall Gross Domestic Product growth to 10 per cent.

Unveiling his plan, Mr. Kalam asked the SBI to allocate Rs. 5,000 crores as venture capital from 2007-08 for the purposes of funding innovative scientists and technologists for speedier societal transformation. This would include the development of ICT products, software development and software services.

The President also advised the bank to create and nurture five rural development projects, on the lines of the bio-fuel project and seaweed project, as it had the potential to provide employment to 50 lakh persons in the rural areas at the least.

Mr. Kalam also asked the SBI to adopt an innovatively fund at least one lakh sick units in the small-scale sector to infuse the latest technology and turn them into profitable ventures.

Another sector with great potential, Mr. Kalam said, was medical tourism in which the bank could extend funds at competitive interest rates for setting



**A MILESTONE:** Finance Minister P. Chidambaram, President A.P.J. Abdul Kalam and SBI Chairman A. K. Purwar at the release of the Bicentennial Commemorative Coin on the completion of 200 years of the State Bank of India in New Delhi, on Tuesday. — PHOTO: V.V. KRISHNAN

up corporate hospitals which would also serve the rural areas. Likewise, yet another sector for the bank's participation, he said, was infrastructure development, including provision of 50 million quality houses with basic infrastructure in rural areas in association with state and Central entities.

Turning to the plight of villagers caught in the "vicious cycle of borrowing," Mr. Kalam asked the SBI to adopt a "villager-friendly" banking system to free

them from the clutches of money-lenders.

Mr. Kalam also lamented that hassle-free loans were being extended by the SBI to students of only the best engineering colleges, medical colleges and business schools. "I would request the SBI to examine the possibility of providing loans to students who would like to pursue science and commerce as a career," he said.

Besides, ways should be found to fund the education of those meritorious students who could

not get admission to top engineering, medical and B-schools owing to stringent competition, Mr. Kalam said.

#### Hike lending to SMEs

Finance Minister, P. Chidambaram asked the bank to hike its lending to small and medium enterprises (SMEs), agriculture and the retail sector.

Mr. Chidambaram said the share of retail lending in the country, at 10 per cent of the gross domestic product (GDP),

was very modest and the bank should seize this opportunity with its vast branch network.

The SBI, he said, should also utilise its vast branch network to raise lending to the SME sector so as to help in generating employment and also addresses the issue of balanced regional development. He also asked the bank to increase advances to the farm sector further, especially the small and marginal farmers.

Globalisation, Mr. Chidambaram said, was a two-way street.

and went on to highlight the fact that while foreign banks and financial institutions (FIs) were eagerly waiting to enter India, the opportunity available for Indian banks and FIs to expand globally was often ignored.

"It is now internationally recognised that Indians have special skills in banking and financial services, and several Indians have financial districts in London, New York, Singapore and Hong Kong," he said.

# Kalam for Bihar

Sir  
Dr. Kalam  
President  
8/4

President's blueprint a bonus for Nitish

**T**he President, Dr APJ Abdul Kalam, often takes extraordinary steps in a positive direction. Some weeks ago he was at a school function where he discovered so much talent that he readily gave the children his e-mail address so that they could establish direct contact with Rashtrapati Bhavan to apprise him of their latest achievements. On other occasions he has departed from ritual and prepared texts to project human qualities that would have helped any politician, especially at election time. Kalam has no political inclinations unlike some Governors who have left Raj Bhavans only to re-enlist themselves with parties. What is pleasantly surprising is that the President does not allow any political calculations to come in the way of his uncommon engagements. This was evident when he chose to address a joint session of the Bihar legislature — the first time a President has done so — when the state is being ruled by the NDA. Whatever interpretation Lalu Prasad may give to Kalam's 10-point action plan.

Nitish Kumar, who has shown some earnestness in taking Bihar on the road to economic recovery, can consider himself fortunate that the President presented both Houses with a virtual blueprint for industrial growth. To be sure, there were broad hints that Bihar has suffered due to administrative problems and human failures. His latest roadmap, which clearly comes after a thorough study, can be seen as endorsement for the chief minister's appeal for central help and for private investment. If the wheels of industry finally start moving, people of the state will know whom to thank.

02 APR 2006

THE STATESMAN

# Kalam: India, Myanmar should standardise traditional medicines

Sandeep Dikshit

*J. President*

icines and make them acceptable on a mass scale.

**MANDALAY:** In the first-ever visit by an Indian head of state to this central Myanmar town, the President, A. P. J. Abdul Kalam, offered to develop linkages in traditional medicine between Myanmar and India.

A proponent of traditional medicine which should be welded with biotechnology, the President, speaking at the University of Traditional Medicine, pointed out that most of the herbs being used in Myanmar were common with those found in India's northeastern States. Therefore, both countries should join hands to counter the common problems they faced in making traditional medicine acceptable to the world.

The President told the faculty and students why both countries would have to standardise the medicines and make them fit in the Intellectual Property Rights regime. The President also told them how biotechnology should be harnessed to further improve the efficacy of traditional med-

## Visit to pagodas

The President also paid homage at two imposing pagodas in the city that have stood the test of time. At the Maha Muni pagoda, the President pasted gold leaves at the base of Buddha's statue in line with the tradition of gilding gold to the bronze statue.

According to legend, the Buddha himself consecrated the statue near the Bay of the Andamans. However, the king's successors lost it to the son of the King of Mandalay. And when centuries later, King Thibaw donated a huge quantity of gold to adorn the image, he was sent into exile within a year by the British.

Mr. Kalam also visited the Kutho Daw pagoda which hosts rows of 729 small temples, each hosting a stone slab on which are inscribed the entire Tripitaka or the whole of the Buddhist scriptures. These inscriptions have been described as the world's biggest book.

THE HINDU

# Kalam's Myanmar mission: It's all about connecting with 'close neighbour & friend'

MANRAJ GREWAL

ON BOARD PRESIDENT'S AIRCRAFT, MARCH 8

**C**ONNECTIVITY for peace. That is the operative phrase in the current phase of Indo-Myanmar relations. Describing Myanmar as a close friend and neighbour, President APJ Abdul Kalam said India was not only looking at restoring the Silk Route via Myanmar to China but also working on a continental train link from Delhi to Hanoi in Vietnam via Myanmar. That, besides developing the sea route to Kolkata and Chennai from the port of Sittwe.

Addressing the media on board Air India-1 at the outset of his two-nation tour beginning today, the President said while one country (Myanmar) was a close neighbour and friend, the other (Mauritius) was a close relative. "Do you know their (Mauritius) National Day marks the beginning of Mahatma Gandhi's Dandi March?" he said.

The President, who referred to Senior General Than Shwe, chairman of the State Peace and Development Council (SPDC) ruling Myanmar, as a friend, promised a slew of agreements in infrastructure, energy and business at the end of his three-day trip.

The trip will also see some movement on the continental train link, an ambitious



President Abdul Kalam leaves on his two-nation tour on Wednesday. PTI photo

project that was floated during the NDA regime. Once completed, this link will connect Delhi to Hanoi via Myanmar, Laos, Thailand and Cambodia. "The other links are in place, we only have to complete the Delhi-Myanmar linkage," said Foreign Secretary Shyam Saran.

India is also working on a road link from Falam in Chin province of Myanmar to Mizoram besides forging a sea route from Sittwe to Kolkata and Chennai.

The President said India was interested in promoting all kinds of connectivity, be it by road, rail, sea or via the net. The visit will see the President inaugurating the optical fibre link India has laid between Tamu on the Manipur border and Myanmar's capital of Yangon.

## YANGON DIARY

◆ IF YOU'VE spent your childhood in an Army cantonment, clean and green Yangon leaves you with a strong feeling of déjà vu. It's the men in olive that you first see as the plane touches down at the airport. Stationed at the head of the runway, the smartly turned-out soldiers saluted the plane carrying the supreme commander of the Indian forces. The military touch was evident even in the sarong-clad children lining the tarmac, who waved Indian flags without a pause while a harsh sun—it's 37 degrees here—beat down on their heads. Then came Senior General Than Shwe himself, resplendent in khaki uniform with a soldier holding a ceremonial umbrella over his head, a la royalty.

◆ The signs of a resurgent Myanmar are all over Yangon right from the time you land. The airport building is a striking mix of tradition and modernity. The pagoda-like look of the main terminal is happily offset by its hip glass facade. Right next to it are the beginnings of a multi-storeyed building. The airport is being ex-

tended and so are the runways to accommodate the increasing number of international flights touching down at Yangon. The Pyae Road—one of the main arteries of Myanmar, spanning the country from north to south—is lined with rows of spanking new malls and gem stores. But the real surprise is a huge outlet for Ping golfing equipment. It's arguably the biggest showroom of the company, which is a rage with golfers the world over.

◆ Like elsewhere, Shah Rukh Khan commands quite a fan following in Myanmar as well. Proof: huge billboards of Swadesh—the film may not have done too well back home but here it's a big draw.

◆ Yangon is no longer the administrative capital of Myanmar. On November 6 last year, Senior General Than Shwe ordered his staff to move to Pyinmana, a town 390 kms to the north of Yangon. The buzz is that he took this step following dire warnings by astrologers. Yangon, however, will continue to be the commercial hub. Interestingly, the last king of Burma had also founded a new capital—Mandalay—in 1857 because of a prophecy made by Lord Buddha that a great city would come up there on the 2,400th jubilee of Buddhism. —MG

# Indo-US ties to expand: Kalam

**New Delhi:** Against the backdrop of Left parties' serious differences with the government over Iran and nuclear deal with the US, President A P J Abdul Kalam on Thursday made it clear that foreign policy is guided by enlightened national interest and disclosed that major initiatives are under way for expansion of investment, trade and technology transfers and a framework for defence cooperation with Washington.

While expressing concern over infiltration and cross border terrorism and expecting Pakistan to fulfill its commitments in this regard, he reiterated government's commitment to the composite dialogue process with Pakistan.

Giving a preview of the government's policy initiatives in the coming fiscal in his address to the joint sitting of Parliament, he expressed its determination

to wage a relentless war against terrorism, joining those committed to this battle from across the world.

Ahead of the budget, he rolled out a reforms agenda for the economy announcing ambitious plans in several sectors including infrastructure and creation of a common market for agriculture.

Without taking the name of Iran, on whose nuclear ambitions the UPA coalition and the key supporters—Left, are divided, Kalam said "The foreign policy of my government is, as has always been the case, guided by enlightened national interest. It has been oriented to enlarge our policy choice."

In his 45-minute address, the third of the UPA government, the

President said India expected to gain access to international cooperation for enlargement of civilian nuclear energy sector based on the reciprocal commitments of India and the US in the joint statement of July 18 during Prime Minister Manmohan Singh's visit to Washington last year.

"The India-US relationship also encompasses many more important issues. Major initiatives are under way to encourage the expansion of investment, trade and technology transfers, accelerate cooperation in agriculture, health and human resource development in cooperation for energy security, a framework for defence cooperation and expanding cooperation on key global challenges," he said.

Referring to domestic political

issues, Kalam said the government had remained deeply committed to national security and pursued a two-pronged approach of reaching out to disaffected sections of the society while dealing firmly with terrorists and other anti-national forces in the north east and jammu and kashmir.

"My government has also expressed its willingness to talk to all political groups to address their grievances, real or imaginary."

"At the same time, my government is steadfast in its resolve to combat terrorism, militancy and extremism and to uphold the rule of law," he said recalling that it had acted swiftly to deal with terrorist attacks in various parts of the country, including in the national capital and in Bangalore, at the temple of Science, the Indian Institute of Science. Agencies



A.P.J. Abdul Kalam

2005

PRESIDENT'S PROJECT FINDS READY TAKERS IN MANILA

# Kalam experiences simulated tremor

Press Trust of India

MANILA, Feb. 5. — The room in which Indian President Dr APJ Abdul Kalam was sitting shook, first vertically and then horizontally, as the Richter scale recorded a major earthquake to give him the experience of a simulated tremor today.

It was a different kind of experience for scientist Dr Kalam who visited the Philippines Institute of Volcanic and Seismological Studies.

Dr Kalam promised his dream project Providing Urban Amenities in Rural Areas (Pura) for the Philippines to bridge the rural-urban divide.

The Pura concept, which envisages establishing integrated connectivities in rural areas in terms of providing basic infrastructure, caught the imagination of Philippine resident Ms Gloria Arroyo who responded to it enthusias-

tically during her talks with Dr Kalam:

It was agreed that two Pura centres would be set up at Lanao, a hilly area of the Philippines, and Balcun, a coastal area, and some local companies are also expected to chip in with assistance.

"We will provide the technical know-how for the two Pura centres," Dr Kalam's press secretary Mr SM Khan said here.

Under Pura, besides physical connectivity, villages need to be connected to cities through strengthening of telecommunication and internet facilities.

The Pura has been successfully implemented in 65 villages in Tamil Nadu, leading to large-scale employment and creation of entrepreneurs with the support of more than 800 self-help groups.

President Dr APJ Abdul Kalam checks out genetically-grown rice at International Rice Research Institute in Los Banos on Sunday. — AFP



6 FEB 2006

THE STATESMAN

# Kalam for 'world knowledge platform'

"It will prove to be a launch pad for many innovations"

Amit Baruah

**SINGAPORE:** President A.P.J. Abdul Kalam suggested here on Wednesday that India, Singapore, the Philippines and South Korea take the lead in setting up a "world knowledge platform."

Delivering the prestigious "Singapore Lecture," he said this platform should create a seamless web-based link for knowledge creation and application. "Even an aircraft could be designed on line."

Speaking to a packed house, the President felt that this platform would prove to be a launch pad for many innovations. He had discussed the proposal with Singapore leaders earlier in the day. India was willing to put up "seed capital" for the project.

The President, who received kudos for using a power-point presentation for the first time ever in 27 Singapore lectures, faced some tough questions too.

Asked how he reconciled to the fact that India had a Muslim President and a Sikh Prime Minister and there were "clashes" between Hindus and Sikhs and Hindus and Muslims, the President likened the Indian society to an aircraft taking off.

Pointing out that there was both "lift" and "drag" when an aircraft took off, he maintained that there was a need to "minimise" the drag in Indian society.

## Value-based education

Asked about the role of spirituality in a globalising world, he said even economically prosperous societies were not happy. "You have to have value systems," the Presi-



President A.P.J. Abdul Kalam is being greeted by his Singaporean counterpart, S.R. Nathan at the Istana Presidential Palace in Singapore on Wednesday. - PHOTO: AFP

dent said, stressing the need for value-based education at the primary level.

The President said Asian countries were leading the world and there was a "resurrection" of Asia when asked what he felt about the "clash of civilisations."

In his talks with Singapore President S.R. Nathan, Senior Minister Goh Chok Tong and Prime Minister Lee Hsein-Loong, the President and his interlocutors took the view that the two countries shared a vision of a rising Asia.

Briefing presspersons on the President's talks, Rajiv Sikri, a senior official in Mr. Kalam's delegation, said the two sides would work towards realising the goal of an Asian community.

Referring to discussions on implementing the Comprehensive Economic Cooperation Agreement between the two sides, Mr. Sikri said six months remained to implement the accord.

Given that this was the first agreement of its kind signed between India and any country, it

was imperative that the implementation was proper, he said.

Referring to the CECA at the banquet hosted in his honour on Wednesday by Mr. Nathan, the President hoped that this would allow for the trade between the two sides touching \$20 billion by 2010 - up from the current level of some \$10 billion. "It is a matter of satisfaction that our bilateral trade grew by over 100 per cent in the last two years and today reflects a healthy figure of about U.S. \$10 billion," he said.

THE HINDU

02 FEB 2006

# Kalam sees Indian minds shining

SNS & PTI

## NRIs honoured

HYDERABAD, Jan. 9. — President Dr APJ Abdul Kalam today said the sun would never set on the “Empire of the Indian Mind”. “It would not be an exaggeration, if I say that today the sun truly cannot set on the Empire of the Indian Mind. Some children of Mother India are always working wherever the sun is shining on this planet be it Asia, Africa, Australia, Europe, the Americas and, indeed, on the icy reaches of Antarctica. Twenty million children of India live in various parts of the planet and every year it is increasing, because they are needed,” he said at the valedictory session of the Pravasi Bharati Divas.

He said this was the point he would like to make on the anniversary of Mahatma Gandhi’s return to India from South Africa 91 years ago. Dr Kalam had the audience wondering when he said: “Will there be a fifth wave? In the fifth wave, towards the end of 21st century, Indians may enter the space industrial establishment on Moon.”

### NRIs cautioned

There was a strong note of caution today by those working for communal harmony on NRIs funding religious organisations in India. Gandhian Ms Nirmala Deshpande

HYDERABAD, Jan. 9. — Seventeen eminent NRIs, including Hong Kong-based Mr Rusy M Shroff and US-based doctor Dr Sudhir Parikh, were today honoured with the prestigious Pravasi Bharatiya Samman Award for their contribution in promoting India in their respective adopted countries. President APJ Abdul Kalam presented the award to the NRIs during the valedictory function of Pravasi Bhartiya Divas 2006 here. Protest marked the Award presentation to Dr Sudhir Parikh. Dr Parikh was the person who organised Gujarat chief minister Mr Narendra Modi’s visit to America in 2005. The trip could not materialise as USA denied him the visa. When Dr Parikh was called on stage to receive the medal and citation, a person from the audience shot up and shouted “Shame, Shame”. He identified himself as Mr Satyanath Chowdhury, a professor of electric engineering in the New York University. — SNS

10 JAN 2006

THE STATESMAN



# 'Courts have no power to intervene'

FD-1  
9/1  
J-Parliament

## No question of surrender on expulsion of MPs: Somnath

K.V. Prasad

**NEW DELHI:** Lok Sabha Speaker Somnath Chatterjee on Sunday said Parliament's decision to expel 11 of its members in the wake of the "cash-for-question" scandal was "beyond the pale of judicial scrutiny."

The December 23 decision taken by both Houses was the exclusive jurisdiction of Parliament, he told *The Hindu*. His remarks came in the backdrop of reports that some of the expelled MPs planned to knock the doors of the courts.

Mr. Chatterjee, who held discussions with a group of legal experts on Saturday, said all leading lawyers who responded to his request for a discussion on the issue told him in one voice that the views expressed by him were correct. "There is no question of surrendering or submission to the jurisdiction of the judiciary in this matter. I have the highest respect for the judiciary but I have a duty to perform as Speaker of the Lok Sabha."

He said Parliament had exclusive jurisdiction to decide on the procedure and disciplinary matters in regard to its members. As per the Constitution, courts were not given any authority to punish a member of Parliament or Legislature for his/her conduct as a legislator.

Referring to the unprecedented expulsions, Mr. Chatterjee said the decision was that of the House and not taken by him. A process, with which leaders of different political parties were associated, tried the expelled MPs. They were given a chance to state their case before the Pawan Bansal Committee, which went into the charges.



*Somnath Chatterjee*

On whether the principles of natural justice were applied, he said they were followed. The expelled MPs were heard by their peers. On the issue of taking legal help, Mr. Chatterjee, an advocate, said it was for the Committee to evolve its own procedure. On the Bharatiya Janata Party's contention that the case should have been referred to the Privileges Committee, he said any House committee — regular or ad-hoc — had the same powers. Ultimately, it was for the House to take a view on its report. Mr. Chatterjee said his office received hundreds of e-mails and letters congratulating him and Parliament for taking action against the MPs. During his recent travels, both in India and abroad, many people walked up to him to express their appreciation for what Parliament did in the case.

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Parliament shows the way  
forward: Op-ED Page

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9 JAN 2006

THE HINDU

# Expelling Members from Parliament

T.R. Andhyarujina

**T**HE EXPULSION of 11 MPs on December 23, 2005, for receiving cash for raising questions has redeemed the perception of Parliament in the eyes of the people. No single action of Parliament in recent times has received such general approval as this prompt act of self-cleansing.

No one seriously disputed the findings of the Special Committee of the Lok Sabha or of the Ethics Committee of the Rajya Sabha that these MPs had abused their positions. Yet the leading opposition party, the Bharatiya Janata Party, staged a walkout in the Lok Sabha and some members raised doubts about the legality of the expulsions. They argued that the expulsions could only be made by referring the cases to the Privileges Committees of the Houses. Another legal objection was that Parliament could not expel a member as that would cut down his or her constitutionally assured term in Parliament. None of these objections deserves serious consideration.

In India, the legislatures' power to punish a member by suspending or expelling him or her from the legislature is derived from the powers and privileges conferred on the legislatures by the Constitution. Article 194 (3) in the case of State legislatures and Article 105(3) in case of Parliament in effect give them the powers, privileges, and immunities that the British House of Commons enjoyed at the commencement of the Constitution in 1950, until they are defined by these legislatures.

As no legislature in India has defined its powers, privileges, and immunities so far, the question of the existence of any privilege, power, or immunity has to be considered by asking whether the House of Commons had any particular power, privilege, and immunity at the commencement of the Constitution in 1950. This requires historically going back many centuries.

The necessity for any superior legislature to discipline its own members is self-evident. The House of Commons has the right to regulate its own affairs, including the power to discipline its own members for misconduct. Further the House has the power to punish anyone, whether a member or not, for behaviour interfering sub-

Parliament's expulsion of 11 of its Members has sent a clear and strong signal that devious conduct will not be shielded. And the legal objections are unsustainable.

stantially with the proper conduct of business. Such interference is known as contempt of Parliament. Collectively this is known as the penal jurisdiction of the House. The sanctions available are reprimand, imprisonment for the rest of the session, and suspension for any period up to the remainder of the Parliament and expulsion.

The House of Commons has, from ancient times, the power to expel its members. The power to expel its members for contempt was very commonly used in the 17th and 18th centuries. Presently, its power of expulsion is used only very rarely — only three times in the 20th century, the last time being December 16, 1954, when a member was convicted of uttering forged documents. In the past, members have been expelled for a variety of misconduct such as accepting bribes, fraudulent conduct, being directors of the South Sea Company, conviction for procuring a girl under age of 21 for immoral purpose, and so on.

It should follow that such a power of expulsion inheres in India's Parliament and State Legislatures under Article 105 (3) and Article 194 (3) of the Constitution even if their procedural rules do not provide for expulsion. In India, Parliament and State legislatures have expelled members for contempts and offences against the House and breaches of privileges.

On September 25, 1951, H.G. Mudgal was expelled from the Lok Sabha after a Special Committee of the House held that his conduct of accepting money for favours in Parliament was derogatory to the dignity of the House and inconsistent with the standard that Parliament was entitled to expect from its members.

Speaking on that occasion Speaker Malvankar made a point relevant to the objection presently raised against the expulsion of the 11 MPs. "Even though there is a Committee of Privilege consti-

tuted under the rules," he noted, "yet it is within the power of the House to constitute other special Committees if there are any special circumstances and inquiries to be made. There is nothing inconsistent in that. Moreover, it is a moot question to consider whether any such conduct as alleged is really in a sense a breach of privilege of the House or something different. A member may behave in a manner in which the House would not like him to behave and yet it may be argued that it is not a breach of privilege. In all such circumstances, the practice in the House of Commons has been to constitute a special committee and the procedure of making a motion is the procedure that is usually adopted in the House of Commons even though there is a Committee of Privileges."

On November 18, 1977, the Lok Sabha expelled Indira Gandhi from the membership of the House for serious obstruction, intimidation, harassment, and institution of false cases by her against certain officials who were collecting information to answer a certain question in the House during the previous Lok Sabha. On December 19, 1978, however, the House rescinded the motion of expulsion of Mrs. Gandhi by a resolution. On November 15, 1976, Subramanian Swamy was expelled from the Rajya Sabha. On June 13, 1964, the Maharashtra Legislative Assembly expelled a member.

One view is that expulsions by the House of Commons were generally a means available to get rid of those found unfit for membership rather than as a punishment. In that sense, they are regarded as examples of the House's power to regulate its own composition. But Erskine May, the leading authority on Parliament, says it is more convenient to treat expulsions as one of the methods of punishment at the disposal of the House.

The reference to expulsions being regarded as the House's power to regulate its own constitution created a doubt whether the power of expulsion is available to Indian legislatures. Indian legislatures do not have the power to regulate their constitution in the same sense as the House of Commons has.

In Special Reference No. 1 of 1964, the Supreme Court of India, while negating the contention that all powers and privileges of the House of Commons vested in the legislatures under Article 194 (3), said that some (such as the privilege of regulating its own constitution) by necessary implication did not. It observed: "The House of Commons also claims the privilege in regard to its own Constitution. This privilege again admittedly cannot be claimed by the House (Indian legislature)."

In 1977, the Punjab & Haryana High Court by majority relying on the above observations of the Supreme Court held that the origin and source of the power of the House of Commons to expel a member arises from the privilege to provide or regulate its own constitution; and that since this was not a privilege available to Indian legislatures under Article 194 (3) or Article 105 (3), they did not have the power to expel their members.

This is not a correct view. The Supreme Court did not hold that the Indian legislatures do not have the penal power to expel members under Article 105 (3) and Article 194 (3). The question of expulsion as a power or privilege of the State legislature did not arise in that case. Two other High Courts, the Madhya Pradesh and Madras High Courts, have taken a contrary view and held that Indian legislatures do have the power to expel their members as part of their penal jurisdiction.

There is no doubt that every House of legislature should remain responsible for disciplining its own members. As recently as 1997, the U.K. Joint Select Committee, with Lord Nicholls of Birkenhead as its Chairman, reported this as axiomatic. "It is inconceivable," it observed, "that power to suspend or expel a member of either House should be exercisable by the Courts or some other outside body. No suggestion has been made to the Joint Committee that the Commons should lose its powers of suspension or expulsion, which are widely seen as essential for internal discipline."

In the U.K., expulsion of a member of the Commons creates a vacancy and his or her term comes to an end. The position is the same in India. Expulsion results in automatic termination of the term of the MP as was held by the Election Commissioner about Mrs. Gandhi's expulsion. This is also the view of the Madhya Pradesh High Court. It is common sense that expulsion of a member in any body (whether a club or society or association) by itself terminates his or her membership, whether it is terminated or for life.

The fear that the expulsions have set a bad precedent that can be misused in future to upset thin majorities of parties in legislatures is ill founded. A legitimate and healthy power of correction over MPs cannot be denied merely because of its possible misuse. A situation of 11 MPs being caught red-handed taking bribes is not one that occurs usually to warrant such apprehension of misuse of the expulsion power.

The contention that the cases of the 11 MPs can only be investigated by the Privileges Committees of the Houses, and not by the Special Committee of the Lok Sabha or the Ethics Committee of the Rajya Sabha, has little merit. The same result would have followed had a reference been made to the Privileges Committees — but with delay and public amnesia of the gravity of the offence. No greater protection to a defaulting member is given in the Privileges Committee that is not available to the member in the Special Committee or the Ethics Committee. None of the 11 MPs was denied an opportunity to present their cases in these Committees, and none of them appeared in either House to oppose their expulsion. One cannot help feeling that these objections were afterthoughts to put off immediate expulsion.

With the expulsion of the 11 MPs, Parliament has sent a clear and strong signal that devious conduct of its own members will not be shielded. It has thereby refurbished its image.

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