

Jaya Bachchan again files papers for Rajya Sabha

J.P.P. -
Samajwadi
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Ten Samajwadi Party MLAs propose her name; likely to be elected unopposed

Atiq Khan

LUCKNOW: Jaya Bachchan and Amir Alam Khan of the Samajwadi Party on Thursday filed papers for byelections to the Rajya Sabha from Uttar Pradesh.

The byelections were caused by the disqualification of Ms. Bachchan and the resignation of Anil Ambani (who was elected as an independent) in the wake of the office of profit controversy. Both of them were elected to the Upper House in June 2004.

The name of Ms. Bachchan, who filed her nomination in the backdrop of President A.P.J. Abdul Kalam returning the Office of Profit Bill passed by Parliament, was proposed by 10 ruling party MLAs. She was accompanied to the central hall of the Assembly by Chief Minister Mulayam Singh Yadav, Uttar Pradesh Development Council Chairman Amar Singh, Sahara India chief Subrata Roy Sahara and party MP Jayapradha.

Ms. Bachchan was disqualified as a member of the Upper House on March 17 following Presidential assent to the Election Commission's ruling on a petition by Madan Mohan Shukla of the Congress. Mr. Shukla said she held an office of profit (as chairperson of the Uttar Pradesh Film Development Council) at the time of filing her nomination for the Upper House.



SEEKING RE-ELECTION: Jaya Bachchan filing her nomination papers for the Rajya Sabha in Lucknow on Thursday. Uttar Pradesh Chief Minister Mulayam Singh Yadav, U.P. Development Council chairman Amar Singh and party MP Jayapradha are also seen. - PHOTO: SUBIR ROY

Last week, Ms. Bachchan resigned as Film Development Council chairperson.

Nominations for the June 15 byelections close on June 5. Going by current indications, both Ms. Bachchan and Mr. Khan will

be elected unopposed.

According to returning officer Rajendra Prasad Pandey, the electoral college consists of the 403 members of the Vidhan Sabha. The winning count will be determined on the basis of 50 per cent of the members plus

one.

In the Assembly, the SP has 157 MLAs, the Bharatiya Janata Party 83, the Bahujan Samaj Party 67, the Loktantrik Bahujan Dal (a breakaway faction of the BSP) 38, the Congress 16, the Rashtriya Lok Dal 15, the Com-

munist Party of India (Marxist) 2, the U.P. Loktantrik Congress 2, the Akhil Bharatiya Congress 1, the Akhil Bharatiya Hindu Mahasabha 1, Independents 16 and unattached members 5. One is a nominated member belonging to the Anglo-Indian community.

02 JUN 2006

THE HINDU

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KALAM TAKES EC ADVICE

Jaya gets the sack

9-101 Gauri
(Samajwadi) 1873

Statesman News Service

NEW DELHI, March 17. — In a first such instance in India's parliamentary history, the President, Dr APJ Abdul Kalam, today disqualified Ms Jaya Bachchan as a member of the Rajya Sabha because she held an office of profit as the chairperson of the Uttar Pradesh Film Development Council.

The disqualification by Dr Kalam follows a recommendation of the Election Commission and comes into retrospective effect from July 14, 2004 when she was appointed the chairperson — a month after being elected to Rajya Sabha.

"Having carefully considered the facts on record as contained in the opinion of the Election Commission and being fully satisfied therewith, the President has disqualified Smt Jaya Bachchan from her Rajya Sabha membership," an official release said, giving the President's decision on a petition for disqualification filed by a Congress leader, Mr Madan Mohan Shukla. The President had sought and received legal opinion on the matter before taking the decision. He signed the notification last evening, the release said.

The Commission had recommended Ms Bach-



Amar angry

NEW DELHI, March 17. — Samajwadi Party MP Amar Singh, who also faces a disqualification petition, today asked the EC and Dr Kalam to "summon the sense of urgency" they displayed against Ms Bachchan in the case of Congress chief Mrs Sonia Gandhi and 40 others who held dual posts. He said SP would field Ms Bachchan whenever an election to the RS seat vacated by her took place. The BJP said Mrs Gandhi should be disqualified as a Lok Sabha member as she was the chief of the National Advisory Council. — SNS

chan's disqualification from July 14, 2004, invoking subclause (a) of Clause 1 of Article 102 of the Constitution. As per Articles 102 and 103 of the Constitution, which lists the various grounds on which MPs could be disqualified, the President takes the final decision in consultation with the EC. With Dr Kalam disqualifying Ms Bachchan as a member of Rajya Sabha, the EC will now have to hold a bye-election to fill the vacancy.

1 8 MAR 2006

THE STATESMAN

Jaya goes to court

OUR SPECIAL
CORRESPONDENT

New Delhi, March 10: Jaya Bachchan today moved the Supreme Court for a clarification on "offices of profit" that disqualify the holder from Parliament membership.

The Election Commission has recommended Jaya's disqualification from the Rajya Sabha on the ground that as chairperson of the Uttar Pradesh Film Development Board, she holds an office of profit.

The actor-turned-MP today filed an intervention application in a disposed-of matter on Shibu Soren's disqualification from the Rajya Sabha in 2001.

Her application came on a day close associate Amar Singh, also elected to the Rajya Sabha on a Samajwadi Party



Jaya, Amar: In same boat

ticket, received a notice from the poll panel. He, too, faces disqualification for holding an office of profit, as chairperson of the Uttar Pradesh Development Council.

Amar has been asked to file a written reply on or before March 31, sources said. He said his lawyer would reply.

Chief election commissioner B.B. Tandon said a petition against the Samajwadi Party leader had been made to the President, who had refer-

ed it to the panel. "The commission has to follow the legal and constitutional provisions and send the necessary opinion to the President and that process has started," he said.

On July 19, 2001, the Supreme Court had upheld a Patna High Court order disqualifying Soren for holding an office of profit.

Under Article 102 of the Constitution, a member of the Lok Sabha or Rajya Sabha stands disqualified for holding an "office of profit" under the government unless he holds "an office declared by Parliament by law not to disqualify its holder".

Jaya's application said "office of profit" was not defined in the Constitution or the Representation of Peoples Act and there was a need for clear guidelines.

11 MAR 2006

THE TELEGRAPH

Jaya Bachchan may lose Parliament seat

Election Commission recommends her disqualification as member of Rajya Sabha for simultaneously holding an "office of profit" in U.P.

Legal Correspondent

NEW DELHI: The Election Commission is understood to have recommended disqualification of Jaya Bachchan as a Member of Parliament as she was holding an office of profit as Chairperson of the Uttar Pradesh Film Development Corporation. She was elected to the Upper House in July 2004 on a Samajwadi Party ticket.

Highly placed sources here said on Monday that the Election Commission's recommendation had been forwarded to President A. P. J. Abdul Kalam last week for follow-up action.

A complaint was preferred to the President by Madan Mohan, a Congress leader from Kanpur, alleging that Ms. Bachchan was holding an office of profit and that she should therefore be disqualified from Parliament. It was referred to the Election Commission for verification and sending a report to the President.

Election Commission sources also said that the President had forwarded a similar complaint seeking disqualification of Samajwadi Party general secretary Amar Singh on the ground that he was holding an "office of profit" while being a Member of Parliament. Sources said that the Commission was examining the complaint.

Under Article 103 of the Constitution, "if any question arises as to whether a Member of either House of Parliament has become subject to any of the disqualifications mentioned in Article 102, the question shall be referred for the decision of the



TAKES QUESTIONS: *Samajwadi Party Rajya Sabha member Jaya Bachchan reacts to mediapersons' questions on arrival at the Parliament House, in New Delhi on Monday.* - PHOTO: V. SUDERSHAN

President and his decision shall be final. Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

The Commission had in October last year issued notice to Ms. Bachchan and heard elaborate arguments from her counsel and that of the complainant and reserved its verdict on January 16. The Commission is reported to have sent its opinion to the President on March 3.

The Congress leader had alleged that Ms. Bachchan was simultaneously holding the membership of Parliament and

the post of the Chairperson of UPFDC. He said the UPFDC chairmanship conferred Cabinet rank perks and that it was an "office of profit" attracting disqualification.

However, Ms. Bachchan submitted that her UPFDC post was not an office of profit and the Council was purely an advisory board. She maintained that she had not taken any salary or honorarium for her services. However, she admitted that she had been granted facilities by UPFDC.

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Ministers, MLAs quit SP, rejoin BSP

9/6/03 213
 Ruckus in Assembly as BSP seeks seats for rebel MLAs in Opposition benches

LUCKNOW: Four MLAs, including two Ministers, resigned from the ruling Samajwadi Party in Uttar Pradesh on Wednesday and re-joined the Bahujan Samaj Party.

The two Ministers -- Jaiveer Singh and Surendra Vikram Singh -- made the announcement at the Raj Bhawan here after submitting their resignation from the Ministry to Governor T V Rajeswar. They later announced that they were rejoining the BSP, which they quit in 2003. They met the Governor, along with BSP Legislature Party leader Swami Prasad Maurya and two other MLAs, Dharam Pal Singh and Ranji Shukla.

While Jaiveer Singh was the Minister of State for Medical Health, Mr Surendra Vikram Singh was the Minister of State for Food and Civil Supplies. Among the two MLAs, Mr Dharam Pal Singh who headed the UP State Poultry and Livestock Corporation also resigned from the government job.

The four are among the 40 rebel BSP MLAs in whose case the Allahabad High Court had passed a verdict on Tuesday setting aside the split in the party in 2003.

Meanwhile, BSP members created a ruckus in the Assembly and stalled the proceedings demanding that the rebel party MLAs be asked to sit in the Opposition benches in the wake of the judgment. Waving copies of the judgment,

• **BSP notice on the matter not entertained**

• **Congress seeks Governor's intervention**

• **Speaker to seek legal opinion**

they stalled the business for two hours before boycotting the day's proceedings following the Speaker's refusal to entertain their notice in this regard.

BSP members were up on their feet as soon as the House assembled in the morning and demanded that their notice on the matter be taken up immediately. Mr. Maurya claimed that the 40 MLAs had once again become part of the parent party after the court quashed the orders of the Speaker by which he had recognised their outfit and its subsequent merger with the Samajwadi Party.

The Speaker, Mata Prasad Pandey, said he would seek legal opinion on the judgment before giving his ruling on the matter.

Later in the day, an Uttar Pradesh Congress delegation met the Governor demanding appropriate action in view of the court ruling. The delegation led by UPCC president Salmaan Khurshid, accompanied by Congress Legislature Party leader Pramod Tiwari, met the Governor and requested him to take action. -- UNI, PTI



AFTER THE VERDICT: BSP MLAs demonstrating against Mulayam Singh Government, in the gallery of Vidhan Sabha, in Lucknow on Wednesday. PHOTO: SUBIR ROY

SC ■ Makes Sonia party to case, apologises to Manmohan Singh for 'dragging PMO names' Amar seeks judicial probe into tapping

EXPRESS NEWS SERVICE
NEW DELHI, JANUARY 9

SAMAJWADI Party general secretary Amar Singh today moved the Supreme Court seeking a judicial probe into the tapping of Opposition leaders' telephones.

Besides the Centre, Home Ministry and Commissioner of Police, Amar Singh has made Sonia Gandhi a party to the case by including the "Indian National Congress through its President" as a respondent. Reliance Infocomm has also been made a party to the case.

However, Amar Singh has apologised to Prime Minister Manmohan Singh for dragging the names of some Prime Minister's Office officials into the controversy. The Samajwadi leader today said: "(The) Prime Minister's media advisor Sanjay Baru has issued a statement. There was no mischief meant in my allegations... But I have mentioned only those who have been close to 10 Janpath (Sonia's residence)."

The PMO has dismissed Amar Singh's allegations, saying none of its officials were involved in phone-tapping.

In his petition, filed through his advocate-on-record P H Parkeh, Amar Singh urged the Supreme Court to prosecute "those found guilty" of phone-



Samajwadi Party general secretary Amar Singh talks to reporters after he moved Supreme Court on Monday. Express photo by Anil Sharma

tapping. He also sought a direction to the Centre and all state governments to follow the guidelines the apex court had set in a case some years ago brought by the People's Union for Civil Liberties (PUC).

In the PUC case argued by senior counsel Rajindar Sachar, a former Chief Justice of Delhi High Court, the Supreme Court had held that no tapping could be done unless in "larger national and public interest". Phones could be tapped only after getting

approval from a three-member committee headed by the Home Secretary, the Law Secretary and another Secretary-level bureaucrat.

The court said tapping should be limited to three months and the tapes should be approved by the Cabinet Secretary. If the panel rejects the tapes, they should be burnt or destroyed.

Amar Singh's counsel Parkeh said: "With (a) large number of private companies entering the telecom sector it

will be more necessary to strictly enforce the guidelines laid down". He also demanded "further legal safeguards in order to protect the citizen's rights".

Amar Singh and his party chief Mulayam Singh Yadav sought Tamil Nadu Chief Minister J Jayalithaa's "co-operation" in opposing the tapping of Opposition leaders' phones.

Former Andhra Pradesh Chief Minister Chandrababu Naidu added that his phones

were also being tapped. Amar Singh said in his petition: "The Hon'ble Chief Minister of Tamil Nadu issued a statement that this (phone-tapping) is a serious issue which needs to be dealt with urgently and adequately as the phone-tapping impinged on the right to privacy and freedom of speech."

The petition said a letter sent by Ranjit Narayan, Joint Commissioner of Police in Delhi, to the "nodal officer, Reliance Infocomm" said:

"(The) interception of (the) below-mentioned mobiles numbers (of Amar Singh, Mulayam and his son Akhilesh) is urgently required for the safety of general public at large and in the interest of nation."

The petition is not listed for hearing. Parkeh said it would be "mentioned" during Supreme Court's "mention hour" for an early hearing.

Amar Singh has alleged that even the phones of Supreme Court judges are being tapped.