



TAMIL NADU LEGISLATIVE ASSEMBLY

(NINTH ASSEMBLY)

FIFTH SESSION

(From 20th August 1990 to 23rd August 1990)

RESUME OF BUSINESS

**Legislative Assembly Secretariat.
Madras-600 009.**

PREFACE

This publication contains a brief resume of the Business transacted by the Tamil Nadu Legislative Assembly during its Fifth Session of the Ninth Tamil Nadu Legislative Assembly held from 20th to 23rd August 1990.

Madras-600 009,
20th September 1990.

T.P. DELHI DORAI,
Secretary.

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TAMIL NADU LEGISLATIVE ASSEMBLY
NINTH ASSEMBLY - FIFTH SESSION

**RESUME OF WORK TRANSACTED BY THE TAMIL NADU LEGISLATIVE
ASSEMBLY FROM 20TH AUGUST 1990 TO 23RD AUGUST 1990.**

I. SUMMONS.

Summons for the Fifth Session of the Ninth Tamil Nadu Legislative Assembly were issued to the Members of the Assembly on the 31st July 1990 in S.O. Ms. No.189, Legislative Assembly Secretariat, dated the 31st July 1990.

II. DURATION OF THE MEETING.

The Fifth Session of the Ninth Tamil Nadu Legislative Assembly commenced on the 20th August 1990 and was adjourned sine die on the 23rd August 1990.

III. PROROGATION.

The Fifth Session of the Ninth Tamil Nadu Legislative Assembly was prorogued with effect from 7th September 1990-Vide S.O.Ms. No.220, Legislative Assembly Secretariat, dated the 7th September,1990.

IV. SITTINGS OF THE ASSEMBLY.

The Tamil Nadu Legislative Assembly sat for 4 days during the period from 20th to 23rd August 1990 on the following days:-

20th August 1990, 21st August 1990, 22nd August 1990 and 23rd August 1990.

In terms of Hours, it sat for 16 hours and 50 minutes.

V. OBITUARY REFERENCES

Obituary references were made in the Assembly on the demise of the following former members of the Assembly on 20th August 1990:-

<i>Serial No.</i>	<i>Name</i>	<i>Constituency</i>	<i>Period in which served as member.</i>	<i>Date of demise</i>	<i>Date on which reference was made in the House.</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
1.	Thiru M. Kattimuthu	Virudachalam (S.C.) South Arcot district.	1952-57	22nd April 1990	20th August 1990.
2.	Thiru K. Kamatchi	Thiruverambur, Tiruchirappalli district.	1971-76	21st June 1990	Do.
3.	Thiru K. Gopal Gounder	Sathiyamangalam, South Arcot district.	1957-62 1962-67	23rd June 1990	Do.
4.	Thiru. N. Maruthachalam	Coimbatore-II (S.C.) Perur (S.C.) Coimbatore District	1957-62 1967-71 1971-76	23rd June 1990.	Do.
5.	Thiru J. Matha Gowder	Coonoor, Nilgiris district.	1957-62 1962-67	12th August 1990.	Do.

VI. PANEL OF CHAIRMEN.

On the 20th August 1990, Hon. Speaker announced the following Panel of Chairmen for the Fifth Session of the Ninth Tamil Nadu Legislative Assembly:-

1. Thiru Ginjee N. Ramachandran.
2. Thiru A. Rajendran.
3. Thirumathi S.P. Sarkunam.
4. Thiru. R. Chokkar.
5. Thiru V.K. Chinnasamy.
6. Thiru S. Alagarsamy.

VII. QUESTIONS.

Seventy -nine Starred Questions were answered on the floor of the House. Answers to Two hundred and forty-eight Unstarred Questions were placed on the Table of the House.

VIII. STATEMENT MADE BY MINISTER UNDER RULE 110 OF THE TAMIL NADU LEGISLATIVE ASSEMBLY RULES.

During the period under Review, one statement was made under Rule 110 of the Tamil Nadu Legislative Assembly on matters of Public importance:-

<i>Serial number and date</i> (1)	<i>Statement made by</i> (2)	<i>Subject</i> (3)
23rd August 1990.	Hon. Thiru K.N. Nehru, Minister for Information and Labour.	Setting up of a Committee for fixing minimum wages for workers of match factories and crackers industry.

IX. STATEMENT MADE BY MINISTER UNDER RULE 111 OF THE TAMIL NADU LEGISLATIVE ASSEMBLY RULES.

During the period under review, one statement was made by Minister under Rule 111 of the Tamil Nadu Legislative Assembly Rules:

On 22nd August 1990, Hon. Dr. Ponmudi alias Deivasigamani, Minister for Public Health made a statement correcting his reply given to the Starred Question No.3699 answered on the floor of the House on 2nd April 1990.

X. ADJOURNMENT MOTIONS.

The following notices of Motions for Adjournment of Business of the House were brought before the House and the Hon. Speaker withheld his consent to raise the same after hearing both the Members and the Hon. Ministers concerned:-

<i>Serial number and date.</i> (1)	<i>Name of Members.</i> (2)	<i>Subject.</i> (3)
1.21st August 1990.	Thiru C. Govindarajan	Explosion which occurred on 2nd July 1980 at Ulundurpet in South Arcot district.
2. 22nd August 1990.	Thiru S. Alagarsamy Thiru W.R. Varadarajan.	The situation arising out of lockout declared in Standard Motors in Vandalur.

XI. CALLING ATTENTION STATEMENTS

Three Call Attention Statements were made on the floor of the House by the Hon. Ministers on the following matters of urgent public importance:-

<i>Serial number and date on which the statement was made.</i> (1)	<i>Name of the members who called the attention of the Minister</i> (2)	<i>Ministers who made the statement</i> (3)	<i>Subject</i> (4)
1.21st August 1990	Thiru V. Thangapandian	Hon. Minister for Transport.	Unsatisfactory functioning of Marudu Pandiyar Transport Corporation and non-introduction of new bus routes in Arupukottai Taluk in Kamarajar District.
2.22nd August 1990	Thiru K. Ravi Arunan	Hon. Minister for Public Works.	The need for expeditious implementation of Kadana Reservoir Extension scheme which has been examined at a cost of Rs.366 lakhs.
3.23rd August 1990	Thiru V. Thangapandian	Hon. Minister for Food and co-operation.	The Plight of the Public as a result of the non-formation of Central Co-operative Bank in Kamarajar District.

XII. FINANCIAL BUSINESS.

The First Supplementary Statement of expenditure for the expenditure for the year 1990-91 was presented to the Assembly by Hon. Dr. Karunanidhi, Chief Minister on 20th August 1990.

On 22nd August, 1990 discussion took place on the Supplementary Budget and the House voted the demands in full and grants were made.

The Appropriation Bill, relating to the First Supplementary Statement of Expenditure for the year 1990-91 i.e. The Tamil Nadu Appropriation (No.4) Bill, 1990 (L.A.Bill No. 42 of 1990) was introduced on 22nd August 1990) was introduced on 22nd August 1990 and it was considered and passed on 23rd August 1990.

XIII. LEGISLATIVE BUSINESS.

During the period, Nine Bills were introduced out of which five Bills were considered and passed. The details are as follows:

<i>Serial No.</i>	<i>Title of the Bill</i>	<i>Date of Introduction</i>	<i>Date of consideration and passing</i>
(1)	(2)	(3)	(4)
1.	The Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Bill, 1990 (L.A. Bill No. 37 of 1990)	20th August 1990	21st August 1990.
2.	The Tamil Nadu District Municipalities (Third Amendment) Bill, 1990 (L.A. Bill No. 38 of 1990)	Do.	23rd August 1990
3.	The Tamil Nadu District Municipalities (Fourth Amendment) Bill, 1990 (L.A. Bill No. 39 of 1990)	Do.	Do.
4.	The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 1990 (L.A. Bill No. 40 of 1990).	21st August 1990	23rd August 1990.
5.	The Tamil Nadu Catering Establishments (Amendment) Bill, 1990 (L.A.Bill No. 41 of 1990)	Do.	-----

<i>Serial No.</i>	<i>Title of the Bill</i>	<i>Date of Introduction</i>	<i>Date of consideration and passing</i>
(1)	(2)	(3)	(4)
6.	The Tamil Nadu Appropriation (No.4) Bill, 1990 (L.A. Bill No. 42 of 1990)	22nd August, 1990	23rd August 1990.
7.	The Tamil Nadu General Sales Tax (Fourth Amendment) Bill, 1990, (L.A.Bill No. 43 of 1990)	23rd August 1990	-----
8.	The Tamil Nadu Entertainment Tax (Amendment) Bill, 1990 (L.A.Bill No.44 of 1990)	23rd August 1990	-----
9.	The Tamil Nadu Water supply and Drainage Board (Amendment) Bill, 1990 (L.A. Bill No.45 of 1990)	Do.	-----

XIV. STATUTORY RESOLUTION UNDER RULE 166 OF THE TAMIL NADU LEGISLATIVE ASSEMBLY RULES.

The following Statutory Resolution given notice of by Prof. K. Ponnusamy, and Thiru P. Marappan was not moved in the House at the time of the Consideration of the Bill replacing the Ordinance as both the members were not present in the House:-

"That this House disapproves the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Ordinance, 1990 (Tamil Nadu Ordinance No.3 of 1990) promulgated by the Governor on 21st July, 1990".

XV.GOVERNMENT RESOLUTIONS

(1) On the 21st August 1990, Hon. Dr. M. Karunanidhi, Chief Minister, moved the following Resolution:-

"நீண்ட நெடுங்காலமாகப் பிற்படுத்தப்பட்ட மக்களின் நிறைவேறாத கோரிக்கையாக இருந்த மத்திய அரசின் பணிகளிலும் மற்றும் மத்திய அரசுக்குச் சொந்தமான பொதுத்துறை நிறுவனங்களின் பணிகளிலும் இட ஒதுக்கீடு என்பதை அரசியல் சட்டத்தின் 340-வது பிரிவின் படி திரு. மொரார்ஜி தேசாய் தலைமையிலான ஜனதா ஆட்சியில் அமைக்கப்பட்ட மண்டல் குழு பரிந்துரைகளை ஏற்று 27 விழுக்காடு ஒதுக்கீடு செய்து ஆகஸ்ட் 7ஆம் நாள் பாராளுமன்றத்தில் தேசிய முன்னணி அரசின் பிரதமர் திரு. வி.பி.சிங் அவர்கள் அறிவித்ததுடன் அதனை அன்று முதலே நடைமுறைப்படுத்த ஆணையும் பிறப்பித்துள்ளதை இந்தப் பேரவை மகிழ்ச்சியுடன் பாராட்டுகின்றது.

12-5-1989 அன்று இந்தப் பேரவை பல ஆண்டுகளாக கவனிக்கப்படாமல் இருந்த மண்டல் குழு பரிந்துரைகளை மத்திய அரசு ஏற்று நடைமுறைக்குக் கொண்டு வர வேண்டுமென்று ஒரு தீர்மானத்தை நிறைவேற்றியது. அந்தத் தீர்மானத்தைத் தொடர்ந்து தமிழக அரசின் சார்பில் மத்திய அரசுக்கு பல வேண்டுகோள்கள் விடப்பட்டன என்பதை நினைவு

கூர்கிறோம். இந்திய வரலாற்றிலேயே புதியதோர் சகாப்தமாக சமூக நீதி வழங்கிடும் இந்தப் புரட்சிகரமான முடிவையெடுத்துள்ள தேசிய முன்னணி அரசுக்கும் பிரதமர் திரு.வி.பி.சிங் அவர்களுக்கும் இந்தப் பேரவை தனது இதயமார்ந்த நன்றியையும் வாழ்த்துக்களையும் தெரிவித்துக் கொள்கிறது".

Thiruvargal Kumari Anandan, A. Rahmankhan, K. Ramani, P.N. Vallarasu, P.H. Pandian, M. Sundaradoss, G. Bhuvarghan and M. Abdul Latheef took part in the discussion.

The Hon. Chief Minister replied to the debate.

The resolution was put to vote of the House and adopted *nem con*.

(2) On the 23rd August, 1990 Hon. Thiru. Ko.Si. Mani, Minister for Rural Development and Local Administration, moved the following Resolution:

"That in pursuance of sub-section (1) of section 4-B of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Assembly do resolve that the existing Ambattur township-in Chengai Anna District be declared to be Municipality."

The resolution was put to vote of the House and adopted.

(3) On the 23rd August 1990, Hon. Thiru Duraimurugan, Minister for Public Works, moved the following Resolution:

"That the proposal of the State Government under sub-section (3) of Section 65 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948), to fix the maximum amount Which the Tamil Nadu Electricity Board may at any time, have on loan under sub-section (1) of the said section, as two thousand and four hundred crores of rupees, be approved."

Thiru G. Bhuvarghan took part in the discussion. The Hon. Minister for Public Works replied to the debate.

The resolution was put to vote of the House and adopted.

(4) On the 23rd August, 1990, Hon. Dr. M. Karunanidhi , Chief Minister, moved the following Resolution:

"இலங்கை அரசின் இராணுவத் தாக்குதலால் நாஸ்தோறும் நூற்றுக்கணக்கான தமிழ்மக்கள் மாண்டு கொண்டிருக்கின்றார்கள். அஃதன்னியில் விமான குண்டு வீச்சுக்களால் பாதிக்கப்பட்டு தங்கள் உடைமைகளை இழந்து உயிர் தப்பினால் போதும் என்று பல்லாயிரக்கணக்கான இலங்கைத் தமிழ் மக்கள் தமிழ்நாட்டிற்கு அகதிகளாக வந்து குவிந்த வண்ணமிருக்கின்றார்கள்,

இலங்கையில் இவ்வாறு மனித உரிமைகள் மீறப்படுவதையும் அகதிகள் வருகையின் மூலம் ஒரு வகையான ஆக்கிரமிப்பை இலங்கை அரசு இந்திய நாட்டின்மீது செய்து வருவதையும் நாம் சகித்துக் கொண்டிருக்க முடியாது,

எனவே இதற்கோர் அரசியல் தீர்வு, கண்டு இலங்கையில் தமிழர்கள் நிலையான நிம்மதியான வாழ்வைப் பெறவும் இங்கே அகதிகளாக வந்திருப்போர் மன ஆறுதலுடன் அச்சமின்றி தங்கள் தாயகத்திற்குத் திரும்பிச் செல்லவும் உரிய சூழ்நிலையை உருவாக்க இந்திய அரசு உடனடியாக முன்வர வேண்டுமென்று இந்தப் பேரவை இந்திய அரசைக் கேட்டுக் கொள்கிறது."

Thiruvallargal Peter Alphones, Era. Mohan, W.R. Varadarajan, Y. Venkateswara Dikshidar and M. Abdul Latheef took part in the discussion.

The Hon. Chief Minister replied to the debate.

The Resolution was put to vote of the House and adopted *nem con*.

XVI. GOVERNMENT MOTIONS.

(1) On the 23rd August 1990, Hon. Dr. K. Anbazhagan, Minister for Education (Leader of the House) moved the following motion:

"That Rule 33 of the Tamil Nadu Legislative Assembly Rules be suspended and the House do resolve to transact Government Business."

The motion was adopted *nem con*.

(2) On the 23rd August 1990, Hon. Dr. K. Anbazhagan, Minister for Education (Leader of the House) moved the following motion:

"That under Rule 25(1) of the Tamil Nadu Legislative Assembly Rules, the House be adjourned sine die".

The motion was put to vote and carried *nem con*.

XVII. PRIVILEGE MATTERS.

On the 22nd August 1990, Thiru P.H. Pandian, brought to the notice of the House that the Doordarshan, Madras has telecast a distorted version of his speech made while participating in the discussion on the Implementation of the Mandal Commission Report.

Hon. Speaker said that he will give his ruling after obtaining the remarks from the Director of Madras Doordarshan.

XVIII. WITHDRAWAL OF MEMBERS FROM THE HOUSE.

(1) On the 20th August, 1990, Hon. Speaker asked 12 Members of the A.I.A.D.M.K. Party to withdraw from the House for their gross disorderly conduct. When they refused to withdraw from the House, the Marshall was called in and the members were removed Thiruvallargal S.R. Eradha, Leader of Opposition, K.K.S.S.R. Ramachandran, S. Thirunavukkarasu and K. Arjunan were bodily lifted out of the House by the Watch and Ward.

(2) On the 21st August, 1990, Hon. Speaker asked all the member of the A.I.A.D.M.K. Party present in the House on that day to withdraw for persistently defying the repeated appeals of the chair. When they refused to withdraw from the House, the Marshall was called in and the members were moved from the House. They were directed to absent themselves for the remainder of the day's meeting.

(3) On the 22nd August, 1990, Hon. Speaker asked the members of A.I.A.D.M.K. Party who were present in the House on that day and obstructing the proceedings of the House to withdraw from the House. When they refused, the Marshall was called in and the members were removed from the House. Hon. Speaker further directed that the above members should not participate in the proceedings of the House, on 23rd August, 1990 also.

(4) On the 23rd August 1990, Hon. Speaker asked Thiru R. Anna Nambi to withdraw from the House for disturbing the proceedings of the House. When he refused, the Marshall was called in and the Member was taken out of the House. He was then directed not to attend the session for the day.

XIX. RULINGS GIVEN BY HON. SPEAKER.

(1) On the 20th August 1990, Hon. Speaker informed the House that Selvi J Jayalalithaa, in her capacity as the General Secretary of the A.I.A.D.M.K. and Thiru. S.R. Eradha, in his capacity as the Leader of the Opposition had given two separate letters, dated 23rd July 1990 to him stating that Thiruvallargal S. Thirunavukkarasu, K.K.S.S.R. Ramachandran and S.D. Ugamchand had been expelled from the party and that in the post held by them Thiruvallargal K. Sengottaiyan, K. Arjunan and Durai Ramasamy had been appointed respectively as Deputy Leader, Whip and Secretary and also requested that they might be allocated seats in the Assembly accordingly.

After examination, he ruled on the 20th August 1990 as follows:-

It would be appropriate to obtain comments from the members concerned when an action is being taken against a member and cited the following passage from the booklet of Dr. Subash Kashyap, Former secretary-general, Lok Sabha:

"The Speaker shall not come to any finding that a member has become subject to disqualification without affording a reasonable opportunity to such member to represent his case and to be heard in person. It is therefore clear that ample provision has been made in the Rules of the Presiding Officers to follow rules of natural justice while deciding cases of disqualification on ground of defection."

Under the Constitution (Fifty-Second Amendment) Act, 1985, a Member of the House will be considered to have incurred disqualification only if he gives up the membership of the Political Party to which he belongs or if he votes or abstains from voting contrary to the directions of the Party. On the other hand such a member would not suffer disqualification because of his expulsion from the Party.

Further, under paragraph 6 of the Tenth Schedule of the Constitution (Fifty second Amendment) Act, 1985, the Speaker of the respective House is not only empowered to decide whether a particular member has incurred disqualification but also his decision is final.

In the instant case that is now before the House, neither the Constitution of India nor the rules framed there under directly come into operation. This affair relates to only expulsion from a political party and it is not covered under the Anti Defection Act.

There is no reference to expulsion in our Rules. However, there have been several rulings and precedents in the Parliament and other State Legislatures.

Apart from this, if an action is to be taken on a member. And before a ruling is given thereon, it is the prime duty to consider the matter deeply.

In as much as nobody can take the matter to Court after a ruling is given by the Speaker, the responsibility would be more.

Paragraph 7 of the Tenth Schedule reads as follows:-

"Bar of Jurisdiction of Courts.- Notwithstanding anything in this Constitution, no Court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule."

Besides, no difficulty has so far occurred for the continuance of Thiruvallur S. Thirunavukkarasu, K.K.S.S.R. Ramachandran and S.D. Ugamchand as Members of the Assembly. All the events that have happened have happened outside the Assembly. That is why a letter has been sent to the persons concerned to ascertain their stand before coming to a decision as to the extent to which the decision taken by the A.I.A.D.M.K. Party in regard to certain members of the party would affect the Legislative Assembly.

They have also explained their stand and have also pointed out the injunction order obtained by them for continuing as members of the A.I.A.D.M.K.

As it was considered that it would be better to obtain the comments of those persons who are connected with the case and as it would be proper to give an opportunity to them to explain their stand, they have been addressed with a request to communicate their comments in the matter. Seats have been allotted keeping in mind the Court injunction according to which they cannot function in their position as Deputy Leader and the Whip and the intimation given by Selvi Jayalalithaa and Thiru S.R. Eradha in their letters.

The problem before us now is to decide whether Thiruvallur S. Thirunavukkarasu, K.K.S.S.R. Ramachandran and S.D. Ugamchand have been expelled from the A.I.A.D.M.K. or whether they are continuing there. However, this problem has become a case and is in Court.

Generally by convention this House has been maintaining the practice of not discussing a matter in a Court of Law under the guise of "subjudice" in as much as the interim injunction granted by the Court is such as would restrict the activities of the A.I.A.D.M.K. Party and because of the necessity on the part of the House to maintain a good relationship with the judiciary, the decision on the matter has been deferred.

(2) On the 20th August 1990, Hon Speaker informed the House, that based on the press news Thiruvallur P. Marappan, K. Ponnusamy, R. Anna Nambi and K. Palanisamy had given separate petitions, dated 19th August 1990 addressed to him under Rule 6 of the Members of the Tamil Nadu Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 considering that Thiruvallur K. Madhappan, R. Mookan, Thirumathi P. Lakshmi and Thiru V. Raju had incurred disqualification under the Tenth Schedule to the constitution (Fifty Second Amendment) Act, 1985.

Under paragraph 2 of the Tenth Schedule to the Constitution (Fifty second Amendment) Act, 1985 a member of the Legislative Assembly elected through a Political Party incurs disqualification only in the following two grounds, Viz.,

(i) When he gives up voluntarily his membership from the political party to which he belongs; or

(ii) if he votes or abstains from voting contrary to any direction, issued by his party.

There is no evidence to show that Thiruvallargal K. Madhappan, R. Mookan, Thirumathi P. Lakshmi and Thiru V. Raju have voluntarily given up their membership of the A.I.A.D.M.K. Hence, he ruled that he rejected the petitions given by Thiruvallargal P. Marappan, K. Ponnusamy, R. Anna Nambi and K. Palanisamy under sub-rule (2) of Rule 7 of the Members of the Tamil Nadu Legislative Assembly (Disqualification on ground of Defection) Rules, 1986.

XX. PRESENTATION OF COMMITTEE REPORTS.

Four Reports were presented to the House by the Committees as detailed below:-

<i>Serial No</i>	<i>Name of report</i>	<i>Date of presentation</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
1.	Fifty -first Report of the Committee on Public Undertakings.	22nd August 1990.
2.	Fourth Report of the Committee on Government Assurances.	23rd August 1990.
3.	Fifth Report of the Committee on Government Assurances.	Do.
4.	Third Report of the Committee on Petitions.	Do.

XXI. PAPERS LAID ON THE TABLE OF THE HOUSE.

During the period, 91 papers were laid on the Table of the House, details of which are as follows:-

A. Statutory Rules and Orders	73
B. Reports, Notifications and other papers	18

Total	91
