

- (i) Fifty-fifth Report on Demands for Grants (2008-09) of the Ministry of Information and Broadcasting;
- (ii) Fifty-sixth Report on Demands for Grants (2008-09) of the Ministry of Communications and Information Technology (Department of Posts);
- (iii) Fifty-Seventh Report on Demands for Grants (2008-09) of the Ministry of Communications and Information Technology (Department of Telecommunications);
- (iv) Fifty-eighth Report on Demands for Grants (2008-09) of the Ministry of Communications and Information Technology (Department of Information Technology); and
- (v) Fifty-ninth Report on action taken by the Government on the Recommendations/ Observations of the Committee contained in their Forty-Eighth Report (Fourteenth Lok Sabha) on Real Estate Management in Department of Posts.

DISQUALIFICATION OF A MEMBER ON GROUND OF DEFECTION

MR. CHAIRMAN: Hon. Members, I have to make the following announcement:

Shrimati Sushma Swaraj, Member, Rajya Sabha, filed before the then Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat, petition dated December 22, 2005, under paragraph 6 of the Tenth Schedule to the Constitution and rule 6 of the members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985, praying that the Chairman, Rajya Sabha, be pleased to hold that Shri Jai Narain Prasad Nishad, Member, Rajya Sabha, stands disqualified under the Tenth Schedule to the Constitution of India and also declare his seat in the Rajya Sabha vacant.

The then Chairman forwarded copies of the petition and the annexures thereto to Shri Jai Narain Prasad Nishad and Shri Jaswant Singh, Leader of the Bharatiya Janata Party in Rajya Sabha and the Leader of the Opposition, Rajya Sabha, under rule 7(3) of the said Rules, on January 5, 2006, requesting them to forward their comments on the petition to him within seven days from the receipt of the same.

Shri Jaswant Singh, in his comments, dated the 9th January, 2006, agreed with the contention of the petitioner and contended that Shri Jai Narain Prasad Nishad, who had been elected to the Rajya Sabha from the State of Bihar as a candidate of the Bharatiya Janata Party resigned voluntarily from it. Even if Shri Nishad had not formally resigned from the Party, his conduct with regard to his campaigning against the party, could he, in itself, a sufficient evidence to prove that he has voluntarily given up the membership of the Bharatiya Janata Party and, therefore, deserves to be disqualified.

Shri Jai Narain Prasad Nishad, in his comments, dated the 12th January, 2006, disagreed with the charges made against him. He, *inter alia*, stated that he had tendered his resignation from the primary membership of the party on the 18th October, 2005, in an agitated mental condition, which he later withdrew by his letter dated 17th November, 2005. Shri Nishad requested the Chairman, Rajya Sabha, that the petition be dismissed as the conduct and acts as alleged against him by Shrimati Swaraj were condoned by party as is evident by its own actions such as issuing him SMS messages for attending party meetings or to act according to those messages. The party also continued to take from him a monthly subscription of Rs. 1200 and the last subscription was taken on the 10th December, 2005.

After considering the comments of Shri Jaswant Singh and Shri Jai Narain Prasad Nishad in relation to the petition, the then Chairman was satisfied, having regard to the nature and circumstances of the case that it was necessary to refer the petition to the Committee of Privileges of Rajya Sabha and he referred the petition to the Committee of Privileges on February 21, 2006, for making a preliminary inquiry and submitting a report to him.

The Committee of Privileges submitted its Report to me on 20th November, 2007.

On receipt of this Report, I forwarded a copy thereof to Shri Jai Narain Prasad Nishad and gave him opportunities to appear before me on January 8, March 11 and March 26, 2008, to represent his case and to be heard in person, but he did not appear on the scheduled dates and time. Shri Nishad was thus given a reasonable opportunity to represent his case and to be heard in person in terms of Rule 7(7) of the Members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985.

Taking into account the facts of the case and the report of the Committee of Privileges and in accordance with the provisions of article 102(2) read with the Tenth Schedule to the Constitution of India, I decided and declared by an order as follows:

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"In exercise of the powers conferred upon me under article 102(2) read with paragraph 6 of the Tenth Schedule to the Constitution of India, I, Mohammad Hamid Ansari, Chairman, Rajya Sabha, hereby decide that Shri Jai Narain Prasad Nishad, an elected Member of the Rajya Sabha from the State of Bihar, by voluntarily giving up his membership of the Bharatiya Janata Party, his original political party, has become subject to disqualification for being a Member of the Rajya Sabha in terms of paragraph 2(1)(a) of the Tenth Schedule to the Constitution of India."

Accordingly, Shri Jai Narain Prasad Nishad has ceased to be a Member of the Rajya Sabha with effect from 26th March, 2008.

RESIGNATION BY MEMBER

MR. CHAIRMAN: I have to inform Members that I had received a letter from Shri N. Jothi, a Member representing the State of Tamil Nadu resigning his seat in the Rajya Sabha. I have accepted his resignation with effect from 27th March, 2008.

GOVERNMENT BILL The Central

Universities Laws (Amendment) Bill, 2008

MR. CHAIRMAN: Now, we shall take up the Central Universities Laws (Amendment) Bill, 2008. *(Interruptions)*

SHRI S. S. AHLUWALIA: (Jharkhand) Mr. Chairman, Sir, before anything ... *(Interruptions)*...

MR. CHAIRMAN: Shri Arjun Singh to move a Motion ... *(Interruptions)*...