

# Editorial

Imphal Sunday, March 19, 2017

## Hope amid the hesitations

The people of the state cutting across communities and regions lifted a collective sigh of relief after the United Naga Council heaved the more-than-four-months economic blockade imposed on Manipur as a reaction to the announcement of the formation of seven new districts by the previous Ibobi led Congress. The economic siege, aided in no small measure by the demonetization move by the Modi government at the centre, lasting 139 days sent the state reeling under tremendous pressures for almost every basic necessity. As assured earlier, the just-elected BJP-led coalition state government managed to persuade the UNC to lift the longest economic blockade the much harassed public of Manipur had to endure.

There is, however, a sliver of doubt still lingering in the minds of the public as to the longevity of the understanding which is looked upon more as a temporary pact to ease the simmering tension. The present uneasy calm brokered by the Nongthombam Biren-led Manipur government, while worthy of appreciation, should be viewed with caution as the terms and conditions upon which the blockade was suspended still carries a lot of potential for the relapse of the unfortunate situation the state was plunged into for more than four months. Hopefully, the present coalition state government has learnt from the mistakes and shortcomings of the previous government and will leave no stone unturned to find an enduring solution for the perennial impasse that has been preventing the state from moving forward towards progress and development.

It's early days, and despite some disgruntled sounding political pundits making unfavorable predictions of the present government, it should be kept in mind that the Chief Minister, before stepping into the world of politics, have taken up various initiatives and made efforts to improve the national highways so that the people of the state who are relying on these lifelines can have things easy. While the situation might have changed, but clearly the intent is still reflected in the alacrity with which the protracted issue has been addressed, albeit for a brief spell to start with.

It is now for the new government to show its mettle and stamp of authority and make every single stakeholder of the state to come to terms with the undeniable fact that the larger interest of the public should be placed above everything else even that of a single major unit or a makeshift conglomerate as the case may very well be. The outcome of the just-concluded general election or the resulting shift in power cannot and should not be viewed as a victory by any party, group or individual. It is rather an indication of the shift in the views and aspirations of the general public and should be respected for what it is. The real test is yet to come, and if the present development is any indication, we would not have to wait for long. The state has been pining for a leader who can stand up and deliver the aspirations of the public in time. The public have been made to feel deceived of their hopes and dreams for far too long. The rejuvenated public is looking for a government with conviction and consistency. They are not ready to settle for anything less.

## 2 Indian Clerics Who Went Missing In Pakistan Return Home

**New Delhi, March 20:** The two Indian clerics, including the head priest of Hazrat Nizamuddin Dargah, who went missing in Pakistan last week, returned to New Delhi this morning. Syed Asif Nizami and his nephew Nazim Ali Nizami were welcomed at the airport by their family members and a group of well-wishers. Amir Nizami, son of Asif Nizami who is the head priest (Sajjadanashin) of Hazrat Nizamuddin Aulia Dargah, thanked the Indian government for its intervention in ensuring the return of his father and Ali Nizami. "Both are fine. We care thankful to the Indian Government for all the support in securing their return," Amir told PTI. The two clerics did not speak to the waiting media. Ibrahim Nizami, grandson of the 80-

year-old head priest, said special prayers will be offered today at the Nizamuddin Dargah to "thank the almighty" for their return.

Asif Nizami and Nazim Ali Nizami had gone to Lahore on March 8 but went missing in the middle of last week following which India took up the issue with Islamabad. The main purpose of Asif's visit to Pakistan was to see his sister in Karachi.

On Saturday, Pakistan had conveyed to India that the clerics were traced and had reached Karachi.

External Affairs Minister Sushma Swaraj had taken up the issue with Pakistan Prime Minister's Adviser on Foreign Affairs Sartaj Aziz and requested him to trace the missing clerics.

Yesterday, Ms Swaraj had spoken to Asif Nizami and said they were safe.

By Vijay Jaiswal

The lower chamber of the state Legislature is known as the Legislative Assembly or Vidhan Sabha. In states with bicameral legislatures, the upper chamber is known as the Legislative Council or Vidhan Parishad.

The total number of members of the Legislative Assemblies varies between 500 to 40. The members of the Legislative Assemblies or the M.L.A.'s are directly elected by the people on the basis of universal adult suffrage from constituencies of more or less equal votes. All citizens completing the age of 18 may vote in elections. Some seats in the Legislative Assembly are reserved for the Scheduled Castes and Tribes. The Governor may nominate a few Anglo-Indians to the Assembly if that community is not adequately represented.

To be member of the Legislative Assembly, a person must be a citizen of India, must be at least 25 years of age, and must have such other qualification as may be prescribed by the President.

The Legislative Assembly is elected for a period of 5 years. It may, however, be dissolved earlier and President's rule may be imposed under Article 356. Under Article 352, during the pendency of a National Emergency, its life may be extended but not more than one year at a time.

Powers and Functions of Legislative Assembly in India Since the Indian constitution institutes Parliamentary type of Governments in the states, the popularly elected Legislative Assemblies, are designed by the constitution as forums to provide legitimacy to the Governments of the states.

The most important function of the Legislative Assembly is to act as the highest law making organ of the state. In unicameral state

Legislatures all bills on subjects in the state list are initiated and passed by this House before transmission to the Governor for his assent. In bicameral state Legislatures the Legislative Council cannot initiate money bills. Ordinary bills may be raised in either House. Even though the Assembly does not have a direct share in the executive powers; it has a good degree of influence over the executive. The Chief Minister is usually the leader of the majority party or of the coalition forming the Government. Even in bicameral legislatures, the Chief Minister and other important ministers are members of the popularly elected chamber. The ministers are collectively responsible to the Assembly. The Ministers, including the Chief Minister remain in power only so long as they enjoy the confidence of the Legislative majority. In India's unstable party system, M.L.A.'s often bargain for power or privilege in exchange for support in the Legislative Assembly.

The Assembly has powers over the state purse. The budget and indeed all money bills are initiated in and passed by the Assembly with the previous sanction of the Governor. The Council in bicameral State Legislatures may only delay a money bill by 14 days.

The Assembly has some other exclusive powers. The M.L.A.'s only take part in the election of the President. Only the Assembly takes part in constitution amendments where approval by the state legislatures is a constitutional requirement. The Assembly alone considers the reports of the Public Service Commission of the State and also of the Comptroller and Auditor General.

The Assembly also suffers from some limitations. It has no power

to initiate amendment proposal, the laws passed by the Assembly are subject to judicial review, and bills passed by the Assembly may be rejected or reserved for the President's assent by the Governor.

### Speaker of State Legislative Assembly

Legislative Assembly (also known as Vidhan Sabha) is the lower house of the bicameral states and sole house of the unicameral states. This article contains details of election, vacancy, powers and functions of the Speaker of State Legislative Assembly in India.

**Article 178** of the Indian Constitution provides for a Speaker to preside over the sessions of the Legislative Assembly of an Indian State as Article 93 provides for a similar Speaker in the Lok Sabha.

The office of the Indian Speakers has been modeled on the office of the Speaker in the House of Commons in England. Indian Speaker also enjoys powers and position similar to those of the British Speaker.

**Election of the Speaker:** The constitution of India provides that after every general election, the Legislative Assembly in a State, at its very first session shall elect a Speaker and a Deputy Speaker, from among its members. During the absence of the Speaker from office, the Deputy Speaker takes over his office. The Speaker generally belongs to the ruling party. The Speaker remains in office till the next Speaker is sworn in.

**Vacancy:** A vacancy in the Speaker's office may arise:

- (1) if he resigns
- (2) is removed from office by a resolution of the Assembly,
- (3) if he ceases to be a member of the House, and
- (4) if he dies.

**Removal:** The removal of the Speaker through a resolution of the

Assembly requires 14 day's notice, when a motion for his removal is discussed in the Assembly, the Speaker does not preside over the Assembly.

**Powers and Functions:** The important function of the Speaker is to preside over the sessions of the Legislative Assembly and to maintain order and discipline within the House.

The Speaker does not take part in the debate and usually does not vote except to break a tie.

When the Assembly meets, the Speaker calls the House to order, maintains discipline in the House. He sees whether there is necessary quorum.

He may adjourn or suspend the sitting of the House if necessary quorum is not there, or to restore discipline.

He may even suspend or expel members of the House for unruly behaviour.

Within the House, the Speaker is the master. It is the Speaker who decides whether a bill is a money bill or not. The Speaker's decision cannot be challenged in a Court of Law. Money bills are sent to the Upper House with the Speaker's certificate that it is a money bill. The salary of the Speaker is charged on the Consolidated Fund of the State. The Speaker of the Lok Sabha presides over joint sessions of the Parliament. The constitution does not provide for joint sessions of State Legislatures even where the State Legislatures are bicameral.

**Conclusion:** The position of the Speaker is not one of enormous power but it is certainly of dignity and prestige. The Speaker acts as neutral umpire between the ruling party and the opposition. A important responsibility of the Speaker is to see that the opposition gets enough scope to criticize the Government.

## National & International News

### PM Narendra Modi's Cabinet approves 4 GST bills, over to Parliament now

**New Delhi, March 20:** The Union Cabinet headed by Prime Minister Narendra Modi today approved four supporting Goods and Services Tax (GST) bills, which will now be introduced in Parliament during the ongoing Budget session.

The four supporting GST legislations include Central GST or C-GST, the Integrated GST (I-GST), and the Union Territory GST (UT-GST), and the Compensation to the States Law. The four bills were earlier approved by the GST Council after a thorough clause by clause discussion over 12 meetings held in the last six months.

The C-GST Bill makes provisions for levy and collection of tax on intra-state supply of goods or services

for both by the Central Government. On the other hand, the I-GST Bill makes provisions for levy and collection of tax on inter-state supply of goods or services or both by the Central Government.

The UT-GST Bill makes provisions for levy on collection on tax on intra-UT supply of goods and services in the Union Territories without legislature. The Union Territory GST is akin to States Goods and Services Tax (SGST) which shall be levied and collected by the States/Union Territories on intra-state supply of goods or services or both.

The Compensation Bill provides for compensation to the states for loss of revenue arising on account of

implementation of the goods and services tax for a period of five years as per section 18 of the Constitution (One Hundred and First Amendment) Act, 2016.

These bills will help in the rollout of the much-awaited indirect tax regime, which the Centre plans to do from July 1 this year.

On Saturday, Prime Minister Narendra Modi had said people should make efforts to discuss and understand the new indirect tax regime.

"I want the entire country to discuss and try to understand GST," Modi said here at the India Today Conclave through video conferencing. "In GST, the entire process has been reached by

consensus; the states have taken ownership. It is an example of cooperative federalism," he added. Meanwhile, a number of Opposition parties said they want the GST Bill to become a reality, but the green signal will be given in the Rajya Sabha only after seeing the blueprints of the four supporting bills.

Congress MP PL Punia said, "We have to see the blueprint of these bills. We also want GST to pass as it is our own bill. But there were certain objections in the past too. So, we have to go through these bills first." JD-U's Sharad Yadav, "It is a good move. The GST is long due and we want GST to get passed at the earliest."

### Indo-Pak Indus Water Commission conference to today begin in Islamabad

**Islamabad, March 20:** Indus Water Commission talks between India and Pakistan will begin in Islamabad on Monday.

Disputed projects such as Miyar, Lower Kalnai, and Pakal Dul will be on the agenda of the 113th Indo-Pak Indus Water Commission conference.

Indian Indus Water Commissioner P.K. Saxena is leading the 13-member delegation in two-day meeting between Pakistani officials.

The two countries held the Indus Water Commission last time in May, 2015 in New Delhi.

The Permanent Indus Commission is a bilateral commission of officials from India and Pakistan, created to implement and manage goals of the Indus Waters Treaty 1960.

It comprises the Indus Commissioners from both sides and discusses technical matters related to the implementation of the treaty.

Pakistan has firmly stated that it will not accept any alterations or changes to the IWT after India had said that it is ready to engage in further consultations with Islamabad on the matter of resolving current differences over the Kishenganga and Ratle projects under the treaty.

Pakistan has raised objection to the building of the Kishenganga (330 megawatts) and Ratle (850 megawatts) hydroelectric plants by India, saying that it violates the provisions of the treaty.

The World Bank had earlier asked both the countries to consider

alternative ways to resolve their disagreements over the Indus Water Treaty Dispute 1960.

The World Bank had said that it was temporarily halting the appointment of a neutral expert as requested by India, and the Chairman of the Court of Arbitration, as requested by Pakistan, to resolve issues regarding two hydroelectric power plants under construction by India along the Indus Rivers system.

The treaty which was signed in 1960 by Indian Prime Minister Jawaharlal Nehru and Pakistan President Ayub Khan gives India control over the three eastern rivers of the Indus basin, the Beas, the Ravi and the Sutlej while Pakistan has the three western rivers, the Indus, the Chenab and

the Jhelum.

As per the provisions in the treaty, India can use only 20 percent of the total water carried by the Indus River.

The Indus Waters Treaty 1960 is seen as one of the most successful international treaties and has withstood frequent tensions between India and Pakistan, including conflict.

The treaty sets out a mechanism for cooperation and information exchange between the two countries regarding their use of the rivers, known as the Permanent Indus Commission which includes a commissioner from each of the two countries. It also sets out a process for resolving so-called "questions", "differences" and "disputes" that may arise between the parties.

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