

[Shri K. Vijaya Bhaskara Reddy]

have said, have been reserved for Scheduled Castes from the time the Constitution was framed. For example, my seat in Kurnool district of Andhra Pradesh was reserved not only when the Constitution came into force, but even earlier from the 1935 Act till today it has been a reserved Constituency. So, it is not fair for the voters of that Constituency to give facility only to Scheduled Castes. That is the opinion of all the Members and the parties. So, we have decided to rotate it. The rotation will not be increasing the number of seats. Mr. Prakash Ambedkar said that Buddhists who are converts will be treated as Harijans and their numbers will increase when the redistribution of Constituencies is taken up. Here I point out that the number of Harijan seats also will not increase. The number of Parliament seats will not increase, the number of Assembly seats will not increase and the number of Scheduled Castes seats will also not increase. That will be only after the year 2000, when the Parliament again agrees to defreeze it and allows it to increase. As far as the present Amendment is concerned it limits only to the existing number. This rotation is only for the Scheduled Castes. Scheduled Tribes seats are not taken into consideration for rotation. It has a peculiar problem and it is difficult to do it now. It can be considered after the year 2000 A.D.

SHRI PRAKASH YASHWANT AMBEDKAR : Will you yield for a minute? My specific question was that the population of the Adivasis has increased after the 1981 Census. The jump has been nearly by 10 per cent. As I said the plains Adivasis have been given the advantage. With that increase in population will the number of seats increase?

SHRI K. VIJAYA BHASKARA REDDY : It will not be within the purview of the present Bill. It will be after the year 2000. The existing number of seats whether those of Scheduled Castes and Scheduled Tribes or not is not going to change.

I assure the House that at the earliest I will see that readjustment of the Consti-

tuencies is done I also assure you that no political influence will be there in it. Delimitation Commission Act provides specific instructions under which the Commissioner has to act. There also I will see that it is done.

I once again thank all the hon. Members for having given their opinion and I recommend to the House to approve it unanimously.

THE VICE-CHAIRMAN (SHRI M.A. BABY) : Actually only after the reply voting has to take place. But I would like to seek the indulgence of the House to take up the next Constitution (Seventy-sixth Amendment) Bill, 1992. Mr. Minister.

THE CONSTITUTION (SEVENTY-SIXTH AMENDMENT) BILL, 1992

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY) : Sir, with your permission I beg to move :

"That the Constitution (Seventy-Sixth Amendment) Bill, 1992, further to amend the Constitution of India, be taken into consideration."

Hon'ble Members would recall that as a follow up of Government's acceptance of certain recommendations of the Committee on Reorganisation of Delhi Set-up (known as Balakrishnan Committee), two bills, namely, (i) the Constitution (Seventy-Fourth Amendment) Bill, 1991 and (ii) the Government of National Capital Territory Bill, 1991 were enacted by Parliament last year. The new laws, *inter alia*, provided for a Legislative Assembly and a Council of Ministers for the National Capital Territory of Delhi.

One of the recommendations of the Committee relates to the inclusion of the members of the Legislative Assembly for the National Capital Territory of Delhi in the electoral college for the election of the President of India. It may be relevant to

mention that while the Government of Union Territories Act, 1963 provides for a Legislative Assembly and a Council of Ministers for Pondicherry, the members of the Assembly do not form part of the electoral college for the election of the President of India.

It may further be recalled that while considering the Bills relating to Delhi, views were expressed in both the Houses of Parliament in favour of including also the elected members of the Legislative Assemblies of Union territories in the electoral college for the election of the President under article 54 of the Constitution. And, it was stated on behalf of the Government that the suggestions would be given due consideration on a priority basis.

I am happy to say that we have now been able to formulate another amendment to the Constitution, so as to include the elected members of the Legislative Assemblies of Union Territories in the electoral college for the election of the President of India. The present Bill is for the purpose of amending article 54 of the Constitution to include those members in the electoral college.

I would like to briefly refer to the provisions incorporated in the Bill. At present, article 54 relating to the election of the President provides for an electoral college consisting of only the elected Members of both the Houses of Parliament as well as the Legislative Assemblies of the States (not Union Territories). Similarly, article 55 providing for the manner of such election also speaks of Legislative Assemblies of States. Accordingly, an Explanation is sought to be inserted in article 54 to provide that reference to 'State' in articles 54 and 55 would include the National Capital Territory of Delhi and the Union Territory of Pondicherry for constituting the electoral college for election of the President. This would enable the elected members of those Legislative Assemblies to be included in the electoral college.

The Constitution (Seventy-Fourth Amendment) Bill, 1991 which was enacted

as the Constitution (Sixty-Ninth Amendment) Act, 1991 received the assent of the President on 21st December 1991. The said Bill as originally introduced in the Lok Sabha sought to incorporate in article 239AA, a sub-clause (b) to clause (7) on the lines of clause (2) of article 239A which provides for a Legislative Assembly and Council of Ministers for the Union Territory of Pondicherry. The sub-clause was subsequently dropped since inclusion of the said sub-clause would have necessitated ratification of the Bill by the Legislatures of not less than one-half of the States and thereby delayed the early constitution of a Legislative Assembly for the Union Territory of Delhi. The said sub-clause is added in the present Constitution Amendment Bill with retrospective effect, that is, from 21st December 1991.

Article 239AA, clause 7(b) is of a clarificatory nature. For removal of doubts it has been stated in this sub-clause that any law made by Parliament by virtue of powers conferred by the Constitution (Sixty-Ninth Amendment) Act, 1991 shall not be deemed a Constitutional amendment because the said Constitution Amendment Act had already conferred powers on Parliament to make such appropriate laws in connection with the creation of a Legislative Assembly for Delhi, as stipulated in the said Constitution Amendment Act. The main purpose of the said sub-clause is to make it clear that any law enacted pursuant to sub-clause (a) would not be an amendment of the Constitution, but only an ordinary legislation passed by Parliament in exercise of its normal legislative functions. This is done by way of abundant caution and is on the lines of similar provisions enacted by Parliament in the Constitution (Fourteenth Amendment) Act, 1962 for creation of local Legislatures or Council of Ministers for certain Union Territories.

The Bill, after it is passed by both the Houses of Parliament, will require to be ratified by the Legislatures of not less than one-half of the States as required under sub-clause (a) of proviso to article 368(2) of the Constitution.

[Shri K. Vijaya Bhaskara Reddy]

The proposal included in the present Bill covers an important aspect of the election of the President of India. It aims at providing representation to the legislators in Union Territory legislatures in the matter of election of the President. It is my earnest hope that the Bill will receive the unanimous support of all sections of the House.

Sir, I now commend the Bill for the consideration of the House.

The question was proposed.

श्री शंकर दयाल सिंह (बिहार) : उपसभाध्यक्ष महोदय, जिस तरह से पिछला बिल हमारे सामने आया और सभी दलों के सभी माननीय सदस्यों ने उसका समर्थन किया, इसके भी समर्थन की आशा मंत्री महोदय ने व्यक्त की है। लेकिन दुख के साथ यह कहना पड़ता है कि जिस समय आप यह विधेयक हमारे सामने ला रहे हैं और दिल्ली राष्ट्रीय राजधानी क्षेत्र के संबंध में भी एक महत्वपूर्ण निर्णय ले रहे हैं और साथ साथ पांडिचेरी संघ राज्य क्षेत्र के बारे में भी, उस समय आपकी दिल्ली की हालत क्या है? अगर आपने दिल्ली का चुनाव करा लिया होता, दिल्ली का चुनाव कराने के बाद आपका यह बिल अगर हमारे सामने आता तो और भी एक अच्छी बात होती क्योंकि इस बिल का सबसे बड़ा उद्देश्य यह है कि राष्ट्रपति का जो चुनाव होने जा रहा है जिसकी ओर सबकी आंखें लगी हुई हैं, पूरा राष्ट्र जिसकी ओर ध्यान पूर्वक देख रहा है उस राष्ट्रपति के चुनाव में दिल्ली राष्ट्रीय राजधानी क्षेत्र और पांडिचेरी संघ राज्य क्षेत्र को भी शामिल होना चाहिए यह तो स्वागत के योग्य है क्योंकि जिस संवैधानिक मर्यादा के साथ हम स्वतंत्र भारत में एक निष्ठा रखते हैं उसमें हर नागरिक को और नागरिक के प्रतिनिधि को जो सबसे बड़ा अधिकार मिला है वह अधिकार मतदान का है। राष्ट्रपति का जो पद होता है वह राष्ट्र की गरिमा है, राष्ट्र का स्वाभिमान है और राष्ट्रध्वज के समान, राष्ट्रगान की तरह राष्ट्रपति भी राष्ट्र

का सबसे बड़ा गौरव का पद है। उसमें आप जो सम्मिलित करना चाहते हैं उसका हम स्वागत करते हैं। इस स्वागत के साथ साथ एक बात हम कहना चाहते हैं क्योंकि आप भी यहां बैठे हैं और हमारे सामने माननीय गृह मंत्री जी भी बैठे हुए हैं कि आप इसके साथ ही दिल्ली में चुनाव की तिथि की घोषणा करते तो दिल्ली के लोगों को इससे थोड़ा हो जाता कि सब में जिन कारणों को लेकर और जिसके लिए कुछ दिन पहले माननीय गृह मंत्री महोदय ने दिल्ली राष्ट्रीय राजधानी का विधेयक यहां रखा और पारित करने के बाद घोषणा की कि इसके बाद चुनाव तुरंत करेंगे, वह धमल में आ जाएगा। इसलिए पहली बात, मैं आपसे अनुरोध करना चाहता हूं, इस बिल को तो हमारा समर्थन मिलेगा ही लेकिन दिल्ली के चुनाव की अगर आप घोषणा नहीं करते हैं तो इस बिल का कोई महत्व नहीं रह जाता है इस मायने में कि आप इसको इन्क्यूब नहीं कर रहे हैं। राष्ट्रपति का चुनाव अगले दिनों होने वाला है इसलिए जितनी जल्दी अगर आप दिल्ली में चुनाव करा कर यहां के लोगों को भाग लेने का अधिकार दे सकें तो इससे बड़ी खुशी की बात कुछ नहीं हो सकती है। माननीय उपसभाध्यक्ष महोदय, यह जो हमारे सामने बिल ला मिनिस्टर जी ला आए हैं पहली बात मेरी समझ में नहीं आ रही है, जिसके लिए पहले ही आपत्ति की गयी थी कि इस बिल को मैं क्यों कहूँ, संविधान का 76वाँ संशोधन कहूँ या 71वाँ संशोधन कहूँ। क्यों मैं कह रहा हूँ। मैं इसलिए कह रहा हूँ कि आखिर आप हिंदी और अंग्रेजी दोनों में यहीं बैठे हैं। हम कुछ लोगों के लिए मजबूरी होती है। जिन लोगों ने फरटि के साथ अंग्रेजी की शिक्षा प्राप्त नहीं है, सेंट जेवियर, सेंट स्टीफन, आक्सफोर्ड और कैम्ब्रिज में शिक्षा प्राप्त करने का... (व्यवधान) आपसे मैं जल्द कहूँगा। तो हम लोगों के लिए साजिमी और परहिन्दी का सहारा लेना जरूरी होता है और जब संविधान ने इसे राजभाषा का पद दिया है और जब सभी चीजों को हिन्दी और अंग्रेजी में बोलते हैं तो हम हिन्दी बोलते हैं। हमारे सामने

आज आपने जो अमेन्डमेंट ब्रोज़ा है वह भी हिंदी का नहीं आया है। इसलिए संविधान संशोधन का जो प्रस्ताव आपका पारित होना है, जिसके लिए आपने जो हिंदी का मरकुलेट किया है उसके बारे में मैं पहले कहना चाहता हूँ कि आप पहले इसका स्पष्टीकरण कर दें कि मैं इसे 76वाँ संशोधन कहूँ या 71वाँ संशोधन कहूँ। न्हाट इज दिस। यह जो हिंदी कापी है हमारे पास इसके बारे में आप बताइये कि मैं क्या कहकर सम्बोधित करें 71वाँ या 76वाँ ?

SHRI K. VIJAYA BHASKARA REDDY :
Sir, the same thing was said earlier. I have mentioned in my speech that out of respect for Mr. Dinesh Goswami, I did not change it. I thought the Bill, as introduced by him, should be passed. I could have done it. I have given notice for the amendment to that. I will move the amendment at the proper time.

SHRI SHANKAR DAYAL SINGH :
Therefore, I think, it is better that I should not call it the Seventy-first amendment or the Seventy-sixth amendment. I should call it only amendment because the Minister and the Government are not so far clear about it.

SHRI K. VIJAYA BHASKARA REDDY :
I am absolutely clear. I will move the amendment. Actually I have moved an amendment.

श्री शंकर दयाल सिंह (बिहार) : ऐनीहाउ, आपने हमारे सामने यह जो संविधान संशोधन का विधेयक लाया है, हम उसका विरोध नहीं कर रहे हैं। हम उसका समर्थन कर रहे हैं, और वह इसलिए कर रहे हैं कि भूक्ति राष्ट्रपति के चुनाव में सबको सहभागी होना चाहिए। देश के हर नागरिक और नागरिक के प्रतिनिधि का कर्तव्य है कि वह इस गरिमा-मय चुनाव में भाग ले।

श्री प्रकाश दयबंत अम्बेडकर (नाम-निर्देशित) :
शंकर दयाल जी, राज्य-सभा का कोई मेम्बर

होकर भी उसमें भाग नहीं ले सकता है। कई मेम्बर ऐसे हैं कि जो भाग नहीं ले सकते।

श्री शंकर दयाल सिंह : तो इसलिए मैं आपसे पहली बात यह कहना चाहता हूँ कि कृपा करके जब आप दिल्ली और पांडिचरी; दोनों के बारे में ध्यान देते हुए यह ला रहे हैं, तो पहले आप दिल्ली में प्रशासन को ठीक कर लें, चुनाव की घोषणा करें।

मारकण्डेय सिंह जो को हटाया, उनकी जगह पर किसी राज्यपाल की नियुक्ति करें। एक दर्जन नाम मैं देख रहा हूँ। इससे क्या होता है कि राज्य, पाल के पद की गरिमा भी समाप्त होती है। जिस तरह से अखबारों में रोज पढ़ने को मिल रहा है कि राज्यपाल खोजे चले जा रहे हैं, आप खोज रहे हैं कि कोई राज्यपाल मिले। तो मैं समझता हूँ कि इन बातों को ध्यान में रखते हुए—इसलिए मैं ध्यान दिला रहा हूँ कि राष्ट्रपति पद की गरिमा और संविधान की मर्यादा, दोनों को ध्यान में रख कर आपने यह बिल हमारे सामने लाया है। उनको देखते हुए यह जो दिल्ली का राजधानी क्षेत्र, आपका इतना बड़ा दिल्ली, राष्ट्रीय राजधानी क्षेत्र है, इसके संबंध में भी एक स्पष्टीकरण करते हुए चुनाव की तिथि की घोषणा करते हुए इसे पास करवायें। हमारा आपको समर्थन है।

SHRI V. NARAYANASAMY (Pondicherry) : Thank you, Mr. Vice-Chairman. This is a red-letter day as far as the people of Pondicherry and Delhi are concerned because the wishes and aspirations of their people have been fulfilled by the Central Government. Time and again we have been demanding of the Central Government to give voting rights to the legislators of the State. Sir, it is peculiar enough that the Members elected to Lok Sabha from Pondicherry and the Members of Rajya Sabha who have been elected by the legislators of the States have the voting rights to elect the President of India, but unfortunately (Interruption)

SHRI PRAKASH YASHWANT AMBEDKAR : There are some Members who don't have the rights, not all.

SHRI V. NARAYANASAMY : Sir, I am telling about my State. I am referring to my State. I am not telling about the Nominated Members. I am saying that the legislators who have been elected by the electorate in my State and the legislators who have elected me to this House have got no right, but I am entitled to vote in the election of the President of India. The reason is this. In the other Union Territories there are no legislative assemblies. Take the case of Andaman and Nicobar, Lakshadweep and Delhi. They have got only Councils. Pondicherry is the only State where we have a Legislative Assembly right from 1954, but in 1962 it vested in the Central Government. By that time there was an agreement signed between the Government of India and the French Government and Pandit Nehru who initiated the move said in clear terms, "It is a pride for all of us." He said, "Pondicherry will remain as the window of French culture." Panditji respected the sentiments expressed by the French Government and he said, "The identity of Pondicherry will be maintained as long as the people of the State wish so." Sir, the Governments of Indiraji and Rajivji had provided all the facilities to the State and the present Government headed by our Prime Minister, Shri Narasimha Rao, is also doing the same thing. Ours is a region covering three southern States. We have got two pockets. One is Pondicherry and Karikal, both of them on the borders of Tamil Nadu, and Mahe, as you know, Sir, near Kerala and Yanam near Kakinada region in Andhra Pradesh. Sir, people having diverse cultures and speaking various languages—all types of people—are living there. One of the

finest things is that the French culture has dissolved into the Indian culture and the people are so sober and peace-loving. Now, our Legislative Assembly has got 30 members. These 30 members have been elected from various regions. The democratic system is functioning very well in my Territory. The Legislative Assembly used to meet twice in a year. Whenever the Assembly session is to end they pass a resolution in respect of two major things. One is for statehood to Pondicherry and the other is for voting right for the Legislative Assembly members to participate in the election of President of India. On part of this has been fulfilled by the Central Government. Now, the major demand, that is, grant of statehood to the Union Territory of Pondicherry, is still remaining. It is not only that the Legislature passes of resolution but it is the people's wish that Pondicherry should get the statehood. Why I am telling this is because I have taken up this matter several times. I had brought a Private Member's Bill before this House for grant of statehood to the Union Territory of Pondicherry. Whenever I raised this issue and put questions, the reply from the hon. Minister was that the population was less. At that time it was so. Now we have reached a population figure of more than ten lakhs. Take the case of North-Eastern States. You have granted statehood to various Union Territories—Arunachal Pradesh, Mizoram, Meghalaya and others. You have given statehood to them. I don't have any grudge against those States. But when the Pondicherry people want that statehood should be granted to them, their sentiments should be respected by the Central Government. That is the point that I want to make before this House.

Another important aspect is that the cost of living, being a cosmopolitan city, is very high. It will be surprising to note that a French pensioner of the Union Territory is getting more than Rs. 30,000 per month as pension which even the President of India is not getting. French Government

is giving them. The cost of living is so high there. The poor Government servants who are living there are suffering because their demand for B-2 status was not granted by the Central Government. The house rent, the cost of land and the cost of other things are so high in Pondicherry. We have achieved 90% of the target in agriculture. Ninety-three per cent of the land is being cultivated in the Territory. Apart from that, there is so much industrial development which the hon. Law Minister knows. In the small pocket of Yanam which does not have a population of more than 20,000, we have more than 97 industries. So, industrial development is taking place. Major industries are coming up there. That being the case my demand to the hon. Home Minister who is dealing with Pondicherry is that statehood and B-2 status for the benefit of the employees should be granted at the earliest.

Another important thing is granted of dual citizenship which is being considered by the Government.

About 4000 to 5000 French citizens who have been given French citizenship by the French Government are living in Pondicherry. More than 10,000 people are still working in various colonies in France because of the agreement entered into by Pandit Nehru with the then French Government. There is demand from the Pondicherry Government for granting dual citizenship which has to be considered.

As far as the Bill that has been brought by the hon. Minister is concerned, I welcome it. I congratulate the hon. Law Minister for having brought this Bill before the election of the President, which is going to take place within two months, and enabling our legislators to participate in the election. I will be failing in my duty if I do not refer to Delhi.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh) : Because you are residing in Delhi.

SHRI V. NARAYANASAMY : Not only I but many hon. Members from UP are also residing in Delhi. People from various

regions are living in Delhi. Sir, the hon. Minister while piloting the Bill last time in this House had categorically stated that now we are in the process of taking census and the election process will start. I would like to submit before the hon. Minister that elections may be held as early as possible to fulfil the assurance given by the Government to the people of Delhi. By and large, my feeling is that to give voting rights to both Pondicherry and Delhi is a welcome sign. This is in consonance with the assurance of the hon. Minister to the people of both the Union Territories. I see that the hon. Minister will be kind enough to take care of the three demands which I made. One is, statehood for Pondicherry. Second is, B-2 status to my State and third is, dual citizenship for the people of the French region who are living in my State. With this I support the Bill. I thank the hon. Minister not only on behalf of the Legislators of my State but also the people of Pondicherry and the people of Delhi for having brought this Bill before the President's election. Thank you!

SHRI GOPALSINH G. SOLANKI (Gujarat) : I agree with the opinion expressed by both my colleagues, Mr. Thakur and Mr. Naranayasaany. I would also suggest that since the Government is thinking of giving statehood to Pondicherry and Delhi, then why not they hold election to the State Assemblies prior to the election of the President, prior to the preparation of the electoral roll for the President. In other words, I would say that there is some political aspect behind the delay in giving statehood to Delhi. There is some ulterior motive, some ulterior principle lying with the ruling party that they don't want to make haste in granting statehood to Delhi. For the last many years Pondicherry has also been trying for statehood. I would also say one more thing. Before the election for the President is held, the Government maliciously suspends some of the State Assemblies in States where Opposition parties are in power. In such cases, the suspended Assembly and the elected Members who have not completed their

[SHRI GOPALSINH G. SOLANKI]

term during the suspension of the Assembly or during the course of the President's rule, those elected Members must also be given an opportunity to vote because President is a creature of the Constitution who has to look after the interest of the nation as a whole. He has to serve the people. President is not a particular personality or a particular creature of a particular party or the Government meant to do only the routine work of the Government. Therefore, the ruling party must consider this aspect also. With these words I support the Bill.

SHRI SUKOMAL SEN (West Bengal) : Sir, this Bill is welcome. I support the Bill because in an important event like the election of the President, all the elected representatives from different States and the Union Territories should take part. So long, the elected Members from Delhi and Pondicherry were deprived of this special privilege. Because it is an important event, the participation of people's representatives means the participation of the people as a whole. The President of India means the President of the entire country. In this connection, I would like to draw the attention of the hon. Minister to the fact that one Union Territory, that is, the Andaman Islands, has been demanding for an elected Assembly. That Union Territory has been provided with a provisional Advisory Council. Population is increasing and, in fact, Andaman is a mini-India and people from all the States have gone there and are living there. I do not understand as to why the Government is depriving that Union Territory of an elected Assembly. Now in this electoral process for the post of President, the people of Andaman Territory will be left out because their representatives in the Advisory Council will not be able to vote and take part in the electoral process. I would like to know from the hon. Minister as to why he is depriving that Union Territory of an elected Assembly. Is it because the Andaman Advisory Council is dominated by the opposition, particularly, the Marxists? Is that the reason for your delaying the

matter or refusing to provide an Assembly for that Union Territory? The people of Andamans should also be associated with the electoral process. Within this Session, a Bill should be introduced and passed for providing an elected Assembly in the Andaman Islands so that in the electoral process for the post of President, the people of that State, through their representatives, can also fruitfully participate and that is necessary in the national interests. Thank you!

श्री सत्य प्रकाश मालवीय : माननीय उप-सभाध्यक्ष जी, यह जो विधेयक प्रस्तुत किया गया है मैं इसके समर्थन के लिए खड़ा हुआ हूँ। यह बहुत ही उचित है कि पाण्डिचेरी और दिल्ली के जो निर्वाचित प्रतिनिधि हैं, उनको राष्ट्रपति के चुनाव में भाग लेने का अवसर मिलेगा। जिस समय पिछले सत्र में इस विधेयक पर चर्चा हो रही थी तो बालकृष्णन कमेटी की रिपोर्ट का जो भाग "दो" था, उसकी संस्तुतियों को लागू करने के सम्बन्ध में गृह मंत्री जी ने कुछ आश्वासन दिया था और इसी सदन में गृह मंत्री जी ने कहा था कि -

"Part II recommended the matters relating to Delhi such as the reorganisation of the Municipal Corporation, agencies for supply of electricity, water, etc. These recommendations are under consideration. The Government will come before Parliament in due course for enacting necessary legislation for implementing such of the recommendations as are found to be acceptable."

तो गृह मंत्री जी ने जो यहाँ पर अपना आश्वासन दिया था, उसकी मैं केवल उनको याद दिला रहा हूँ और आशा करूँगा कि जब वे अपना उत्तर देंगे तो उस समय इस संबंध में आश्वासन देंगे कि जल्दी से जल्दी बालकृष्णन कमेटी की जो संस्तुति रिपोर्ट के भाग "दो" में है, उसको भी लागू किया जाएगा।

दूसरे, इस बात की घोषणा आज इस सदन में की जानी चाहिए कि जल्दी से जल्दी दिल्ली में चुनाव करा दिया जाए क्योंकि बहुत दिनों से

दिल्ली के चुनाव नहीं हुए हैं और अब जब यह विधेयक बन गया है तो जल्दी से जल्दी दिल्ली में चुनाव कराया जाता चाहिए।

तीसरे, उपसभाध्यक्ष महोदय, मैं एक और सुझाव देना चाहता हूँ कि संविधान के अनुच्छेद 54 में जो प्रावधान है, उसमें इस बात का प्रसंगिक है कि—“राष्ट्रपति का निर्वाचन ऐसे निर्वाचक गण के सदस्य करेंगे जिसमें—(क) संसद के दोनों सदनों के निर्वाचित सदस्य, और (ख) राज्यों की विधान सभाओं के निर्वाचित सदस्य, होंगे।” इस संबंध में जब संविधान सभा में बहस हो रही थी तो कुछ सदस्यों ने उसमें सुझाव दिया था कि सदस्यों के बीच में आपस में कोई भेदभाव नहीं करना चाहिए और जितने भी सदस्य आए उनको वोट देने का अधिकार राष्ट्रपति के चुनाव में दिया जाना चाहिए। इस संबंध में मोहम्मद ताहिर हैं बिहार से, उन्होंने अपना सुझाव भी दिया था बोलते हुए, संशोधन भी रखा था, उस संशोधन को स्वीकार नहीं किया गया। लेकिन, आज मैं उचित समझता हूँ कि अब समय आ गया है कि भारत सरकार को इस बात पर ध्यान देना चाहिए। . . .

3.00 P.M.

और इसलिए उनके उद्घरण को मैं जरूर पढ़ना चाहूंगा, जो 13 दिसम्बर, 1943 को उन्होंने कांस्टीट्यूशन असेम्बली की डिबेट में कहा था :-

“Mr. Mohd. Tahir, Members of this House, elected or nominated, are full Members. The Members as such must have equal rights and privileges so far as passing of legislation is concerned. Therefore, it appears to be very improper that there should be a distinction between

Members and Members. Whether Members are elected or nominated, they must have equal rights and privileges so far as voting in the Presidential election is concerned.”

तो मेरा सुझाव है कि इस और भी सरकार ध्यान देने का कष्ट करें। इन शब्दों के साथ जो वर्तमान विधेयक पेश किया गया है इसका मैं समर्थन करता हूँ।

श्री मोहम्मद खलीलुर रहमान (आंध्र प्रदेश) :

जनाब वाइस चेंबरमैन सर, यह जो बिल लाया गया है, इसका मैं खैरमखदम करता हूँ और इस बिल की मैं भरपूर ताईद करता हूँ क्योंकि इसके जरिए डेमोक्रेसी के जो तकाजे हैं, वे पूरे होते हैं। जहां तक हिन्दुस्तान के राष्ट्रपति का सवाल है, मेरा तो ख्याल है कि हिन्दुस्तान का कोई भी इलाका नहीं छूटना चाहिए जो कि राष्ट्रपति के इलेक्शन में हिस्सा न ले। इसमें यह कहा गया है कि सिर्फ पांडिचेरी और दिल्ली के जो इलेक्शन होंगे और जो वहां की असेम्बली बनेगी, उनके रिप्रेजेंटेटिव्स भी हिस्सा ले सकते हैं। मैं तो यह कहूंगा कि अंडमान निकोबार हैं और फिर दमन, दीव और नागर हवेली हैं, ये जो यूनिन टैरिटरीज़ हैं, इसके भी तुमाइदे किसी न किसी जरिए से प्रेजिडेंट के इलेक्टोरल कालेज में दाखिल होने चाहिए, इस वजह से हमारा जो राष्ट्रपति रहेगा, वह हिन्दुस्तान के जितने भी शहरी हैं, उन सबका इलेक्टिड नुमाइंदा कहलाएगा। लिहाजा मैं इस बिल को वक्त की अहमतरोन जरूरत समझता हूँ और इसके लिए हमारे आनरेबल मिनिस्टर साहब को मुबारकबाद देता हूँ और बिल की भरपूर ताईद करता हूँ।

شری محمد خلیل الرحمن "آندھرا پردیش":
جناب وائس چیرمین سر۔ یہ جو بل لایا گیا ہے۔
اس کا میں خیر مقدم کرتا ہوں۔ اور اس بل کی
بھرپور تائید کرتا ہوں۔ کیونکہ اس کے ذریعے
ڈیپو کو کڑی سس کے جو تقاضے ہیں وہ پورے
ہوتے ہیں۔ جہاں تک ہندوستان کے
راشٹرپتی کا سوال ہے۔ میرا تو یہ خیال ہے
کہ ہندوستان کا کوئی علاقہ نہیں پھوٹنا
چاہیے جو کہ راشٹرپتی کے الیکشن میں حصہ
نہ لے۔ اس میں یہ کہا گیا ہے کہ صرف
پائڈ بکری اور دلی کے جو الیکشن ہونگے اور
جو وہاں کی اسمبلی بنے گی۔ انکے رپریزنٹاٹو
بھی حصہ لے سکتے ہیں۔ میں تو یہ کہوں گا
کہ انڈومان نکو بار ہیں اور پھر دس دن
اور ناگر ہو جلی ہے۔ یہ جو یونین ٹیروں پر
ہیں انکے بھی نمائندے کسی نہ کسی ذریعے
سے پریذیڈنٹ کے ایکٹوریٹ کا راج میں
داخل ہونے چاہیے۔ اس وجہ سے کہ ہمارا
جو راشٹرپتی رہے گا۔ وہ ہندوستان کے
جتنے بھی شہری ہیں۔ ان سب کا الیکٹوریٹ
نمائندہ کہلاتیگا۔ لہذا میں اس بل کو وقت
کی اہم ترین ضرورت سمجھتا ہوں۔ اور اس
کے لیے ہمارے آئین میں منسٹر صاحب کو
مبارکباد دیتا اور بل کی بھرپور تائید کرتا ہوں۔

श्री महेश्वर सिंह (हिमाचल प्रदेश) : उप-
सभाध्यक्ष महोदय, प्रथम बार इस उच्चतम सदन
में मुझे बोलने की आपने आज्ञा दी है, इसके लिये
मैं आपके प्रति आभार व्यक्त करता हूँ

आज इस माननीय सदन में विधि मंत्री महोदय
ने जो दिल्ली और पांडिचेरी के संदर्भ में विधेयक
प्रस्तुत किया है, इसके पीछे मंशा चाहे कुछ भी
रही हो, मैं मंत्री महोदय को आपके माध्यम
से बधाई देना चाहूंगा। हमारे दल की हमेशा
यह मांग रही है कि देश का इस राजधानी के
लोगों को भी विधान सभा में वोट देने का
अधिकार दिया जाए। आज का यह दिन
सचमुच में एक ऐतिहासिक दिन है कि यहां के
लोगों को यह मताधिकार मिलेगा, उनको अपनी
विधान सभा बनाने का अधिकार मिलेगा।
लेकिन एक बात के ऊपर मैं ज़रूर खेद व्यक्त
करूंगा कि इस चिरकाल से चली आ रही मांग पर
वर्तमान सरकार कुंभकरण की तरह सोई
रही। जैसा कि एक प्रसंग आता है कि जब
कुंभकरण सोता था तो उसकी जगहा बड़ा
मुश्किल हुआ करता था। कहते हैं कि एक
दफा उन्होंने किसी हज्जाम को अपनी दाड़ी
बनाने के लिये बुलाया और दाड़ी बनाते-बनाते जब
कुंभकरण को नींद आ गई तो हज्जाम के हाथ
से उस्तरा छूट गया और वह कुंभकरण के मुह में
चला गया तथा पीछे-पीछे बेचारा हज्जाम भी
चला गया। कुंभकरण सो गया और बेचारा
हज्जाम उसके पेट में अपना उस्तरा दूढ़ने लगा।
उस्तरा तो नहीं मिला लेकिन अन्दर उसको
एक डंडे वाला मिला। उसने कहा—भाई, क्या
दूढ़ रहे हो। हज्जाम ने कहा कि कुंभकरण
मेरा उस्तरा निगल गया, अब मुझे रास्ता नज़र
नहीं आ रहा है और उस्तरा भी नहीं मिल रहा है।
तो उसने कहा कि मेरी भैंस कुंभकरण छः महीने
पहले निगल गया, वह नहीं मिलती तो तेरा
उस्तरा भला कहां से मिलेगा। इसी प्रकार यह
नींद में सोई सरकार जागी तो सही, भले ही
इसके पीछे मंशा कुछ भी रही हो। यदि इसके
पीछे मंशा राष्ट्रपति का चुनाव है तो भी मैं

आशा ही नहीं पूरा विश्वास रखता हूँ कि आज ही विधि मंत्री महोदय इस माननीय सदन में दिल्ली के चुनाव की घोषणा करेंगे ताकि यहाँ की जनता को राष्ट्रपति के चुनाव में अपने मत का पूर्ण उपयोग करने का अधिकार मिल सके।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI K. VIJAYA BHASKARA REDDY:

Again I have the privilege of moving another constitutional amendment which has the support of the entire House, and I thank the hon. Members for the same. This is a Bill which will satisfy the long standing wish of Delhi and Pondicherry to take part in the Presidential election. We have seen the emotions of Mr. Narayanasamy in his speech, how happy he is that his electorate has a chance to vote for the President along with him. And this is the emotion of the people from Pondicherry and that should be the emotion of the people of Delhi also.

Sir, I need not say again that the Government is very sincere to have the election at the earliest. It is not only one party but it is all the parties that have decided to give this facility to Delhi. I thank my esteemed friend, Mr. Chavan, who is here. I have the support of all the Members for the proposed amendment that I have introduced. All the Members who spoke, spoke about the Home Minister's subject (Interruptions) It is good that he is here. He must have known your feelings.

[The Deputy Chairman in the Chair]

As far as Delhi is concerned, we are sincere to have the elections at the earliest. You cannot have elections without the delimitation of constituencies. The delimitation of constituencies work has already started. Let that be finished. I hope you must have instructed them to finish at the earliest. The moment that is over, the process will take place to do it. As for the request of other Members also, he is here and he will look into that.

93-L/J(E)26RSS-10

My Bill has a limited purpose, and all of you have supported it unanimously. I thank all of you and request you to support the same.

THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL 1990—Contd.

THE DEPUTY CHAIRMAN: I shall put the motion regarding the constitutional Bill to vote. (Interruptions) We cannot take both together. I will take the first and then I will take the second. Both have to be voted separately One by one.

डा० रत्नाकर पाण्डेय : (उत्तर प्रदेश) : मैडम, आप जैसा भी ठीक समझें, करें, हम लोग इसके लिये तैयार हैं।

उपसभापति : मैं तो ठीक ही समझती हूँ। आप लोग ठीक समझें तो मुझे ख़शी होती है। (व्यवधान)। Now, I shall put the motion regarding the consideration of the Bill to vote.

The question is :

"That the Bill further to amend the Constitution of India be taken into consideration."

Under Article 368 of the Constitution, the motion will have to be voted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. Division. (Interruptions)

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam, I want to speak a clarification from the Minister. (Interruptions) Madam, there are constituencies which are continuously reserved right from Independence. मैं मंत्री महोदय से पूछना चाहता हूँ कि उन कांस्टीट्यूयेंसीज का रिजर्वेशन रहेगा या नहीं? यह जो नया डिलिमिटेशन हो रहा है, इसमें उन कांस्टीट्यूयेंसीज का डिलिमिटेशन रहने वाला है या नहीं।