

[उपसभापति]

तो कैसे दुबारा फिर बहस हो सकती है ?  
(व्यवधान) ... इस बारे में आप मिनिस्टर  
से मिलिये या मुझे लिखिये... (व्यवधान)  
... इस पर चर्चा हो चुकी है, दुबारा इस  
पर चर्चा नहीं हो सकती है। अगर आप  
बयान चाहते हैं तो आप मुझे निवेदन दे  
दीजिये मैं उसे मिनिस्टर तक पहुंचा दूंगी।  
... (व्यवधान) ...

श्री श्रीम प्रकाश चौहाला (हरियाणा) :  
हरियाणा में भयंकर सूखा है।... (व्यवधान) ...

श्री अटल बिहारी वाजपेयी (मध्य  
प्रदेश) : महोदया, जब सूखे पर चर्चा  
हुई तो हम सदन में नहीं थे यह हमारा  
दुर्भाग्य है। लेकिन आप मंत्री महोदय को  
निर्देश दे सकते हैं कि वे हर हफ्ते या  
दस दिन में सूखे से उत्पन्न ताजा स्थिति  
पर सदन को जानकारी दें, सदन में वक्तव्य  
दें। उस वक्तव्य पर हम स्पष्टीकरण मांग  
सकते हैं, हम अपने विचार रख सकते हैं।

उपसभापति : आप मिनिस्टर से मिल  
सकते हैं।

श्री अटल बिहारी वाजपेयी : आप  
बार-बार मिनिस्टर के पास जान को मत  
कहिये।... (व्यवधान) ...

उपसभापति : आप बैठ जाइये।  
पार्लियामेंटरी अफेयर्स के मिनिस्टर यहां  
हैं वे गवर्नमेंट तक आपकी बात पहुंचा देंगे।

श्री सत्य प्रकाश मालवीय (उत्तर  
प्रदेश) : वे यहां बैठे हुए हैं उनकी तरफ  
से कुछ जवाब तो आना चाहिये।

उपसभापति : आप बैठ जाइये।  
मैंने कहा कि पार्लियामेंटरी अफेयर्स मिनि-  
स्टर यहां हैं...

THE MINISTER OF STATE IN  
THE MINISTRY OF PARLIAMENT-  
ARY AFFAIRS (SHRI M.M. JACOB):  
We have actually spent one whole  
day on discussion on the drought situa-  
tion and the Government.... (Inter-

ruptions) I have not completed my  
sentence. Allow me to complete my  
sentence. I have only started. I only  
said the first part of it. Members had  
an opportunity here, when hon. Mem-  
bers from Opposition were absent  
from the House, to discuss the drought  
situation and the Minister has replied.  
Now Mr. Vajpayee has raised a new  
point that even though we had dis-  
cussed the issue earlier, since the  
drought question is very important,  
the Minister must come every ten  
days and report to the House what  
actually is happening. That is a nice  
suggestion. I will certainly convey  
this to the Minister and take appro-  
priate action.

श्री राम नरेश कुशवाहा (उत्तर  
प्रदेश) : महोदय, दस दिन में कैसे ये  
रिपोर्ट करेंगे ?... (व्यवधान) ... सेशन  
खत्म हो रहा है... (व्यवधान) ...

उपसभापति : बैठ जाइये। वाजपेयी  
जी मैं जो सजेशन दिया है उसको उन्होंने  
अकसेप्ट किया है।

Now please sit down, You  
cannot go on like this.

श्री अटल बिहारी वाजपेयी : मैं उसमें  
थोड़ा-सा संशोधन कर रहा हूँ। सदन की  
बैठक स्थगित होने से पहले बयान होना  
चाहिए।

उपसभापति : यह सुझाव भी मिनि-  
स्टर तक पहुंचा देंगे।

## THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1987

THE MINISTER OF STATE IN  
THE MINISTRY OF LAW AND JUS-  
TICE (SHRI H.R. BHARDWAJ): Ma-  
dam, I beg to move:

"That the Bill further to amend  
the Representation of the People  
Act, 1950, be taken into considera-  
tion."

Article 171 of the Constitution pro-  
vides that the total number of mem-  
bers in the Legislative Council of a

State having such a Council, shall not exceed one-third of the total number of members in the Legislative Assembly of that State. Section 10 of the Representation of the People Act, 1950 read with the Third Schedule to that Act, provides for a total membership of 63 in the Legislative Council of the State of Karnataka and the number of seats to be filled by the various constituencies such as Gram Panchayats, Local Authorities etc. The Karnataka State Legislative Assembly has unanimously passed a resolution to the effect that the number of seats in the Legislative Council may be increased to 75 and the State Government has forwarded the resolution to the Central Government for making necessary amendments in the law. The Election Commission and the Ministry of Home Affairs have been consulted and they have agreed to the proposal of the State Government. The increase of seats is within the permissible limits provided in article 171 of the Constitution referred to by me earlier. Accordingly, the Bill provides for the amendment of the Representation of People Act to increase the membership of the Karnataka Legislative Council to 75 and for the corresponding increase in the number of members from the various constituencies.

[The Vice-Chairman (Shri Jagesh Desai in the Chair).]

The Fourth Schedule to the Representation of the People Act, 1950 specified various local authorities which will constitute the electorates for the purpose of elections to the Legislative Council of the State of Karnataka. The State Legislature of Karnataka has passed a new Act by which the references to "Taluk Development Boards" and "Town Panchayats" occurring in the Fourth Schedule to the Representation of the People Act, 1950 are required to be substituted by "Mandal Panchyats" and "Zilla Parishads" respectively. As these changes have not so far been

effected in the Representation of the People Act, elections to fill certain vacancies in the Legislative Council have not been held for some time now. It is, therefore, necessary that these changes are made to the act so that elections may be held as early as possible to fill up these vacancies. The Election Commission has also recommended these proposals for the consideration of the Government. The Bill provides for this amendment also.

As has been mentioned above, the amendments are for the purpose of giving effect to the recommendations of the State Government of Karnataka and the proposals are also not controversial in nature. I, therefore, hope that the Bill will have the unanimous approval of this House.

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

*The question was proposed.*

SHRI MOSTAFA BIN QUASEM (West Bengal): Honourable Vice-Chairman, Sir, to my understanding, this Bill is a simple Bill which just seeks to provide legislative sanction to the recommendation of the State Government of Karnataka, and that recommendation was made on the basis of a unanimous Resolution passed by the Legislative Assembly of that State to increase the number of Members of the Legislative Council from 63 to 75. The second part of the Bill wants to make certain changes in the list of local authorities in the Fourth Schedule to the principal Act, that is, the Representation of the People Act, 1950, and this has become necessary because of the coming into operation of an Act in that State reorganizes the existing local authorities. But I would like to say in this connection, Sir, that since the coming into operation of our Constitution there have been more cases of abolition of existing Legislative Councils than creation of new ones; and in the recent

[Shri Mostafa Bin Quasem]

past there have been only abolitions. But the State Government of Karnataka, in their wisdom, want to continue with the Legislative Council and want to increase the number of Members from 63 to 75 for their own requirements. I do not oppose the Bill but I would eagerly await hearing our honourable Members from the State of Karnataka.

I support the Bill. Thank you very much.

**SHRI BIR BHADRA PRATAP SINGH** (Uttar Pradesh): Mr. Vice-Chairman, Sir, I fully support the amendment sought to the Representation of the People Act, as the request has been made by the State of Karnataka itself.

Sir, the sought-for amendment is to change the constituent unit for the Legislative Council of Karnataka, that is, "Taluk Development Boards" have to be substituted by "Mandal Panchayats" and "Town Panchayats" have to be substituted by "Zilla Parishads", and changing the number of seats in the Legislative Council by increasing Existing 63 seats to 75 seats. Now the Representation of the people Act being a Central legislation, the amendment is necessitated in two of the Schedules of the Act.

The Third Schedule pertains to section 10 of the Representation of the People Act, 1950. In Entry No. 6, Karnataka is being mentioned with the number 63 split up, according to section 3, as 21, 6, 6, 21 and 9 whereas by the amendment to Entry No. 6, Karnataka would have 75 split into 25, 7, 7, 25 and 11. In the Fourth Schedule, under section 27(2) of the Representation of People Act, 1950, the same change of constituencies is incorporated. As the hon. Minister has referred, by amendment of article 161, one-fourth has been substituted by one-third because in the case of smaller States, one-fourth ratio causes

difficulty. Realising this practical problem in the matter of representation in the Legislative Council, the earlier amendment was necessitated. Since the size of the Legislative Council is bound to vary with the size of the Legislative Assembly, the only thing which is sought to be ensured is that the Upper House may not get predominance in the Legislature. The system of composition of the Council as laid down in sub-section (3) of article 171, is not final. The final power for providing the composition of this chamber of the State Legislature is given to the Union Parliament, and that is why the State of Karnataka has written for the necessary amendment, to us. The power conferred upon Parliament in this respect by clause (2) of article 171 is unfettered, and I do not think that this proposition would be disputed by anybody since we are legislating on the question. So, Parliament, resoring to this power, may do away with the principle of special representation as embodied in clause (3) of article 171 and adopt any other principle. So, I do not think there can be any fetters on the exercise of power so far as clause (2) of article 171 is concerned. It is this principle which is incorporated under section 10 and the Third Schedule of the Representation of the People Act, 1950. Clause (3) of article 171 of the Constitution indicates that the Legislative Council will have a heterogenous composition, its Members being drawn from various sources. According to clause 4 of article 171, and section 11 of the Representation of the People Act provides for delimitation of the Council so far as the constituencies are concerned. Section 27(2) of the Representation of the People Act provides that in any local authority, constituency means the electorate shall consist of members of such local authority exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to the State in the Fourth Schedule. I think this is a consequen-

tial Amendment. It was needed, and it has been proposed. I fully endorse his.

SHRI G. SWAMINATHAN (Tamil Nadu): Mr. Vice-Chairman, Sir, the hon. Member who spoke before me, went into so many clauses of the Bill, and he has mentioned about them. But, I wish to say a few words generally on the Bill because, as it has been said, the Bill relates to the request of the Government of Karnataka which wants to increase the number of seats from 63 to 75. And also with the coming into force of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nya ya Panchayats Act, 1983 with effect from 1983, they want the Fourth Schedule to be amended. So, as far as I am concerned, the Karnataka Legislature has 224 Members. So, they can have one-third number of the Members of Legislative Assembly in the Legislative Council. So, they can, very well, under article 171, have 70 Members. So, the Bill, as it has been presented by the hon. Minister is a simple Bill. So, I do not have any objection to that Bill. But I only wish to raise certain points which have a wider concept because the wider issues have been brought about by a learned Member from West Bengal who has said that many other Legislative Councils are now being abolished. The recent abolition of the Legislative Council is in Tamil Nadu. Before this there was abolition of the Legislative Council from Andhra Pradesh and before that there had been abolition of the Legislative Council in West Bengal. Now, there are only a few Legislative Councils in our country. I understand, apart from Jammu and Kashmir, there are only five Legislative Councils in the whole country, that is, Uttar Pradesh, Madhya Pradesh, Bihar, Karnataka and Maharashtra.

When the question of formation of the Legislative Councils was taken up

in the Constituent Assembly, it was said by the honourable learned Dr. B. R. Ambedkar that it was a matter of experiment by the States and if it is felt tomorrow that the Legislative Council need not be there, then, it could be abolished by a majority opinion of the Legislative Assembly and then if need be, concurred by the Parliament.

I wish to point out that I have been associated with the Tamil Nadu Legislative Council for a number of years. My personal feeling is that the purpose of the Legislative Council as it was originally contemplated and as it is at present has got a wide variance. Originally when the Legislative Council was adumbrated by the Constitution it was said that the Legislative Council will be such a Body to prevent hasty legislation by the Legislative Assembly. Nowadays we find that the Legislative Council sometimes is more hasty than the Legislative Assembly. Those days it was considered to be the House of the elders. Nowadays the composition of the Legislative Council in many States is such that you can find young Members I think younger than the Members in the Legislative Assembly. (*Interruptions*) At the same time, he says in Maharashtra also you can find young Members.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Rajya Sabha also.

SHRI G. SWAMINATHAN: He says Rajya Sabha also. Rajya Sabha has got a different footing. It is a different Chamber because in a federal polity, naturally, we need an upper Chamber, second Chamber to protect the interests of the States. That is very important. We have also got special powers for ratification of emergency and creation of All India Services and if there is infringement on the rights of the States, we have got powers to prevent it. But all powers

[Shri G. Swaminathan] ...  
are not there for the Legislative Council.

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Vice-Chairman, Sir, he had the privilege of chairing as the Deputy Chairman of the Legislative Council of Tamil Nadu. He says that the upper House is very much essential because it represents the States. Similarly, the Legislative Council of the State is also very much essential because their representation is given from the local bodies and other institutions. But to everybody's shock that was dismantled in Tamil Nadu. I know that in his heart of hearts he will not be happy. Anyhow, could he enlighten me on this point?

SHRI G. SWAMINATHAN: Sir, the hon. Member, Mr. Gopalsamy belongs to a certain party which concurred with the abolition of the Legislative Council when it came to West Bengal. But when it came to the abolition of the Legislative Council in Tamil Nadu, in which their leader happens to be one of the Members, they have changed their stance and said that they do not accept the abolition of the Legislative Council.

Sir, I am not talking about the abolition of the Tamil Nadu Legislative Council or abolition of the Legislative Council of the West Bengal or the Legislative Council of the Andhra Pradesh, but I am only talking about a general point of view. There can be no comparison between Rajya Sabha and the Legislative Council because everybody knows that the Rajya Sabha is a second Chamber and it has got its own rights and priorities and it has got to protect certain rights of the States in any quasi-federal State. We have got a second Chamber including some Communist countries and Australia and whatever the country it may be they have got the second Chamber. So we cannot equate the

second Chamber of a nation with a particular State. What I am really looking into it from my experience in the Legislative Council of Tamil Nadu for a number of years and associated with the proceedings of the Tamil Nadu in an active manner is that the Legislative Councils are not serving any purpose at all in the various States. That is my sincere opinion.

Honourable Member, Mr. Gopalsamy wanted to know in my heart of hearts what I feel about it. In my heart of hearts I feel that it is a superfluous body which is not necessary. Another point that I personally feel, he says, there is representation of local authorities, there is a representation from the Assembly. I would only narrate a particular incident of a Member, who was elected from the Assembly and he was a Member in the Council. One day, he was talking about the salaries and allowances of the Members of the Legislative Council and he said, the salary that is being given to a Member of the Legislature is so small that naturally, the salary has to be increased, the D.A. has to be increased, the T.A. has to be increased, special facilities have to be given. He went on talking for nearly about 15-20 minutes on that topic. Then the Chief Ministers, who was the leader of their party, he asked that Member; being here, you are to represent the cause of the people and not the cause of the Legislators and ask for increase in their salaries. Then the hon. Member said: Sir, I am only talking for my constituency. Then the Chief Minister asked him, what is your constituency? Then he said, my constituency is, I am elected from the Members of the Legislative Assembly. My constituency people are feeling that their TA, their DA and their salaries are the lowest. That is why I am talking all these things in this House. So, now, there is no point in having 21

Members elected again from the Legislative Assembly Members. I do not know what purpose will they serve except as my friend said, representing the constituency of the Legislative Assembly in the Legislative Council.

Then, Sir, one-fourth of the Members from the graduates, one-fourth Members from the teachers and so many other sections are to be taken in the Legislative Council. We have got six members from graduates, six members from teachers. Originally, when a discussion took place in the Constituent Assembly itself as to why should there be graduates alone; why should there be teachers alone, why can't the trade unions be represented in the Legislative Council, why can't the Chamber of Commerce represent in the Legislative Council, why can't engineers be represented in the Legislative Council? We have politics there. There are so many professions and now according to the Legislative Council Act, the People Representation Act and according to the Constitution, only certain sections are being represented in the Council. So, my ultimate feeling is that even though, I am one who wants to protect the rights of the States and I do not want to deny a State, passing a resolution and wanting to have from 63 to 75 Members, I do not want to prevent it. But still, I only want this matter to be examined thoroughly by the Government. What is the position of the Government, especially of the ruling party regarding the position of the Legislative Council because the ruling party itself has been taking a different view all the time? When the Abolition of the Andhra Legislative Council Bill came in, then the ruling party here felt that the Legislative Council need not be abolished. After two years, when the matter came in again, they again voted for the abolition of the Legislative Council. Regarding Tamil Nadu, they said they

concurred with the view. Originally, I think, it was U.P. or Punjab which wanted again a Legislative Council, for a number of years, no ratification resolution was passed and ultimately, the same thing happened with some other State, which wanted a new Legislative Council. The Government did not take any view under the pretext, saying that it is not mandatory for the Government of India or the Union Legislature to take a particular view. So, Sir, we want to have a national debate, I think, including Jammu and Kashmir where they have a Legislative Council. I want a national debate to know whether the Upper Houses in the States serve any useful purpose or not. Because I find, there are many States which do not have Legislative Councils and they are functioning effectively and representing the people. I think we should have a certain arrangement by which a Committee can be formed to find out, if necessary, whether the Legislative Councils serve any purpose. If they serve any purpose, naturally, we can have them. If they do not serve any purpose, then naturally, we can say that the Legislative Council is not necessary and come to the conclusion, without taking *ad hoc* position on that, according to the position prevailing at that time whether we want a Legislative Council or not. This is the wider aspect of the view which I wanted to present to the hon. Minister. Thank you.

SHRI SHANKARRAO NARAYAN-  
RAO DESHMUKH (Maharashtra):  
Mr. Vice-Chairman, Sir, I would like to support the Bill. When the Constitution was drafted, it was drafted...  
(Interruption).

THE VICE-CHAIRMAN (SHRI  
JAGESH DESAI): Please be brief so  
that we can finish by 1 P.M.

SHRI SHANKARRAO NARAYAN-RAO DESHMUKH: Right, Sir. When the Constitution was drafted, it was drafted with a particular purpose and the purpose of that time, thought over and considered, was of a different nature. The country is undergoing a very fast change. The social and economic life is changing very fast; the system of local government is also changing; educational systems are changing; and the representation system is also changing. Therefore, I would like to bring to the notice of this august House that when the composition of this Council was contemplated, it was with a particular view. But certain limitations were laid over it. The elections to the Assembly territorial elections. But the elections to the Council are not territorial. They are limited and to some extent, they are nominated also. If you see Article 171 of the Constitution, it is specifically laid down there that the total number of members in the Legislative Council will be one-third of the total number of members in the Legislative Assembly. So, this number is fixed. But it is divided into various categories thought of at that time. They thought of the local authority; they thought of the educational institutions; they thought of graduates, all sorts of graduates including engineering graduates; they thought of the Legislative Assembly members also; and finally they thought of some nomination. If you see the last category, it certainly gives the impression that they thought of those people who cannot go into the wilderness of the general elections, if their talent is necessary for the nation, for the debate in the country, they may be nominated. That was the intention lying behind the inclusion of this category. One-third of the total number of seats of the Council was given to the municipalities or local authorities. There, the electorate is different. So, those persons who have got any interest in the

upliftment of the local authority may compete. Then, similar is the graduates' constituency. There, the electorate is different. Engineers may come. As suggested by my hon. friend, even unions can come if they can fit in. Educational staff were also considered and from the Legislative Assembly, if experience shows that we need certain other people, they can be called in. So, this composition is very well thought of. But, during the course of time, it may undergo changes. But, after all, the Governor may think that some technical persons are required. So, the Governor is empowered to nominate them. They may be from any field, Science, Arts, Cooperation and Social Service. Anybody who has the expertise in the field can be nominated. Instances are not uncommon wherein such people were absorbed in the Council and they had contributed to it. Sir, I would say that all this is subject to the Parliamentary control. If the Parliament thinks that it wants to frame a law so as to accommodate this thing properly, the Parliament is entitled to do it. Therefore, in the present circumstances, what I would say is, a Bill which provides for the abolition of the Karnataka Legislative Council is unjustified because people working in various walks of life have to come and if we give them some latitude, certainly, they will prove fruitful. Therefore, I support the Bill and the amendment suggested wholeheartedly and I thank you very much for giving me this opportunity.

SHRI K. G. MAHESWARAPPA (Karnataka): Mr. Vice-Chairman, I do not want to enter into a controversy on whether there is a necessity of the Upper House or not. There is a lot of substance in what Mr. Swaminathan has submitted. But in the background of what happened in Tamil Nadu, we are only afraid that the controversy may not spread to Karnataka also. So far as

Karnataka is concerned, we are unanimous. The Karnataka Legislative Assembly on 18-8-1986 passed a unanimous, resolution to increase the number. The Cabinet also passed a resolution on 14-8-1986 under Article 171(1) of the Constitution. The total number should be not less than one-third. The present strength of the Assembly is 225. One-third would be 75. In accordance with the constitutional provision the Karnataka Government and the Karnataka Assembly unanimously recommended for amendment of the Representation of the People Act. Therefore, in conformity with that I welcome this Amendment Bill and I fully support it. The only appeal I would like to make to the Law Minister is, he should expedite whatever recommendations or proposals come from Karnataka. What we find is there is some kind of prejudice against Karnataka as evidenced by the fact that the present proposal came one year before and if has come to light here only now. I do not wish to make use of this opportunity to speak about many other controversies, the controversy against our Chief Minister regarding appointment of judges of the Karnataka High Court, about certain inquiries, and so on. This sort of prejudice should not come in the way of the Central Government accepting genuine proposals and recommendations made by Karnataka, irrespective of whether Karnataka is ruled by Janata Party or any other party. With these words I support this Amendment Bill. Thank you.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Mr. Vice-Chairman, I had formulated a number of views and points on this subject but my esteemed colleague, Mr. Swaminathan, has exhausted all those points. As such, I am not going to deliver a lengthy speech. All the same I would like to dwell on three

aspects. The first point is on the resolution of the Karnataka Assembly to enhance the strength of the Legislative Council and reallocation of seats to various constituencies. The second point is the part to be played by the Government of India and, on their motion, the part to be played by Parliament. And my third point is my views on the Second Chamber in the provinces. As far as the first point, the resolution of the Karnataka Assembly, is concerned, I have no objection to it; I am not opposed to it. The Constitution itself, under Article 171 provides for the strength of the Legislative Council to be not exceeding one-third of the strength of the Legislative Assembly. So it is within the limits prescribed by the Constitution and they have passed a unanimous resolution. Let them have it. I am supporting the resolution both for enhancing the strength of the Council and for reallocation of seats to various constituencies. Coming to the second point, under Article 169 the Government of India has to move a Bill before Parliament to create a Legislative Council where there is no Legislative Council and for abolition of a Legislative Council where a resolution therefor is passed by the State Legislative Assembly. Here, as the ingredients of article 169 go the Government of India has no option at all. They have simply to get the resolution in the form of a Bill and they have to introduce it before Parliament. In this respect, the Government of India is failing utterly. As Mr. Maheshwarappa just now mentioned, this Resolution was passed a year ago and it has taken one year to come up before Parliament. The same thing has happened in the case of Andhra Pradesh. The Legislative Assembly of Andhra Pradesh had passed a resolution in the year 1983, in the early days of 1983, and it did not come up before Parliament for two years. Then the Assembly was dissolved and again fresh elections were held in the State and



[Shri Puttapaga Radhakrishna]

the succeeding Assembly passed another resolution and that only came up before Parliament. In this connection, I would like to point out that the Government should have no option, no alternative, but to introduce the relevant Bill in Parliament when an Assembly passes a resolution with the requisite majority. This is my second point.

My third point is regarding the existence of Second Chambers in the State Legislatures. I fully agree with the views of Mr. Swaminathan. The purpose of creating Second Chambers in the States was very limited. The founding fathers of our Constitution had thought it appropriate for a few purposes only and their discussions show that it was for a very limited purpose only that the Legislative Councils were required. I would like to read out a few lines from the debates of the Constituent Assembly on this question. Now, these are the views expressed by Shri O.V. Alagesan in the Constituent Assembly while taking part in the debate:

"I will say that this is a sort of old age pension for the politicians. When we deal with the composition of the Second Chamber, I think I shall be able to explain how it will be a demoralising influence and not a healthy influence on the politicians of the State."

Again, Mr. Alagesan has said:

"I shall quote an American authority on this specific matters to show how the Second Chamber acts as a reactionary Chamber. The argument often advanced in favour of the Second Chamber is that it will be a check on the hasty legislation by the Lower Chamber"

Sir, I am not going to quote the American authority because it is very lengthy and I do not want to take

much of the time of the House. But another speaker, Mr. Biswanath Das, says like this:

"Under these circumstances, the system that is being devised and going to be utilised for the Second Chamber in the provinces is not very helpful. We have in it a conglomeration of various things. We have in it indirect election, we have in it nomination; and we have in it an admixture of election and panel and the panel men will act according to the will of the Ministers. Under these circumstances, the system that is devised for the Second Chamber is not useful and I must say that it is not going to be helpful. Therefore, it might not influence the decisions of the Lower House of which it will be a mere reflection and a sad reflection."

"Secondly, it cannot check hasty legislation if the Lower House is going to make only hasty legislation because of the limitations under which it has to work."

Sir, I have a number of quotations, but I do not want to give all those quotations now. But this is the substance. I would like to support Mr. Swaminathan and I would like to say that we should think of doing away with the Second Chambers in the States.

I am also of the opinion that there should be a national debate on this issue and I feel that the entire system should be done away with. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Ashwani Kumar.

श्री अश्विनी कुमार (बिहार): उप-सभाध्यक्ष महोदय जन प्रतिनिधित्व कानून के अन्दर न्याय मंत्री जी जो संशोधन लाये हैं कर्नाटक की विधान परिषद् में सदस्यों को बढ़ाने के बारे में मैं उसका

समर्थन करता हूँ। परन्तु इस समय मैं न्याय मंत्री जी का जन-प्रतिनिधित्व कानून के दो पक्षों की ओर ध्यान आकर्षित करना चाहूंगा। जहाँ-जहाँ अभी तक विधान परिषदें हैं और जन प्रतिनिधित्व उसमें दिया गया है उसकी ओर ध्यान आकर्षित करते हुए उदाहरण देना चाहूंगा। बहुत सारे प्रदेशों के अन्दर विशेषकर मेरे राज्य में, बिहार में स्थानीय निकायों के पिछले दस सालों से चुनाव नहीं हुए। विधान परिषद् में वहाँ की सीटें खाली पड़ी हैं। विधान सभा में तो लोग चुने जाते हैं, ग्रेजुएट्स चुने जाते हैं, टीचर्स चुने जाते हैं परन्तु स्थानीय निकायों के चुनाव नहीं हुए हैं इस प्रकार जन प्रतिनिधित्व कानून के अन्दर जो उनको अधिकार दिया गया है उस अधिकार का उपयोग न होने से उस राज्य को बहुत बड़ा आघात हो रहा है। मैं आपके माध्यम से न्याय मंत्री जी का इस ओर ध्यान आकर्षित करना चाहता हूँ कि कई बार इसकी चर्चा हुई है कि जो स्थानीय निकायों का चुनाव है उनको भी केन्द्रीय चुनाव आयोग के अन्तर्गत लाया जाये ताकि चुनाव समय से हो सकें और सत्ता का विकेन्द्रीकरण हो सके। उदाहरण के तौर पर मैं बताना चाहता हूँ कि किस प्रकार वहाँ काम चल रहा है। रांची के अन्दर कारपोरेशन के चुनाव हुए 20 महीने हो गये। पार्षद चुन लिये गये परन्तु मेयर का चुनाव होकर उनको सत्ता नहीं दी गयी है, 20 महीने बीत चुके हैं। चार साल के लिए यह चुनाव होते हैं। किस प्रकार से विसंगतियाँ उत्पन्न हो रही हैं इसकी ओर मैं कानून मंत्री जी का ध्यान आकर्षित करना चाहता था।

एक और विषय की ओर ध्यान आकर्षित करना चाहता हूँ कानून मंत्री जी का।

वह उनसे संबन्धित है। हर दस वर्ष के अन्दर जनगणना होती है। जनगणना सन् 1981 में हो गयी और जन गणना के बाद मतदाता क्षेत्रों का पुनर्निर्धारण होता है डीलिटिमेशन होता है। 83-84 में न्याय मंत्री एक कानून लाये डीलिटिमेशन का परन्तु उस को वापस ले लिया। अभी ढाई-तीन साल के बाद चुनाव होने हैं लोक सभा के और विधान सभा के। अगर डीलिटिमेशन कमीशन नहीं बनाया गया इसी सत्र के अन्दर तो शायद इस चुनाव तक कोई परिवर्तन नहीं कर सकेंगे इसमें। आज ऐसी विसंगतियाँ हैं कि एक ही राज्य के अन्दर विधान सभा के एक क्षेत्र में 60 हजार मतदाता हैं तो दूसरे क्षेत्र में उसी राज्य के अन्दर ढाई लाख मतदाता हैं। इसी प्रकार लोक सभा क्षेत्र के अन्दर किसी क्षेत्र में 5 लाख मतदाता हैं तो उसी राज्य में के दूसरे क्षेत्र में 12 लाख मतदाता हैं। इसलिए मैं आपके माध्यम से न्याय मंत्री जी से निवेदन करना चाहता हूँ कि यह जो महत्वपूर्ण विषय है इसको आपने कोल्ड स्टोरज में रखा हुआ है। इसकी ओर विशेष ध्यान देकर कोई नया प्रयास करना चाहिए। अगर नहीं करेंगे तो जन प्रतिनिधित्व कानून का उल्लंघन होगा। मैं आपसे निवेदन करना चाहता हूँ कि इस सत्र में लाकर, जन प्रतिनिधित्व कानून में संशोधन ला कर पारित कराने की कृपा करें। इन शब्दों के साथ मैं इस मिल का समर्थन करता हूँ।

**श्री सत्य प्रकाश मल्लवीय** (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, इस संशोधन विधेयक के जरिये एक मौका मिला है पुनः इस बात पर विचार करने के लिए कि विधान परिषद में कितने सदस्य आवश्यक हैं। जो वर्तमान विधेयक है जिसके जरिये वार्षिक राज्य में विधान परिषद के सदस्यों की संख्या को बढ़ाया जा रहा है इसका तो मैं स्वागत करता हूँ लेकिन बराबर राष्ट्रपति जी ने अपने अभिभाषण में इस बात का आश्वासन दिया है कि जो चुनाव कानून है इसमें

## [श्री सत्य प्रकाश मालवीय]

व्यापक संशोधन किया जायेगा और विशेष-कर तीन बार राष्ट्रपति जी ने यानि: 17 जनवरी, 85, 20 फरवरी, 86 और इस वर्ष 87 में आश्वासन दिया कि चुनाव कानून में व्यापक संशोधन किया जाये और चुनाव आयोग ने भी सरकार के कहने पर राजनीतिक दलों से इस सिलसिले में सुझाव मांगे हैं। चुनाव आयोग ने सरकार के पास जो सुझाव दे रखा है उसके लिए मैं केवल दो सुझावों की ओर ध्यान आकर्षित करना चाहूंगा। डा० सरोजिनी महिषी के तारान्कित प्रश्न संख्या 627 2 मार्च, 87 के उत्तर में कहा है, मैं विस्तार में नहीं आऊंगा, रिडक्शन इन वोटिंग एज के लिए सरकार ने सुझाव दे रखा है यानि मतदाताओं की वोटिंग एज जो 21 वर्ष है उसको घटाना चाहिए। दूसरे पब्लिक फाइनेंसिंग आफ इनेक्विटी है इसके लिए भी चुनाव आयोग को लिख रखा है। अपनी रिपोर्टमेंशन में लिख रखा है:

*"Public financing of elections: To deal with the problem of money power, it is necessary to evolve a Scheme under which the burden of all legitimate election expenses could be shifted to the States."*

और बाकी चर्चा में इस समय नहीं जाना चाहता हूँ। मैं माननीय वानून मंत्री जी से स्पष्ट आश्वासन चाहता हूँ कि दो साल पहले चुनाव आयोग के सामने सभी राजनीतिक दलों ने अपने सुझाव भेजे हुए हैं लेकिन कांग्रेस पार्टी के तरफ से, जो सत्तारूढ़ पार्टी है, उन्होंने अपने सुझाव नहीं भेजे हैं, इसके क्या कारण हैं? इसका मतलब तो यह हुआ कि आपकी ऐसी कोई मंशा नहीं है कि चुनाव कानून में कोई संशोधन किया जाये। आज जब हमारे देश में काले धन की चर्चा काफ़ी जोरों पर है, इसलिए आवश्यकता इस बात की है कि चुनाव खर्च में कमी करने के संबंध में कोई व्यवस्था की जाये। इसलिए मैं विशेष रूप से माननीय मंत्री

जी से इस संबंध में आश्वासन चाहता हूँ। दूसरी बात मैं यह कहना चाहता हूँ कि श्री अश्विनी कुमार जी ने ही बिहार विधान परिषद के तरफ ध्यान आकर्षित किया है। इसी तरीके से उत्तर प्रदेश विधान परिषद का भी स्थिति है। उत्तर प्रदेश विधान परिषद में 108 सदस्य हैं उसमें विभिन्न क्षेत्रों के प्रतिनिधि भेजे जाते हैं। अध्यापकों के प्रतिनिधि उसमें जाते हैं। लेकिन जो लोकल बाडिंग हैं, स्वायत्तशासी संस्थाएँ हैं, उनके उत्तर प्रदेश में सन् 1974 से चुनाव नहीं हुए हैं। इसका परिणाम यह हुआ है कि उनके प्रतिनिधि विधान परिषद में नहीं हैं। इस प्रकार से लगभग 32-34 सदस्यों के स्थान विधान परिषद में कर-बंद-र-ब 10-12 सालों से रिक्त पड़े हुए हैं इसलिए मेरा इस संबंध में सुझाव है कि संविधान में इस बात का संशोधन होना चाहिए कि किस तरह से लोक सभा के चुनाव होता है या लोक सभा के चुनाव कराने आवश्यक हैं, राज्य सभा के चुनाव कराने आवश्यक हैं लोक सभा या राज्य सभा में जो स्थान रिक्त होते हैं उनके चुनाव कराने आवश्यक होता है उस तरह से पंचायतों, म्युनिसिपल बॉर्देरियों, नगर महानालिकाओं नोटिफाइड एरिया बॉर्देरियों, टाउन एरिया बॉर्देरियों, जिनके प्रतिनिधि संविधान परिषद में भेजे जाते हैं, उनके चुनाव भी अनिवार्य रूप से कराये जायें। संविधान में संशोधन करके इस प्रकार की व्यवस्था की जानी चाहिए कि विधान परिषदों में कोई भी स्थान खाली नहीं रहे। मैं आशा करता हूँ कि हमारे कानून मंत्री जी इस पर विचार करेंगे कि कम से कम विधान परिषदों, चाहे वह बिहार को विधान परिषद हो या उत्तर प्रदेश को विधान परिषद हो उनमें जो स्थान रिक्त हैं उनको भरने के लिए इस संबंध में आवश्यक कार्यवाही करेंगे। इन शब्दों के साथ जो यह संशोधन विधेयक यहाँ पर रखा गया है उतना मैं स्वागत करता हूँ।

श्री राम नरेश कुशावाहा (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, मैं

इस विषय का समर्थन करने के लिए बड़ा दुःख है मैं यह मानता हूँ कि जिस महसुद के लिए विधान परिषद बनाई गई थी वह पंचायत राज प्रणाली का हिस्सा नहीं हो रहा है। इसके कुछ राजनैतिक कारण हो सकते हैं। कुछ विरोध संस्थाओं के प्रति विधान परिषदों में जाते हैं। यह राज्य का विषय है कि उनके यहां विधान परिषद हो या नहीं। इस विषय पर प्रमो प्रश्नों पर चर्चा करने का कोई लाभ नहीं है। लेकिन मैं इतना जरूर कहना चाहूंगा कि अभा जो बातें श्री मालवीय जी और श्री अश्विनी कुमार जी ने कही है उनका मैं समर्थन करता हूँ। मैं चाहता हूँ कि संविधान में संशोधन करके और लोक प्रतिनिधित्व कानून में संशोधन करके हमारे देश में जो ग्राम पंचायत हैं, ग्राम सभाएं हैं और जो जिला परिषदें हैं उनको पूर्ण रूप से मान्यता दी जाना चाहिए और उनका चुनाव निर्वाचन आयोग को सौंपा जाना चाहिए। दुःख तो इस बात का है कि आप इस पर गंभीरता से सोचने नहीं हैं। ग्राम सभाएं और ग्राम पंचायतें हमारे बहुसंख्य छोटी-मोटी समस्याओं को हल कर सक्षम हैं। लेकिन उनको अधिकार प्राप्त नहोने के कारण वे ऐसा नहीं कर पाते हैं। अभा आपका राज्य दो खम्भों पर चल रहा है। राज्य को चलाने के चार खम्भे हैं। जब तक आप कौब्रमा राज्य नहीं चलाएंगे तब तक आपका समस्याओं का हल नहीं हो सकता है। ग्राम हमारे देश में राजनैतिक इम्पेनेन्स है। सामाजिक विषमताएं हैं, आर्थिक विषमताएं हैं और ग्रन्थ प्रेस तरह की समस्याएं हैं। मैं चाहता हूँ कि आप इस बारे में सोचें। उत्तर प्रदेश में विधान परिषद के लिए चुनाव नहीं होता है। वहां लोकल बाडांज के चुनाव हुए ही नहीं। किसों भां प्रहार से जिला परिषद के जो चुनाव हुए हैं, मान्यवर, उनके जो वोट देने वाले सदस्य हैं वे चुने हुए हैं। जिला परिषद के सदस्य चुने हुए हैं लेकिन जिला परिषद के अध्यक्ष नहीं बनाये जा रहे हैं केवल इस नाम पर कि लोकल बाडांज के चेयरमैन एक्स-ऑफिसो मेम्बर हैं,

इसलिये उनको वोट देने का अधिकार नहीं है। अगर वोट देने का अधिकार नहीं है तो इतने क्या, जिला परिषदों का गठन तो हो सकता है। लेकिन नहीं किया जाता है। इतना क्या कारण है, मैं मानता हूँ मंत्री जी को इस और ध्यान देना चाहिए और लोकल बाडांज के चुनाव को अनिवार्यता के त्तरे चाहे इस के त्तरे लोक प्रतिनिधित्व कानून में संशोधन करे और चाहे संविधान में संशोधन करे, जैसा भां ठीक हो, लेकिन इसको लागू करना चाहिए ताकि यह चुनाव समय पर हो जायें। मान्यवर, उत्तर प्रदेश सरकार को आप निश्चिन्ता हूँ कि लोकल बाडांज के चुनाव कराने के लिये आवश्यक निर्देश देने का कष्ट करें...

**श्री सत्य प्रकाश मालवीय :** वहां सरकार है क्या कोई ?

**श्री राम नरेश कुशवाहा :** सरकार जो कोई भी है।

**उपसभाध्यक्ष (श्री जगेश देसाई) :** उनकी बोलने दीजिये।

**श्री राम नरेश कुशवाहा :** चाहे वह मान्यवर, नाम के लिये ही सरकार हो जो भां है, निरवश से बहुसंख्य अच्छा, किसों भां तरह की सरकार है लेकिन वह सरकार है और इसलिये उसको आप जरा निर्देश दें कि वे जल्दी से जल्द लोकल बाडांज के चुनाव कराये। बहानेबाजा से कोई फायदा नहीं है। वैसे मुझे लगता है कि कुछ गोलमाल है जिसके कारण यह चुनाव नहीं कराये जा रहे हैं। संघा आफिसरों से कमिशन लिया जाता है। अगर वहां पर अध्यक्ष और सभापति होंगे तो वे कमिशन देंगे नहीं लेकिन आफिसर से जितना चाहेंगे लेंगे। मेरे सूचना के अनुसार 10 प्रतिशत पहले ही काट लिया जाता है। तो इस तरह के कामों के लिये चुनाव नहीं कराये जाते हैं जो कि बहुत गलत बात है। आज चुनाव की अनिवार्यता लोकल बाडांज में बहुत अनुभव का जा रहा है।

**SHRI GHULAM RASOOL MATTO:** Sir, on behalf of the Jammu and Kashmir National Conference I support the proposal made by the State of Karnataka and strongly endorsed by the Central Government for increasing the number to 75 and other provisions in the Bill. This is a request from the States. We are Council of States. Ordinarily we must support what the States say and so we heartily support this Bill.

Having said that, I have also to say that I agree with Mr. Swaminathan that there should be a national debate on whether a Council of States in the States has got to be there and if that has to be there, what type of council it should be. Will all Districts be represented or what should be its composition? There should be a national debate on these things.

Sir, I request the Hon. Law Minister to initiate action on this and call, in the first instance the Law Ministers of various States and then if need be, place it before the National Development Council for consideration. I again support the Bill proposed by the Hon. Law Minister.

**SHRI H. R. BHARDWAJ:** Sir, I thank all the hon. Members who have spoken. The issue whether we have a unicameral legislature or a bicameral legislature is a controversial issue and political views differ but one thing we must appreciate and that is that in a country like India where we have a federal aspect also to be looked after, we must usually respect the State Legislatures because they equally represent that part of India and their views must be respected. And with this view in our minds, when the question of the Andhra Pradesh Resolution was discussed, a view was taken, although it was pending for a long time, but when we discussed it, we felt that it is always a democratic tradition to accept a unanimous Resolution of a State Legislature, because it reflects the hopes and aspirations of the people of

that State. We did not take any time. The moment it was brought before us, we brought forward the legislation. And I am happy to tell that at that time when I introduced the Bill, our party was in majority in Andhra Pradesh, in the Legislative Council; they felt a little bit upset, the friends in the opposition then. But this time they are accusing me of delaying it. I am sorry, this is not a correct accusation. It was introduced in the same spirit, to give respect to the views of the legislature. Similarly, with regard to Karnataka Legislative As-

1.00 P.M.

sembly resolution, we received it in September Karnataka Cabinet took a decision in August 1986 the resolution was passed by the Assembly on 18th August 1986; our Ministry received the letter of the Chief Minister of Karnataka in September 1986 and immediately we referred the proposal in October 1986 to the Election Commission for its views. The matter had to be referred to the Home Ministry for their views. We had referred to the Home Ministry in November 1986 and we received the views of the Home Ministry in July 1987 and we are with you in August 1987. So, this is an uncharitable remark from the hon. Member from Karnataka that I am delaying Karnataka matters.

Earlier, some legislatures had recommended, like Tamil Nadu and Maharashtra, to enhance the number. Decision was taken and later, the proposal was dropped because at that time the feeling was that it will be no use...

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** Normally, on Fridays we sit upto 1 O'clock, but...

**SHRI H. R. BHARDWAJ:** I will take only five minutes to explain the comments made by Malaviyaji and Ashwini Kumarji because they have raised vital issues.

I was replying to the hon. Member's remark on Karnataka matter. We have taken a post-haste decision on all these matters because it is a unanimous resolution, and when there is a unanimous resolution, there is no question of delaying it. I am happy that almost all the Members have appreciated it because it is a question of giving respect to the legislature of Karnataka. They had passed the resolution. Speaking from our Ministry, we have not delayed it at all. Normally, in the Government, so much time is taken on such issues where a political decision is involved. The matter has to be taken to the Cabinet and its approval sought, and the rest of the process. So, I have given a brief resume of the dates which should satisfy the hon. Members that there has been no delay. Actually, I received letter of the Chief Minister of Karnataka very recently and I immediately put up the matter and said that we will pass it in this session. This is the second monsoon session and we are passing it. I have no doubt that the hon. Member will have a re-thinking on his uncharitable remark.

**SHRI PUTTAPAGA RADHAKRISHNA:** The Andhra Pradesh Legislative Assembly passed the resolution in 1983 by the required majority...

**THE VICE-CHAIRMAN ((SHRI JAGESH DESAI):** He is talking of Karnataka.

**SHRI PUTTAPAGA RADHAKRISHNA:** And with the dissolution of the Assembly, it has also expired.

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** You have said it already.

**SHRI PUTTAPAGA RADHAKRISHNA:** It was the sole instance ever since the Constitution came into existence. There has not been a two-year delay, or lapse of a resolu-

tion of a legislative assembly in any other case. Sir, the resolution lapsed, and after that, another resolution, a fresh resolution was passed. That shows that the resolution passed by a friendly State is immediately taken up by the Government of India and in case of a State with whom there are hostile they delay it. My point is that they take it according to their political interest and political advantage.

**SHRI H. R. BHARDWAJ:** He is slightly ignorant about the facts. Sir, so far as their earlier resolution is concerned, Cabinet had turned it down; but when the present Prime Minister came, he said, we must show respect to the Assembly, and that is why Prime Minister himself intervened to say that this must be done. So, the earlier resolution was not delayed; it had been rejected.

**SHRI PUTTAPAGA RADHAKRISHNA:** I said there was no action taken on the earlier resolution. Where is the question of ignorance?

**SHRI H. R. BHARDWAJ:** He is ignorant about one aspect. It is not as simple as that, that a Resolution is passed and spontaneously, everything happens here. This has to be decided in consultation with various Ministries, the Election Commission, the Home Ministry etc. Then, the decision is taken by the Cabinet. If the Cabinet had turned down the decision, there was no question of implementing it.

**SHRI PUTTAPAGA RADHAKRISHNA:** What was the improvement in the second Resolution? What was the defect in the earlier Resolution?

**SHRI H. R. BHARDWAJ:** The improvement was .. (Interruptions).

**SHRI PUTTAPAGA RADHAKRISHNA:** It was a question of political interest.

**SHRI H. R. BHARDWAJ:** I am making a submission. Please listen to me. Try to love us. We would like to love you. Why don't you show that respect? Sir, this is where the grace of the Prime Minister comes. He said 'A unanimous resolution has been passed. Our Party is in the majority in the Council there, but we would like to forego our interests for the sake of their interests.' This was the difference. What I am submitting is, so far as we are concerned, when a unanimous Resolution is passed by a State Assembly, it is expected that that Resolution is respected. I am discharging my duty by showing respect to this. Kindly appreciate this.

In regard to the various points raised, I agree that there is some controversy on this. Some people say that a second House, a second Chamber is not essential. But it is for the State Legislature to decide, as is required under article 169(1) of the Constitution, by a two-thirds majority whether to have a second Chamber or not. When they decide, we process them here. In regard to the number, it is one-third maximum. Earlier, it was one-fourth. Now, article 171 says that it should be one-third maximum. In the case of the Karnataka House, it is exactly one-third. This is a wholly non-controversial issue. I would only say that we should take an objective view in such matters. I am doing my duty. This is the Council of States. I am performing my duty. You should appreciate it.

The hon. Member raised the question about Bihar in regard to filling up of vacancies in the Legislative Council. I have personally taken it up with the State Government. Last year, they had some elections in the teachers' constituency. We are pressing hard with the State Government to fill up the vacancies. But article 324 of the Constitution does not empower the Election Commission to

hold elections to the local bodies. It is the duty of the State Governments. Therefore, this is an issue which requires debate and I welcome the suggestions made by senior members from the other side that this issue should be discussed. If we have to strengthen democracy, we have to strengthen it down to the grassroots. I would like to remind hon. Members that in Karnataka, several elections to the local bodies have taken place. Consequently the Taluk Panchayats and the Mandal Panchayats have come into existence. That is why, we have brought this amendment because they have to be represented. I think, there should be no controversy in this. We are all eager to strengthen democracy, whether it is in Karnataka or Andhra or elsewhere. We are all Indians. We want to strengthen democracy, down to the grassroots level. It is for them to decide, in their political wisdom, whether to have a second House or not. Therefore, this is a non-controversial issue. There can be no scope for debate in this. When a State Legislature decides unanimously, what is our debate going to do with it? We should implement it. To that extent, there should be no difficulty.

**SHRI G. SWAMINATHAN:** The final decision regarding the implementation of the Resolution rests with the Government of India and the decision has been taken previously. By simply saying that a Resolution has been passed, by simply passing a Resolution, it is not mandatory on the part of the Government of India and the Parliament. The final decision rests with you. That is why, we want...

**SHRI H. R. BHARDWAJ:** Who denies it? I would like to remind hon. Members that the final decision rests with us. It is we who come here with legislation. But this is in keeping with the highest traditions of democracy. I personally feel that if demo-

cracy has to survive, you must have strong Legislatures in the States. You have the State List. You have to implement that part of the Constitutional commitment. You cannot ordinarily turn it down because it is a unanimous Resolution. Our party, your party and every party is represented there and when they unanimously decide one thing, there should be no dispute here. I represent my party, you represent your party and he represents his party. When they decide a thing unanimously, what can you do in New Delhi? That is why, I say, when a unanimous Resolution is passed and it does not go beyond the Constitution, we should agree. But the final decision is always taken by the Centre. Of course, some time is taken by the Centre. Some sort of a discussion goes on, on the tendency to create or the tendency to abolish. If it is the tendency to abolish, then, of course, we should not try to increase but that is primarily again the consideration given to the unanimous resolution of the State. Therefore, when there is unanimity of views, I think we should respect it and keeping that aspect of democracy in view, the Prime Minister allowed in the case of Andhra and in this case also.

I would like to rebut one allegation made by an hon. Member from Karnataka. I have tremendous respect for the people of Karnataka, the people, the Government and for all institutions, but we are all political beings. I am not expected to agree with you hundred per cent when you are saying something. Similarly, we are having different political affiliations. But on the national issues, we would like to have a unanimous view. There has been absolutely no controversy on that. Whatever controversy there is, it is settled amicably and to the satisfaction of everybody. In Karnataka I have received tremendous amount of support. I know, in the appointment of Judges everybody is satisfied, including the Karnataka Bar Council, judiciary and every-

body and whatever delay was there it was explained. I think we should create an atmosphere of cooperation and self-confidence and that is what I expect. I would like to put it on record that I love Karnataka because I have lived there when we were not in power and the type of affection and respect shown to us by the people there I will never forget.

श्री अश्विनी कुमार : मैंने डीलिटमिंटेशन कमीशन के बारे में आपसे एक निवेदन किया था, उसके बारे में आप कुछ बतायेंगे।

SHRI H. R. BHARDWAJ: I forgot to reply that point. This is a valid question. We are almost ready with the procedural part of this. We are going to take it up in the Cabinet and then we will be able to comment on this. One hon. Member pointed out that in 1984 there was a meeting of the Government. But then the time was very short. This, deferred. Now it is...

SHRI M. S. GURUPADASWAMY (Karnataka): On delimitation I would like to say that it is not part of the electoral reform at all. It is their duty. After the census is taken, there should be a fresh delimitation subject to the ceiling fixed in the Constitution in respect of seats. Therefore, may I ask my friend to bring in a Bill on delimitation immediately because the time is running out? It takes about two years to delimit the constituencies. Therefore, let us not mix it up with the electoral reforms.

SHRI H. R. BHARDWAJ: I am not mixing. Recommendations were received from Election Commission on electoral reforms along with delimitation. These were in two packages. It was discussed in 1984 but it was deferred at that time. Now, so far as we are concerned, we will go to the Cabinet and the Government would like to discuss with you as to what type of constituency will be possible.



**SHRI M. S. GURUPADASWAMY:** When do you want to discuss with us? I have been hearing the same thing from you for the last several months.

**SHRI H. R. BHARDWAJ:** You are a very senior Member. You know it, I have conveyed the views of the hon. Members from our side and your side. Our party has discussed all these matters of delimitation and they are specifically conveyed. I hope very soon we will have a discussion on it.

**श्री सत्य प्रकाश मालवीय :** उत्तर प्रदेश परिषद् के लिए कुछ करिए। वहाँ पर 36 सीट्स खाली हैं।

**श्री अश्विनी कुमार :** वह तो बिहार के लिए कह दिया है।

**श्री सत्य प्रकाश मालवीय :** बिहार के लिए ही नहीं, उत्तर प्रदेश के लिए भी।

**SHRI H. R. BHARDWAJ:** We will write to U.P. and Bihar, both. We are eager. I would like to keep it on record that if this matter is not sorted out like this, we will take the House into confidence and take the power of holding elections even of local bodies and so we need your cooperation.

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** I shall put the motion moved by Shri Bhardwaj. The question is:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

*The motion was adopted.*

**THE VICE CHAIRMAN (SHRI JAGESH DESAI):** We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

**SHRI H. R. BHARDWAJ:** I move:  
"That the Bill be passed."

*The question was put and the motion was adopted.*

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** Thank you very much. The House is now adjourned for lunch and will meet at 2.30 p.m.

The House then adjourned for lunch at sixteen minutes past one of the clock.

The House reassembled, after lunch, at thirty-one minutes past two of the clock. **The Vice Chairman (Shri Mostafa Bin Quasem)** in the Chair.

**SHRI V. GOPALSAMY (Tamil Nadu):** Sir, hearty congratulations to you.

**THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM):** Thank you. Now Mr. Gadhvi.

**SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL) FOR THE YEAR 1987-88 (AUGUST, 1987)**

**THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI):** Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants (General) for the year 1987-88 (August, 1987).