

सकते हैं। लेकिन इस वक्त वह क्षमता नहीं रहने की वजह से जो भी सुविधाएं पहले थीं, वे continued हैं। सिर्फ ceiling, जो पहले 3,50,000 थी, उसे हमने बढ़ा कर 10 लाख कर दिया है। इसलिए मैं सभी सदस्यों से ...(व्यवधान)... उसके बारे में मैंने पहले ही बता दिया है। इसलिए मैं आप सभी से अपील करता हूँ। ...(व्यवधान)... मैंने कहा कि जब क्षमता आएगी, तो retropective भी देंगे और 30 दिन की भी देंगे, लेकिन आज के हालात में यह ठीक है। इसलिए आप सभी से मैं अपील करता हूँ कि इसे पास कर दिया जाए।

MR. DEPUTY CHAIRMAN: The question is,

That the Bill further to amend the Payment of Gratuity Act, 1972, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: Now, we shall take up clause by clause consideration of the Bill.

*Clause 2 was added to the Bill.*

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

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

That the Bill be passed.

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

**The Tamil Nadu Legislative Council Bill, 2010 (Contd.)**

SHRI M. VEERAPPA MOILY: Sir, I beg to move:

That the Bill to provide for the creation of Legislative Council for the State of Tamil Nadu and for the matters supplemental, incidental and consequential thereto, be taken into consideration.

*The question was proposed.*

SHRI M. VENKAIAH NAIDU: Sir, this Bill has been introduced today and it has now been taken up for consideration and passing. I have no quarrel with regard to the spirit of the Bill. The BJP, from the beginning, is of the view that there is a need to have a bicameral legislature across the country. We have a bicameral legislature at the Centre in the form of the Lok Sabha and the Rajya Sabha. If similar arrangement is there in any State, nobody should have any objection. But the question is this. I would like to impress upon the Chair and also the hon. Members of the House of all shades that we

should seriously ponder whether the time has come to revisit Article 168 and then take a fresh look into the entire thing. The framers of the Constitution, our elders, felt that it should be left to the States if they want to have a bicameral legislature. It can be done by passing a resolution in the State Assembly with the approval of the State. They can recommend to Parliament and the Centre can take further steps. They did it in their collective wisdom. There is nothing wrong in it. But, unfortunately, today, just see what is happening in different parts of the country. Out of all the States, we have the Upper House only in Uttar Pradesh, Maharashtra, Karnataka, Bihar, and of late in Andhra Pradesh. In other States, there is no Upper House. There is no Legislative Council. There are demands for it in certain States and there is no demand for it in certain States.

The thrust of my argument today is this. We will discuss it and come to a conclusion. I hope the Law Minister will understand the spirit of my submission. We have to think seriously about this issue and come to the conclusion for the country as a whole once and for all. If both the Lok Sabha and the Rajya Sabha discuss it in their collective wisdom and take the views of the States and come to the conclusion that there is a need for bicameral legislature for the entire country, let us have it. If the collective view is not to have it, then we should not have it. There is no rationale in one State having two legislatures and other States having only one. There is no principle in it. It should not be left to – I do not want to use the phrase whims and fancies – liking and disliking of the successive ruling parties. What exactly happened in Tamil Nadu? We are all aware that there was a Legislative Council. Once upon a time the Tamil Nadu Legislative Council was very popular also. As a student I used to follow its debates and discussion. Great people were there. Subsequently, the regime changed and the Legislative Council was abolished. Then another regime came. It approved a resolution and sent it to the Centre. Before the Centre could take a final view on it, the House was dissolved. Then the subsequent Government which came there, they have withdrawn in the Resolution. They said that there is no need for an Upper House. Again now, a new Government has come, and the new Government has come out with a proposal saying that there is a need to have an Upper House in Tamil Nadu. Same is the case with regard to Andhra Pradesh also. There was a Legislative Council there. It was also functioning effectively. Then there was a change of regime. Late N.T. Rama Rao came and he thought that this Legislative Council has become a rehabilitation centre for all the defeated politicians and they are wasting time. That was one view. And then, he moved a Resolution and got the Legislative Council dissolved. The Parliament also approved it. Subsequently,

there was a change of regime in Andhra Pradesh, and again, the Congress Party came to power. They took an initiative, passed a Resolution and sent it for our approval in Parliament. The Parliament, in its collective wisdom, has approved it, and now, there is a Legislative Council revived in Andhra Pradesh. Sir, going by two examples of Tamil Nadu and Andhra Pradesh, is it a casual matter or is it a serious matter to create an Upper House? It is not just like you make a grade-1 panchayat, and then upgrade it to a municipality, and then say there is no income and then make it again grade-1 panchayat. Can we deal with the States like this? What is the respect and what is the authority we are giving to those institutions? That is why I suggested that the Law Minister should really start discussing with all the political parties in the country and then revisit this article 168 which gives power for a bicameral legislature in the country, wherever there is a demand from a particular State. Tomorrow again, whenever there is a change of regime in Tamil Nadu, nobody knows, it happened in the past....

SOME HON. MEMBERS: It will happen definitely.

SHRI M. VENKAIAH NAIDU: And that regime again comes to a view that there is no need for a Legislative Council. They pass a Resolution, and then they send a Resolution, and then, the House approves it.

SHRI P. KANNAN (Puducherry): There is no chance for that. ... (*Interruptions*)...

SOME HON. MEMBERS: No, no. Time will change. ... (*Interruptions*)...

SHRI M. VENKAIAH NAIDU: Sir, my point is, I do not want to say either way whether it is going to change or not. I leave it to the people of Tamil Nadu. They are the better judges and they will decide accordingly, and we have experience of both the parties. That is not the matter for consideration today. On such a crucial issue, as soon as the Tamil Nadu Assembly has passed a Resolution and sent it to the Centre, the Government should have referred it to a Standing Committee for discussion, consideration, and then take a final view upon this, or the Law Minister should have called a meeting of political parties to take a view after this experience. We are seeing the States from 1956. From 1956 to 2010, so much water has flown and so much experience has come. What is the experience? What are the advantages? What are the disadvantages? What are the plus points? What are the minus points? You should analyze it in a dispassionate manner without any political

consideration, and then come to a final conclusion. I understand the compulsion of Coalitions. I understand the compulsion of the Law Minister. I know the ground reality why this has come. As I told in the beginning itself, I have no quarrel with regard to the principle of creating an Upper House in the State of Tamil Nadu. The State of Tamil Nadu also is a big State. It requires an Upper House. But the question is, should we leave it to the successive regimes? This is the issue. I would suggest to my friend, Arun Jaitley, who is our leader also, to study this further and then try to help the Law Minister also to come to some conclusion. I am not saying that you do it today. You bring a Bill, we will give our views and the House will decide in whatever manner it wants, and as a principal Opposition Party, I will tell that we will support the Bill. But is it final? Is there any guarantee that the next regime is not going to again reverse this decision? Are we not becoming a laughing stock in the minds of the people? What is happening? One regime comes and they create an Upper Chamber, the other regime comes and they abolish the Upper Chamber, and then another regime comes, they recreate an Upper Chamber. This is not a good thing. This is not a healthy thing for the country. It does not behave well for the functioning of our democracy also. This is the point I just wanted to stress today. I gave these two examples of Tamil Nadu and Andhra Pradesh. In these two States, three times, these changes have been made. So, it is high time that the Law Minister calls an all-party meeting, has wider consultations, takes a final view and, then, proceeds further to create Upper Houses in States whenever the demand comes. That is my view, Sir. I hope that the Minister will understand the spirit of our suggestion and, then, act accordingly. Thank you, Sir.

DR. E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I support the Bill, the Tamil Nadu Legislative Council Bill, 2010. It is, actually, based on the election manifesto in which the ruling party of Tamil Nadu, DMK, has made a promise that if they come to power, they will restore this Legislative Council. And also, the Congress Party and all other parties feel that there should be a representation for the Panchayati Raj institutions. We feel that it is a must for that. Under the Constitution, for the Panchayati Raj institutions, both in the Nagar Palika and in the Panchayats, they are having the position that if they are elected and if they want to come for any other post, they have to resign from it because that is the third-tier institution contemplated in the Constitution. Therefore, their representation is to be made on the legislative side. When the people are making a law, which will affect the Panchayati Raj and the Nagar Palika institutions, they should have a participation. Therefore, their participation is now contemplated in this particular provision of clause 4 where it is said:

"1. Municipalities, as referred to in article 243Q of the Constitution.

(4) Panchayat Union Councils.

(5) Cantonment Boards.

(6) District Panchayats referred to in the Tamil Nadu Panchayat Act, 1994."

On the basis, on the 12th April, 2010, the Tamil Nadu Legislative Assembly passed a resolution according to the provision of article 169, clause (1), of the Constitution of India, by having the feeling that the Tamil Nadu State wants this Legislative Council. When the Tamil Nadu State wants this Legislative Council and is seeking the help of Parliament to make a law according to the Constitution, then, I feel, Sir, that we have to help them in coming out with this legislation.

Sir, as Chairman of the Parliamentary Standing Committee, I was having the benefit of dealing with this issue of Andhra Pradesh Legislative Council. We made a very detailed Report on that aspect. We told them that the graduate constituency teachers are given the Right to Vote, and their representatives will be there. That is a great thing which is also given to the teachers' community. But, at the same time, we have to make a Constitutional amendment for providing that primary teachers at the Panchayat level should also become voters. That was recommended in the Report also, except that there is no need for referring it again, because in 2005 only, the Standing Committee has considered it, in detail, having the representation of all the political parties in all the political spectrums. Members were there; they considered it, in detail, and submitted the Report. There is no need for further consideration by referring that again. When the people of Tamil Nadu like it, we have to oblige them. Thank you very much, Sir.

SHRI MANI SHANKAR AIYAR (NOMINATED): Sir, I associate myself with Mr. Natchiappan's remarks.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I oppose the Tamil Nadu Legislative Bill, 2010. I oppose because I do not know why, urgently, this Bill has been brought. The Legislative Council in Tamil Nadu has correctly abolished this Bill in 1986, and this House also endorsed it. This is brought, again, only to suit the UPA partner. As correctly pointed out by Mr. Venkaiah Naidu, only to satisfy their partner, they have brought it. I am surprised; Tamil Nadu leaders, normally, used to say in public meetings (Spoken in Tamil.) I translate it in English. "Governor's post is a waste post. We do not want Governor's post in Tamil Nadu or anywhere. For a goat, beard is not a must. For a State, there is no need for a Governor!"

When they want the Governor's post to be abolished, I don't know why they want an Upper House in Tamil Nadu. The Legislature in Tamil Nadu is different because it is not like the Upper House, the Rajya Sabha, in the Parliament. It has been discussed in the Constituent Assembly very elaborately. It has come to the conclusion that India is a multi-linguistic State; we have got different culture; we have to protect the federal system. That is why this House was created. It was left to the pleasure of the State under article 168 of the Constitution. So, it was not necessary. Out of 28 States, only six States have this Upper Legislature. So, my point is that it is not necessary. I would like to quote what Dr. Ambedkar has said in the Constituent Assembly. He said, "In the States, in the Assembly, the Upper House is not necessary. It is a waste of money". I would like to quote Rajiv Gandhi also. He once said, "Today, when you spend one rupee only 15 paise goes to the people". If you have another Legislature in Chennai, even five paise will not go to the people. ... *(Interruptions)*... I can show the record. Rajiv Gandhi has gone on record. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Rangarajan, you please address me. Don't address him. ... *(Interruptions)*...

SHRI T.K. RANGARAJAN: I am just telling him to remind the Congress benches. ... *(Interruptions)*...

AN HON. MEMBER: It was in a different context. ... *(Interruptions)*...

SHRI T.K. RANGARAJAN: Now, we will spend more on this Upper Legislature and the money that goes to the people will be cut down. It is a waste.

The third point is that the Assembly election is going to take place in Tamil Nadu next year. Some people say that the election is going to take place in November. Then, why don't you wait for one year? What is the urgency? You can have the people's verdict. As Mr. Venkaiah Naidu has correctly pointed out, we don't know what will happen, how the people will decide. So, my point is: What is the urgency? You can wait for one more year. I know that the ruling party has brought a lot of pressure. They want to create a parking place. To create a parking place, why should this House oblige them? That is my point. So, I oppose the Bill fully. Thank you.

DR. V. MAITREYAN (Tamil Nadu): Thank you, Mr. Deputy Chairman. On behalf of the All India Anna DMK, I strongly oppose the Tamil Nadu Legislative Council Bill, 2010. In fact, this Bill is being

hurriedly brought to the House bulldozing all other items which are duly listed in today's agenda. By bringing forward this Bill the UPA Government has exposed its total helplessness and it has succumbed to the bullying and \* tactics of its alliance partners. ... *(Interruptions)*...

SHRI JESUDASU SEELAM: Sir, the word \* is unparliamentary. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: The word \* should be removed. ... *(Interruptions)*... I have removed the word. ... *(Interruptions)*... I have expunged it. ... *(Interruptions)*...

DR. V. MAITREYAN: If it is unparliamentary, you expunge it. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes. ... *(Interruptions)*... Mr. Seelam, why are you intervening? ... *(Interruptions)*... You don't intervene. ... *(Interruptions)*... When the Chair is there, you need not intervene. ... *(Interruptions)*...

DR. V. MAITREYAN: My challenge to the UPA Government is that if you have real guts, get the Women's Reservation Bill passed in the Lok Sabha in the next two days. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: This is House. ... *(Interruptions)*...

**डा. वी. मैत्रेयन :** उपसभापति महोदय, मैं आपके माध्यम से कहना चाहता हूँ कि अगर मोडली जी में हिम्मत है तो वह लोक सभा में महिला बिल लाकर दिखाए ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Mr. Kannan, please sit down. ... *(Interruptions)*... Please sit down, Mr. Kannan. ... *(Interruptions)*...

DR. V. MAITREYAN: Instead of pleasing your bullying ally, try to please. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Use the words properly, Mr. Maitreyan. ... *(Interruptions)*...

DR. V. MAITREYAN: I used the word "bullying", Sir. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am suggesting to you to use the words properly. ... *(Interruptions)*...

DR. V. MAITREYAN: I am using the words very properly, apt words at apt times. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Kannan, please. ... *(Interruptions)*... Why are you interrupting? ... *(Interruptions)*...

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\*Expunged as ordered by the Chair.

6.00 P.M.

DR. V. MAITREYAN: Try to please 50 crores women of this country. As far as AIADMK under the leadership of Dr. Puratchi Thalaivi is concerned, out of the 26 alphabetical letters in English, the three golden letters "MGR" are more sacrosanct for us. The three letters "MGR" are our "tarak mantra". Anybody who tries to trample upon the vision of MGR, we will oppose it with all the might at our command.

The Tamil Nadu Legislative Council was abolished on 1st November, 1986 by AIADMK Government led by the late legendary MGR. The State has been without a Council for the last 24 years and we have absolutely no regrets for it. Just because MGR abolished the Tamil Nadu Legislative Council, our political opponent, the DMK, has been trying to bring in the Council whenever they are in power. The DMK Government passed a resolution in the Tamil Nadu Assembly on 20th February, 1989 for the revival of the Council. In May, 1990, a Bill was introduced in the Lok Sabha but it could not be taken up because of the stiff opposition. After the AIADMK Party, led by Dr. Puratchi Thalaivi came to power in May, 1991, on 4th October, 1991 the State Assembly passed a unanimous resolution repealing the earlier resolution passed in 1989.

Again after the DMK came to power in 1996, on 26th July, 1996, the Assembly passed a resolution for the revival of the Council. But again, after Dr. Puratchi Thalaivi became the Chief Minister of Tamil Nadu in May, 2001, on 12th September, 2001, the State Assembly passed a resolution repealing the 1996 DMK sponsored resolution. Now again this Bill today.

I would like to draw the attention of the House to what the founding father of our Constitution, Dr. Ambedkar had said on the issue of the Second Chamber, "All that we are doing by this Constitution is to introduce the Second Chamber purely as an experimental measure. We have not, by the Draft Constitution, given the Second Chamber a permanent place. We have not made it a permanent one. We have not made it a permanent part of our Constitution. It is purely an experimental measure and, as I said, there is a sufficient provision in the present article for getting rid of the Second Chamber". This is what Dr. Ambedkar had said.

At present, in our country, out of 28 States, Legislative Councils are in place only in six States. The very fact that there are only six States which have opted for the Legislative Council out of 28, it shows how weak the argument is for the need for a Legislative Council in a democratic set up.

I urge the Union Government that it should take a very comprehensive, holistic and overall view about the need for a bicameral legislative system rather than succumbing to the pressure of the allies partners.

A Legislative Council cannot be good for one State and bad for another State. No study has been undertaken so far about the need for a bicameral system, efficacy of the Second Chamber in States where it is existing, what have been their achievements and what is the expenditure incurred. It is rather ironic that on the one hand the UPA Government talks about austerity measures and on the other hand it is supporting unnecessary and unwanted expenditure by bringing this Bill for reviving the Council in Tamil Nadu.

The AIADMK, as a party, has its strong view on the Legislative Council. We had opposed the Legislative Council in the past. We oppose the Tamil Nadu Legislative Council Bill today and we will oppose the Bill in future also.

I caution the House that next year once the AIADMK Government led by Dr. Puratchi Thalaivi is installed in Tamil Nadu, we will, through this very same UPA Government, bring a fresh Bill repealing the Legislative Council that is being tried to be resurrected today. Thank you.

SHRI D. RAJA (Tamil Nadu): Mr. Deputy Chairman, Sir, as a matter of principle, my party is not in favour of creating the Legislative Council in the State of Tamil Nadu. My party made its position clear even when the resolution was passed by the Tamil Nadu State Assembly. Having said that, I must make certain points more clear. I do not think this is the way to bring a Bill to the Rajya Sabha and get it passed. It was introduced in the afternoon and it is being passed now. I think the House should consider: is it the proper way to get such legislative Bills passed by the House?

Sir, I tend to agree on one point with Shri Venkaiah Naidu that we will have to address a larger issue with regard to having a Legislative Council in States. It is a larger issue.

Presently, six States have Legislative Councils; the other States do not have the Legislative Council. Then, it is an issue, a larger issue, and we need to address this issue. If not now, in the coming days, we will have to address this larger issue.

Then, coming back to Tamil Nadu, we have various experiences in Tamil Nadu. We had the Legislative Council in the past, and many eminent personalities were there in the Legislative Council. Even Shri Rajaji was in the Legislative Council. But the point here is, in 1952, after the State Elections, a coalition led by the Communist was about to come to power. That was the time Shri Rajaji was made the Chief Minister. He was brought through the Legislative Council. I don't want to get into those historic details. But the point here is that Tamil Nadu has gone through various experiments, various experiences.

Coming to the very bill, in the Statement of Objects and Reasons, Para 3 makes it very clear that on the 26th July, 1996, the Tamil Nadu Legislative Assembly passed a Resolution for creation of a Legislative Council in the State, and a Bill, namely, the Legislative Council Bill, 1997, which provided for creation of Legislative Council in the States of Punjab and Tamil Nadu was introduced in the Lok Sabha on the 14th August, 1997. But the Bill lapsed on the dissolution of the Eleventh Lok Sabha. However, the Tamil Nadu Legislative Assembly passed another Resolution on the 12th September, 2001, rescinding its earlier Resolution dated 26th July, 1996. Hence no further action for revival of the proposal could be taken. Now, on 12th April, 2010, the Tamil Nadu Legislative Assembly passed a Resolution in terms of clause 1 of article 169. Now, the point is, it is not that we wish certain things to happen. It is a question of people's judgement. It is a question of people's experience. Tamil Nadu is passing through many political experiences. Now the State is going to have elections very soon. If not in this year, in any case, in 2011, the State will have to face elections. And, I do not want to take my own people for granted. It is their wisdom to decide what type of Government they will elect, what parties they are going to elect. Having said that, when such political changes are expected, why should there be an urgency in getting this Bill passed by Parliament and how can things be properly organized in the State of Tamil Nadu? That is where, I think, we should not show haste, and we should have the time. And, this Bill is not necessary at this point of time. I am not arguing in terms of how money is going to be spent, how time is going to be spent, etc. These are not the arguments. But the argument is: Is it the right time to get this Bill passed by the Rajya Sabha? Why is there an urgency? It should be explained as to why there is this urgency because there is going to be election to the State Assembly. That is why, my party thinks that it is not a necessary thing to be done by the Rajya Sabha or Parliament at this point of time, and we should wait. As a matter of principle, as I said, my party is not in favour of creation of the Legislative Council, not only in Tamil Nadu but also in other States.

The final point is this. Even my friend, Dr. Sudarsana Natchiappan, has said that when it came to Andhra Pradesh, it was referred to the Standing Committee. Now, is there any time to refer this Bill to the Standing Committee? This is a genuine question I am putting to the entire House. It is not politics. I am not entering into any partisan politics. When a legislative Bill is brought to the House like this, is it not proper to refer it to the Standing Committee?

What is the response of this House?

With these words, I conclude my speech. I have stated my objections to the Bill. I have also made my Party's position clear on this.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I rise to support the Tamil Nadu (Legislative Council) Bill, 2010, on behalf of my Party, the D.M.K.

One step of man on the moon was regarded as a giant leap for mankind. Similarly, this Bill paves the way for a historic legislation in order to tap the knowledge of eminent personalities in various fields in this country. ...*(Interruptions)*... who for some reasons or the other shun the mainstream of electoral politics. Realizing the intensity and the imperative need for their contribution of governance, the architects of our Constitution have enshrined in our Constitution with a clear foresight, under article 168 providing for the constitution of two Houses in the States. The discretion is purely left with the State. Sir, ours being a federal structure, the States have been given equal importance and this discretion of forming two Houses rests with the State Government.

Sir, the erstwhile Legislative Council which was in vogue earlier in Tamil Nadu before its abolition has witnessed very vibrant debates between great stalwarts like Sir Ramaswamy Mudaliar and the then Congress leader, Shri Satyamurthy. Also, the first and the last Governor-General of independent India, Rajaji, was a Member of the Council. The never-surpassed leader, and our mentor, Dr. Anna, the incumbent Chief Minister, Dr. Kalam, and the great leader with three golden letters, MGR, the former Chief Minister, were also Members of that House.

Sir, it is not out of place to mention that but for this House, we may not have had the expert opinions of Dr. Kapila Vatsyayan, Dr. Raja Ramanna, who was a Member of this House, and many other eminent people like Shri Kuldip Nayyar, a journalist, who expressed their views on various legislations. Considering all this, it is felt that the views and expert opinion of people who do not want to enter into electoral politics are also needed in a democracy. So, Sir, to make the legislating body, the debating forum, more vibrant in the State of Tamil Nadu, the Government of Tamil Nadu has passed a Resolution in April, 2010 with a majority for the creation of the Legislative Council. I do not want to elaborate much on this. The essentiality is very much felt, Sir. Clause 1 of article 169 of the Constitution provides that 'Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a Resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the Members present and voting'. That has been done and the marginalized, differently-abled, transgenders,

representatives of teachers, graduates – unemployed and employed – and the local representatives could also find a place in the Legislative Council. They could also play a role in governance and decision-making. The rich and vast experience of our leader and Chief Minister, Dr. Kalaignar, has prompted him to pass this Resolution on resurrecting the Legislative Council in Tamil Nadu.

With these words, I support the Bill.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Sir, I do not wish to take much time of the House. I just want to point out, endorsing what Mr. Siva has said, that it will be a forum for different shades of opinion to be represented in the House, not necessarily on Party lines. My colleague, Dr. Natchiappan, has already spoken before me. It should not be viewed through a political prism. Our founding fathers have put it in the Constitution. I understand the reasons why Dr. Maitreyan is so forcefully opposing it, and what Mr. Raja said and what Mr. Rangarajan said.

I only want to point out to this House, Sir, it is a properly elected Government and a properly elected Assembly which has expressed through popular will its opinion in Tamil Nadu, and has passed that Bill in the Assembly of Tamil Nadu, and, the Bill is now presently before the House. Sir, this House too is an Upper House. I find it extremely strange that sitting in an Upper House, we are saying that only a Lower House is enough. That means, Sir, the fact of the matter is, we are saying that this august House itself is not necessary. Mr. Siva said it in much more elegant terms by mentioning the contribution of so many eminent nominated Members, like Mr. M.S. Swaminathan. I would like to say that the Upper House, the Legislative Council in Tamil Nadu will reflect various constituencies; the teachers' constituency and various other constituencies. The Panchayat representatives and all those who do not presently find a House in a highly politically vitiated atmosphere that is present in Tamil Nadu today.

And also, Sir, one final sentence. I would like to totally and categorically deny that there is any bullying. All these are uncharitable words for a very important discussion that is going on now.

DR. V. MAITREYAN: Helpless Government says like that.

SHRIMATI JAYANTHI NATARAJAN: There is no question of bullying. You had your say, Mr. Maitreyan; I will have mine. This is a UPA-coalition Government. My Party supports it, and, therefore, there is no question of bullying. Perhaps, Mr. Maitreyan's Party only understands bullying. We believe in Coalition Government, and, therefore, Sir, I would like to congratulate the Chief Minister of Tamil Nadu for having brought this Motion. ... (*Interruptions*)...

DR. V. MAITREYAN: Monday morning meeting!

SHRIMATI JAYANTHI NATARAJAN: And I would like to congratulate Mr. Moily and the Government for having brought this at an early time. Just because elections are one year away does not make the Government of Tamil Nadu any less democratically elected or the MLAs any less democratically elected. They have every right to pass it. The people of Tamil Nadu have expressed their views through their Assembly, and, today, we are expressing our views. I support the Bill, and I would request all my colleagues to also support it. ... (*Interruptions*)... Sir, it is a foregone conclusion that the same Government will come.

MR. DEPUTY CHAIRMAN: Now, Shri Prakash Javadekar.

**श्री प्रकाश जावडेकर (महाराष्ट्र) :** उपसभापति महोदय, मैं केवल इतना बताने के लिए खड़ा हुआ हूँ कि मैं मन से चाहता हूँ कि सभी राज्यों में विधान परिषद् होनी चाहिए। यह इसलिए होनी चाहिए, क्योंकि मैं बारह वर्ष तक महाराष्ट्र की विधान परिषद् में रहा हूँ और मैंने वहाँ देखा है कि कितनी बार विधान सभा से पारित हुए बिल या कोई विषय पर दूसरी दफा चर्चा होती है, जिसे सैकिण्ड ओपिनियन बोलते हैं, वैसी चर्चा होती है। उस चर्चा के बाद उस पर दूसरी तरह का निर्णय हुआ, फिर वापस विधान सभा में गया और विधान सभा ने भी माना कि यह व्यू टीक है। अगर लोकतंत्र का मतलब डिबेट है और डिबेट के द्वारा लोकतंत्र को सफल बनाना है, डिफरेंट ओपिनियन और सारे ओपिनियन शेड्स सामने लेकर करना है, तो लोकतंत्र की जरूरत है। हमारे कांस्टीट्यूशन अमेंडमेंट में एक कमी रही है कि इसमें एक तरह से यह जिम्मेदारी राज्यों पर डाली गई है। वे कहेंगे, तब होगा, अगर नहीं कहेंगे तो रद्द हो जाएगा। इसकी वजह से जो छह विधान परिषदें हैं, उन पर हमेशा एक तलवार लटकती रहती है यह हर विधान परिषद् में होता है। जब कभी बहुत ज्यादा चर्चा होती है, तो लोग कहते हैं कि हम विधान सभा से प्रस्ताव भेजेंगे यानी वह भी एक धमकाने जैसी चीज है। जैसे राज्य सभा है, यह कौंसिल ऑफ स्टेट है, वैसे ही विधान परिषद् भी कौंसिल ऑफ डिस्ट्रिक्ट होती है। उसमें डिस्ट्रिक्ट के प्रतिनिधि होते हैं, उसमें सभी का रीप्रेजेंटेशन है, एक सैकिण्ड ओपिनियन है bicameral system is a very good system for Parliamentary Democracy to succeed. इसीलिए, वेंकैया जी ने जो कहा है, मैं उसको एक समर्थन दे रहा हूँ। मोइली जी और सरकार को चाहिए कि संघीय ढांचे को, राज्यों के अधिकारों को समाप्त न करें, केवल उनकी मंशा पर वे रद्द होती हैं, यह भी न चले। मेरी यह मान्यता है कि सब जगह विधान परिषदें हों, हमें इस तरफ जाना पड़ेगा।

**श्री उपसभापति :** श्री कुमार दीपक दास जी, आप क्या कहना चाहेंगे?

SHRI KUMAR DEEPAK DAS (Assam): Sir, I would like to share my views with the hon. Members. I fail to understand the urgency. The hon. Law Minister is here, he can explain better on the urgency of the matter. But, giving better opportunity to the people in governance and decision-making there is a need of legislative council. It is enshrined in article 168 of the Constitution. Sir, there are demands from other States also. From Assam too, various times, the issue of creation of

Legislative Council was raised. The case of Assam had not been discussed and the Bill passed to that effect. I would like to seek a response from the hon. Minister on this.

SHRI B.S. GNANADESIKAN (Tamil Nadu): Sir, I support the Bill and I cannot oppose it. I would like to put only one question to Dr. Maitreyan. I was waiting to put this question to him. ... *(Interruptions)*...

DR. V. MAITREYAN: If he asks a question, I will have to give answers. I must get an opportunity.

MR. DEPUTY CHAIRMAN: I have to give the opportunity to the Minister, ... *(Interruptions)*...

SHRI B.S. GNANADESIKAN: When we create something, there should be a justification with reasons. Similarly, when you abolish something, there should be a justification with reasons. The only thing that I want to say is in 1986, when the Legislative Council in Tamil Nadu was abolished, what was the justification? The reasons given were that it was a waste, that it was financially and economically not viable. ... *(Interruptions)*...

DR. V. MAITREYAN: Let him ask this question in Tamil Nadu.

MR. DEPUTY CHAIRMAN: Dr. Maitreyan, they did not disturb you when you spoke. ... *(Interruptions)*...

SHRI B.S. GNANADESIKAN: That is why, Sir, if there is a policy decision, the court will not interfere. If it is not a policy decision, then the Government will have to explain to the people why it was abolished. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Dr. Maitreyan, there is no right to reply.

SHRI B.S. GNANADESIKAN: Sir, I support the Bill.

DR. V. MAITREYAN: I urge the Minister to explain the urgency in bringing this Bill.

MR. DEPUTY CHAIRMAN: Dr. Maitreyan, you have already said that, please do not repeat.

SARDAR TARLOCHAN SINGH (Haryana): Mr. Deputy Chairman, Sir, I just want to ask, through you, of the Law Minister that last time when this Bill was moved in Lok Sabha, it was for Tamil Nadu and for Punjab. So, what is the reason for deleting Punjab? Why have you detached Punjab? After all, in the Punjab Assembly, both the Congress Government and the Akali Dal Government have thrice passed the resolution unanimously. It is laying pending with the Government

of India. I would like to say that there is always a discrimination against Punjab. The UPA Government is doing this discrimination. If you want to pass the Bill for Tamil Nadu, you should also pass the Bill for creating the Legislative Council for Punjab too because this is the demand of all the parties and that you should not decide negatively on us. Thank you.

**सरदार सुखदेव सिंह ढीडसा (पंजाब) :** डिप्टी चेयरमैन सर, जैसा सरदार तरलोचन सिंह जी ने कहा है, मैं भी यही कहना चाहता हूँ कि पंजाब ने ऐसा तीन बार unanimously किया है, तो वे उसको क्यों consider नहीं कर रहे हैं? ...**(व्यवधान)**...

DR. V. MAITREYAN: Let the Minister explain this.

MR. DEPUTY CHAIRMAN: Why are you worried, Dr. Maitreyan? ... *(Interruptions)*...

**सरदार सुखदेव सिंह ढीडसा :** मैं मिनिस्टर साहब से assurance चाहता हूँ कि क्या वे बिल लाएंगे? मैं इसके खिलाफ नहीं हूँ, लेकिन पंजाब के साथ क्यों discrimination किया जा रहा है? तरलोचन सिंह जी ने जो कहा है, मैं उसको support करता हूँ। मंत्री जी इसका जवाब जरूर दें।

SHRI BHUBANESWAR KALITA (Assam): Sir, while supporting this Bill, I want to remind the hon. Minister, through you, that for creation of a Legislative Council in Assam, a unanimous resolution was passed in the Assam Legislative Assembly. I associate with the opinion expressed by the Opposition Member, Shri Kumar Deepak Das. In Assam also the Legislative Council should be created immediately because the Assam Legislative Assembly has passed a unanimous resolution and it is pending with the Government of India. Sir, through you, I request the hon. Minister to bring another Bill for Assam.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, I support the Bill creating the Legislative Council for Tamil Nadu. The Legislative Council should be created for Assam too immediately. This is our submission.

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan): Sir, you also support it because you were the Chairman of the Karnataka Legislative Council. ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: Mr. Deputy Chairman, Sir, quite an interesting debate has gone on by the Members from this side and the other side. Of course, one of the Members quite interestingly said that when we talk abolition of this arrangement, or the bi-cameral arrangement, I think, Rajya Sabha Members criticizing it, of course, the propriety is questioned. But I am not questioning that. On principle you can talk on any subject, I am not objecting to it. Mr. M. Venkaiah Naidu has a point when he said that conceptually we need to discuss, there should be holistic discussion with regard to bi-cameral arrangement. I would like to say that again and again these

matters have been discussed at various forums, including in the Constituent Assembly. If you just can go through some of the debates and the speech of Dr. Ambedkar, he was very clear, there was no ambiguity at all. He said, "I would like to state to the House that the question with regard to have a Second Chamber in the Provinces or not, is to be discussed by the Provincial Constitution Committee which was appointed by this House." The decision of that Committee was that this was a matter which should be left to the decision of each Province concerned. So, he was very clear. Even if you want to go through the Report of the Sarkaria Commission, the Sarkaria Commission also discussed this matter. I do not want to quote the entire proceedings but a few excerpts where it is said at Para 2.33.06, "We would recommend that when a Resolution passed by the Legislative Assembly of a State for abolition or creation of a Legislative Council in a State is received, the President shall pass the Resolution to be placed within a reasonable time before Parliament together with comments of the Union Government. Parliament may thereupon by a simple majority of the Members present and voting declare that they adopt or reject the request contained in the Resolution. If the Resolution is so adopted by Parliament, the Union Government shall introduce necessary legislation." All that is okay, only one point that we have not adopted is with regard to the President's power to refer it. The Resolution will have to be adopted by the respective Legislative Assembly and forward it to the President of India and the President has to refer it to the Parliament. This is the only point which was discussed. As a matter of fact, any of the body of or the Constituent Assembly or thereafter the Sarkaria Commission never spoke against the creation of these bodies. Now, all the more I would like to draw the kind attention of this House, as one of the hon. Members has said, in a federal setup, why should you have it? It is enough that the States send representatives to the Rajya Sabha and the spirit of the federal concept has been fully met. We forget a fact, particularly after the Panchayats are created under the 73rd and 74th Constitutional Amendments, which became part of the Constitution, a three-tier of democracy has been created. Let us not forget that. That is the Government, for all purposes that is the Government, an autonomous Government which is created. The federal concept as it is now, when we adopted the Constitution it was nowhere available. Now it has been properly conceptualized. In that changed situation of the conceptualized form of the federalism, it become inevitable. That is what we need to understand it because Zila Panchayats, Panchayats, etc. have become an important segment of their own representative bodies. Should they not represent teachers? Sir, when I was Education Minister, I happened to have some Committee of the Union Government which I do not exactly remember, I recommended that even primary school teachers should have the voting right. I did recommend it.

I am telling you that these are the days of decentralization with proper perspective and represented all classes. Some would not like to be elected. The talent will have to be picked, brought to the various Houses. For example, even in Tamil Nadu, Council was in existence even before the Constituent Assembly. If I remember correctly, there is the tradition as far as Tamil Nadu is concerned. That concept was accepted by the people and Rajaji became the Chief Minister. He was a Member and Kalaighnar Karunanidhi and Anna Durai also became the Chief Minister by becoming a Member of that. I was told that Shri MGR was also a Member and he became a Chief Minister and in 1986 when this House was abolished, Dr. Kalaighnar Karunanidhi was a Member of the Council, not the Assembly. I am not attributing any motives. I am not here to trivialize things. But, that was a fact. It was abolished and he ceased to be a Member after the abolition. I am just telling you that I am not going to attribute any motives. So many things could be said from this side or that side. I don't want to deal with that. I can say so many things, but, I do not want to. But, it is enough if I say what is relevant today, and, I would like to say that I am more objective. You are right. It was introduced in the morning and in the afternoon the Bill was put for consideration. It is for the House to consider it. It has become the property of this House. Whether it is done hurriedly or not is not the consideration. After all, that will reflect in Rajya Sabha itself and not the Government. The understanding is, that yes, in a lighter vein, I can say you should appreciate my Department that it is so fast, so efficient.

DR. V. MAITREYAN: Show it in the Women's Bill. Only two days are left.

SHRI M. VEERAPPA MOILY: I am not seriously speaking about it. This is our way. We do it. I must tell you, after I became the Law Minister we drafted 78 Bills in a period of ten months. It is a record in the country. Now, I am not going to say that but the question is that yes, whenever things come up we have some habit. We sit overnight and finalize the Bill. We do it. If you come, I can demonstrate it in my office. If you can kindly come, you can find out how many more Bills are pending. We draft it in such a way. I am telling you. ... (*Interruptions*)... So, now, I am talking about Punjab. You are right. But you know very well that Tamil Nadu Assembly passed a Bill in their tenure now. In fact, it was part and parcel of the manifesto of their party. It is not as if suddenly they thought about it and just because one year was there they wanted to bring this. I do not consider so. It was part of the manifesto. They are doing it to fulfil the manifesto promises. They are mandated to. ... (*Interruptions*)...

SHRI PRAKASH JAVADEKAR: What has manifesto to do with this? ... (*Interruptions*)...

श्री अनिल माधव दवे : सर, ...(*व्यवधान*)...

SHRI M. VEERAPPA MOILY: In 2006, when they went for election it was part of their election manifesto.

**श्री प्रकाश जावडेकर** : अगर यह manifesto में नहीं है, तो क्या कुछ नहीं कर सकते? ...(व्यवधान)... We cannot do anything? ... (Interruptions)...

**श्री उपसभापति** : आप बैठिए ...(व्यवधान)...

SHRI M. VEERAPPA MOILY: Some political parties....

SHRI PRAKASH JAVADEKAR: You cannot differentiate States like this. ... (Interruptions)...

**श्री रुद्रनारायण पाणि** : सर, ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Kindly wait.

SHRI PRAKASH JAVADEKAR: Sir, this is objectionable. ... (Interruptions)... What about Punjab? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Wait for a minute; please. ...(व्यवधान)... पहले उनको complete करने दीजिए ...(व्यवधान)... आप पहले उनको complete करने दीजिए।

SHRI M. VEERAPPA MOILY: Some political parties or a combination of political parties are zealously implementing election promises. Some parties think that immediately after they are elected they think that everything need not be implemented. That is a matter of perception from one political party to another party. I am not on a debate on that particular thing.

I am not going to debate on that particular thing.

Now, the next question is: Why Punjab's case is not considered. And, why Assam's case is not considered. According to my memory – of course, I need to verify this – after the present Assembly was constituted in Punjab, it has not come out with any Resolution. ... (Interruptions)...

DR. V. MAIREYAN: Sir, how can he says that any resolution passed previously is lapsed? ... (Interruptions)...

SARDAR TARLOCHAN SINGH: Sir, the first Resolution was passed in 1975 when Shri Zail Singh was Chief Minister of Punjab unanimously. Then, when Shri Prakash Singh Badal was Chief Minister again a Resolution was passed. What is the purpose of doing it again and again. ... (Interruptions)...

SHRI BHUBANESWAR KALITA: Sir, the new Legislative Assembly of Assam has passed the Resolution. ... (Interruptions)... In Assam, the Legislative Council was in existence since the Constituent Assembly days. ... (Interruptions)... We want it to be revived. ... (Interruptions)... The Assam Legislature has passed a unanimous Resolution in the recently held Session. ... (Interruptions)...

SARDAR TARLOCHAN SINGH: Sir, before partition, there was Punjab Legislative Council in Lahore. ... *(Interruptions)*... So, Punjab has the old tradition of having a Council. ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: Kindly pass a Resolution and see our reaction. ... *(Interruptions)*...

SARDAR TARLOCHAN SINGH: What is the need of passing a Resolution again and again? ... *(Interruptions)*...

DR. V. MAITREYAN: What about Assam? ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: Sir, the State Government of Punjab, vide its letter dated 18-09-2002, stated that in view of the small area of State and the involvement of financial implication there is no need for revival of the Council in the State. ... *(Interruptions)*... After that, there is no Resolution. ... *(Interruptions)*...

SARDAR TARLOCHAN SINGH: There is no necessity. ... *(Interruptions)*... The Resolution was passed in 1975 and again thereafter. ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: I am not talking about the history. ... *(Interruptions)*... I am talking about the present. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, you have brought to the notice of the hon. Minister. ... *(Interruptions)*... This is on Tamil Nadu. ... *(Interruptions)*... The other things can be taken up later. ... *(Interruptions)*... Now, let us confine to Tamil Nadu only. ... *(Interruptions)*...

SARDAR TARLOCHAN SINGH: Sir, let the hon. Minister assure us that he will bring Punjab Council Bill in the next Session of Parliament. ... *(Interruptions)*... Let him give that assurance. ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: Sir, as far as Punjab is concerned, they said that there is no necessity to go ahead with it. ... *(Interruptions)*...

**श्री रुद्रनारायण पाणि :** आज पंजाब के लिए लाइये और परसों असम के लिए लाइये। ...*(व्यवधान)*...

DR. V. MAITREYAN: What about Assam? ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: Wait, wait. I will also tell you about Assam. ... *(Interruptions)*... If I said about Assam, somebody will have to say 'shame' to somebody. ... *(Interruptions)*... I am telling you, as far as Assam is concerned, the State Government of Assam did not respond to the reminders sent to it by the Legislative Department seeking the incumbent Government's view on the proposal and hence the Central Government did not pursue the case further. In the absence of their permission, how can we do it. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: There seems to be some technical problem. ... *(Interruptions)*...

SHRI M. VEERAPPA MOILY: That means, whom to call 'shame', or, whom to be blamed. ... *(Interruptions)*... That is not a question. Now, anyway, I am very happy that many of you have supported this Bill, I the permission of the Chair to pass this Bill. Thank you.

SHRI M. VENKAIAH NAIDU: Sir, there is one important point. We should not rush through. We also understand that they want the Bill get passed today. We are here to cooperate. But, at the same time, when relevant points are raised by the senior Members of the House, the hon. Minister is expected to respond. ... *(Interruptions)*...

**सरदार तरलोचन सिंह** : आप हमें promise तो कर दीजिए कि इसे अगले सेशन में लाएंगे। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: You please sit down. ... *(Interruptions)*... I have identified Mr. Venkaiah Naidu. You please sit down.

SHRI M. VENKAIAH NAIDU: When the Members raised certain serious issues, the hon. Minister is supposed to respond to them, one-by-one. The main issue that was raised is responded by the hon. Minister in a casual manner without going into the substance of the suggestion by referring to Dr. B.R. Ambedkarji as well as to the Sarkaria Commission. I would like to remind the hon. Minister that Dr. Ambedkarji and the Sarkaria Commission never said that every State, after the change of Government in every five years, will have to change their Resolution and Parliament create and then wind up Legislative Councils in particular States. This issue I have raised in view of the experience and in view of the latest two examples – Tamil Nadu and Andhra Pradesh – before us. Sir, two or three times Legislative Councils have been created and then there is scope for abolition. So, from such a situation, what are the measures you are going to take to see that such situation does not recur? You are helpless. I am aware of this, because of the Constitutional provision. That is why I suggested, in view of the experience from 1952 till date, if the Government is willing to revisit articles 168 and 169, hold discussion with political parties, take experience and then move forward with regard to other States.

That is why, I suggest that in view of the experience from 1956 to now, if the Government is willing to revisit 168 and 169, hold discussion with political parties, take their experience and, then, move forward, with regard to other States. I am not saying, you do it for Tamil Nadu. Even if I say, you are not going to do it. You are in a hurry; I understand. ... *(Interruptions)*... You are more concerned about your allied parties. ... *(Interruptions)*... On that also, I have no problem, Sir. I am not

on the small issue; I am on a larger issue. My friend, Shri Prakash Javadekar said – Mr. Deputy Chairman, please take it seriously – we should not become a laughing stock. For five years, you create Council. Then, for five years, you are abolishing. This sort of a thing is not good for democracy. Keeping that in mind, will you please call an all-Party meeting, discuss this issue in the light of the experiences and then take a position on this issue for the future? This is the suggestion I am making. Make it mandatory. ... *(Interruptions)*... Sir, once a State creates a Council, it must be binding on the State to have it on a permanent basis. The suggestion is, once a State creates a Council – States respect federal system, we also agree; that is why, we are supporting the concept of raising a Council – we should not have the option, again, to go for abolition. You have seen the Punjab example, you have seen the Andhra Pradesh example, you have seen the Tamil Nadu example. ... *(Interruptions)*... That is what I am saying Sir. I am saying about Andhra Pradesh also. We have had Punjab experience, Andhra Pradesh experience, Tamil Nadu experience. Will the Government take an initiative to call an all-Party meeting, discuss this issue and then, come back to the House? ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: What is this?

**श्री कुमार दीपक दास** : सर, असम के बारे में ...*(व्यवधान)*...

**श्री उपसभापति** : वह तो बता दिया ...*(व्यवधान)*...

DR. K. KESHA RAO: Sir, I am drawing your attention to 171, which clearly says, "the total number of Members in the Legislative Council shall be minimum one-third." Second clause says, "Provided that the total number of Members in the Legislative Council of a State shall in no case be less than 40." That means, the Assembly should have 120 if they want to have a Council. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. ... *(Interruptions)*... वह तो बता दिया There is some technical problem. ... *(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, you amend 171. What is the problem? ... *(Interruptions)*... You amend 171. ... *(Interruptions)*... Earlier, there were larger States. ... *(Interruptions)*... Earlier, there was a Legislative Council in Punjab. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Keshava Rao, what is the point? ... *(Interruptions)*...

SHRI S.S. AHLUWALIA: You amend 171. ... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: They are demanding. ... *(Interruptions)*...

**श्री प्रकाश जावडेकर :** सर, असम में 126 हैं ...*(व्यवधान)*...

**श्री उपसभापति :** असम के बारे में बता दिया ...*(व्यवधान)*...

**श्री प्रकाश जावडेकर :** सर, नहीं बताया है, जो बताया गया है, उसमें ही objection है ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: The Legislative Department has sought some clarification. That has not come; he has said that. ...*(Interruptions)*...

SHRI PRAKASH JAVADEKAR: Sir, it is not necessary. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, more than 100 amendments have taken place in the Constitution. ...*(Interruptions)*... 171 can also be amended. ...*(Interruptions)*... At that point of time, the States may not be smaller. Now, smaller States are there. It is their demand. What to do? ...*(Interruptions)*...

**सरदार सुखदेव सिंह ढींडसा :** सर ...*(व्यवधान)*...

**श्री उपसभापति :** आपने बोल दिया है, इसलिए आप बैठ जाइए। ...*(व्यवधान)*...

**सरदार सुखदेव सिंह ढींडसा :** सर, अगर कोई technical problem है, तो हम उसको दूर करने के लिए तैयार हैं, लेकिन हम यह assurance चाहते हैं कि अगले सत्र में पंजाब और असम के लिए इस तरह का बिल आएगा या नहीं आएगा?

**श्री उपसभापति :** उन्होंने कहा कि there is a letter that ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Mr. Deputy Chairman Sir, the position is that the entire expenditure of the infrastructural arrangements for the Legislative Council should be borne by the respective State. A Resolution alone is not enough. Besides the resolution, commitment of the respective State Government would also be required. It is only thereafter that it would be moved. It is because of the statutory difficulty that we have written back to the Assam Government. No response has come. If you write to the Central Government about it, we are open. Certainly, we will definitely consider it. There is no problem.

As far as Punjab is concerned, as we have already told you, the last letter which was sent by the Punjab Government also disapproves it. It is written by the Punjab Government, not by us. The State Government of Punjab vide a letter dated 18.09.2002 stated that 'in view of the small area of the State and the financial implications involved, there is no need for the revival of the Legislative Council.' It is stated by them. The State Government's decision for not going ahead with the proposal was again not supported by the necessary Resolution passed by the Legislative Assembly. ...*(Interruptions)*... I am telling you that we are open to that idea. But how can the Government of India be blamed for it?

One more point which I would like to make here is that. ...*(Interruptions)*... In fact, I have noted down all the points made by all of you in your speeches and I wanted to reply to them. But seeing the mood of the House, I do not want to prolong the reply. The Minister has to go by the mood of the House. That is why I cut short my reply. ...*(Interruptions)*... I started with you only, if you remember. Yes, I do agree with you that the practice of first establishing the Council and then abolishing it is not good. I, hundred percent, agree with you that it is not good. But there is a point as to how we need to deal with the situation. Yes, there is an issue which you have raised. The political parties can discuss it and a consensus can be arrived at. I do agree with you that it can be done objectively.

MR. DEPUTY CHAIRMAN: Now, the question is,

That The Tamil Nadu (Legislative Council) Bill, 2010 be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 5 were added to the Bill.*

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

SHRI M. VEERAPPA MOILY: Sir, I move that the Bill be passed.

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

MR. DEPUTY CHAIRMAN: The House stands adjourned to meet tomorrow at 11 a.m.

The House then adjourned at forty-eight minutes past six of the clock till eleven of the clock on Thursday, the 6th May, 2010.