

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:4634
ANSWERED ON:23.12.2005
CREATION OF SECOND CHAMBER
Sarma Dr. Arun Kumar

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government has received any proposal from the State Government of Assam for creation of a second chamber (Upper House) in addition to existing Assam Assembly to accommodate smaller ethnic and social groups;
- (b) if so, the details thereof;
- (c) the action so far taken by the Union Government in this regard;
- (d) whether a similar proposal from other States are also pending for clearance;
- (e) if so, the details thereof and the reasons therefore; and
- (f) the time by which all such proposals are likely to be cleared by Union Government?

Answer

MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ)

(a), (b) & (c): Yes, Sir. The Secretary, Legislative Assembly, Assam had forwarded a Resolution passed by the Legislative Assembly on 25.9.1995 for favour of creation of a Second Chamber in the State of Assam. On receipt of the proposal, the Central Government had sought the views/comments of the then incumbent Government of Assam in the matter and it was informed that the matter was being considered by the State Government. The present Legislative Assembly of Assam, in its meeting held on 29th November, 2005, has again passed a Resolution reiterating the stand taken in Resolution passed on 25-9-1995 for favour of creation of a Legislative Council in that State and communicated to the Central Government vide its letter dated 5-12-2005. The proposal is under consideration.

(d) & (e): The Government of Punjab and Andhra Pradesh had also sent similar proposals for revival/creation of Legislative Councils in their respective State Legislatures. The Government of Punjab informed in 2002 that there is no need for creation of the Legislative Council in that State in view of the small area of that State. The proposal for creation of Legislative Council in the State of Andhra Pradesh was considered and a Bill titled the Andhra Pradesh Legislative Council Bill, 2004 was introduced in Lok Sabha on 16th December 2004. The Bill has been passed by both Houses of Parliament in the current Session of Parliament.

(f): As per the provisions of clause (1) of article 169 of the Constitution of India, the Parliament may by law provide for the abolition or creation of Legislative Council in a State having no such Council if the Legislative Assembly of that 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 of the Assembly present and voting. As the State Government has to make necessary infrastructural arrangements and bear the financial requirements, the Central Government proposes to consult the State Government before any further action is taken in the matter.