

[Mr. Deputy Speaker]
now take up clause by clause consideration
of the Representation of the People (Second
Amendment) Bill, 1987.

MR. DEPUTY SPEAKER: The ques-
tion is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

S. BUTA SINGH: I beg to move: "That
the Bill be passed."

MR. DEPUTY SPEAKER: The ques-
tion is: "That the Bill be passed."

The motion was adopted.

MR. DEPUTY SPEAKER: The House
will now adjourn for lunch.

14.37 hrs.

*The Lok Sabha adjourned for Lunch till
thirty-five minutes past Fifteen of the clock*

*The Lok Sabha reassembled, after Lunch
at Forty Minutes past Fifteen of the
Clock.*

[MR. DEPUTY SPEAKER *in the chair*]

[*English*]

MR. DEPUTY SPEAKER: We will now
take up item No. 22. Shri Bhardwaj.

SHRI H. A. DORA (Srikakulam): What
about item No. 21, Sir?

MR. DEPUTY SPEAKER: We will take
it up later.

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY AF-
FAIRS (SHRIMATI SHEILA DIKSHIT): We
will take it up later.

PROF. MADHU DANDAVATE (Ra-
japur): During Winter Session?

SHRIMATI SHEILA DIKSHIT: Yes.

SHRI H. A. DORA: Is it to spill over?

SHRIMATI SHEILA DIKSHIT: It will be
taken up. It is not spilling over. It will be taken
up next time.

SHRI H.A. DORA: It is not there today.

SHRIMATI SHEILA DIKSHIT: Not to-
day.

15.41 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

[*English*]

MR. DEPUTY SPEAKER: We now take
up item No. 22. Shri H. R. Bhardwaj.

THE MINISTER OF STATE IN THE
MINISTRY OF LAW AND JUSTICE (SHRI
H. R. BHARDWAJ): Sir, I beg to move:

"That the Bill further to amend the
Representation of the People Act,
1950, as passed by Rajya Sabha, be
taken into consideration."

Article 171 of the Constitution provides
that the total number of members 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 Assembly has presently a strength of 225 members. The State Legislative Assembly has passed a resolution in August 1986 to the effect that the number of seats in the Legislative Council may be increased to 75 as is permissible under Article 171 of the Constitution. The State Government had forwarded the resolution to the Central Government in September 1986 for making necessary amendments in the law. Before the proposal of the State Government could be accepted and the Bill introduced, the Election Commission and the Ministry of Home Affairs had to be consulted, and the approval of the Cabinet was also to be obtained. The process of obtaining concurrence and approval, which was initiated in the last quarter of 1986, was completed in May 1987.

The increase of seat is within the permissible limits provided in Article 171 of the Constitution referred to by me earlier. According to the Bill provides for the amendment of the Representation of the 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.

At present, the Legislative Councils exist only in Bihar, Maharashtra, Uttar Pradesh, Karnataka and Jammu and Kashmir. In the context of the fact that at the request of the concerned States, Parliament had enacted laws abolishing Legislative Councils in the States of Punjab, West Bengal, Andhra Pradesh and Tamil Nadu, the question may arise as to the need for the

retention of the Legislative Councils where they exist at present. According to Article 169(1) of the Constitution, Parliament may by law provide not only for the abolition of the Legislative Council of a State having such a Council, but also for the creation of such a Council in the State having no such Council if the State Legislative Assembly passed a resolution to that effect with two-thirds majority. Therefore, given the Constitutional position, it is for the concerned State Legislatures to take a decision and it is for the Parliament to take a final view.

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 Panchayats" 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.

Incidentally, "elections to the local bodies" is a matter with which the State Governments are concerned. The Election Commission is responsible only for the elections to Parliament, the Legislatures in every State and to the high offices of the President and Vice-President. Whenever our attention is drawn to the delays in holding of the elections to the local bodies, the concerned

[Sh. H.R. Bhardwaj]

State Governments have been requested to take necessary steps for the purpose.

As has been mentioned above, the amendments are for the purpose of giving effect the State Government of Karnataka and the proposals are also not controversial in nature. The Bill was introduced in the Rajya Sabha on 3.9.87 and was passed by that Sabha on 21st August, 1987. I, therefore, hope that the Bill will have the unanimous approval of this House also.

I commend the Bill for the consideration of the House.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by Rajya Sabha, be taken into consideration."

SHRI VIJAYA KUMAR RAJU (Narasapur): This is a very simple Bill to be passed on the request of the Karnataka Government. They have passed a unanimous resolution in their Assembly regarding the increase of their State Council number of members strength from 63 to 75 and sent the resolution to the Central Government for the necessary amendments in the law and also to Election Commission and the Minister of Home Affairs.

In this regard we say that Article 171 of the constitution provides that the total number of Members 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 a State.

Section 10 of the Representation of the People Act 1950 read with 3rd Schedule to that Act provides for a total number of 63

members in the legislative Council of the State of Karnataka.

Entry No. 6 relating to Karnataka consists of 63, 6, 6, 21 and 9 items. The following entries shall be substituted namely 75, 25, 7, 7, 25 and 11.

The Fourth Schedule of the Representation of the People Act 1950 specifies various local authorities which will constitute the electorates for the purpose of elections to the Legislative Council of State of Karnataka. The State Legislative of Karnataka passed a new Act and substituted the Taluk Development Boards and Town Panchayats with Mandal Panchayats and Zilla Parishads. The Bill provides for this amendment also for the entry 2 and Entry 5 shall be substituted as above.

At present there are only a few Legislative Councils in our country. They are in Jammu & Kashmir, Uttar Pradesh, Madhya Pradesh, Bihar and U.P. They are existing in these States only. Previously, West Bengal, Andhra Pradesh and Tamilnadu has abolished their Councils.

I would like to say something regarding this Council. When the question of formation of the Legislative Council was taken up in the Constituent Assembly, it was said by Dr. B. R. Ambedkar that it was a matter for the states and if it is felt tomorrow that the Legislative Councils need not be there, then, they would be abolished by a majority opinion of the Legislative Assembly. It was originally contemplated as a Body to prevent any hasty legislation by the Legislative Assemblies at that time. But it was considered to be the House of the elders. Nowadays it lost its credibility in all matters. In my opinion, the Legislative Councils are not serving any purpose at all in the various States and I feel it is a superfluous Body which is not necessary at all I want a national debate to know whether the Upper House in the State serves

any useful purpose or not. This is the wider aspect of the view which I wanted to present to the hon. Minister.

SHRI P. NAMGYAL (Ladakh): I rise to support the Representation of Peoples (Amendment) Bill, 1987 which relates to increase in the existing number of seats in the Legislative Council of Karnataka from 63 to 75.

I do not agree with the Hon'ble speaker who just preceded me saying that the existence of Legislative Councils is not serving any purpose. My personal view is that, it is really needed to check hasty legislation being passed in many of the States recently, particularly those regional parties which are resorting to hasty legislation to suit their line of politics. To check such a thing which is not in the interests of the country, the existence of the Legislative Council is very much needed. In Clause 2 of the Constitution 58th Amendment Bill which we had passed this morning, it is stated:

"Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the scheduled Tribes in the Legislative Assembly of any such state shall be _____" and so on _____.

What I mean to say is that from this - I stand subject to correction, the hon. Law Minister will enlighten us - it appears that the next delimitation of the Assembly and Parliamentary constituencies will not be affected till the year 2000 AD. Sir, I feel that this is an injustice because there are already many constituencies which are due for delimitation as a result of increase in population and due

to other geographical conditions. I would like to state further that in the early 1970s, and after the 1971 census, it was decided that the delimitation of the constituencies of Parliament and Assemblies would be made only after the 1991 census. So, from the constitution (58th Amendment) Bill which we have just passed in the morning, it appears that the delimitation will not be done in the year 1991 but it will have to go till the year 2000 AD. I am stressing these points only to say that in the State like Jammu & Kashmir and particularly of the Ladakh region, there is a need for increasing the number of Assembly constituencies, not on the basis of population but on the basis of the size of the constituency because the existing Assembly Members cannot do justice to their electorates. I would like to point out here that the size of the constituency of Ladakh-I mean the Parliamentary constituency of Ladakh-is two-third of J & K State. There are only two Assembly Members to represent that entire area and they cannot do justice their electorates. For that reason, I request the hon. Minister to kindly re-consider it to have the delimitation, after the census of 1991, in respect of many Parliamentary constituencies the size of the population has grown so much-as also the size of the Assembly constituencies in many States-and this matter needs to be looked into. There is a need for increasing the number of such constituencies. With these words, I support this Bill particularly the one concerning the Karnataka Legislative Council. This Bill proposes to increase the number of seats from 63 to 75. I support this Bill.

SHRI H. R. BHARDWAJ: As I expected this measure being a non-controversial.....

SHRI OSCAR FERNANDES (Uduppi): Sir, with your permission, can I ask one clarification? Sir, I would like to know whether the nominated members to the Zila Parishads and Mandal Panchayats are also voters in these constituencies?

SHRI H. R. BHARDWAJ: Sir, this is a very simple matter, although there can be two opinions with regard to the efficacy of the Second Chamber. But at the outset, I have pointed out that the Constitution leaves nobody in doubt and Article 169 (1) clearly specifies that it is the State Legislative Assembly which has to decide whether the State has to have the Second Chamber or the State may abolish the Second Chamber, because of the Quasi-Federal structure of our country and the State Legislature having the powers to represent and the competence to speak for the people of that State, we must give respect to the Resolutions of those State Assemblies. That is how when a Resolution is received recommending the abolition of a Legislative Council, the decision has to be taken by the Parliament and the law has to be passed. If the State Legislature wants to create a second Chamber again the same has to be followed. In the instant case Karnataka has already got a second Chamber functioning. The question came after the recent elections to the bodies in Karnataka. The State Government wanted to give representations and again in consonance with the provisions of the Constitution they want to increase the number of seats from 63 to 75. Seventy five is exactly one-third of the total number of the Legislative Assembly seats. The total number of seats in Karnataka is 225. One-third is permissible under the Constitution. So these two small amendments which we are making in the Representation of the People Act, 1950 are there only to serve the democratic intention and obligation.

The unanimous resolution of the Assembly came to us in September, 1986. After this Bill is passed these two new bodies will be given representation. So far as the nominated and others are concerned they have the right to vote but their number is so insignificant that it is not going to prejudice the pattern of elections and it has always been there and it will still be there.

SHRI OSCAR FERNANDES: It is 5400. It is not a small number.

16.00 hrs.

SHRI H.R. BHARDWAJ: But you will find that the nominated number will not have important bearing on the total constitution of the House and the seats are very limited and this has been there. It is not something new.

So far as the delimitation of the constituencies is concerned that is not relevant here. We are already in the process of preparing the necessary papers. The limited delimitation etc. of the constituencies can be done after the delimitation is recommended by the Election Commission. A decision has to be taken by the Government and I have already assured the House that so far as limited delimitation of the constituencies etc. is concerned this is the provision that we cannot increase the number. We have to maintain the present number of seats. Whatever can be done in the delimitation will be done after this issue is discussed with the Leaders of the Opposition and the Government will come forward with the necessary Bill.

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: The House will now take up clause-by-clause consideration of the Bill. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

Clause 3 was added to the Bill

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

SHRI H.R. BHARDWAJ: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

16.04 hrs

NAVY (AMENDMENT) BILL

[*English*]

THE MINISTER OF STATE IN THE DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL): On behalf of Shri K. C. PANT I beg to move:

"That the Bill further to amend the Navy Act, 1957, as passed by Rajya Sabha, be taken into consideration."

All Naval personnel including artificer apprentices are governed by the Navy Act 1957 and the regulations made thereunder. The existing provision of section 11 (2) of the Navy Act, 1957 permits initial enrolment of sailors for a period not longer than 15 years including the period spent in training.

The sailors other than the apprentice entry sailors effectively serve for 14 years because they have a training period appren-

tices, who form an important segment of the technical sailors in the Navy, are available only for about 11 years, since due to the nature of their duties, which involve highly technical/engineering skills, they are required to undergo a training for about 4 years.

16.05 hrs.

[SHRI SHARAD DIGHE *in the chair*]

The effective service of merely 11 years, presently rendered by apprentice sailors, is too short a period, considering that a heavy expenditure is being incurred by the Government in training these highly technical sailors for a period of 4 years. It is, therefore, intended to increase the period of initial service so that their services could be availed of for an effective period of about 15 years, excluding the training period. In order to achieve this result, the ceiling of the initial engagement, as proposed in the Bill, should be enhanced.

It is accordingly proposed to enhance the ceiling of initial service prescribed in section 11 (2) of the Navy Act, 1957, from 15 years to 20 years.

MR. CHAIRMAN: Motion moved:

That the Bill further to amend the Navy Act, 1957, as passed by Rajya Sabha be taken into consideration.

Anybody wants to speak?

SHRI E. AYYAPU REDDY (Kurnool): Yes, Sir. It is a very inconsequential amendment. They want to substitute the word 'twenty' for word 'fifteen' extending the duration of service. But I want to take this occasion to make certain observations with regard to the Indian Navy.

Sir, the Indian Navy Act, 1957, requires