

recommendations of the committee on petitions.

- (1) Statement showing Action Taken by Government on recommendations contained in Chapter II of Second Report (Ninth Lok Sabha) and final replies in respect of Chapter II of Tenth Report (Eighth Lok Sabha) on the representation regarding grievances of Nurses of Delhi Hospitals.
- (2) Statement showing Action Taken by Government on recommendations contained in Chapter I of First Report (Ninth Lok Sabha) and final replies in respect of Chapter IV of Second Report (Eighth Lok Sabha) on the representation regarding introduction of old age pension Scheme.
- (3) Statement showing Action Taken by Government on recommendations contained in Chapter III of Second Report (Ninth Lok Sabha) and final replies in respect of Chapter I of Eleventh Report (Eighth Lok Sabha) on the petition regarding revocation of Hindustan Tractor Limited (Acquisition and Transfer of Undertakings) Act, 1978.
- (4) Statement showing Action Taken by Government on recommendation contained in Chapter VI of First Report (Ninth Lok Sabha) and final replies in respect of Chapter VI of Seventh Report (Eighth Lok Sabha) on representation regarding linking of the amount of national Talent Search Scholarship from the income of parents.
- (5) Statement showing Action Taken by Government on recommendations contained in Chapter V of Second Report (Ninth

Lok Sabha) and final replies in respect of Chapter IV of Eighth Report (Eighth Lok Sabha) on representation regarding regularisation of services of employees of national Seeds Corporation.

16.46 hrs

THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL,

(Amendment of Articles 81, 82, 170 and 327)

As Passed by Rajya Sabha

[English]

MR. SPEAKER: Now, we go to legislative business.

Shri K. Vijaya Bhaskara Reddy.

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

"That the Bill further to amend the Constitution of India viz., the Constitution (Seventy-first Amendment) Bill, 1990, as passed by Rajya Sabha (Amendment of articles 81, 82, 170 and 327) be referred to a Select Committee consisting of 20 members namely:-

- (1) Shri Raghunadan Lal Bhatia
- (2) Shri Buta Singh
- (3) Shri Chandubhai Deshmukh
- (4) Shri Jaswant Singh
- (5) Shri P.R. Kumaramangalam
- (6) Shri Ramkrishna Kusmaria
- (7) Prof. (Shrimati) Savithiri Lakshmanan
- (8) Shri Suraj Mandal

335 Constitution (Seventy-First Amendment) Bill

[Sh. K. Vijaya Bhaskara Reddy]

- (9) Shri Arvind Netam
- (10) Shri Ram Vilas Paswan
- (11) Shri K. Pradhani
- (12) Shri S.S.R. Rajendhra Kumar
- (13) Dr. Lal Bahadur Rawal
- (14) Shri Sudarsan, Ray Chaudhuri
- (15) Shri M. Baga Reddy
- (16) Shri Vishwa Nath Shastri
- (17) Shri Sukh Ram
- (18) Shri Syed Shahabuddin
- (19) Shrimati Chandra Prabha Urs; and
- (20) Shri Mukul Balkrishna Wasnik

with instructions to report by the last day of the first week of the Monsoon Session, 1992."

MR. SPEAKER: Motion moved:

"That the Bill Further to amend the Constitution of India *Viz.* the Contitution (Seventy-first Amendment) Bill, 1990. as passed by Raajya Sabha (Amendment of articles 81, 82, 179 and 327) be referred to a Select Committee consisting of 20 members, namely:-

- (1) Shri Raghunandan Lal Bhatia
- (2) Shri Buta Singh
- (3) Shri Chandubhai Deshmukh
- (4) Shri Jaswant Singh
- (5) Shri P.R. Kumaramangalam
- (6) Shri Ramkrishna Kushmaria
- (7) Prof. (Shrimati) Savithiri Lakshmanan

MAY 7, 1992 (Amendment of Articles 81, 82, 336 170 and 327

- (8) Shri Suraj Mandal
- (9) Shri Arvind Netam
- (10) Shri Ram Vilas Paswan
- (11) Shri K. Pradhani
- (12) Shri S.S.R. Rajendhra Kumar
- (13) Dr. Lal Bahadur Rawal
- (14) Shri Sudarsan, Ray chaudhuri
- (15) Shri M. Baga Reddy
- (16) Shri Vishwa Nath Shastri
- (17) Shri Sukh Ram
- (18) Shri Syed Shahabuddin
- (19) Shrimati Chandra Prabha Urs; and
- (20) Shri Mukul Balkrishan Wasnik

with instructions to report by the last day of the first week of the Monsoon Session, 1992."

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, just now Bills have been put for consideration today. The hon. Minister of law has proposed just now to refer one of the Bills to the Select Committee of the House. I rise to support both these bills. I am not too enamoured by the proposal bough toward by the Government to refer it to the Select Committee and at sensitive I do not either oppose it. Rather I support the move. But I would certainly like to express my remorse on this occasion because both the Bills are connected with the election process of the country. As a whole the attitude of the Governemnt regarding election process has been quite disappointing. I remember the Question Hour on the first sitting of the House after the Presidents Address of current Tenth Lok Sabha. We might have discussed nearly 900 questions during the Question Hour by now. The first question 'Starred

Question No. 1 was listed in the name of my senior colleague Shri Atal Bihari Vajpayee and in my name. I was very much pleased by the frank reply given to that question by the Minister of Law, Shri Reddy and the State Minister of Law, Shri Kuamramangalam and a ray of hope was seen that there would be a different attitude of the Government towards electoral reforms.

More than ten months have elapsed since then. I would just like to remind as to what happened to the assurances given by the Government in reply to the first question. No assurance has been fulfilled. A committee was constituted under the chairmanship of Shri Dinesh Goswami which completed its work within three or four months and made a number of suggestions regarding electoral reforms. That committee had made several recommendations and the present Bill is the outcome of those recommendations which is being referred to a Joint Select Committee today. But that is a minor suggestion. Other suggestions bear little value. Bills are still pending in Rajya Sabha. Shri Dinesh Goswami introduced the Bill in 1990. The Government is not ready to move forward even an inch on this score. Today, this Bill is about the delimitation of Constituencies and that too is incomplete. It is incomplete in the sense that only an amendment is being made to the Constitution so that the Parliament may get the right to delimit the Constituencies. In 1979 an amendment was made to the Constitution. As a result of which the number of parliamentary as well as assembly constituencies was established so that they could not be changed. If there are 543 Members this number can't be made 55 of 545. On the other hand, it was decided through that amendment that no change can be made in the existing parliamentary and assembly constituencies. Through this Bill we are further stabilizing the number. Parliament is being given power again so that it may pass the same Delimitation Commission Bill today as it passed in 1952, 64 and 72. That Bill has not yet been introduced. Therefore, the Government has given an impression that Delimitation Commission Bill will be introduced during the monsoon session and by that time it should

be referred to the Select Committee. There are some doubts in the mind of some people and I have no objection if they get an opportunity to remove their doubts in that Select Committee. Though I will have a complaint that it will be a strange precedent. I was going through the precedents. It never happened after 1964 where the Rajya Sabha has passed a Bill and the Lok Sabha has referred it to a Select Committee. The Government should have made up its mind much before and the Motion that has been moved today could have been moved earlier to refer the Bill to a Joint Select Committee. But the Government could not manage its business properly. The Government should accept it. It is not desirable to ask the Rajya Sabha after it has unanimously passed a Bill that its decision is not justified and that we want to review the Bill and amend it. It is certainly our right to refer a Bill to a joint Select Committee. If it had to be done, there should have been some arrangement for the participation by the other House in the Select Committee at least for the sake of management by a majority party. It is not good if we discuss this issue keeping away the other House. I have said that it has happened three times earlier too. There were minor Bills then. A Select Committee of the House was constituted in 1954 and other Select Committee was constituted in 1964 in which the other House could not participate. It is one aspect. I would like to know about electoral reforms and submit that the remaining Bills are pending in Rajya Sabha. One of them is the Constitution Seventieth Amendment Bill and the other is the Representation of the People Amendment Bill, 1990. Out of these two Bill the first Bill is the Constitution Seventieth Amendment Bill and that Bill is about making the Election Commission impartial and How the appointment of the Chief Election Commissioner or Election commissioners could be made and what is the attitude of the Government towards that. The second is the Representation of the people Amendment Bill, 1990, which was introduced by Shri Dinesh Goswami and was referred to the joint select Committee but due to dissolution of the Lok Sabha it was sent back to Rajya Sabha. That Bill is introduced and is pending.

[Sh. Lal K. Advani]

Why did the Government not take any action on that. If it was to be referred to the Select Committee, that Bill should have been referred to it and that too immediately. But it seems that the Government is not thinking seriously about all these things. So far as the current session is concerned, I remember that a similar question was asked and the Law Minister reapplied that the Government will call a meeting of the leaders of various parties during this session and discuss the entire gamut of electoral reforms and bring forward a comprehensive Bill in the House. I do not see that comprehensive Bill anywhere and there is no progress on the piecemeal Bills, which are pending. There was only one Bill which Rajya Sabha sent to us after passing it and about which I hoped that the House will pass it today itself. But I am sorry to say that we are not in a position to pass it and it so being referred to the Select Committee. Though this Bill surely emerge further modified form the Select Committee, I would like to say something about the doubts the people are having in their mind. I think some Members have doubt that there provision of rotation of the Scheduled castes seats may do harm to some people. I would like to tell that a demand is being made in its background that those constituencies should be reserved for SC's where the population of scheduled castes has increased but that seat is general for years and on the other hand a demand is being made that the Constituency should be reserved. But how will it rotate It will be provided only in the Delimitation Commission Bill. This Bill has only an enabling provision. So the Dinesh Goswami Committee which consisted, of the former Chief Election Commissioner Shri Shakdher, Law Minister Shri Dinesh Goshwami himself, my colleague in the House Shri Somnath Chaterjee. Shri Homji Dorji of the Communist Party, Shri H.K. L. Bhagat of Congress Party. Shri Era she Zian and L.P. Singh of Janta Dal and many senior persions, Shrimatoi Rama Devi, who was secretary in the Ministry of Law and Shri K. Ganeshan former secretary of the Election Commission. All of them considered each and every aspect and made

recommendations on the basis of which the Bill was framed. I believe that if this Bill was put before all the Members properly there would have been no need of referring it to the Select Committee. Since there are doubts, we are working to remove them and as such I am not opposing it. But the Government should show the prompterss and proceed further with authenticity regarding Electoral reforms, I myself and my party have been in the favour of radical changes in the election procedure. Our Commiunist frinds have also been in favour of it. First past the system. At present the election procedure in India is not to the mark and healthy therefore. we need to bring about proportional representation but there was no consensus in the Dinesh Goswami Committee. So, it was recommended that an expert committee may look into it. But there is no progress on the matters to which we agreed, though the Government has completed one year. I would certainly like to express my regret on this matter.

The other Bill relates to giving right to vote to the M.L.A's Delhi and Pondicherry in the Presidential election.
17.00 hrs.

I support this legislation. At the time when the august House was discussing grant of statehood to Delhi and the passage of this Bill was in progress, hon. Members from cross sections of the House had raised this point and the hon. Minister of Home Affairs had given an assurance that steps should be taken in this direction. I welcome it. On this occasion I would like to seek a clarification from the Government that while replying to points in regard to grant of Assembly to Delhi, the hon. Minister should explain asto what steps he is going to take to fulfill the promises he made in December that they are not only passing the Delhi Statehood Bill but also are going to hold the Assembly elections in Delhi very soon so that the citizens of Delhi could elect their representatives to run the administration, because for last four years it is running without people's representatives. Today the Members of Parliament are doing the duty of Municipal Councilors. They have to take

care of all local problems. As such the Government should clarify as to what is the factual position in regard to holding Assembly elections in Delhi.

Mr. Speaker, Sir, that is why, within 8 months.....

[English]

Within eight months, we shall see to it that there is an elected assembly in Delhi.

[Translation]

In this connection I would like to seek a clarification from the Government as to how much progress has been made in delimitation work of the constituencies. As long as an Assembly is constituted, the question of Members of Delhi Legislative Assembly joining the electoral College for the election of next President does not arise at all. I feel that the promptness with which this Bill was brought forward has never been shown in any other case earlier. It was done hurriedly with a view to providing an opportunity to the Members of Pondichery Legislative Assembly join the electoral College for the election of the next President of India. I have no objection to it. But promptness is not shown in deserving cases. In cases where no objection is raised, they take quick action. There are political reasons for this. Though I have no objection to it, yet I would like to seek certain clarifications in this regard.

With these words I once again support the Bill which seeks to include the Members of Delhi and Pondichery Legislative Assemblies in the electoral college for the election of the President. I also support the Resolution which seeks to take up delimitation of constituencies without increasing the number of seats in State Assemblies and the Parliament.

[English]

MR. SPEAKER: As 5 o' clock is settled for the Minister of Railways to make a statement, I call upon Shri Mallikarjun to make a statement.

(Interruptions)

[Translation]

SHRI RAJVEER SINGH (Aonla): Mr. Speaker, Sir, before the hon. Minister makes this statement, I would like to submit that I have been trying to say something for quite some time, but do not get an opportunity. It is about the railway level crossing near Shahrampur. Though there is a gate, the gateman is absent from duty for last five days. This resulted in a bus colliding with a train while crossing the level crossing. 15 people died on the spot and 50 sustained injuries. Please let us know whether the hon. Minister knows about the incident or not. This is a major mishap. The people met the railway authorities and made complaints that the gateman was not attending his duty for last five days.

SHRI SANTOSH KUMAR GANGWAR (Bareilly): Mr. Speaker, Sir, my submission is that the people who die in rail mishaps should get compensation.

17.03 hrs.

STATEMENT BY MINISTER

**Derailment of 7022 Dakshin Express on
Balharshh Kazipet Broad Gauge
Section of South Central Railway on
6.5.1992**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN): Although it is not the established practice for the Ministry to make a statement in Parliament regarding train accidents where there have been no fatalities, in deference to the wishes of some of the members, I wish to apprise the House about the derailment of 7022 Dakshin Express on South Central Railway on 6.5.1992.

At about 3.40 hours on 6.5.1992 while 7022 Nizamuddin-Hyderabad Dakshin Express with a load of 19 coaches was on run between Uppal and Hasanparti Road stations on the Balharshah-Kazipet Broad Gauge Double Line section on the Secunderabad