

[Shri H.R. Bhardwaj]

Secretariat on this issue and we have been informed just five minutes back that he has cleared at this time two amendments to be sent to the Secretariat here. On third one, it is still not yet certain whether it has been cleared or not. That is the position.

SHRI S. JAIPAL REDDY : No communication. Let it be taken up tomorrow.

SHRI SOMNATH CHATTERJEE : We shall go to the President and request him, at least I can have the opportunity of moving it.

(Interruptions)

MR. SPEAKER : You cannot move it without the President's recommendation.

SHRI BHAGWAT JHA AZAD : In the light of what is said by the Minister, the President has not said 'No'.

MR. SPEAKER : Now, the Law Minister.

SHRI A.K. SEN : There is no question of postponing it. I would appeal to the hon. Members.

(Interruptions)

SHRI SOMNATH CHATTERJEE : I have a right to move the amendment. This right should be conceded. My right to move the amendment cannot be taken away by this.

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : We concede that right.

(Interruptions)

MR. SPEAKER : Please take your seat. Order in the House. Order please.

The question is, I must have either 'yes' or 'no' from the President. If he says 'no', then it cannot be moved. And if he says 'yes', if his recommendations are there, then I will put them before the House. So, in these conditions if you

want to wait for some time as he says, then we can wait.

(Interruptions)

MR. SPEAKER : We shall just sit together here. We can take up another item in the meanwhile.

17.36 hrs.

TAMIL NADU LEGISLATIVE
COUNCIL (ABOLITION) BILL, 1986

[English]

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

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

Under Article 169 of the Constitution, Parliament may, by law, provide for the abolition of the Legislative Council of a State having such a 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 of the Assembly present and voting. The Article further provides that any such law may contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

On the 14th May, 1986, the Legislative Assembly of the State of Tamil Nadu passed a resolution, in terms of Article 169 of the Constitution, for the abolition of the Legislative Council of that State. It is accordingly proposed to abolish the Legislative Council of the State of Tamil Nadu. The Bill mainly seeks to give effect to this object. It further contains certain supplementary provisions. Clause 7

makes necessary provisions as to the pending Bills. That clause provides for lapsing of Bills originating in the Council, that is, Bills which have not been passed by the Legislative Assembly and are pending in the Legislative Council immediately before its abolition. As regards Bills pending in the Legislative Council before its abolition which have been passed by the Legislative Assembly, it has been provided that on the abolition of the Council, such Bills should be deemed to have been passed before such abolition by both Houses of the Legislature of the State of Tamil Nadu in the form in which the Bills were passed by the Legislative Assembly so that they could be presented to the Governor for assent. Clause 7 further provides that in the case of a Bill which is either rejected or amended by the Council before its abolition the Legislative Assembly may, after the abolition of the Council, pass the Bill, again with or without such amendments, as have been made by the Council and the Bill as so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the abolition of the Council so that it could be presented to the Governor for assent. The Bill also contains the usual provisions for adaptation and construction of laws :

The present Bill has been prepared on the lines of the Andhra Pradesh Legislative Council (Abolition) Act, 1985.

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

MR. SPEAKER : Motion moved :

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

Now, let Mr. Madhav Reddi speak.

SHRI C. MADAAV REDDI (Adilabad) : Sir, I support this Bill and I

request the hon. Members on both sides to support the Bill and pass it unanimously.

SHRI N.V.N. SOMU : Sir, we want discussion on this.

MR. SPEAKER : Please sit down. We will have it. Take your seat.

(Interruptions)

SHRI N.V.N. SOMU : Sir, it is an important Bill.

(Interruptions)

MR. SPEAKER : I call you one by one. Why are you, Mr. Somu, getting agitated ?

DR. A. KALANIDHI (Madras Central) : Sir, before the Bill is put, you allow discussion.

MR. SPEAKER : I have asked him to speak.

(Interruptions)

DR. A. KALANIDHI : This Bill, the Tamil Nadu Legislative Council (Abolition) Bill is the outcome of the vindictive attitude on the part of the AIADMK which is running the Tamil Nadu Government and is politically motivated. In the recent civil poll in Tamil Nadu our party, the DMK party has won the majority and they cannot stand it and see our popular leader, Dr. Karunanidhi becoming more popular. So, Sir, the main purpose of this Bill is to reduce the popularity of our leader, Kalaignar in which effort, I am sure, they will not succeed. So I strongly condemn the attitude and the method adopted by the Government of Tamil Nadu in throttling democracy in our State. Sir, I oppose this Bill.

SHRI N.V.N. SOMU (Madras North) : Sir, I want to say something on this Bill.

(Interruptions)

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Both of them are from the same party. Dr. Kalanidhi has spoken.

(Interruptions)

SHRI N.V.N. SOMU : We want to have a discussion on this Bill.

(Interruptions)

MR. SPEAKER : Dr. Kalanidhi has spoken. Now, Mr. Kolandaivelu....

(Interruptions)

DR. A. KALANIDHI : Not even the Cabinet was consulted. Even the Governor was not informed.....

(Interruptions)

MR. SPEAKER : I have called Mr. Kolandaivelu. Please sit down. I cannot allow everybody in the Party to speak.

SHRI P. KOLANDAIVELU : We are very grateful to the hon. Prime Minister and the Law Minister for having brought this Bill before the House. First of all, if democracy has to thrive and to be alive, institutions have to be nurtured.
(Interruptions) Even in this House in 1985 when the Andhra Pradesh Abolition of Legislative Council Bill was brought, it was passed without having any discussion over it. Everybody appreciated and applauded the stand of the Government....

(Interruptions)

SHRI N.V.N. SOMU : He is giving wrong information. On West Bengal we had a discussion.

MR. SPEAKER : I have allowed your Member. Please sit down.

SHRI N.V.N. SOMU : He is giving wrong information. ...

(Interruptions)

MR. SPEAKER : If you go on like this, I will have to ask you to withdraw from the House.

(Interruptions)

MR. SPEAKER : That is all right. That is his information. What Mr. Kalanidhi had to say, he has said it. Now let him have his say.

(Interruptions)

SHRI N.V.N. SOMU : Mr. Kolandaivelu is giving wrong information. In the case of West Bengal there was a discussion.

(Interruptions)

MR. SPEAKER : Look here, if you behave like that, I will have to take action against you. You have to take my consent before you speak. Behave properly. Mr. Kalanidhi, I have allowed you to have your say. Now please sit down and behave like a gentleman. ...

(Interruptions)

MR. SPEAKER : I have allowed you. Didn't I allow you ?

DR. A. KALANIDHI : He is giving wrong information.

(Interruptions)

MR. SPEAKER : Can you gag him ? I cannot gag you when you say something. If he says something out of the way or unparliamentary, I can act. Unless and until he does that, I cannot forbid it.

SHRI P. KOLANDAIVELU : On May 16, 1985 the Andhra Pradesh Legislative Council Abolition Bill was brought here. It was not at all discussed. Our hon. Members Shri Madhav Reddi and Shri Ayyapu Reddy thanked the Government and welcomed the Bill and even hon. Members, Mr. Kalanidhi and Mr. Somu were both present. ...

(Interruptions)

SHRI N.V.N. SOMU : This is wrong. I was in jail at that time. He is giving wrong information again and again.

MR. SPEAKER : Order. If it is wrong, then you will stand up and say that that is wrong. That is all. Why are you getting agitated ? When your turn comes, you say, "I was not here at that time". So simple it is.

DR. A. KALANIDHI : It is wrong information. I was abroad at that time.

SHRI N.V.N. SOMU : I was in jail at that time.

(Interruptions)

MR. SPEAKER : What sort of Members are you ?

SHRI N.V.N. SOMU : It is wrong information, Sir.

MR. SPEAKER : I will ask you to withdraw from the House if you behave like this further. I have told you. You can explain it. If you cannot understand, what can I do ?

(Interruptions)

DR. A. KALANIDHI : We were not here at that time.

MR. SPEAKER : Dr. Kalanidhi, will you sit down ? Listen to me now. This is the last time I am warning you. I have already allowed you. If something is wrong and if you want to refute, I will allow you to give a personal explanation. Sit down.

DR. A. KALANIDHI : He is giving wrong information.

MR. SPEAKER : Again if you utter one word, I will ask you to withdraw from the House. You will have your time.

SHRI P. KOLANDAIVELU : On May 16, 1969, when West Bengal brought a Bill like this and when it came up for discussion, everybody welcomed it and the Bill was passed.

MR. SPEAKER : Why do you mention anybody else ?

(Interruptions)

SHRI P. KOLANDAIVELU : I have got the record to show that the very same DMK Member, Mr. Kandappan, welcomed the Bill. (Interruptions) May I say at this juncture that, if West Bengal brings a Bill or if Andhra Pradesh brings a Bill, they will welcome and support it. If NTR Government comes forward with a

Bill, they will support it. But if MGR Government comes forward with something, they will oppose. It is a double standard which is being adopted by the DMK.

(Interruptions)

MR. SPEAKER : Mr. Somu and Dr. Kalanidhi. I am again warning you. Would you both like to be named by me now ? When I have asked you to submit your contention when the time comes, you go on interrupting.

SHRI N.V.N. SOMU : It is a wrong information.

MR. SPEAKER : You can refute it when your turn comes.

PROF. MADHU DANDAVATE : Declare 'DMK' as unparliamentary, Sir.

SHRI P. KOLANDAIVELU : This is what Mr. Kandappan said at that time :

"It is right for the Government to accept a unanimous Resolution of the Government of West Bengal."

I am quoting the very same words used by Mr. Kandappan.

"We shall take our own time and do it—if we want to abolish the Council. When a State is keen on doing it, we must respect the sentiments and I congratulate the West Bengal Government."

He has stated this. Now, my friends, Mr. Somu and Dr. Kalanidhi come forward and object to this...

DR. A. KALANIDHI : That was in different circumstances.

SHRI P. KOLANDAIVELU : Here the Resolution was passed by an elected Assembly. Dr. Ambedkar, when he was replying to a relevant article, stated that "complete discretion is left to the Assembly whether to abolish the Council or not". Here, under article 169, the Bill has been

[Shri P. Kolandaivelu]

brought forward. I am very thankful to the hon. Prime Minister and also to this Government for having brought forward this Bill. I request hon. Speaker and other leaders also that this Bill be passed without any discussion.

MR. SPEAKER : Now Mr. Somu will offer his explanation.

SHRI N.V.N. SOMU : Mr. Speaker, Sir : I want to clarify two points in this august House. Mr. Kolandaivelu said that when the A.P. Legislative Council Abolition Bill was introduced here, myself and Dr. Kalanidhi had supported it. I want to clarify, you can verify.....
(Interruptions)—both of us were not here. On May 16, 1985 I was in jail for having participated in the Ceylone Tamil agitation and Dr. Kalanidhi was abroad...
(Interruptions)...Actually the Tamil Nadu Government, particularly the MGR Government is abolishing the Legislative Council only because they are afraid of our leader Dr. Kalanidhi.

(Interruptions)

MR. SPEAKER : Order now. Okay. you oppose it.

(Interruptions)

SHRI N.V.N. SOMU : Even the Cabinet was not consulted. Even the Governor was not consulted.

(Interruptions)

MR. SPEAKER : Mr. Somu what are you doing now? You have had your explanation. Your explanation is clear. You were in jail. It is over. Mr. Kurup will speak now.

SHRI N.V.N. SOMU : I have not concluded Sir. I want two more minutes.

(Interruptions)

MR. SPEAKER : I am not going to allow you if you do like that here...
(Interruptions)...I have allowed your Member and you also.

SHRI N.V.N. SOMU : Actually the AIADMK Government which is the ruling

party has lost in the recent Municipal and Panchayat elections.

(Interruptions)

MR. SPEAKER : Please take your seats now. It is all right. You oppose the Bill. Please sit down now.

SHRI N.V.N. SOMU : I was being interrupted continuously. How can I complete? I will conclude in one more minute.

(Interruptions)

MR. SPEAKER : Mr. Suresh Kurup...
SHRI SURESH KURUP (Kottayam) : Sir, I welcome this Bill and I support this Bill. We are glad that more and more States are following the foot-steps of the example of the West Bengal UDF Government.
(Interruptions)

Sir, even though I welcome this Bill but the way in which it was.

(Interruptions)**

MR. SPEAKER : Look here I have to watch the hon. Member's speech. No criticism of the legislative Assembly can be allowed and it will not go on record.
[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur) : Sir, I want to recite a couplet.

(Interruptions)

MR. SPEAKER : You may do so.

(Interruptions)

SHRI BALKAVI BAIRAGI : Sir, the couplet is :

*Yeh fuisle ka waqt hai, chup kaise rahenge
Yeh katilon ke kaatil hain, kuchch to kahenge.*

[English]

PROF. MADHU DANDAVATE (Rajapur) : Neither DMK nor AIADMK will be provided by a Hindi couplet.

MR. SPEAKER : They are immune to this.

Council

SHRI S. JAIPAL REDDY (Mahabubnagar) : Both DMK and AIADMK will be equally provoked.

(Interruptions)

[Translation]

SHRI BALKAVI BAIRAGI : This is the day of fulfilment of our parliamentary life.

(Interruptions)

[English]

SHRI SURESH KURUP (Kottayam) : The criticism was that after the defeat in the Municipal elections the ruling party in Tamil Nadu was quite afraid.

(Interruptions)

Sir, I am supporting the Bill but even then I am being interrupted. I am also thankful to the Central Government that the Bill is brought before the House immediately after the resolution is passed.

PROF. MADHU DANDAVATE : That is obligatory.

SHRI SURESH KURUP : We know the incident that it took two years for the Government to bring a Bill before this House after the Andhra Pradesh Assembly passed the resolution to abolish the Council.

AN HON. MEMBER : This shows affinity between AIADMK and that of Congress (I).

SHRI SURESH KURUP : I do not know how the Congress members from Tamil Nadu or Congress members in general will react to this Bill because.

(Interruptions)

18.00 hrs.

I once again welcome this Bill and I support this Bill.

[Translation]

SHRI SHYAM LAL YADAV (Varanasi) : Mr. Speaker, Sir, while supporting

this Bill, I want to say two or three things. First is that when the Constituent Assembly was considering the creation of a second chamber, the Drafting Committee left this issue to the Members of the concerned State and Members from all the States and of Constituent Assembly met together and passed the resolution specifying the State in which the Second Chamber would be there.

MR. SPEAKER : Now please finish and try to conclude.

SHRI SHYAM LAL YADAV : I just wanted to say that the Legislative Councils in almost all the States of the country have been abolished except in four States viz. Uttar Pradesh, Bihar, Karnataka and Jammu and Kashmir. But, even then more than half the seats in the Legislative Councils are lying vacant. Many years have passed but the Election Commission has not held elections there. Those Legislative Councils are therefore, truncated Houses. Therefore, there is no point in keeping them alive. I want that there should be a uniform system in the entire country.

With these words I conclude and support this Bill.

[English]

SHRI H.R. BHARDWAJ : Sir, as I submitted in the initial stages, as we had done in the case of Andhra Pradesh, when the Assembly has passed a resolution, as a mark of respect to the people of that State, because that resolution has been passed by a duly elected Assembly, we have to implement the same. I commend that the Bill be passed.

MR. SPEAKER : The question is :

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

The motion was adopted.

SHRI N.V.N. SOMU : In protest we walk out of the House.

18.03 hrs.

(Shri N.V.N. Somu and Dr. A. Kalanidhi then left the House.)

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

MR. SPEAKER : The question is :

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 to 9 were added to the Bill

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

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

“That the Bill be Passed.”

MR. SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

MR. SPEAKER : We have proved beyond doubt that the earth is round.

18.04 hrs.

HIGH COURT AND SUPREME COURT
JUDGES (CONDITIONS OF SERVICE)
AMENDMENT BILL.—(Contd.)

Clause—5—Substitution of new Section
for Section 22B and 22C—Contd.

[English]

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : Sir, it is my duty to inform you and the House the following facts.

There were two amendments, one by Shri Shantaram Naik and the other by Shri Syed Shahabuddin that were received

by the Department at 5.30 p.m. on the 8th August and were sent on the same evening signed by me to the President. The other amendment was by Shri Somnath Chatterjee that was received in the Department at 5.15 p.m. on 10th August, 1986. It was despatched the same evening to the President, t.e. on the 10th August. We have been just now informed that the approval has been given.

MR. SPEAKER : What about Shri Shahabuddin's amendment.

SHRI A.K. SEN : For that too, we received the approval.

PROF. MADHU DANDAVATE (Rajapur) : Sir, when the President himself has approved the amendments, what is the harm if the Treasury Benches approve it ?

MR. SPEAKER : Now Shri Shahabuddin.

SHRI SYED SHAHABUDDIN (Kishanganj) : I beg to move :

Para 3,—

for lines 3 to 5, substitute

“22B. Every Judge shall be entitled to a conveyance allowance of one thousand rupees per month, subject to the maintenance of a car by him.” (1)

SHRI SOMNATH CHATTERJEE (Bolpur) : I beg to move :

Para 3,—

for lines 3 to 5, substitute—

“22B. Every Judge shall be entitled to a sum of rupees seven hundred and fifty every month by way of conveyance allowances.”(5)

SHRI SYED SHAHABUDDIN : I wanted to say a few words Sir. The proposed amendment replaces the conveyance allowance by a conveyance facility, that is to say a monetary allowance of Rs. 500