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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th August, 1978:—

BILL No. 124 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Forty-seventh Amendment) Act, 1978.

Short title.

2. In article 239A of the Constitution, in clause (1), in the opening paragraph, after the words "Union territories of", the word "Delhi," shall be inserted.

Amendment of article 239A.

STATEMENT OF OBJECTS AND REASONS

The Union territory of Delhi is at present administered through an Administrator, designated as Lt. Governor. Under the Delhi Administration Act, 1966, it has a Metropolitan Council, which function as an advisory body on important matters relating to the administration of the Union territory, and an Executive Council consisting of not more than 4 members, who are appointed by the President from among the members of the Metropolitan Council, to assist and advise the Administrator in the exercise of his functions, other than those which he has to exercise in his discretion. It is proposed that the Union territory of Delhi should instead have a Legislative Assembly and a Council of Ministers, as in certain other Union territories specified in article 239A of the Constitution. The Bill, therefore, seeks to amend the Constitution to include Delhi in that article.

S. D. PATIL.

NEW DELHI;
The 29th July, 1978.

BILL No. 125 OF 1978

A Bill further to amend the Government of Union Territories Act, 1963, the Representation of the People Act, 1950 and the Delhi Development Act, 1957.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Government of Union Territories (Amendment) Act, 1978.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1963.

2. In section 1 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (2), before the third proviso, the following proviso shall be inserted, namely:—

Amend-
ment of
section 1.

“Provided also that it shall come into force in the Union territory of Delhi on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1978, as the Central Government may, by notification in the Official Gazette, appoint.”.

3. In section 2 of the principal Act, in sub-section (1), in clause (h), after the words “Union territories of”, the word “Delhi”, shall be inserted.

Amend-
ment of
section 2

Amend-
ment of
section 3.

4. In section 3 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The total number of seats in the Legislative Assembly of a Union territory to be filled by persons chosen by direct election shall be fifty-six in the case of the Legislative Assembly of the Union territory of Delhi and thirty in the case of the Legislative Assembly of any other Union territory.”;

(ii) in sub-section (3), the words “other than the Union territory of Delhi” shall be inserted at the end;

(iii) in sub-sections (4) and (6), after the words “Union territories of”, the word “Delhi,” shall be inserted;

(iv) in sub-section (5), the following *Explanation* shall be inserted at the end, namely:—

Explanation.—In this sub-section, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the “last preceding census of which the relevant figures have been published” shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.’

Insertion
of new
sections
43E and
43F.

5. After section 43D of the principal Act, the following sections shall be inserted, namely:—

Special
provision
regarding
delimita-
tion of
consti-
tuencies
of Legis-
lative
Assembly
of Delhi.

‘43E. (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of constituencies for the purposes of any elections to the Legislative Assembly of the Union territory of Delhi.

(2) The Delimitation of Parliamentary and Assembly Constituencies Order, 1976, in so far as it relates to the Metropolitan Council for the Union territory of Delhi, shall continue to be in force for the purpose of elections to—

(a) the Legislative Assembly of the Union territory of Delhi deemed to be duly constituted for that territory under section 54B; and

(b) every Legislative Assembly of that Union territory to be constituted after the commencement of the Government of Union Territories (Amendment) Act, 1978,

as if every constituency provided for the purpose of elections to the Metropolitan Council were an assembly constituency of the same name for the purpose of elections to the Legislative Assembly of the Union territory of Delhi and the seat reserved in any constituency of the Metropolitan Council for the Scheduled Castes were a seat reserved in the assembly constituency of the same name for those castes.

Explanation.—In this section and in section 54B, “Delimitation of Parliamentary and Assembly Constituencies Order, 1976” means

43 of 1950.

the Order of the Election Commission referred to in sub-section (1) of section 8 of the Representation of the People Act, 1950.

43F. Notwithstanding anything contained in the foregoing provisions of this Part or in any other law, until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the division of each Union territory into territorial constituencies and any reference to the latest census figures in this Part shall be construed as a reference to the relevant figures for the 1971 census.'

Special provision as to readjustment of territorial constituencies.

6. In section 44 of the principal Act, in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

Amendment of section 44.

'Provided also that in the Union territory of Delhi, every decision taken by a Minister or by the Council of Ministers with respect to law and order including organisation and discipline of the police force in that Union territory or with respect to any matter concerning New Delhi shall be subject to the concurrence of the Administrator, and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and his Ministers from taking any action with respect to the matters aforesaid as he, in his discretion, considers necessary.

Explanation.—In the foregoing proviso, "New Delhi" means the area within the boundaries described in the First Schedule to the Delhi Municipal Corporation Act, 1957.'

66 of 1957.

7. After section 54A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 54B.

'54B. (1) In this section, "constituency" means a constituency provided under the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, for the purpose of elections to the Metropolitan Council of Delhi constituted under the Delhi Administration Act, 1966.

Provisions as to provisional Legislative Assembly of Delhi.

19 of 1966.

(2) Notwithstanding anything contained in this Act (including provisions relating to the strength and composition of the Legislative Assembly of the Union territory of Delhi), until the Legislative Assembly of the Union territory of Delhi to be constituted after the commencement of the Government of Union Territories (Amendment) Act, 1978, has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, the following provisions shall apply in relation to the Legislative Assembly of the Union territory of Delhi, namely:—

(a) every constituency in existence immediately before the commencement of the Government of Union Territories (Amendment) Act, 1978, shall, on and from such commencement, be deemed to be an assembly constituency of the same name for the purpose of elections to the Legislative Assembly of the Union territory of Delhi under this section;

(b) the seat reserved in any constituency for the Scheduled Castes in the Union territory of Delhi shall be reserved in the assembly constituency of the same name for those castes;

(c) every person who immediately before such commencement is a member elected from a constituency to fill a seat in the Metropolitan Council for the Union territory of Delhi shall, on and from such commencement, represent the assembly constituency of the same name in the Legislative Assembly and shall be deemed to have been elected to the Legislative Assembly from that constituency;

(d) this Act shall have effect as if sub-section (3) of section 3 provided for nomination by the Central Government of not more than five persons, not being persons in the service of Government, to be members of the Legislative Assembly of the Union territory of Delhi and every person who immediately before the commencement of the Government of Union Territories (Amendment) Act, 1978, is a member nominated to the Metropolitan Council for the Union territory of Delhi by the Central Government shall be deemed to have been nominated by the Central Government to the Legislative Assembly,

and accordingly, on the commencement of the Government of Union Territories (Amendment) Act, 1978, the Legislative Assembly of the Union territory of Delhi shall, without any further action or step being taken in this behalf, be deemed to be duly constituted and the other provisions of this Act shall, so as may be, apply in relation to a Legislative Assembly functioning under this section as they apply in relation to the Legislative Assembly constituted under and in accordance with the provisions of Part II.

(3) The period of five years referred to in section 5 shall, in the case of the Legislative Assembly functioning under this section, be deemed to have commenced on the 28th June, 1977.

Amend-
ment of
Act 43 of
1950.

8. In the Representation of the People Act, 1950,—

(i) in section 27A,—

(a) sub-section (3) shall be omitted;

(b) in sub-section (4), after the words "Union territories of", the word "Delhi," shall be inserted;

(ii) in the Second Schedule, under the heading "II. UNION TERRITORIES", after entry 1, the following entry shall be inserted, namely:—

"1A. Delhi 56 9 ..".

Amend-
ment of
Act 61 of
1957.

9. In the Delhi Development Act, 1957, in section 3, in sub-section (3), for clause (f), the following clause shall be substituted, namely:—

"(f) three representatives of the Legislative Assembly of Delhi to be elected by the members of that Assembly from among themselves;"

Repeal.

10. As from the commencement of the principal Act in the Union territory of Delhi, the Delhi Administration Act, 1966, shall stand repealed and the Government of India, Ministry of Home Affairs Order

43 of 1951.

No. F. 10/54/66-SR, dated the 7th January, 1967, relating to the application of the Representation of the People Act, 1951 for elections to the Metropolitan Council of Delhi, shall cease to have effect:

44 of 1951.

Provided that the provisions of Part II of the Representation of the People Act, 1951, shall not apply to any election which has been held before the commencement of the principal Act in the Union territory of Delhi or to any election petition arising out of such election and any such petition shall be tried and all matters in connection with such election or such election petition shall be regulated in accordance with the provisions of the law in force immediately before such commencement.

STATEMENT OF OBJECTS AND REASONS

In view of the demands for modifications in the existing Constitutional and administrative arrangements in the Union territory of Delhi, it is proposed to constitute a Legislative Assembly and a Council of Ministers for that Union territory. The Bill seeks to amend the Government of Union Territories Act, 1963 (hereinafter referred to as the Act) suitably for this purpose.

2. While bringing Delhi within the purview of the Act, it is proposed that there should be no nomination to the Legislative Assembly of that Union territory. Accordingly, section 3(3) of the Act is being made inapplicable to Delhi.

3. Considering the importance of New Delhi as the seat of the Central Government and the police and law and order in the national capital, it is proposed to amend section 44 of the Act to provide that any decision taken by the Council of Ministers in Delhi with respect to these subjects will require the concurrence of the Administrator.

4. It is further proposed to provide that the Metropolitan Council of Delhi including the nominated members thereof shall function as the provisional Legislative Assembly of that Union territory for the remainder of the duration of the Metropolitan Council, on the lines of similar provisions made in the Act in respect of certain Union territories at the time of its enactment.

5. Consequent on the proposals mentioned above, the Bill seeks to repeal the Delhi Administration Act, 1966, and to make certain amendments in the Representation of the People Act, 1950 and in the Delhi Development Act, 1957.

6. The opportunity to amend the Act is also proposed to be availed of to bring the provisions thereof in line with the provisions of articles 170(2) and 332 of the Constitution, to provide that it shall not be necessary to readjust the division of each Union territory into territorial constituencies or the representation of the Scheduled Castes and Scheduled Tribes therein, until the relevant figures for the first census taken after the year 2000 have been published.

7. The Bill seeks to achieve the above objects.

NEW DELHI;
The 29th July, 1978.

S. D. PATIL.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. U-11014/1/78-UTL, dated the 2nd August, 1978 from Shri S. D. Patil, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the Bill further to amend the Government of Union Territories Act, 1963, the Representation of the People Act, 1950 and the Delhi Development Act, 1957, recommends under clauses (1) and (3) of article 117 of the Constitution the introduction in, and consideration by, Lok Sabha of the said Bill.

FINANCIAL MEMORANDUM

By virtue of the amendment proposed in clause 3 of the Bill, the Union territory of Delhi will have a Legislative Assembly as provided in section 3 of the Government of Union Territories Act, 1963 and a Council of Ministers as provided in section 44 of that Act.

2. The expenditure on the administration of the Union territory which is at present being met directly from the Consolidated Fund of India exceeds the revenue from the territory. Hence, as envisaged in section 47(1) of the Government of Union Territories Act, 1963, it will be necessary to give financial assistance to the territory by way of grants and loans every year from the Consolidated Fund of India. The quantum of this assistance may vary from year to year depending on the size of the development programme and the revenue of the territory. Based on the Budget estimate of 1978-79, the quantum of such assistance is likely to be of the order of about Rs. fifty-four crores, to begin with.

3. The Legislative Assembly of Delhi will have 56 seats to be filled by direct election from the same territorial constituencies from which Members of the Metropolitan Council have been elected. Since the number of elected Members of the Metropolitan Council is also 56, no additional expenditure is involved on account of holding elections in the future to constitute the Legislative Assembly under the Act.

4. The provisions of the Bill referred to in paragraph 1 above will involve expenditure as under:—

(i) Salaries, etc., of Ministers and their staff	Rs. 8.00 lakhs
(ii) Salaries, etc., of Speaker, Dy. Speaker	Rs. 2.75 lakhs
(iii) Salaries, etc., of MLAs.	Rs. 4.50 lakhs
(iv) Other expenses of Assembly Secretariat	Rs. 11.86 lakhs
Total	Rs. 27.11 lakhs.

An expenditure of the order of Rs. 18.50 lakhs per annum is even now being incurred in respect of the salary and allowances of Executive Councillors, Chairman, Deputy Chairman and Members of the Metropolitan Council and Council Secretariat. The additional recurring expenditure involved will, therefore, be about Rs. 8.61 lakhs. In addition, the Law Department of the Delhi Administration will have to be strengthened by creation of additional posts involving an expenditure of about Rs. 3 lakhs per annum. The total additional expenditure, if the Bill is enacted into law, is estimated to be about Rs. 11.61 lakhs.

The Bill will not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to include the Union territory of Delhi also along with the other Union territories referred to in clause (h) of sub-section (1) of section 2 of the Government of Union Territories Act, 1963 (hereinafter referred to as the Act). In consequence of this, the provisions of the Act will apply to the Union territory of Delhi.

Section 33 of the Act empowers the Legislative Assembly of the Union territory of Delhi to make rules for regulating its procedure and conduct of business and provides that such rules relating to financial business may be made by the Administrator in consultation with the Speaker and with the approval of the President. Section 46 of the Act provides for the rules regarding the transaction of business with the Ministers being made by the President and empowers the Administrator to make rules prescribing the manner of authenticating the orders issued in his name. Section 47(3) of the Act provides for rules regarding the custody, etc., of the Consolidated Fund being made by the Administrator with the approval of the President and section 48(3) of the Act empowers the Administrator to make similar rules regarding the Contingency Fund of the Union territory. The rules to be made under the aforesaid sections of the Act in relation to the Union territory of Delhi are of a procedural nature. The delegation of legislative power is thus of a normal character.

AVTAR SINGH RIKHY,
Secretary,