

[Shri Dipen Ghosh]

here and now and there cannot be any bilateral talks between Mr. Shiv Shanker and Mr. Morarka ....(Interruptions)....

SHRI P. SHIV SHANKER: Nobody is indulging in a bilateral talk. I raised an issue of constitutional deadlock and the case of subversion of democracy. The Governor must be recalled. The Governor has acted in flagrant violation and the Government has abetted in the Governor behaving in that way. We would like to walk out in protest against the manner in which the Governor has acted and the Government has abetted with the Governor. It is a shame for democracy and your party is supporting it. These are the people.

[At this stage hon. Members left Chamber]

SHRI SUBRAMANIAN SWAMY: In protest against this disgraceful act I also walk out.

[At this stage hon. Members left Chamber]

SHRI JAGDISH PRASAD MA. THUR: What has prompted you to be partial to one single Member?

THE DEPUTY CHAIRMAN: I am never partial, Mr. Mathur. You had divorced this House and you have just come back. You should learn the things which are happening in this House...

SHRI JAGDISH PRASAD MA. THUR: In between?

THE DEPUTY CHAIRMAN: Yes, in between a lot of water has flowed under the bridge. And there is a little bit going over your head. आप कृपया स्थान ग्रहण कर लीजिये ।

In our House we try to solve problems we don't try to aggravate them. That is why I allowed Mr. Shiv Shanker when he wanted to raise some

point. And I allowed Mr. Kamal Morarka also. There is no substantive motion. So there is no discussion. So now we are not talking any more on that.

श्री चतुरानन मिश्र : कांग्रेस वाले वाक-आउट करना नहीं भूलते हैं। हम लोग राज्य करना ठीक से नहीं भूले हैं। ऐसा डेजीनेशन चेंज हो गया है कि गड़बड़ी हो रही है।

उपसभापति : चलिए, अभी बिल खत्म कर दीजिये ।

## LEGISLATIVE COUNCILS BILL, 1990

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI: Madam, I beg to move—

That the Bill to provide for the creation of Legislative Councils for the States of Andhra Pradesh and 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, *Inter alia*, for the creation of a Legislative Council in a State having no such 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 same Article also contemplates that any such law may contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

The Legislative Assembly of Andhra Pradesh passed a resolution on 22-1-1990 under Article 196(1) for the creation of a Legislative Council for the State. The State Government has

communicated the fact of the passing of such a Resolution to the Central Government in January, 1990. Likewise, the Legislative Assembly of Tamil Nadu also passed a Resolution on 22-2-1989 for the creation of a Legislative Council for the State under the said Article. Thus the stage has been set by the Legislative Assemblies of both the States for the creation of Upper Houses in those States.

Of course, there are arguments either way, that is to say, for and against the creation of second Chambers in the State Legislatures. The supporters of the second Chamber feel that the forces of tradition itself is enough for their creation. Further, they feel that it is necessary for giving adequate representation to various sections of society not sufficiently represented in the Lower House and they also provide a check on hasty legislation.

In the case of Tamil Nadu, the Governor in his address to the newly formed Assembly on 11-2-1989, observed as follows:

"The Council abolished in 1986 had an illustrious history of more than 65 years. It has always been a treasure-house of intellect and experience and instrumental in shaping many laws and programmes."

The same reasoning would apply with equal forces for the creation of a Legislative Council in Andhra Pradesh.

In the Legislative Council for Andhra Pradesh, thirty-one members shall be elected by electorates consisting of members of Municipalities, District Boards and other local authorities. Eight members shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any University in India or have been for at least three years in possession of qualifications equivalent to that of a graduate of any such university. Eight members shall be elected by

electorates consisting of persons who have been at least three years engaged in teaching in educational institutions in the State not lower in standard than that of a secondary school. Thirty-one members shall be filled by persons elected by members of the Legislative Assembly of the State. Twelve persons shall be nominated by the Governor of the State.

In the Legislative Council for Tamil Nadu, twenty-one members shall be elected by electorate consisting of Municipalities, District Boards and other local authorities. Six members shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any University in India or have been for at least three years in possession of qualifications equivalent to that of a graduate of any such university. Six members shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in educational institutions in the State not lower in standard than that of a secondary school. Twenty-one members shall be filled by persons elected by members of the Legislative Assembly of the State. Nine persons shall be nominated by the Governor of the State.

After the commencement of the legislation, the President shall, after consultation with the Election Commission, determine the constituencies into which the State of Tamil Nadu shall be divided; the extent thereof and the number of seats to be allotted to each constituency. The Bill also provides for the consequential amendments to the Representation of Peoples' Act of 1950 and that of 1951.

I hope the Bill will receive unanimous support in this House.

**The question was proposed.**

श्री जी. स्वामी नायक (आंध्रप्रदेश) :  
उपमहापति महोदया, मैं विधि मंत्री आंध्र प्रदेश और तमिलनाडु में विधान परिषदों को रद्द करने के बारे में जो प्रस्ताव

[श्री जी० स्वामी नायक]

लाये हैं मैं उसका समर्थन करता हूँ। आन्ध्र प्रदेश में विधान परिषद् जबसे गवर्नमेंट बनी थी तबसे काम कर रही थी लेकिन दुर्भाग्य से 1985 में आन्ध्र प्रदेश में तेलुगू देशम की सरकार आयी थी तो उसने इसको समाप्त करने का प्रस्ताव किया और वह समाप्त हो गयी। आज खुशी की बात है कि नेशनल फ्रंट की सरकार द्वारा इसको फिर से बहाल करने के लिए प्रस्ताव लाया गया है मैं इसका समर्थन करता हूँ। आपने जो मुझे बोलने का मौका दिया उसके लिए मैं आपको धन्यवाद देता हूँ।

**श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) :** माननीय उपसभापति महोदया, जो विधेयक तमिलनाडु और आन्ध्र प्रदेश में विधान परिषदों को पूर्णस्थापित करने के लिए पेश किया गया है मैं उसका समर्थन करता हूँ।

उद्देश्यों और कारणों में दिया गया है :

“तमिलनाडु विधान सभा ने 20 फरवरी, 1989 को तथा आन्ध्र विधान सभा ने 22 जनवरी, 1990 को उन राज्यों में विधान परिषदों का सृजन करने के लिए संविधान के अनुच्छेद 169 के निबंधनों के अनुसार संकल्प पारित किए हैं।”

गवर्नमेंट आफ इंडिया एक्ट 1935 जो था उसके अन्तर्गत पहली बार इस देश में राज्यों को विधान सभाएं स्थापित की गयी। संविधान सभा की प्रदेशों में सम्बन्धित जो समिति थी उस पर निर्णय छोड़ा गया कि हमारा जो नया संविधान बन रहा है उस संविधान के अन्तर्गत विभिन्न प्रदेशों में विधान परिषदें स्थापित करने का गठित करने का अधिकार किसको दिया जाए। बाद में सब-कमेटी में यह फैसला लिया कि अपम, मध्य प्रदेश और उड़ीसा ने यह निर्णय लिया कि वहां दूसरा सदन स्थापित नहीं होगा और उसी में यह भी फैसला लिया गया कि महाराष्ट्र, पश्चिमी बंगाल, उत्तर प्रदेश, बिहार और पंजाब में दूसरा सदन बनाया जाए। इसी आधार पर हमारे संविधान का

जो अनुच्छेद 169 है वह बनाया गया। उस पर जब चर्चा हो रही थी तो संविधान सभा में डा० अम्बेडकर जी ने इस बात की सफाई दी कि यह अधिकार राज्य को होगा कि राज्य में विधान परिषद् हो या नहीं हो। डा० अम्बेडकर जी ने उस समय विचार-विमर्श में अपनी राय व्यक्त की थी वह यह थी कि—

“All that we are doing by this Constitution is to introduce the Second Chamber purely as an experimental measure. We have not, by the Draft Constitution, given the Second Chamber a permanent place, we have not made it a permanent part of our Constitution. It is a purely experimental measure, as I said, and there is sufficient provision.....for getting rid of the Second Chamber.”

माननीय उपसभापति महोदया, जब आन्ध्र प्रदेश और तमिलनाडु की विधान सभाओं ने निर्णय लिया तो इस देश की संसद ने वहां पर जो विधान परिषद् थी उसको समाप्त कर दिया। अब आन्ध्र प्रदेश और तमिलनाडु की विधान सभाओं ने निर्णय लिया है कि वहां पर विधान परिषद् स्थापित करनी चाहिए तो उसी के अनुरूप इस विधेयक को प्रस्तुत किया गया है और जैसा संविधान में प्रावधान है कि केवल राज्यों को अधिकार है और अगर राज्य इस संबंध में फैसला लेता है तो इस संसद के पास कोई चारा नहीं है कि सिवाय इसके कि वहां विधान परिषद् गठित की जाय और इस विधेयक को इस सदन द्वारा पारित किया जाय।

यह भी बहुत ही महत्वपूर्ण बात है कि विधान परिषद् होनी चाहिए या नहीं होनी चाहिए। जो हमारा अनुभव रहा है उस अनुभव के आधार पर निश्चय रूप में जो दूसरा सदन है जिसको अपर हाउस कहते हैं उसका अपना महत्व होता है और वहां पर जो विचार-विमर्श होता है वह मूल्यवान होता है। इसी में प्रदेशों में भी यह हाउस आफ एल्डर्समैन कहा जाता है। इसलिए यह जो विधेयक प्रस्तुत किया गया है, यह बहुत ही गामयिक है।

इसका मैं समर्थन करता हूँ और जब वहाँ पर विधान परिषद् स्थापित हो जाएगी तो वहाँ के जो अनुभवी राजनीतिज्ञ हैं या जो अनुभवी लोग हैं वे विधान परिषद् में चुनकर आएंगे, अपने विचार प्रस्तुत करेंगे। उससे तमिलनाडु और आन्ध्र प्रदेश दोनों राज्य लाभान्वित होंगे।

SHRI H. HANUMANTHAPPA (Karnataka): Madam, while I rise to support the Bill moved by the Law Minister, I am constrained to make certain observations. The Law Minister, in his introduction, has dealt with in detail the time-tested experiment of the Second Chamber in the States and also its utility and the purpose of its creation which will not only give representation to the people who are not represented in the Legislative Assembly, to some people who are not politicians but who can contribute in building up the State and making certain laws and to certain categories which will be useful in the legislature to make laws for the State that is concerned. But what has worried me is that unfortunately this provision has been used very indiscriminately by the States concerned. It gives power to the States and Parliament has no option but to accept whatever the States decide. I do not find that what is created can be disbanded by an individual or by a political party.

Madam, take the two States for which we are creating or rather re-creating the Legislative Council. Let us go back to the history to find out why they had been disbanded. Why had they been disbanded? It is nothing but fanaticism of the party that was in power or an individual that was in power. Just because Mr. Karunanidhi had been elected to the Legislative Council, the then ruling party decided to abolish the Legislative Council. Just because Mr. N. T. Rama Rao was in minority in the Legislative Council and the Congress Party was in majority in the Legislative Council, the Telugu Desam Gov-

ernment decided to abolish the Legislative Council.

SHRI PASUMPON THA. KIRUT-TINAN: did not oppose the resolution clarification? Why the Congress Party did not oppose....

THE DEPUTY CHAIRMAN: You will get a chance to speak.

SHRI PASUMPON THA. KIRUT-TINAN: ....did not oppose the resolution moved in Tamil Nadu Assembly while they were opposing the same resolution in Andhra Pradesh?

AN HON. MEMBER: Double standard.

THE DEPUTY CHAIRMAN: Excuse me. This is not free-for-all. This is a proper discussion before the House under a motion moved in the House. Your Party has got time. I will give it to you and you speak. But if you get up like this, nobody will have a say. Let him have his say. You can have your say, no objection.

SHRI PASUMPON THA. KIRUT-TINAN: I wanted only a clarification.

THE DEPUTY CHAIRMAN: No, no. He cannot give clarification. The Minister is going to clarify everything. The answer is with him, not with the Member.

SHRI H. HANUMANTHAPPA: My dear friend, whichever party might have done it it is a mistake whether it is done by Congress or by DMK or by Anna DMK. See the malady today. The Telugu Desam Party which abolished the Council is supporting the creation of the Council today. This is the malady of the political game.

SHRI MENTAY PADMANABHAM (Andhra Pradesh): The Telugu Desam Party in the Legislature opposed this move.

THE DEPUTY CHAIRMAN: Today, after a long time, we have real peace in the House.

SHRI H. HANUMANTHAPPA: Yes, Madam. If the Telugu Desam party has opposed the move in the Legislature, are they playing double game? Are they supporting or opposing this move today? I want to know from the Telugu Desam Members here.

THE DEPUTY CHAIRMAN: Not now.

SHRI MENTAY PADMANABHAM: Mr. Hanumanthappa, you will hear.

THE DEPUTY CHAIRMAN: You hear and answer him.

SHRI H. HANUMANTHAPPA: I want to know whether the Telugu Desam party is supporting this Government move today in creating the Legislative Council in Andhra Pradesh or not. If they have opposed the motion in AP Assembly, I am just watching what the Telugu Desam will do here.

SHRI DIPEN GHOSH (West Bengal): May be Mr. NTR may come back via the Legislative Council.

SHRI H. HANUMANTHAPPA: I am going to wait. I am asking whether they vote or not. Many Members are absent already, not taking any interest in the discussion. One or two Members are here. I want to know whether they support or oppose. But they have not come out so far. But my point is that the Upper Chambers or the Legislative Councils which have been created and which have proven over the time and which have made their contributions in the administration and in the making of laws in the States, should not be used like this by any political party or an individual for his fantasy or fanaticism.

With these words, Madam, I request the hon. Law Minister to examine this. The creation and abolition should not be vested in one party or one individual. Once it is created, it should take a permanent shape. One party comes to power and asks for the creation. The other party comes to power and if it is found inconvenient, they will

abolish and comes before the Parliament to accept the abolition. So, this forum of Parliament should not be utilised like that even by the States. After due consideration if a Council is created, it should take a permanent nature. If those States where the Councils have not been created do not want them in their wisdom, okay. But in the case of those States who have created the Legislative Councils, which have been time-tested and which have contributed and which have given various representations in the legislative bodies, those Councils should take a permanent forum. I request the hon. Law Minister to examine this point. Wherever the Legislative Councils exist, wherever the Legislative Councils have been felt useful, those Council should take the form of a permanent nature. A suitable Constitutional amendment may be brought before the Parliament and the consent of the Parliament may be taken so that the power is not vested with the State Governments or the parties that come to power. Madam, it is common nowadays that parties will go on changing. Naturally, majority in the Legislative Council may be with the same party or may not be. The Government that comes to power immediately 1.00P.M. thinks of abolishing the Legislative Council. This means, every five years, there will be either creation or abolition of Legislative Councils. In order to prevent such things from happening in the future, I would request the hon. Minister to come forward with a comprehensive Bill,—if necessary, a Bill to amend the Constitution—to give a permanent status to the Legislative Councils which are in existence and which have been recognised by the Constitution so that the States are not allowed to meddle with this institution the way they like and as and when they like. Thank you.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): Madam Deputy Chairman, so far as the C.P.I. (M) is concerned, we have a principled stand on the question of creation or abolition of Legislative Councils in

the States. We are against a second Chamber for the States. The States do not require a second Chamber. A Legislative Assembly fully represents the people of the State concerned. Various sections need not be represented by means of a Legislative Council. When I say 'various sections', what do I mean by it? For instance, in the Andhra Pradesh Legislative Council, the teachers' constituency is there. There is the graduates' constituency. The legal bodies are also represented there. But there are so many other professions in which lakhs and lakhs of people are working. These professions are not represented in the Legislative Council at all. Therefore, we are against a second Chamber for the States.

My colleague, Mr. Hanumanthappa, said that the Legislative Council should be given a permanent status. But the Constitution does not envisage that. The Assembly has got a right to create or dissolve the Legislative Council. The founding-fathers of the Constitution felt that greater authority should be exercised by the States concerned. It is not for Parliament. Now, we are doing it here as an obligation. It is obligatory on the part of Parliament to endorse what is approved by the Legislative Assembly. This is exactly why this has not been given a permanent status. It should not be given a permanent status. It should be left to the State concerned whether they require a second Chamber or not.

So far as Andhra Pradesh is concerned, we also supported the move for the abolition of the Legislative Council when the Telugu Desam Government proposed it. The Telugu Desam Party proposed the abolition of the Legislative Council. With what motive. I need not go into it. Now, they have opposed the present move of the Congress(I) Party, of the Legislative Assembly, to recreate the Legislative Council. Therefore, they have also stood by a certain principle. They were consistent. They abolished it and again, when the proposal for recreation came, they opposed it. Not that

they were inconsistent that way. I was a Member of the Legislative Council at that time. I supported the motion for abolition. I endorsed it. Our Members in the Assembly have opposed the recreation of the Legislative Council for Andhra Pradesh. Therefore, this is our stand.

Anyway, in spite of all these things, as I said, the obligation is there for Parliament to endorse it. When the majority of the Assembly Members are in favour of creation of a Legislative Council, naturally, it should be endorsed. This is there. But on principle, we are opposed to there being a second Chamber for the States. At the national level, it is a different thing. Of course, not on the basis of opportunism. As you know, the Rajya Sabha is a Council of States. It is the Council of States. It represents the States. That is exactly why it is necessary at the national level. But at the State level, it need not be there.

Now that it is going to be created again, why was it proposed by Congress(I) if not for opportunistic reasons? I want to know from my friend, Mr. Hanumanthappa, why they are interested in creating it now? Since they are in a majority, so they want some other posts to be created.

SHRI H. HANUMANTHAPPA:  
It was there in existence.

SHRI MOTURU HANUMANTHA  
RAO: In Andhra Pradesh, the State by itself has not suffered for want of a Legislative Council all these years. So why should it again be revived now? That need not be there. But, anyway, the Assembly has passed it and now we are trying to endorse it.

Now that it is going to be re-created, certain defects of the past are to be corrected because the decisions regarding delimitation of constituencies as well as in regard to franchise were taken 30 years back. Now it has, almost *in toto*, been accepted in the proposals made by hon. Law Minister.

[Shri Moturu Hanumantha Rao]

That should not be so, according to me, because the delimitation of constituencies was unevenly done. For instance, for the teachers' constituency, one district has got a representative and for five or six districts another representative is there. That unevenness is prevailing now in the State of Andhra Pradesh. Why is the same thing being repeated now? This unevenness will persist. There is one constituency for one Krishna district. While Hyderabad city is having double the number of voters of Krishna district, even then so many districts are clubbed with Hyderabad and it is made into a constituency. That way, very uneven things are there. They have to be looked into. That is exactly why I have given an amendment to correct the loophole.

Another thing is that primary teachers are deprived of their voting rights. We all give so much importance to the primary education. Sixty per cent of the teaching community is from the primary level and according to the Constitution itself, unfortunately, they are deprived of their voting rights. They are not voters at all for the teachers' constituency. So this thing also needs to be corrected. I am sorry to state that no constitutional amendment is being brought for that. If we are to correct this loophole and see that all teachers are given equal voting rights, then the primary teachers—and we are primarily concerned with primary education and primary teaching community—should not be denied this representation. That is exactly why I also suggest, and I want an assurance from the Law Minister, that the Government would seriously take up the matter of amending the Constitution for providing voting rights to primary teachers also, because the Constitution says in Article 171 that the voters in the teachers' constituency should have at least a teaching experience of 3 years in a secondary educational institution. That means from the secondary level to university level, teachers are having votes, but primary level teachers are

denied this right. That is exactly why it should be considered seriously, and I request the honourable Law Minister to give an assurance in this regard. They have been agitating for it. From my own State of Andhra Pradesh they have been agitating for it. They have represented the matter to the Prime Minister, the Home Minister and the President also. The post-card agitation is going on now and post-cards are coming to the Prime Minister, demanding voting rights for the primary school teachers. So, taking all these issues into consideration—because it is going to be a serious matter—I hope the Law Minister would see to it that a constitutional amendment is brought immediately in this session itself because otherwise, if it is left to the Election Commission, then only on the proposal of the Election Commission would the President determine the whole thing. So, before that is done, the Government has to see that an amendment to the Constitution is brought in. Thank you, Madam.

SHRI BHASKAR ANNAJI MASODKAR (Maharashtra): Madam Deputy Chairman, I rise to welcome the Bill, with one of the reservations which has already been voiced by my learned colleague, Mr. Hanumanthappa. But I do not understand the statement of the Law Minister that it is compulsory for Parliament to accept this. On the other hand, the Statement of Objects and Reasons suggests that Parliament may....

SHRI DIPEN GHOSH: It is not obligatory.

SHRI BHASKAR ANNAJI MASODKAR: It is not obligatory. ... (Interruptions) ... But the impression that has been given is that as soon the resolution is passed, it is obligatory on us. So, it requires some clarification from the honourable Law Minister. Even the Statement of Objects and Reasons says—and I am reading from it: "Under article 169 of the Constitution, Parliament may, by law, provide for the creation of a Legislative Council..." subject, of course, to a resolution having been passed.

**SHRI CHATURANAN MISHRA** (Bihar): If the word "may" is not there, then our sovereignty will not be there. We are free.

**SHRI BHASKAR ANNAJI MA-SODKAR:** We are free. Therefore, while passing...

**SHRI CHATURANAN MISHRA:** If the word "may" is not there, then our sovereignty is restricted.

**SHRI BHASKAR ANNAJI MA-SODKAR:** I am really obliged to Chaturananji.

**SHRI DIPEN GHOSH:** Here, "may" means "shall"... (*Interruptions*)...

**SHRI BHASKAR ANNAJI MA-SODKAR:** Let the Law Minister say that.

**SHRI DINESH GOSWAMI:** Parliament is not bound; it is not mandatory on Parliament to accept the resolution. Parliament may, by Law, decide to or not to—that power is completely with Parliament.

**SHRI BHASKAR ANNAJI MA-SODKAR:** I am happy with the clarification of the Law Minister.

**SHRI G. SWAMINATHAN** (Tamil Nadu): I think two speakers have clarified this in the Lok Sabha. They have said .... (*Interruptions*) ...

**THE DEPUTY CHAIRMAN:** We are not discussing what happened in the other House.

**SHRI G. SWAMINATHAN:** I am only saying that the Government ...

**THE DEPUTY CHAIRMAN:** You don't refer to what was said in the Lok Sabha. We have our own Members here... (*Interruptions*)...

**SHRI DINESH GOSWAMI:** There is no obligation on Parliament to accept the resolution.

**SHRI BHASKAR ANNAJI MA-SODKAR:** Let us put our position straight.

**SHRI DIPEN GHOSH:** It is not a mere formality that we should put a rubber stamp.

**SHRI BHASKAR ANNAJI MA-SODKAR:** That exactly what I want to say. It is not a matter of formality. It is a duty cast upon this House and our sovereign duty, as Chaturananji has rightly said, is to consider such resolutions. If having considered these resolutions we come to the conclusion that the bicameral system will help the State, then we can pass it. But there is no constitutional compulsion as such.

But, Madam, it is a good thing that has happened, that the State Legislatures have passed these resolutions, and we welcome it. As has been made clear by the honourable speakers on this side, the only reservation is that the parties which had stood by the abolition of the Upper House are now again coming out to see that that House is revived. As far as our stand is concerned, we always stood by the bicameral system and, in fact, we are sitting in the second House of this Parliament itself.

Madam, one of the aspects which this House should take into account about creation of the Legislative Councils as such all over the country is that it should not come by the wind, by the whim of a particular party. There should be some guidelines in the Constitution. The hon. Law Minister should take into account whether only because a resolution is passed at the behest of a party Parliament is bound to accept it one way or the other. We must see the public interest involved in having the Upper House in a particular State, and that is a matter of vital importance.

I would really request the hon. Law Minister to give us some reasons why the State Legislatures have thought fit now to come out with such resolutions and say that there should be a bicameral system as far as those States are concerned.



[Shri Bhaskar Annaji Masodkar]

Further, the demand made by the peasants and workers which has been spoken about by the earlier speaker, is a relevant one. So also about the teachers. I hope that such a Council should have representation of these classes of people like the peasants and workers and teachers because ultimately this House, that is the second House of the Legislature has a role to play, and all interests of particular classes or sections should be represented in it. If you see the constitutional history of the second House, you will find that it represented interests of different classes and sections of the society. In a developing country where the class struggle is a fact of life, I would suggest that the suggestion made by the hon. Member should receive due consideration.

With these words, I commend that this particular Bill should be accepted.

**\*SHRI NARREDDY THULASI REDDY** (Andhra Pradesh): Madam Chairperson, the functioning of the Andhra Pradesh Government reminds us of an age old saying. Once a mother-in-law enquired what her daughter-in-law was doing. Daughter-in-law replied that she was gahering what she had spilt. The present Cong. I. Government in the State is embarking upon reviving all the institutions which the earlier TDP Government scrapped and scrapping all the institutions which the earlier Government had set up. This has been the one-point programme of the Cong. I Government ever since it came to power. This has been their sole objective.

**SHRI H. HANUMANTHAPPA:** The same thing is going on in Delhi.

**SHRI NARREDDY THULASI REDDY:** Contempt for the old system and fascination for new system is all much evident in style of functioning of the present Chief Minister Sri Marri Chenna Reddy. The present Government

in state is trying its best to bring all the dead and discarded institutions back to life. After all, the present Chief Minister is a doctor. He is true to a stage where it was seven years much engaged in taking the State back to a stage where it was seven years ago. Now he is contemplating to abolish the present Mandal system and revive in their place old Taluq system. He is thinking of doing away even the Karshak Parishads. Now the remedy is proving worse than the disease itself.

**SHRI H. HANUMANTHAPPA:** When you came to power you scrapped the Taluq system. Why don't you say that?

(Interruptions)

**SHRI NARREDDY THULASI REDDY:** One more ridiculous thing is going on: In the name of cancelling the bogus ration cards, they are cancelling even the genuine ration cards. So, the instances are many. The present Government is very busy wasting its time in the futile exercises. The revival of Legislative Council is one such step.

Madam, I fail to understand why the Legislative Council in the State is being revived. I fail to understand the reason why the present Government in the State is hell-bent in reviving this institution. I fail too, to understand the loss or handicap the state has suffered in the past 7 years in the absence of the Council. Perhaps, the Chief Minister understands these things better. There is a growing resentment from all sections of the people about revival of the Council. Everyone is against it. Why to speak of others, even the Members of his own Party made explicitly clear that they are against the revival of the Council. Many Members belonging to their own party are not able to swallow this particular action of the State Government. Only certain handful of top leaders of the party, are interested in reviving the Council. With the help of whip, they could

\*English translation of original speech delivered in Telugu.

manage to adopt the Resolution with requisite majority in the A.P. Legislative Assembly. That is how they could manage to pass it on to the Parliament for its seal of approval. Hence the introduction of this Bill in this august House. Madam, the founding fathers of our Constitution left it to the discretion of the States whether they should have their legislative Councils or not. Only one fourth of the States in the Country have councils. It is said that many talented persons from various walks of life will be the Members of the Council and hence they will be in a better position to scrutinise the decisions taken by Assembly and thus contribute for better functioning of the democracy. This is an old argument and hardly there is any substance in it. Rather, it is misinterpretation. Madam, everyone in the country knows well how the legislative Council in the State was misused in the past. It is a bitter truth that the Council was converted into a sort of rehabilitation Centre. All those who were denied tickets by the party, all those who had lost their elections, all the power hungry politicians and all those who had been thrown out of their positions found shelter in Council. The Council had become a shelter for the dissidents. This was how the Andhra Pradesh Legislative Council used to be constituted in the past.

**SHRI H. HANUMANTHAPPA:** How about Shri Jaipal Reddy?

**SHRI NARREDDY THULASI REDDY:** What I say is as true as the sunrise in the east. *(Interruptions)* Madam, instead of contributing to a smooth functioning of the State Legislature it has contributed in creating obstacles and wastage of precious time. Perhaps the Chief Minister wants to soothe the feelings of dissidents in his party by creating the Council again. Perhaps he intends to reduce burden on his shoulder by accommodating the disgruntled politicians in the Council. But he should recognise that he is playing a dangerous game. This move will boomerang on him in future which is not too distant. This

will prove to be the hand of Bhasmasura. Madam, the situation was quite different when the constitution of the country was framed. Today's situation is totally different. The illiterates were more when the constitution was drafted. Political consciousness in the Country was almost nil. Hence, the founding fathers thought of having bi-cameral system. Only few educated men used to enter the assembly. In order to overcome all these shortcomings, the founding fathers of our Constitution thought it fit enough to have Councils in the States. At the same time, they were too cautious to make it mandatory. They left the choice of having Council to the States. Their far-sightedness is quite evident. They could guess that the future will be different and hence there may not be any necessity for the Council. They proved to be right. Now the situation has changed. Political consciousness is evident not only in the educated but among the illiterate ones also. Persons belonging to various walks of life Politics, education, medicine, Industry and Agriculture are entering the State legislatures. There is no dearth of talent among the elected representatives. This is the precise reason why, I say that there is no necessity for legislative council anymore. Madam, in the White Paper issued by the State Finance Minister recently it has been alleged, that the economy of the state has deteriorated during TDP regime and the coffers had become empty. It was also said the situation is too critical and has become unbearable due to the misrule of Telugu Desam Government. Everyone in the Government is shouting from the roof top that the economic position is miserable. If at all what they say is true, then how come the present Government is thinking of incurring additional expenditure by reviving Council? When the burden is already unbearable is it not going to add to their misery? Why should the people in the state be penalised with this additional expenditure? It is most unfortunate that the rulers in the state are ignoring this simple truth. Are they not conscious of this bare fact? It is but

[Shri Narreddy Thulasi Reddy]

foolishness if the Congress I leaders in the State think that the people have voted them to power only to reverse the decisions of Telugu Desam Government. Madam, people do not come out on to the streets to express their resentment each time. They prefer to remain silent and closely watch the turning events. When the time comes, they strike and strike with all the force at their command.

SHRI H. HANUMANTHAPPA: It equally applies to you also.

SHRI NARREDDY THULASI REDDY: Hence, keeping this in view the Congress leaders should conduct themselves. This is both my suggestion and a timely warning|interruption.

Madam, the Legislative Assembly in the State has adopted this resolution with a majority more than required and transmitted it to Parliament for its approval. We have a federal setup. The earlier Cong. I Government at the Centre has totally ignored the federal structure of the Constitution. The National Front, in its manifesto, has committed to the people that it will abide by the federal structure. Each and every action of the Front Government is strictly in accordance with that federal structure. Telugu Desam Government had been advocating the cause of better Centre-State relationship right from the beginning. It had been pleading the cause of States all through. It is the duty and responsibility of the Central Government to respect the views of State Government under federal structure. Now the Legislative Assembly has duly passed the Resolution. We respect the wishes of Andhra Assembly. We would not like to oppose the view of the State assembly as it goes against the federal concept. We are equally committed to joint-responsibility. Hence we do not propose to oppose this Bill. At the same time Madam, I "would like to offer a few suggestions in this connection. The revived Council consists of 90 members approximately. While electing or

nominating the Members, care should be taken to see that only the experienced, the wise and outstanding personalities belonging to various walks of life are given opportunity. This is the responsibility of all politicians. Then only the existence of Legislative Council will be meaningful. Secondly, Madam, the Primary School Teachers have no voting right in electing the teacher-representatives. This voting right is confined only upto Secondary grade teachers. Hence I plead that the voting right be provided even to the Primary school teachers also. I hope, every one would agree with my suggestions. Madam, I conclude my speech, thanking you for providing me an opportunity to speak on this important Bill.

THE DEPUTY CHAIRMAN: Mr. Hanumanthappa, only his speech is being translated, not yours.

SHRI H. HANUMANTHAPPA: Why? Madam, I am also speaking in Telugu. There should be its translation. The translator should take note of it. Why can he not translate my speech?

THE DEPUTY CHAIRMAN: The interjections are so fast that I cannot think that any interpreter can translate simultaneously speeches of two persons because both of you are speaking simultaneously. There can be translation of only one person's speech.

SHRI DIPEN GHOSH: Particularly if you speak in Telugu, I pity the translator.

SHRI H. HANUMANTHAPPA: I am speaking in Telugu.

SHRI DIPEN GHOSH: I know that you are speaking in Telugu. But when he is speaking in Telugu and you are also quarrelling with him in Telugu, I pity the translator.

THE DEPUTY CHAIRMAN: That is what I am telling him. If you want

to interject, please don't do it in Telugu. I also tried to speak in your language. Thank you very much.

Now, the House stands adjourned till 2.30 p.m.

The House then adjourned for lunch at thirty-two minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock. [The Vice-Chairman (Dr. Bapu Kaldate) in the Chair.]

**श्री प्रमोद महाजन (महाराष्ट्र) :**  
उप-नायक जी, आन्ध्र प्रदेश और तामिल-नाडु में विधान परिषदों के पुनर्निर्माण के विधेयक का मैं समर्थन करता हूँ। मैं समर्थन इसलिए नहीं करता हूँ कि यह कोई संवैधानिक मजबूरी है। मैं समर्थन केवल इसलिए नहीं करता हूँ कि यह कोई राजनीतिक मजबूरी है या संबोधित विधान-सभाओं में इसे आवश्यक बहुमत से पारित किया है। मैं इन विधेयक का समर्थन इसलिए करता हूँ कि राज्यों में दूसरा सदन होना आवश्यक और उचित है, यह मेरा मत है। विधान मंडल में दूसरा सदन हो या न हो, इस प्रकार की चर्चा दुनिया भर में वर्षों से चली आ रही है। दूसरे सदन की आवश्यकता के संबंध में पक्ष-विपक्ष में अनेक मुद्दे रखे गए हैं और कोई भी देश या कोई भी समूह इस पर निर्विवाद रूप से किसी निर्णय पर नहीं पहुंचा है लेकिन हमारे देश की स्थिति को देखते हुए मुझे यह लगता है कि हमारा सदन राज्यों में आवश्यक है और उपयुक्त भी है।

महोदय, हमारे यहां हर चुनाव में एक परिवर्तन की प्रक्रिया रही है और मुझे लगता है कि अंततः का हित इसमें होगा कि परिवर्तन के साथ एक सातत्य की भी प्रक्रिया होनी चाहिए और इसलिए विधानसभाएं बदली जाएं और विधान परिषद् अगर थोड़ी देर में बदलती जाए, विधान सभा के अनुरूप बदलती जाए तो नियंत्रण और समन्वय दोनों हो सकते हैं। विधान सभा में तत्कालीन जो

भी स्थिति हो इसका प्रतिबिंब आ सकता है और विधान परिषद् में पिछला चला हुआ सातत्य रह सकता है और स्वाभाविक रूप से उस राज्य विधान मंडल से जो निर्णय होगा उस परिवर्तन की भी झलक दिखायी देगी और जो पुरातन विचार चल रहे हैं उसका भी प्रतिबिंब दिखायी देगा और इसलिए विधान सभा के साथ विधान परिषद् का होना आवश्यक है और इसलिये विधान सभा बदलने के साथ ही विधान परिषद् को समाप्त करना या फिर उसका पुनर्निर्माण करना यह उचित प्रक्रिया नहीं है। इस संबंध में मैं महाराष्ट्र का उदाहरण जरूर देना चाहूंगा कि 1978 में हमारा यहां भी सरकार का परिवर्तन हुआ और जो परिवर्तित सरकार थी वह विधान परिषद् में बहुमत में नहीं थी, लेकिन फिर भी वही किसी स्तर पर भी महाराष्ट्र में विधान परिषद् के विपर्जन की बात छेड़ी नहीं गयी और इसलिये मुझे यह लगा है कि परिवर्तन सातत्य, नियंत्रण और समन्वय से सिद्धांततः अमर हमें केन्द्र में आवश्यक लगते हैं तो वही पिद्धत स्वाभाविक रूप से राज्य में भी आवश्यक हैं, होने चाहिए और उस दृष्टि से हमें विधान परिषद् की आवश्यकता लगती है।

अब प्रतिनिधि की जो रचनाएँ हैं उसमें लुप्टियाँ हो सकती हैं। किसी ने व्यंग से यह कहा कि जो विधान सभा में डार जाता है उसका विधान परिषद् में लाने के लिये यह राजकीय पुनर्वास का स्थान है। अब व्यंग से हमारे सदन के संबंध में भी लोग इसे राजकीय पुनर्वास का स्थान कहते हैं। व्यंग से तो यह भी कहते हैं कि यहां लोग पिछले दरवाजे से आते हैं, वह इतने महत्वपूर्ण नहीं हैं जितने सीधे आते हैं। मुझे लगता है कि इस प्रकार की आलोचना होती है। हो सकता भी है कि इस प्रकार के 2-4 सदस्य इधर-उधर हों लेकिन उसका अर्थ मैं यह नहीं मानता कि यह कोई राजकीय पुनर्वास की प्रक्रिया है। मुझे यह लगता है कि स्वाभाविक रूप से जो विधान सभा में सदस्य चुनकर आते हैं उनका महत्व कम नहीं है, वह सीधे जनता से चुनकर आते हैं। लेकिन हम सब राजनीति

## [श्री प्रमोद महाजन]

में काम करते हैं और हम राजनीतिक चुनाव की मर्यादाएँ बनाते हैं और स्वाभाविक रूप से समाज में कुछ वर्ग निश्चित रूप से ऐसे हैं—वह विशेषज्ञ के हैं, कलाकारों के हैं, विशिष्ट समूहों के हैं, इस वर्ग का विधान सभा में साधे चुनकर आना उतना संभव नहीं होता है और इन वर्गों का भी राज्य के सारे कार्य में योगदान हो, यह आवश्यक है और इसका देखते हुये ये सब करेंगे। इस प्रकार की स्थिति हम केवल विधान परिषद के द्वारा ही कर सकते हैं। मैं राज्य सभा और विधान परिषद इसमें संपूर्णता नहीं देखता हूँ। मैं यह जानता हूँ कि राज्य सभा में राज्यों का एक प्रकार से प्रतिनिधित्व हम करते हैं लेकिन उसके साथ-साथ हम यह भी जानते हैं कि धरातल की वास्तविकता यह है कि हम राज्यों के साथ अपने-अपने दल का भी प्रतिनिधित्व करते हैं और इसलिये जिस राज्य में हम राज्यों का प्रतिनिधित्व करते हैं और विधान परिषद उनमें स्थानिक स्वराज्य संस्थाओं को प्रतिनिधित्व देते हैं, जिला परिषदे, नगर परिषदे हैं, उनमें से सदस्य चुनकर आते हैं तो स्वाभाविक रूप से जो राज्यों का अधिकार राज्य सभा में चाहिये, जिस प्रकार राज्यों का प्रतिनिधित्व राज्य सभा में आवश्यक समझते हैं उसी प्रकार से स्थानिक राज्य संस्थाओं का भी प्रतिनिधित्व उन विधान सभाओं के द्वारा नहीं आ सकता। वह अगर विधान परिषद में आये तो वह उचित हो सकता है और इसलिये सैद्धांतिक रूप में ही मुझे यह लगता है कि विधान परिषद एक अवश्यक स्थिति है और इसलिए उनको लाना चाहिये। अब हमने राष्ट्रीय स्तर पर तो दूसरे सदन का माना है, संविधान के निर्माताओं ने माना है। यह सदन महत्वपूर्ण है और पिछले अगर 40 वर्ष का अनुभव हम जोड़ लें तो ऐसे कई प्रयोग हमको दिखाये देंगे, जहाँ राज्य सभा ने भी कुछ योगदान किया है। उसकी आवश्यकता उपयुक्त सिद्ध हुई है और उस उपयुक्तता को देखते हुये स्वाभाविक रूप से इसी प्रकार का कार्य

विधान परिषद भी कर सकता है इसलिये हमारे संविधान निर्माताओं ने राज्य सभा को उचित समझा लेकिन उस समय उन्होंने यह समझा कि विधान परिषदों का निर्णय हम राज्यों पर छोड़ दें। हो सकता है उस समय निर्णय उचित लगा हो। मुझे नहीं लगता कि कोई भी संविधान आने वाला मंदा पर बंधन होता है। हम इस पर पुनर्विचार कर सकते हैं। राज्यों को विधान परिषदों का निर्माण छोड़ने के कारण एक हास्यास्पद स्थिति में आये हैं। मैं चार वर्षों से इस सदन का सदस्य हूँ। अगर मेरा स्मरण ठीक है तो आंध्र प्रदेश की विधान परिषद विसर्जित हो इस पर भी मैंने मतदान किया है और आंध्र प्रदेश विधान परिषद पुनर्गठित हो इस पर भी मतदान कर रहे हैं। दोनों समय मैं मेरा पक्ष में मतदान रहा है। इसमें अगर कोई सैद्धांतिक माबूरी नहीं है तो मुझे लगता है कि इस पर सदन को विचार करना चाहिए। अगर हम कहें कि मैं सैद्धांतिक रूप से विधान परिषद का विरोध करता हूँ। मैं समझ सकता हूँ कि कोई दल कहे या कि मैं सैद्धांतिक रूप से विरोध करता हूँ तो उनको विरोध करना ही चाहिये। हम भाषा में विरोध करें और मतदान में मत दें तो यह मुझे लगता है यह कोई ठीक स्थिति नहीं होगी। इसलिये इस सदन के चार साल में मुझे एक बार विसर्जन पर मतदान करना पड़ा और फिर पुनर्जन्म पर करना पड़ा। मैं हिन्दू धर्म में विश्वास करता हूँ, पुनर्जन्म में विश्वास करता हूँ लेकिन दोन्दा साल में यह बात आये यह ठीक बात नहीं है। हो सकता है अगले दो साल के बाद फिर इस प्रकार का निर्णय हो...

**उपसभाध्यक्ष (डा० बापू कालदास) :** इतनी जल्दी पुनर्जन्म नहीं होना चाहिये।

**श्री प्रमोद महाजन :** इसलिये मुझे लगता है यह हास्यास्पद स्थिति बन गई है। यह हास्यास्पद स्थिति अच्छी नहीं है। इसलिये मैं मंत्री महोदय से चाहूंगा कि वह सारे राजनीतिक दलों की एक परिषद् बुलायें कि राज्यों में दूसरा सदन

आवश्यक हो या न हो। इस पर एक आम सहमति के निर्माण का प्रयास करें। यह राज्यों पर छोड़ने की आवश्यकता नहीं है। इसलिये मुझे लगता है कि अगर अधिवांश दल दूसरे सदन के निर्माण के पक्ष में हो पायें तो हम संविधान में संशोधन कर सकते हैं। और दूसरा सदन विधान परिषद के रूप में सारे राज्यों में ला सकते हैं, लाना चाहिये, यह मेरा मत है। इसलिये इस विधेयक पर बात करते समय मैं सरकार से आग्रह करूंगा कि गत कुछ वर्षों से निमित्त इस हास्यास्पद स्थिति को समाप्त करने के लिये सारे राज्यों में दूसरा सदन उचित और आवश्यक होने के कारण, ही इसलिये एक राष्ट्रीय आम सहमति बनायें और सहमति के साथ ही संविधान में संशोधन कर विधान परिषद का आवश्यक रूप से निर्माण करें, उसे शक्ति दें, पूर्ण सोच-विचार कर उसकी रचना करें और इस हास्यास्पद स्थिति से मुक्तता पाकर हर राज्य में परिवर्तन और सतृप्त्य, नियंत्रण और समन्वय, यह जो चेंज एंड कंट्रैक्ट न्यूट्रल और चैक एंड बैलेंस का सिद्धांत हमने संसद को दिया है वहीं राज्यों में विधान मंडलों को दें, इस प्रार्थना के साथ मैं इस विधेयक का समर्थन करता हूँ। धन्यवाद।

श्री चतुरानन मिश्र (बिहार) : उप-सभाध्यक्ष महोदय, इस विधेयक के संबंध में आमतौर पर हमारी पार्टी इस पक्ष में है कि अगर हाउम राज्यों में न हो, यह स्थिति तो है लेकिन हम इस पर कोई वीटो नहीं लगाना चाहते। राज्य अगर बनाना चाहते हैं तो बना ले नहीं बनाना चाहते तो न बनाएं। क्योंकि इन्होंने इच्छा प्रकट की एक रोज कि हम बनाएंगे और दूसरे रोज कह रहे हैं कि हम विमर्जन करेंगे तो हम दोनों में उनके साथ गये क्योंकि हमने छोड़ दिया उनके हाथ में इसलिए आप से कह रहा हूँ कि कल उन्होंने ऐसा किया था और आज ऐसा कर रहे हैं इसलिए वीटो नहीं लगायेंगे। मैंने पहले ही कहा कि पालियामेंट को

यह अधिकार है कि वह इसको रिजेक्ट भी कर सकती है लेकिन आमतौर पर नहीं करना चाहिए जब कि राज्य के लोग ऐसा चाहते हैं। यह बात जरूर है कि ऐसा बात हो रही है कुछ कि जो राज्य पक्षा है और जो राज्यों के अंदर में परिषदें हैं दोनों एक चीज नहीं है। यहाँ हम कार्जिल आफ स्टेट्स हैं, संविधान में हमारी अलग से जिम्मेवारी है। मैं यही चाहूंगा कि जो विधान परिषद हम बनायें वे कुछ ज्यादा निनिगफुल बनायें। कोई गवर्नमेंट कुछ ऐसा कहती कि जहाँ विधान परिषद नहीं है वहाँ क्या क्या बाधाये रही और क्या क्या घाटा उनको हो गया और वहाँ विधान परिषद है वहाँ क्या-क्या फायदा हो गया, ऐसा एसेपमेंट अगर होता जो विचार करने में अच्छा होता।

दो बातें मैं कहना चाहता हूँ। एक तो यह है कि विधान परिषद में पहले से लोग मौजूद रहते हैं। इसलिए जो जनता के डायरेक्टली चुने हुए लोग आते हैं उनके जो रिजोल्यूशन होते हैं, कानून होते हैं, उनको रोकने का काम विधान परिषद करती है। यह बड़ी अजीब बात है कि जनता जो बात चाहती है, इनडायरेक्टली चुने हुए लोग उसको रोकना चाहें। इससे उनके वाम में बाधा उपस्थित होती है। दूसरी बात जो कई माननीय सदस्यों ने भी कही है वह यह है कि यह पोलिटिकल रिपर्युर्जी लोगों का रिट्रिबलिटेशन कैम्प है। डाने भी इंकार नहीं किया जा सकता है। इसलिए हमारे लिहाज में हमारे मित्र श्री हनुमन्तप्पा जी ने रखा है कि इसमें कुछ संवैधानिक परिवर्तन होना चाहिए जिससे विधान परिषद निनिगफुल बन सके। इसमें पूर्णतया हम उनके साथ हैं। एक बात और है। दूसरे माननीय सदस्यों ने और श्री हनुमन्तप्पा जी ने भी कहा कि प्राइमरी टीचरों को रिप्रजेंटेशन उपमें मिलना चाहिए और इसकी व्यवस्था होनी चाहिए। दूसरा हिस्सा मैं यह कहना चाहता हूँ कि जो लिग्जिस्लैटिव माइनोरिटी है, श्री प्रमोद महान्न माइनोरिटी में बिगड़ नहीं जायेंगे क्योंकि यह शब्द डिक्शनरी में है, उनका भी रिप्रजेंटेशन विधान परिषद् में रहना चाहिए तो वे उनकी बातों को वहाँ कह सकें। हम अपने बिहार के

[श्री चतुरानन मिश्र]

संभ्रम में देखते हैं, हमारे यहां स्थाल हैं, डारी हैं और उर्दू वाले हैं। इस तरह के लोगों को वहां रहना चाहिए जो उनकी बातों को वहां कह सकें।

ट्रेड यूनियन के बारे में मैं कहना चाहूंगा कि जो अन्तर्ग्रामिनाइज्ड सेक्टर है, खेत मजदूर हैं उनके प्रतिनिधि भी विधान परिषद में होने चाहिए। पहले ऐसा था कि ट्रेड यूनियन वाले एम्प्लोयी में रहते थे, लेकिन अब ऐसी बात नहीं रही। जो आर्गेनाइज्ड सेक्टर है वह तो लड़ाकू हैं वे तो आ जाते हैं, लेकिन जो अन्तर्ग्रामिनाइज्ड सेक्टर है, एग्रीकल्चरल वर्कर्स हैं, वे भी इसमें होने चाहिए।

एक बात मैं यह भी कहना चाहता हूं कि नोमिनेशन जो होती है वह पोलिटिकल रिफ्रूजीज के नाम से ज्यादा होती है। जो शासक पार्टी होती है, उनका जो गुट होता है, वे उसमें आ जाते हैं। बिहार का उदाहरण मैं देना चाहता हूं। श्री नागार्जुन राष्ट्रीय ह्यति के हिन्दी के साहित्यकार हैं। उनको आप न तो राज्य सभा में रखते हैं और न ही विधान परिषद में रखा गया है। बिहार ने तो उनका सम्मान भी नहीं किया है। पता नहीं क्यों कांग्रेस वाले उनसे बिगड़े हुए हैं? दूसरे राज्यों ने उनका सम्मान किया है। उत्तर प्रदेश और मध्य प्रदेश ने किया है। जो उनको जन्म स्थान है उस बिहार ने उनका सम्मान नहीं किया है, अभी तक नहीं है। मौजूदा सरकार में मैंने अनुरोध किया है कि आप इनका सम्मान कोटिए। इसके साथ साथ महिलाओं के लिए और खासतौर से हिन्दी भाषा भाषी महिलायें बहुत पीछे हैं उनको भी विधान परिषद में स्थान दिया जाना चाहिए। आखिर बात कह मैं समाप्त करूंगा। मंत्री महोदय सदन को बताएं कि बिहार में जो विधान परिषद है उसमें वन थर्ड से ज्यादा सीटें पिछले 15-20 सालों से खाली क्यों रखी गई हैं, विधान परिषद में उनको रखने का औचित्य क्या है? जो लोग लोकल बाडी में चुनकर आने चाहिए उनको खाली रखने का औचित्य क्या है? इसमें तो उन सीटों का उद्देश्य ही समाप्त हो जाता है। इसलिए मैं

मंत्री महोदय ने अनुरोध करूंगा कि वे इन बातों को देखते हुए संवैधानिक परिवर्तन करें और विधान परिषद को एक मिनिंगफुल बाडी बनाया जाय जिससे वह हमारे प्रजातांत्रिक और जनतांत्रिक विकास में ज्यादा योगदान कर सके। यही कह कर मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, rise to support The Legislative Councils Bill 1990 moved by the Hon'ble Law Minister that provides for the creation of Legislative Councils in the States of Tamil Nadu and Andhra Pradesh. Our Constitution provides for having Legislative Councils in the States, for our Constitution maker felt in their wisdom that this Council could discuss a subject from angles of national importance in addition to political considerations that ring loud during debates in the Legislative Assemblies. The architect of our Constitution, Dr. Ambedkar had assertively said that creation or abolition of the Legislative Council should be left entirely to the wisdom of the Legislative Assembly concerned. But in the recent past, many States had abolished Legislative Councils. In the State where Congress ruled, there were Legislative Councils. But when some regional parties came to power in some States, they got the Legislative Councils abolished to suit their purpose. Tamil Nadu and Andhra Pradesh Legislative Councils were abolished in the same manner. Our Congress Party was in power at the centre at that point of time. Since it is our committed principle not to meddle in the affairs of the States, we approved the abolition of Legislative Councils in Tamil Nadu and Andhra Pradesh.

SHRI TINDIVANAM G. VENKATARAMAN (Tamil Nadu): We staged a walk out in the Assembly when the Resolution to abolish the Legislative Council was passed. (Interruptive)

\*English Translation of the original speech delivered in Tamil.

SHRI V. NARAYANASAMY: I am referring only to the actions of the Central Government and not as to what had happened in the Tamil Nadu Legislative Assembly. I want the Hon'ble Member to understand this.

When the late Chief Minister of Tamil Nadu, Dr. M. G. brought in a Resolution in the State Assembly to abolish the Legislative Council, the D.M.K. opposed it. Then, they argued in favour of having Legislative Council. We also hold the same view. But I only oppose the double standard of D.M.K. I have points to substantiate this. When Legislative Council was abolished in West Bengal, the propaganda. Secretary of D.M.K., Mr. Kandappan welcomed it. He also welcomed the abolition of Legislative Council in Andhra Pradesh in 1985. *(Interruption.)*

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Let him finish. Please hear him.

SHRI V. NARAYANASAMY: If you have to say anything wait for your chance.

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu): Let him wait for his chance and speak. Let him not intervene.

SHRI V. NARAYANASAMY: Sir, when Dr. M.G.R. brought in a Resolution in Tamil Nadu Assembly for abolishing the Legislative Council, all the D.M.K. Leaders opposed it. Not only they opposed but also levelled charges against M.G.R. So, I ask a pertinent question. What is the policy of D.M.K. regarding Legislative Council? Without double-standard they must say in unequivocal terms whether they are for having the Legislative Council or not? *(Interruptions.)*

AN HON'BLE MEMBER: Mr. M.P. Sivagnanam, who is now in Congress, also protested.

SHRI S.K.T. RAMACHANDRAN: You have got double standard. *(Interruption.)*

SHRI V. NARAYANASAMY: I only say that the D.M.K. leaders should be clear in their minds.

SHRI PASUMPON THA, KIRUT-TINAN: At the time of abolition they walked out. But at the time of creation they supported. *(Interruption)*

SHRI S.K.T. RAMACHANDRAN: This is all double standard. Then you shamelessly walked out.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Mr. Ramachandran, you are also speaking. Please don't interrupt.

PROF. CHANDRESH P. THAKUR (Bihar): Mr. Vice-Chairman, I have a point to make. Translation is provided for speaking in any language. But as Members of this House, we are interested in knowing what is going on in South also. So, unless it is in a language comprehensible to everybody we are at a loss. *(Interruption)*

SHRI S.K.T. RAMACHANDRAN: If that is the case, when you are speaking in Hindi, we are suffering. But we listen to you patiently *(Interruption)*.

SHRI V. NARAYANASAMY: So, I appeal to the D.M.K. leaders to change their policy of double standard.

SHRI T. R. BALU (Tamil Nadu): We oppose this *(Interruption)*.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Please let him speak for one minute now.

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, when Hon'ble Member Dr. Narreddy Thulasi Reddy was speaking on this Bill he referred to Andhra Pradesh and said that the Legislative Council had become very expensive. But I oppose this view. Because, the Legislative Council acts as watch-dog.



**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** We adjourn this discussion because we have to take up Short Duration Discussion.

**SHRI V. NARAYANASAMY:** Sir, I am finishing in just two minutes.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** You may take just one minute.

**SHRI V. NARAYANASAMY:** Yes Sir. I will take only one minute.

Sir, I don't accept the view expressed by Dr. Narreddy Thulasi Reddy that the Legislative Council is a white elephant. Next Sir, the National Front Government should have a clear-cut policy on Legislative Councils. Whether there should be Legislative Councils or not? They should make up their mind and have some kind of uniformity throughout the country. With these words I conclude.

3.00 P.M.

**SHRI DINESH GOSWAMI:** Is the hon. Member supporting the Bill or opposing the Bill? What is the position?

**SHRI V. NARAYANASAMY:** At the initial stage, Mr. Minister, I said, I am supporting the Bill.

**SHRI DINESH GOSWAMI:** The reason for this doubt was that he was speaking about the double standard. I think his Party asked for abolition at that time. He is supporting the Bill now. That is why the doubt has arisen.

**SHRI V. NARAYANASAMY:** At the initial stage, I said I am supporting the Bill. If the Minister could not understand, I am not in a position to help him.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** Shri Gurudas Das Gupta to start the Short Duration Discussion.

**SHRI S. K. T. RAMACHANDRAN:** We did not support the abolition. We do not have the double standard in the matter.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** Mr. Ramachandran, we are going to the next subject.

**SHRI DINESH GOSWAMI:** I think, this debate will go on till 6 p.m.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** Shri Gurudas Das Gupta.

### SHORT DURATION DISCUSSION RE STEEP RISE IN PRICES OF ESSEN- TIAL COMMODITIES

**SHRI GURUDAS DAS GUPTA:** (West Bengal): Sir, the National Front in its election manifesto had promised effective measures to curb the price rise and to bring down the prices of the essential commodities. The Finance Minister, in his Budget Speech has said, "the first task of the new Government was to contain the rising prices. A Cabinet Committee had been formed and effective steps were taken to ensure supply of essential commodities and break the inflation commodities and contain inflation." Then again on the 14th April the Reserve Bank announced a multi-point plan of action to moderate credit expansion and curb the factors that fuel inflation. Then days later, our hon. Finance Minister issued a statement in Bombay that prices of sugar, tea, edible oil among other commodities would come down soon. This was the pronouncement and this was the promise of the National Front Government. What has been the impact? That is my question. And what has been the action plan that is actually translated?

Sir, I have collected various data from the markets in Delhi and around. Sugar is being sold at Rs. 10. It was Rs. 8.50 previously. Loose tea is being sold at Rs. 65. Before Budget it was Rs. 55. Pulses are selling at a higher rate during the last three months. Kabuli Chana has gone up to 18 from Rs. 13. Arhar Dal has gone up to Rs. 13 from Rs. 10. Moong Dal has gone up to Rs. 13 from Rs. 10.